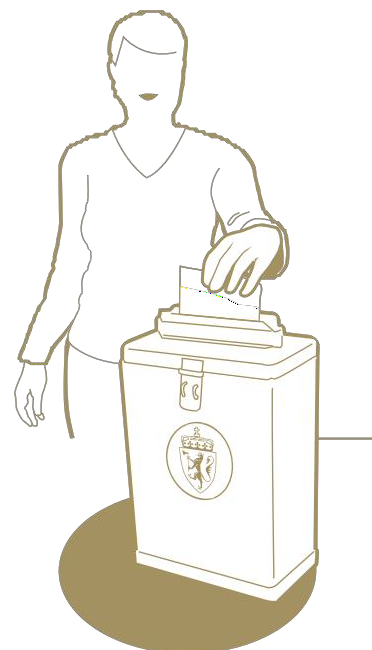




VALG

Election Manual

Overview of election rules



Norwegian Ministry of
Local Government and Regional Development

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1 INTRODUCTION

Parliamentary, county council and municipal council elections take place in accordance with the Act of 28 June 2002 No. 57 (Election Act) with subsequent amendments and the Election Regulations of 2 January 2003 with subsequent amendments.

This manual provides an overview of the regulations that apply for conducting elections. The account of the provisions of the Election Act and Election Regulations has been based on the preparatory works for the Election Act and on interpretations the Ministry has made in connection with letters and telephone calls from the municipalities, county authorities and the county governor offices. The Election Act and Election Regulations must be read in parallel with this manual.

It is important that the electoral committees give election officials and particularly returning officers the necessary training. This is absolutely essential for correct implementation of the election. Many of the errors that occur could have been avoided with more thorough training.

The manual is available online at: www.valg.no and www.regjeringen.no. It is regularly updated as needed.

The Norwegian Directorate of Elections was formally established on 1 January 2016. Among other things, the Directorate is responsible for providing support to the municipalities and the county authorities in the practical implementation of elections in Norway.

The Ministry has developed an online election administration system for use in elections. This computer system is called EVA and consists of two different sub-systems; the administration system (EVA Admin) and the machine counting system (EVA Scanning). The administration system is used by all municipalities and county authorities. Use of EVA Scanning is optional for municipalities and county authorities. EVA is operated and managed by the Norwegian Directorate of Elections. The Norwegian Directorate of Elections also manages the website valgresultat.no and prepares election forecasts.

There is a separate user guide for the system on the Norwegian Directorate of Elections' polling officer portal: <https://valgmedarbeiderportalen.valg.no>.

2 ELECTION DATES – POLLING DAY

Section 9-1 of the Election Act states that Parliamentary elections shall be held in all the municipalities on the same day in the month of September in the final year of each Parliament's election term. County and municipal council elections are held in all municipalities on the same day in the month of September every fourth year. These elections are held in the second year of each Parliament's election term.

Pursuant to Section 9-2, the King shall set the election day, which shall be on a Monday.

The municipal council may decide that polling shall also take place at one or more places in the municipality on the Sunday preceding the official election day, cf. Section 9-2 (2) of the Election Act.

3 ELECTORAL BODIES AND DELEGATION

3.1 Electoral bodies

The provisions of the Act that relate to electoral committees, polling committees and county electoral committees are contained in Chapter 4 of the Act (Sections 4-1 through 4-3). The National Electoral Committee, which is appointed only for Parliamentary elections, is governed by Section 4-4.

3.1.1 Electoral committee

Pursuant to Section 4-1 of the Election Act, each municipality shall have an electoral committee elected by the municipal council itself. The municipalities cannot assume continuation of the previous system of having the council's executive board serve as the electoral committee. The phrasing "*municipal council itself*" means that the authority to elect the electoral committee cannot be delegated.

The electoral committee is a municipal elected body subject to special provisions, cf. Section 7-2 (i) of the Local Government Act. This entails that the provisions of the Local Government Act that pertain to such bodies shall apply. Rules for eligibility follow from Sections 7-2 and 7-3 of the Local Government Act. Compliance with the provisions relating to gender-based representation in Sections 7-5, 7-6 and 7-8 of the Local Government Act must be ensured. For example, the municipal council may not elect members of the executive board to the electoral committee if that would result in failure to comply with the gender-based composition of the committee.

The electoral committee is responsible for preparation and execution of the election at the municipal level.

3.1.2 Polling committee

A separate polling committee shall be elected for each polling station in the municipality to supervise the polling on election day. This includes any additional polling stations established in accordance with Section 9-3 (2) of the Election Act. A polling committee is a municipal body subject to special provisions, cf. Section 7-2 (i) of the Local Government Act. This entails that the provisions of the Local Government Act that pertain to such bodies shall apply. The members of the polling committee will be popularly elected as understood in the Local Government Act and the rules of the Local Government Act regarding the rights and obligations of popularly elected representatives will apply to

them.

A polling committee shall have at least three members, cf. Section 4-2 of the Local Government Act.

Beyond this, the municipal council may stipulate the number of members on the polling committees. The polling committees may be composed of municipal employees and/or politicians. If politicians are elected, representation of multiple parties on the committees should be ensured. Individuals who are not politicians may also be appointed, provided they are registered as residents of the municipality, cf. Section 7-2 (2) (b) of the Local Government Act.

The members and the chairperson and deputy chairperson of the polling committees shall be elected by the municipal council. Election of polling committees may be delegated to the electoral committee, cf. Section 4-2 of the Election Act.

Those elected to polling committees are not required to be residents of the polling district in question. However, there is nothing to prevent application of such a principle when electing polling committees.

Pursuant to Section 9-3 (4) of the Election Act, there are constraints on which tasks list candidates may be assigned during execution of the election. List candidates are not eligible to serve on polling committees, nor are they eligible to serve as returning officers or election officials.

The reason for this is that it is unfortunate in principle for candidates who are standing for election themselves to have direct contact with voters in the voting situation. This provision only applies to those who are list candidates in the election in question. Those who were list candidates in the municipal council and county council elections, will therefore not be excluded from serving during the parliamentary election, assuming they are not list candidates in this election as well.

3.1.3 County electoral committee

Pursuant to Section 4-3 of the Election Act, each county council shall have a county electoral committee elected by the county council itself.

The same rules apply to electoral committees and county electoral committees.

3.2 Election official

It follows from the law that the task of the polling committee is to administer the implementation of the election at the polling station. This entails that the polling committee is responsible for ensuring that polling proceeds in accordance with the rules of the Election Act and the Election Regulations. The polling committee may perform all the tasks involved in polling itself. The law does not, however, require the polling committee to perform all the tasks itself. Nor does the law require that all those who perform tasks at the polling station shall themselves be members of the polling committee.

The municipality may, for example, engage municipal employees, students, pupils and pensioners as election officials. Their purpose may, for example, be to give practical guidance to voters. They may cross off names in the electoral register, stamp ballot papers and ensure that voters place their ballot papers in the ballot box. They may also count the ballot papers, if a provisional count is to be made at the polling station. It will however be the responsibility of the polling committee to keep a record of what occurs at the polling station.

The Act sometimes uses the term returning officer to cover all those who receive votes during polling. Returning officers are appointed for advance voting. The municipalities decide who is to be appointed.

The term election official is used as an umbrella term for all persons who have tasks in the polling station or tasks connected with the implementation of the election. This includes polling committee members, returning officers and any others who assist.

Section 9-3 (4) of the Election Act states that list candidates in local elections cannot be appointed election officials in the polling stations in the municipality they are standing in, and that list candidates in parliamentary and county elections cannot be appointed election officials in the polling stations in the municipalities in the constituency they are standing in.

Section 25a of the Election Regulations states that list candidates in parliamentary and county elections cannot be appointed election officials during advance voting in the polling stations in the municipalities in the constituency they are standing in. Under Section 7-3 (6) of the Local Government Act, a candidate at the municipal council election is not eligible for election to the polling committee in the municipality. A candidate in the parliamentary election or county council election is not eligible for election onto the polling committee in the municipalities in the constituency.

3.3 Procedure in electoral committees/county electoral committees

The rules of the Local Government Act regarding procedure in elected bodies shall similarly apply for electoral committees/county electoral committees. Therefore, decisions adopted at a meeting and the rules concerning open/closed doors and forming a quorum must be complied with, cf. Chapter 11 of the Local Government Act.

The manner of organising administrative election tasks is decided by the individual municipal and county councils themselves.

3.4 Delegation of powers by electoral committees

The provisions of the Local Government Act concerning delegation of powers shall apply.

The electoral committee may delegate decision-making authority to the chief

municipal executive, cf. Section 13- (6) of the Local Government Act. However, there are restrictions regarding the scope and type of matters concerned.

Authority may be delegate in “*matters that are not of principal importance*”. This limits both what the electoral committee may delegate and how the delegated powers may be employed. General decision-making authority may not be delegated in matters that, by their nature, are matters of principle. The decision to delegate must be read with the limitation that the person to whom authority is delegated, is obligated to defer to the electoral committee if an individual matter under their general powers is such that it must be regarded as a matter of principle. What is a matter of principle must be decided based on the nature and consequences of the decision. In other words, the provision allows the electoral committee ample space to assess what is reasonable and appropriate in the particular case.

It is not possible to say exactly what shall be regarded as a matter of principle, thus prohibiting the delegation of authority. The checking and approving of current ballots cast in advance is not a matter of principle and may be delegated. Powers that typically will concern matters of principle and therefore may not be delegated include, for example, decisions regarding proposed lists of candidates and rejection of ballots cast.

This list of examples of matters that are and are not matters of principle, is not exhaustive.

As the law allows delegation of decision-making authority to the chief municipal executive in matters tht are not of principal importance, there is no doubt that practical tasks may be delegated to the administration. Typically, such tasks include drawing up the electoral register, displaying it for inspection by the general public, publishing announcements, preparing lists of complaints, notifying voters and candidates, printing ballot papers, etc.

4 VOTING RIGHTS, ELECTORAL REGISTER AND POLLING CARDS

4.1 Who is entitled to vote?

The following persons are entitled to vote in parliamentary

elections, cf. Section 2-1 of the Election Act: Norwegian citizens who

- will have turned 18 years of age before the end of the election year and who
- have not lost the right to vote pursuant to Article 53 of the Constitution, and who
- are, or have ever been registered in the Population Register as residents of Norway. Employees in the diplomatic or consular services and their households are entitled to vote even if they do not satisfy the residential

criteria.

In municipal and county council elections, the following persons are entitled to vote, cf. Section 2-2 of the Election Act:

- Any person who is entitled to vote at parliamentary elections
- Citizens of other Nordic countries (i.e. Denmark, Iceland, Finland or Sweden) who will have turned 18 years of age by the end of the election year, and who have been registered in the Population Register as residents in Norway since no later than 30 June in the election year.
- Other foreign citizens who will have turned 18 years of age by the end of the election year, and who have been registered in the Population Register as residents in Norway continuously for the last three years prior to election day.

With regard to the period of residence for foreign nationals, it is a requirement that they have been registered for the past three consecutive years.

4.2 Responsibility for keeping the electoral register

The Ministry is responsible for establishing the electoral register and processing the updates transmitted from the national population register authority. This responsibility has been delegated to the Norwegian Directorate of Elections.¹ The electoral register is prepared in the election administration system, EVA, to which all the municipalities and county authorities have access.

The electoral committees must ensure that eligible voters, who have resided outside the country for more than 10 years, are entered in the electoral register in the municipality in which they were last registered as residents. These voters must apply to the electoral committee in order to be registered. This may be done when their vote is cast.

4.3 ICT and the electoral register

The municipalities may decide to use an online electoral register at the polling station, cf. Section 9-5a of the Election Act. In this case, the electoral committee shall cross off in the online electoral register for both voters who are registered in the electoral register in the polling district in question and voters who are registered in the electoral register in other polling districts in the municipality. This means the polling committees in municipalities that use electronic systems do not accept so-called “alien votes” in a special cover envelope, and for these voters, crossing off will also take place directly at the polling station.

4.3.1 Extract from the national population register as at 2 January – preliminary electoral register

The Population Register Authority must make available an extract of the Population Register as at 2 January in the election year to municipalities and county authorities.

The reason for this is that the municipalities and county authorities require access to electoral register information prior to the cut-off date of 30 June, in order to check the eligibility of the proposed candidates and the signatures on the electoral lists before these are approved, by 1 June at the latest (cf. Section 7.11). The municipalities also need to assess the division into polling districts.

The preliminary electoral register shall be submitted directly from the Population Register Authority to EVA.

The extract is based on conditions of the right to vote as at 2 January in the election year, and will not represent a true electoral register in a legal sense. It will also, naturally, include incorrect information with regard to voting rights, as it is the information as at 30 June that will be used for the electoral register and eligibility.

4.4 Basis for the electoral register. Responsibilities of the Population Register Authority

The Population Register forms the basis for the electoral register, cf. Section 2-5 of the Election Act. Registration in the Population Register is required pursuant to Act of 9 December 2016 No. 88 relating to the Population Register (Population Register Act) and the Regulations concerning the Population Register Act (Population Register Regulations) laid down by the Directorate of Taxes on 14 July 2017.

The regulations contain detailed rules for where a person is considered a resident. Election authorities may not make decisions concerning registration in the electoral register that are contrary to population registration rules.

Pursuant to Section 2-5 of the Election Act, the Population Register Authority is responsible for providing the election authorities with information regarding who must be recorded in the municipalities' electoral registers. The information shall be transmitted to EVA.

4.5 Who is to be entered into the municipal electoral registers?

4.5.1 Persons registered as residents of the municipality

The electoral register is based on the persons entered in the Population Register on 30 June of the election year. All persons entitled to vote shall be entered in the electoral register for the municipality where they were registered as residents at that time. Accordingly, it is of no consequence if the voter has moved out of the municipality after 30 June and is thereby registered as resident of another municipality on election day, cf. Section 2-4 (1) of the Election Act.

It is the date on which the Population Register receives notice of the move that counts, not the actual moving date. If a person moves from Lillevik to Storevik on 20 June, and does not report the move until 1 July, they shall be entered into the electoral register for the municipality of Lillevik. The fact that it is the date on which the Population Register receives notice of the move that counts, also means that it is of no significance for the voter if the Population Register is not fully updated in regard to address changes received before 30 June. In such cases the Population Register shall notify the electoral committee afterwards, and the committee shall update the electoral register.

4.5.2 Persons residing on Svalbard and Jan Mayen

Voters residing on Svalbard and Jan Mayen shall be entered into the electoral register for the mainland municipality where they were last registered as residents, cf. Section 2-4 (2) of the Election Act

4.5.3 Persons residing abroad. Applications for entry into the electoral register

The right of Norwegian citizens to vote is not contingent on being resident in Norway on election day. According to Section 4-3 of the Population Register Act, a person who moves to live in a country outside the Nordic region is registered as having emigrated. For the first 10 years after moving out of the country, all Norwegian citizens entitled to vote will automatically be entered in the electoral register for the municipality where they were registered as residents before moving away.

Automatic registration in the electoral register ceases when the stay abroad has lasted for more than 10 years. Those who wish to participate in elections must then send an application for entry into the electoral register. The application must be addressed to the municipality in which the person was last registered as a resident.

The application for entry in the electoral register must be accompanied by a declaration that the voter is still a Norwegian citizen. Documentation of citizenship is not required. The applicant's personal declaration will suffice. In most cases, entry into the electoral register takes place by the voter completing and signing the cover envelope used in voting from abroad. However, the application may also be forwarded in a separate letter, cf. Section 2-4 (3) of the Election Act. Applications sent to the wrong addressee, must be forwarded to the correct municipality.

Persons who have the right to vote, who have cast a ballot, and who are applying for entry into the electoral register because they have lived abroad for more than 10 years, shall be entered into the electoral register. Such ballots, with applications, must be received by the electoral committee by 17:00 on the day after election day. For more information, see the section on the Electoral Committee updating the electoral register.

4.5.4 Voters employed in the diplomatic or consular services and their households

Employees in the diplomatic or consular services and their households are entitled to vote irrespective of whether they have ever been registered as resident in Norway, cf. Section 2-1 (2) of the Election Act.

If they have, at any time, been registered as resident in Norway, they shall be entered into the electoral register for the municipality in which they were last registered as residents.

This shall be done automatically, irrespective of the length of the stay abroad. If they have never been registered in the Population Register as resident in Norway, they shall be entered in the electoral register for Oslo, cf. Section 2-4 (4) of the Election Act.

4.6 Displaying the electoral register for public inspection

The Election Act stipulates that the Population Register Authority shall, as soon as possible after the 30 June cut-off date, transmit the electoral register information (raw data) to EVA. The municipalities shall have access to the electoral register in EVA, and may print the electoral register from the system. As soon as practicable, the electoral committee shall display the electoral register for public inspection, cf. Section 2-6 (1) of the Election Act. No definite date is specified for this, but the intention is for this to be done as soon as is practicable.

The Electoral Committee shall announce the time and place for displaying the register and provide information about the right to and procedure for requesting that any errors are corrected, cf. Section 2-6 of the Election Act.

The purpose of making the register publicly available is for the public to verify that the register is correct.

4.7 Copies of electoral register for those who submit lists for election

Section 3 of the Regulations stipulates that those who submit proposed lists of candidates for election, are entitled to one copy of the electoral register, free of charge, on the condition that they order the copy within a time limit imposed by the electoral committee. The law no longer operates with a definite time limit. The time limit is designed to enable the electoral committee to handle the orders collectively. Those who submit list proposals must be notified of the time limit set by the electoral committee. This can, for example, be done by an announcement or by direct communication to those who submit lists for the constituency.

Section 3 of the Regulations stipulates that requests for copies of the electoral register must be addressed to the electoral committee in the municipality in question. Therefore, those who submit proposals for county council and parliamentary elections must send requests to the electoral committees in the

different municipalities in the constituency.

The proposers are not entitled to more than one copy of the electoral register. However, there is nothing to prevent them from obtaining more copies, provided they themselves bear the costs connected with this. Pursuant to the Regulations, proposers may also request lists of certain voter groups (typically first-time voters) if they pay for this themselves. Guidelines have been established for who may receive this information and how it must be distributed.

Transcripts from the electoral register and other materials based on that register may only be used for political purposes. Unauthorised persons must not be allowed access to the electoral register except for the purpose of political processing. The term “allowed access” covers both sales and lending. Anyone who is not a members of or does not have any other connection with the party is considered an unauthorized person. The electoral register must not be used for commercial purposes. These provisions are not intended to prevent the parties from allowing non-members – for example a central data service – to gain access to information in the electoral register with the aim of processing the data for the political purposes of the party/group. The electoral register may also be used for political purposes that have no direct connection with election work.

The electoral register must not be connected with other public registers.

The electoral committee must keep a record of the copies of the register that are handed out, since they are to ensure that copies are returned no later than within two years.

The electoral committee should ensure that those who receive copies of the electoral register, are familiar with the rules.

4.8 Information that is not to be displayed for inspection

Section 4 of the Election Regulations specifies which data to include in the register that is displayed. It is to contain only the name, address, date of birth, and, if relevant, the electoral register number and electoral area information regarding the registered persons.

4.9 Basis for updating electoral registers before election day

Pursuant to Section 2-3 (2) of the Election Act, the electoral register shall be updated based on information from the Population Registry Authority on the Saturday preceding election day. This ensures that the electoral register is the same nationwide when polling stations open. In most cases, the electoral register will be updated automatically according to files received by the Norwegian Directorate of Elections from the Population Register Authority. The electoral register shall be updated based on updates from the Directorate of Taxes until the Saturday before election day.

However, the individual electoral committee will be responsible for updating the

electoral register with any manual changes not received through updates from the Population Register Authority. This only applies to entry of Norwegian citizens who have lived abroad for more than 10 years and who apply before the time limit, which expires on 17:00 on the day after election day, as well as to the correction of errors following complaints, which are not part of the updates from the Population Register Authority.

Section 1 of the Election Regulations contains provisions regarding which circumstances may form the basis for updates, i.e. entries in or removals from the electoral register as it appeared when it was transmitted from the Population Register Authority.

4.9.1 Section 1 (a) Requirements relating to correction of errors, discovery of errors and complaints

There are seldom errors in the electoral registers, but the possibility cannot be precluded. The correction requirement in Section 1 (a) of the Regulations does not apply to persons who have moved after 30 June. Updating the register to reflect address changes after 30 June is not permitted. Information in the Population Register defines where a person with the right to vote lived on 30 June of the election year. Entries in the electoral register that are not in accordance with the Population Register as of that date, are not permitted.

If the electoral register does not conform with the Population Register, the electoral committee must correct it as soon as it learns of the error, whether that is through a request for correction or through the committee discovering the error itself.

If the error can be corrected through transmissions from the Population Register Authority to EVA, the electoral committee shall not correct the electoral register themselves. The electoral committee's authority to correct errors pursuant to Section 1 (a) of the Election Regulations is limited to errors present on the cut-off date. Changes in official personal data, such as name and national identity number, occurring after this date, cannot be corrected in the electoral register by the electoral committee.

If the electoral register is based on incorrect data, the entries will not be valid. If the electoral committee fails to comply with a request for correcting the register, there would be a fault in the election proceedings which could give cause for appeal pursuant to the general rules in Chapter 13 of the Election Act. In such cases, the electoral register would have to be updated if the appeal is successful.

It is also conceivable that a dispute concerning an entry in the electoral register may be due to disagreement as to whether or not the voter in question is entitled to vote. This is not a dispute regarding the register in which the person should be entered, but whether the conditions for the person being entitled to vote are satisfied. If the electoral committee finds that the person is not entitled to vote, the voter may appeal this decision according to the appeal rules in

Chapter 13. If the appeal is successful, the electoral committee must update the electoral register.

4.9.2 Section 1 (b) Address change that had not been recorded when the electoral register was printed out

The Population Register is not always completely up to date with the registration of address changes received before the cut-off date. The voter will be removed from the vacated municipality's electoral register and entered into the receiving municipality's electoral register.

This is handled automatically in EVA.

4.9.3 Section 1 (c) Application for entry into election register for persons residing abroad

When the electoral committee receives an application for entry into the register, the information in the application shall be entered in the electoral register if the person was last registered in the Population Register for that municipality. The electoral committee must first check the applicant's information regarding the municipality in which they were last registered as a resident. Applications addressed to the wrong municipality shall be forwarded to the correct municipality.

4.9.4 Section 1 (d) Notice that a person living abroad has moved back to Norway

When a person who has been living abroad for less than 10 years moves back to their former municipality of residence, that does not occasion any action by either EVA or the Population Register. The person will automatically be entered in the correct electoral register.

This takes place automatically in EVA.

In other cases, changes must be made in the electoral register. The following are examples of possible events:

- 1) A voter who has lived abroad for less than 10 years, returns to to a different municipality from that in which they resided before moving abroad. The Population Register Authority will make the necessary transmissions to EVA, to ensure that the voter in question is entered into and removed from the respective electoral registers.
- 2) A voter who has lived abroad for more than 10 years, returns to live in the municipality in which they resided before going abroad. The Population Register Authority will make the necessary transmissions to EVA. The voter is entered into the municipality's electoral register.
- 3) A voter who has lived abroad for more than 10 years, returns to live in a different municipality from that in which they resided before moving abroad. The Population Register Authority will make the necessary transmissions to EVA. The person is entered into the electoral register in

the new municipality.

4.9.5 Section 1 (e) Acquiring Norwegian citizenship

If the acquisition of Norwegian citizenship entitles a person to vote, the Population Register Authority will immediately notify EVA, and the person in question will be entered into the electoral register. This is handled automatically in EVA.

4.9.6 Section 1 (f) Notice of death

If a voter entered into the electoral register dies before election day, the voter shall be stricken from the electoral register. Exceptions apply in cases where the person has already been crossed off in the register due to having cast an approved advance vote. This is handled automatically in EVA.

4.9.7 Section 1 (g) Notice when a non-Norwegian citizen who is entitled to vote, moves out of the country

If a non-Norwegian citizen who is entitled to vote in local elections, moves out of the country, the conditions for the right to vote are no longer met. The person shall therefore be stricken from the electoral register. The Population Register Authority will make the necessary transmissions to EVA.

4.10 Updating the electoral register

4.10.1 Rules for updating before election day

Section 2, cf. Section 1, of the Election Regulations stipulates that only certain circumstances may lead to updates after 30 June.

The fact that the polling district's electoral register is already printed, need not mean that entries cannot be made. There is nothing to prevent entering the voter(s) on a separate page in the register, to be kept in the care of the electoral committee, with the voter casting an "alien vote". In that event, the vote will be checked by the electoral committee after the polling is finished.

4.10.2 No double entries must be made and nobody must be omitted

A paramount requirement is that a municipality's electoral register must not be updated if that would result in the voter being entered in two different electoral registers or not being entered in any register at all. It will not be possible to enter the same person in the electoral register for multiple municipalities in EVA.

4.10.3 The voter has voted in advance

Voters may also not be transferred between two different municipalities' electoral registers if a voter has cast an advance vote in the municipality on whose electoral register they were first entered. EVA handles this. If there is a notice from the Population Register Authority and the voter has submitted an approved advance vote, this update shall be disregarded.

If any advance votes are received by the electoral committee after a voter has

been transferred to another electoral register, they shall be forwarded to the new municipality, which shall handle the advance voting in the ordinary way.

4.10.4 Notice to voters affected by updates

Section 2-8 of the Act stipulates that electoral committees shall notify voters who are affected by changes in the electoral register when the change is occasioned by an application for entry in the register, a request for correction, or if an error is discovered by the electoral committee. The reason for this is that the voter must know where they are entitled to vote. It is not necessary to notify the voter if an update is due to circumstances that do not give the voter cause to believe anything other than what is actually the case. Examples include situations where the Population Register gives notice of address changes that were received in time, but that were not recorded before the electoral register was prepared (automatic updates in EVA).

4.11 Production, design, distribution and use of polling cards

4.11.1 Legal basis

Section 2-3 (3) of the Election Act requires that the Ministry ensure that polling cards are issued to everyone who is entitled to vote, except for those who live on Svalbard and Jan Mayen.

The Ministry has delegated this authority to the Norwegian Directorate of Elections.¹²

Section 2-9 also stipulates that the Ministry may issue regulations for the production, design, distribution and use of polling cards, including the electoral committee's duties in connection with production and distribution. Further provisions regarding the polling cards are set out in Chapter 5 of the Election Regulations. This chapter states, among other things, that the electoral committee is obliged to provide the Ministry with information on the name, address and opening hours of the polling stations on the election day(s), as well as information on the polling district, subdivision and number of people on the electoral register. The electoral committee is obliged to provide this information in the manner and within the time limit set by the Ministry. In practice, the municipalities register this information in EVA.

4.11.2 Who shall receive polling cards?

The law stipulates that polling cards shall be distributed to everyone entitled to vote who is entered in the municipality's electoral register and who is registered with a resident address in this country. Exceptions are made for those who live on Svalbard and Jan Mayen.

4.11.3 Basis for production of polling cards

¹ <https://lovdata.no/dokument/LTI/forskrift/2017-01-23-79>

Section 22 (2) of the Regulations stipulates that production of polling cards shall be based on the electoral register as at 8 July. All register updates that can be made up to and including that date, shall be made in the electoral register before it is “frozen” for the production of polling cards.

4.11.4 Distribution of polling cards

An amendment to Section 22a of the Election Regulations from 2020 stipulates that polling cards shall be distributed electronically to the people entitled to vote referred to in Section 2-3 (3) of the Election Act.

Polling cards shall be sent by letter post, as before, to voters listed as having opted out in the common contact register (KRR). The same applies to voters who have not updated the information in the common contact register (KRR), or confirmed that the information is correct, in the past 18 months.

4.11.5 Time of production and distribution of polling cards

Voters shall receive the polling cards before advance voting commences, cf. Section 22 (2) of the Election Regulations.

4.11.6 Information contained in polling cards distributed electronically

Section 23b (1) of the Election Regulations stipulates that electronically distributed polling cards shall contain the following information:

- a) which election and year it is valid for;
- b) the voter’s name, address and year of birth;
- c) the name of the municipality in which the voter is included in the electoral register;
- d) polling district, ward, page, line, electoral register number, municipality number; and
- e) the address and opening hours of the polling station on Election Day(s).

The fields on the polling card containing information about ward, page and line are only relevant for voters who live in municipalities that use paper-based electoral registers and that use wards to divide electoral register lists.

In addition, the polling card shall include information to the effect that if the voter is unknown to the returning officer, the voter must produce identification before voting. The polling card also has a field of up to 150 characters, where the electoral committee can include other information for the voter.

4.11.7 Information contained in paper-based polling cards

Section 23 (1) of the Regulations stipulates that polling cards distributed by letter post shall contain the following information:

- a) which election and year it is valid for;
- b) the voter’s name, address and year of birth;
- c) the name and address of the electoral committee in the municipality in whose electoral register the voter is registered;
- d) polling district, ward, page, line, electoral register number, municipality

- number; and
- e) the address and opening hours of the polling station on Election Day(s).
 - f) field where the returning officer shall affix time and place for voting and sign for the vote cast.

The fields on the polling card containing information about ward, page and line shall only be filled out for voters who live in municipalities that use paper-based electoral registers and that use wards to divide electoral register lists.

The polling card shall include information to the effect that if the voter is unknown to the returning officer, the voter must produce identification before voting.

General information about the election shall be included on the reverse. In addition, the polling card has a field of up to 150 characters, where the electoral committee can include other information for the voter.

The polling card does not need to be brought along in order to vote. No voter shall be turned away if the voter did not bring the polling card with them.

5 REGISTRATION OF PARTIES IN THE REGISTER OF POLITICAL PARTIES

Rules regarding registration of political parties have been moved from the Election Act to Chapter 2 of the Act of 17 June 2005 relating to political parties.

A register of political parties has been established in the Brønnøysund Register Centre. All parties that wish to have an exclusive right to the party's name or wish to submit voting lists in accordance with the "simplified rules", cf. Section 6-3 (1) of the Election Act, must register their name with the Register Centre.

5.1 Application requirements

Before the party can be registered in the Register of Political Parties, it must be registered in the Central Coordinating Register for Legal Entities, cf. Section 2 (2) of the Political Parties Act. The following shall also be enclosed with the application, cf. Section 3 (2) of the Political Parties Act:

- the party's memorandum of organisation
- information concerning who constitutes the party's executive body and is entitled to represent the party centrally in matters under the Election Act
- statutes defining who elects the party's executive body
- declaration from at least 5000 persons with the right to vote in parliamentary elections. Requirements for these declarations are given in (d).

One condition for registration is that the name cannot be confused with the name of any other party registered in the Register of Political Parties or other Sami political unit registered with the Sami Parliament. The registration

authority may also refuse to register a party's name if there is due reason for refusal.

In order for the registration to have effect in the election, the application must have been recorded by the registration authority no later than 2 January of the election year.

5.2 Changing the name of the party

Only parties that can document a certain level of support in the previous parliamentary election, specifically 500 votes in one county or 5,000 votes in the country as a whole, may apply for registration under a new name without having to submit 5,000 new signatures, cf. Section 4 (1) of the Political Parties Act. The same rule applies in the merger of one or more parties under a new name; unless at least one of the parties satisfies the condition regarding support at an election, 5,000 new signatures must be collected, cf. Section 4 (2) of the Political Parties Act.

5.3 Deregistration

If a registered political party has not submitted a list of candidates in any constituency for two successive parliamentary elections, the registration will cease to be effective and the party's name will be free for use, cf. Section 5 (1) of the Political Parties Act. In such cases, the name shall be removed from the Register of Political Parties. The same shall apply four years after the party is dissolved or has changed its name.

5.4 Updating information in the register

Registered parties shall keep the register unit informed regarding the names of members of the party's executive body at any given time, cf. Section 6 (1) of the Political Parties Act. This is the body that is entitled to act on behalf of the party centrally in matters under the Election Act. To avoid confusion in connection with the submission of list proposals, applications for name changes, etc., it is imperative that the names of those who are entitled to act on behalf of the party in matters under the Election Act, are clearly stated.

5.5 Political Parties Act Committee

A special committee – the Political Parties Act Committee – has been appointed to handle complaints regarding decisions adopted on registration matters, cf. Section 8 (1) of the Political Parties Act. This Committee deals with complaints regarding party name registrations. It also handles appeals against registration authority decisions concerning who is entitled to represent a political party. The Committee's decision shall apply in the coming election unless the matter has been referred to a court of law and a final and enforceable judgment has been rendered before the deadline for submitting list proposals expires on 31 March. In other words, the information registered in the Register of Political Parties on 31 March shall be applied in the election.

Supplementary rules concerning the registration system and activities of the registration authority and the Political Parties Act Committee are laid out in the regulations (the Political Parties Act Regulations) by virtue of Sections 9 and 27 of the Political Parties Act.

Queries regarding the Register of Political Parties can be addressed to the Brønnøysund Register Centre.

6 ELIGIBILITY

This chapter concerns rules regarding eligibility, disqualification from election, time of eligibility, and rules for exemption. Rules concerning parliamentary elections are discussed under section 6.1 and rules concerning county and municipal council elections are discussed under section 6.2 below.

6.1 Parliamentary elections

6.1.1 Eligibility for election to the Storting

Section 3-1 of the Act contains rules regarding who is eligible for and has a duty to accept election to the Storting. Any person entitled to vote in an election, is eligible for and obliged to accept election to Parliament (the Storting); i.e. any person who satisfies the conditions for being entitled to vote according to Section 2-1 and who is not excluded (see details under sections 6.1.2 and 6.1.3 below) or exempted from election (see details under section 6.1.4 below).

6.1.2 Disqualification from election to the Storting

The disqualification rules are set forth in Section 3-1 (2) of the Election Act. The following persons may not be elected to the Storting:

- a) Ministry employees, with the exception of ministers, state secretaries and political advisers.
- b) justices of the Supreme Court and
- c) members of the diplomatic or consular services.

The rule excluding ministry employees from election, applies to all types of positions.

6.1.3 Time limits for eligibility for election to the Storting

Pursuant to Section 3-1 (3), eligibility is determined by employment on election day. A person who is not eligible may therefore be nominated, but the person must resign from their position before election day. Leaves of absence will not suffice.

6.1.4 Grounds for exemption from election to the Storting

The rules regarding exemption from election to the Storting are set forth in Section 3-2 (1) of the Election Act. The following persons have the right to claim exemption:

- a) any person who is entitled to vote in another constituency than the one in which the person in question has been placed as a candidate on a list

- proposal;
- b) any person who has attended as a member all sessions of the Storting since the previous election; and
 - c) any person who has submitted a written declaration that they do not wish to be on the electoral list in question.

If exemption is claimed before the time limit set by the county electoral committee, the person concerned shall be deleted from the list.

Even if the right to be stricken from the list is lost by exceeding the time limit, a person elected as a member of the Storting shall have the right to claim exemption after the election. This is the opposite of the rule that applies in municipal and county council elections. Section 3-2 (3) of the Election Act stipulates that in such cases, exemption must be claimed before the county electoral committee within three days after the candidate concerned has been notified of the election.

6.2 County and municipal council elections

6.2.1 Eligibility for election to county and municipal councils

Section 3-3 of the Act contains rules regarding who is eligible for election and obliged to accept election to county and municipal councils.

Eligible to the municipal council and the county council and bound to accept election is any person who is entitled to vote at the election and who is listed in the Population Registry as resident in the relevant municipality/county, cf. Section 3-3 (1) and (2) of the Election Act. This means the candidates must either be Norwegian citizens or citizens of another country who have been registered as residents of Norway for three consecutive years before election day. For citizens from the other Nordic countries, it is sufficient that they have moved to Norway and are registered in the Population Register before the cut-off date for registration in the electoral register, which is 30 June.

Furthermore, candidates must have turned 18 years of age before the end of the election year and must not have lost their voting rights or have been disqualified (see details under sections 6.2.2 and 6.2.3) or exempted from election (see details under section 6.2.4).

6.2.2 Disqualification from election to county or municipal councils

The disqualification rules are set forth in Section 3-3 (3) of the Election Act. The following may not be elected to either county or municipal councils:

- a) the county governor and the assistant county governor
- b) persons who in the municipal or county authority in question are
 - chief municipal executive or their alternate
 - heads of municipal affairs, heads of department and managers at the equivalent level
 - secretaries of the municipal councils or county councils

- persons responsible for the accounting function
- the person who performs the audits of the municipality or county authority.

The preparatory works to the Local Government Act (Prop. 46L (2017–2018)) includes the following on disqualification for “managers at the equivalent level” (p. 103):

“That the disqualification applies to manager at the equivalent level, entails that a specific assessment must be made in the individual municipalities, based on how the administration is organized. Managers of independent enterprises will normally be eligible, which is a continuation of the current law. This will typically include principals at schools at managers of nursing homes and kindergartens. Role conflicts could also arise for such managers, but the Ministry agrees with the Committee’s assessment that enterprise managers are not such an integral part of the municipal administration so as to indicate that they would be disqualified. In the event a role conflict does arise in connection with these managers’ participation in elected bodies, it should be sufficient to fall back on the impartiality provisions in the Public Administration Act and Local Government Act. In municipalities where, for example, a principle is also, in practice, the municipal executive, chief county or municipal officer or a manager at an equivalent level, the principal would still be disqualified. The Ministry proposes to continue the principle whereby an elected representative does not forfeit their eligibility for election if they are temporarily appointed to a position where the person would normally forfeit eligibility for election. It is a condition for retaining eligibility for election that the appointment is temporary and short-term in nature. An appointment of six months would be considered temporary.”

There are two reasons why certain officials must be ineligible to stand for election:

1. If key officials may stand for election, this may undermine the important principle that there must be a separation between elected bodies as decision-makers, and the administration as a premise provider.
2. It would be unfortunate if key officials within the municipal/county authority administration – in their capacity as elected officials – could overrule proposals submitted by the chief executive to the elected officials.

It follows from Section 3-3 (4) of the Election Act that in municipalities with a parliamentarian form of government, employees in the council secretariat are not eligible for election either, if powers have been delegated to them by the council.

6.2.3 Time limits for eligibility for election to county and municipal councils

As mentioned above in the section on eligibility, Section 3-3 (1) and (2) of the Election Act requires that candidates for election to a county or municipal council must be residents of the county/municipality on election day. Section 6-4 c of the Election Act stipulates that, if a candidate is not registered in the Population Register as a resident of the county/municipality when the list is submitted, the list must be accompanied by a statement from the candidate declaring that he or she will be eligible by election day.

It follows from Section 3-3 (5) that it is the employment relationship at the time the county or municipal council commences its functions, that is to say the day of its first meeting, that determines the eligibility. A person who is not eligible for election may be nominated, but must resign from their position before the new council is constituted.

Pursuant to Section 6-4 d, the candidate must enclose a statement declaring that they will have resigned from their employment by the time the new municipal or county council commences its functions

It is not sufficient to obtain a leave of absence if the candidate has commenced work in the position. If the person has not commenced work in the position, but has obtained a leave of absence for the entire election period before the body commences its functions, the Ministry, when interpreting the previous Act, found that the person shall nevertheless be eligible. The same assessment must apply under the new Election Act.

6.2.4 Grounds for exemption from election to county and municipal councils

In principle, the duty to accept election coincides with eligibility. However, there are exceptions, cf. Section 3-4 of the Election Act. Exemption from local government elections may be claimed by anyone who declares in writing that they do not want to be a candidate for election on the electoral list in question.

The local election authorities shall stipulate a deadline for exemption claims. If this deadline is exceeded, the right to claim exemption will normally lapse. In order for a claim to be approved after the time limit, the delay must be due to circumstances beyond the person's control or foresight (cf. the provisions of Section 15-5 of the Election Act).

Equivalent grounds for exemption do not apply in parliamentary elections, where the exemption rule follows from the Constitution.

7 LIST PROPOSALS AND THEIR PROCESSING

7.1 Introduction

Provisions regarding list proposals, and the processing of these by the electoral committees/county electoral committees, can be found in Chapter 6 of the Election Act and Chapter 3 of the Election Regulations.

The Political Parties Act and Regulations also include some relevant provisions for the treatment of list proposals.

The provisions of Section 6-1 of the Election Act set out the requirements for electoral lists. Lists may be submitted by registered political parties and other groups. The party/group draws up a proposed list, which then has to be approved by the election authorities.

The electoral committees approve list proposals for election of municipal councils.

County electoral committees approve lists for election of county councils and for parliamentary elections.

Pursuant to Section 6-6 (4) of the Election Act, the election authorities shall obtain and base their considerations on statements from the party's executive body whenever it is not clear who is entitled to represent a registered political party at local level and submit lists. Information concerning who the members of the party's executive body are can be found in the Register of Political Parties. The URL is: <https://www.brreg.no/lag-og-foreninger/partiregistret/>.

Inquiries may be addressed to the person listed as the party's contact person.

7.2 Deadline

The deadline for submitting list proposals is 31 March, cf. Section 6-1 (1). The deadline for withdrawing a list proposal is 20 April, cf. Section 6-5. The submission deadline is 12:00 on 31 March, and the withdrawal deadline will be 12:00 on 20 April.

7.3 Submitting list proposals

Pursuant to Section 6-1 (1) of the Election Act, a list proposal shall be deemed to have been submitted when it has been *received by* the municipality for municipal county elections and the county authority for parliamentary and county council elections. List proposals may be submitted by post or e-mail, or through the electronic solution for list proposals made available by the Directorate of Elections. The letter must have arrived, or the list must be submitted directly before the deadline. This means that the proposals must physically have been received, not necessarily by the electoral committee, but by the municipality or county authority. This is a more stringent rule, but was done in order to avoid any doubt. The proposer is responsible for ensuring that the list proposals arrive in time. If electronic submission is used, the list must be submitted before the deadline.

It is conceivable that a list proposal is submitted within the deadline to the wrong body – for example to the county governor's office instead of to the county electoral committee – but it is received by the correct body after the deadline expires. Unless it can be documented that the body receiving the list proposal, has committed an error that may be characterised as dereliction of duty, an exceeded deadline cannot be redressed in such a case.

If the signed list proposal is sent by fax or e-mail (where signatures on the proposal are visible) by 31 March, this will be deemed to be within the deadline. However, it is a necessary condition that lists with the original signatures are posted/submitted immediately.

7.4 Heading on list proposals

List proposals shall have a heading indicating the party or group from which it originated, and a heading that cannot lead to confusion, cf. Section 6-1 (2) (b), of

the Election Act.

Registered parties must use the registered name of the party in the heading. Use of another name, or even the name of the local branch, as a sub-heading is not permitted.

If a joint list is submitted by several registered parties, the heading on the list must include the registered names of all of the parties. Similarly, the name of the registered party must be included in the heading when the party submits a joint list with a group that is not registered as a party.

The Ministry assumes that the Election Act does not prevent use of a collective name in the heading, in addition to the names of the registered parties, when one or more registered parties and other groups submit a joint list.

The Act does not prevent an unregistered group from using the word party in its name, provided that the name cannot be confused with the name of a registered party.

Section 12 of the Regulations emphasises that registered political parties may choose whether to write their names in Bokmål or Nynorsk. In addition, the party's name in Sami can be included as an addition to the name in Bokmål or Nynorsk. Decisions regarding this shall not be made by the electoral committee, but by the particular branch of the party, regardless of whether the municipality is a Nynorsk or Bokmål municipality or whether or not it is in the administrative area for the Sami language.

Pursuant to the last sentence of Section 6-1 (2) (b) of the Election Act, it must not be possible to confuse the heading with the name of a registered political party, registered Sami political unit or the heading on other list proposals in the constituency. The requirement that a list proposal cannot use a heading that may be confused with the name of a registered political party, shall apply even if the registered party does not have a list in the constituency. The list proposal first submitted shall have the right to use the name in its constituency, unless this concerns the relationship with a list proposal from a registered party. The registered party shall always be entitled to use its name.

7.5 Candidates

7.5.1 How many candidates shall/may be listed?

Section 6-2 of the Election Act regulates the number of candidates on a list proposal. Pursuant to (1), list proposals for parliamentary elections shall be filled out in sequence with the names of as many candidates as there shall be returned members of the Storting from the constituency. Six additional names may also be listed.

For municipal and county council elections, Section 6-2 (2) of the Election Act stipulates that at least seven candidates shall be listed. Beyond that, the maximum limit is that the number of candidates listed shall equal the number

of members to be elected to represent the constituency, plus up to six other candidates.

Rules regarding advance prioritisation are laid down in Section 6-2 (3) and apply in municipal council elections only. Advance prioritisation entails a certain number of the parties' top list candidates being awarded an additional share of the polls. A certain number of the candidates highest on the list – the number depending on the size of the municipal council – may be awarded, in addition to their personal share of the poll, 25% of the votes the list receives at the election.

The highest numbers permitted are:

- 11–23 municipal council members: up to 4
- 25–53 municipal council members: up to 6
- 55 municipal council members or more: up to 10

It follows from the last sentence of Section 6-2 (3) that any candidates given such an increased share of the poll shall appear first on the list proposal and in a distinct print. The term distinct print means the names shall be written in bold, italics or capital letters.

The Act does not contain any rules stipulating that each gender shall be represented by a certain percentage of the candidates proposed on the individual lists. This means there is no requirement regarding allocation of quotas when electing members of the Storting or the municipal and county councils. However, Sections 7-5, 7-6 and 7-7 of the Local Government Act contain rules regarding quotas that apply in elections under that Act to the executive board, county committees, standing committees, etc.

7.5.2 Identification of candidates

This is regulated by Section 6-1 (2) (c) of the Election Act, and Section 17 of the Election Regulations.

List proposals shall contain the candidates' given names, surnames and years of birth, cf. Section 6-1 (2) (c) of the Election Act. The proposers may decide whether to also add the candidates' occupations and/or places of residence. The occupation and/or place of residence shall, however, be entered if this is necessary to avoid confusion. It follows from Section 17 (1) of the Election Regulations that, if occupation and place of residence is added for one or more of the candidates in the list proposal, it must be added for all candidates on the list. On joint lists, it is also possible to add the individual candidates' party/group affiliation. If so, this affiliation must be added for all candidates on the list.

The true surname of the candidates must be used, even if that is not the name the candidate is known under. If that is the case, the name the candidate is known under, should be added in parentheses. In practice it is assumed that a

candidate may be referred to under the name by which they are generally known, instead of under their given name. This is because of the purpose underlying the provision – giving voters the best possible information.

The law does not prevent a parliamentary candidate from standing for election in two or more constituencies. It is, however, not possible to appear on more than one list in the same constituency.

County council candidates and municipal council candidates may not stand for election on more than one list proposal in the respective county or municipality. There is, however, nothing to prevent a candidate from appearing on both county council and municipal council lists.

7.5.3 Appendices

Section 6-4 of the Election Act stipulates under (a) that list proposals shall be accompanied by a list of the candidates' dates of birth.

Subsections (c) and (d) apply to municipal and county elections. The provisions of (c) stipulate that candidates who are not registered in the Population Register as residents of the municipality/county at the time the list proposal is submitted, must include a statement declaring that they will be eligible for election on election day. Under (d), any candidate who is not eligible because of their employment position, must include a statement declaring that they will resign from their position when the county or municipal council commences its functions. See further details under the section on disqualification (6.2.2).

7.6 Signatures on list proposals

7.6.1 Registered parties

Section 6-3 (1) contains the rules that apply to registered political parties. For parties registered in the Register of Political Parties, it is sufficient for all elections that list proposals are signed by at least two members of the board of the party's local branch with responsibility for the constituency to which the list applies. Board members must have the right to vote in the constituency. However, it is a condition that the party must have obtained a certain level of support in the last parliamentary election. To qualify under the simplified rules, a registered party must have received no less than 500 votes in one constituency or no less than 5,000 votes in the country as a whole. It is sufficient for a party to have received more than 500 votes in a single constituency to present a list under the simplified rules. If a party has not obtained such support, the rules for non-registered groups will apply.

It is important to point out that, only votes cast in the (previous) parliamentary election can give a party the right to submit lists under the simplified rules. Votes cast in the county or municipal council elections are irrelevant.

If a party was registered in the Register of Political Parties after the last

parliamentary election, it will not have had any opportunity to take part in a parliamentary election. In that event it is sufficient that the list is signed by at least two members of the board of the party's local branch with responsibility for the constituency to which the list applies.

If a party does not have a local branch, the party must collect signatures in accordance with Section 6-3 (2) of the Election Act.

It follows from the last sentence in Section 6-3 (1) that, if a registered political party submits a list jointly with an unregistered group, the rules for unregistered groups in Section 6-3 (2) shall apply. The same applies if a registered political party that satisfies the support rule in (1), submits a joint list with a registered party that does not.

7.6.2 *Unregistered groups*

For all proposers other than parties registered in the Register of Political Parties that obtained sufficient support, the rules that apply in parliamentary and county council elections (a) and in municipal council elections (b), respectively, follow from Section 6-3 (2).

In parliamentary and county council elections, list proposals shall be signed by no less than 500 people with the right to vote in the constituency in the relevant election. The same applies to joint list proposals submitted by one or more registered parties with groups not registered as a political party or a party that did not obtain sufficient support in the last parliamentary election.

In municipal council elections, the number of signatures collected shall be equivalent to 2% of the number of voters living in the municipality in the last municipal council election. As municipal population sizes vary significantly, minimum and maximum limits have been defined for the number of signatures required. The minimum requirement is that the proposal must be signed by a number of persons equivalent to the number of council members to be elected. The maximum requirement is 300 signatures.

Examples:

Trangvik Municipality:

240 voters in previous election. 11 council members to be elected. 2% of 240 = 4.8 voters.

In this case, the minimum requirement – the number of council members – will apply. This means that the list must be signed by no less than 11 persons.

Lillevik Municipality:

2,000 voters in previous election. 21 council members to be elected.

2% of 2,000 = 40 voters.

The requirement is 40 signatures on the list proposal.

Stordal Municipality:

20,000 voters in previous election. 57

council members to be elected.

2% of 20,000 = 400 signatures. The maximum requirement will apply. 300 signatures will be sufficient.

Signatures for list proposals can be collected both electronically and on paper. Electronic signatures must be collected through the Norwegian Directorate of Elections' list proposal solution, cf. Section 13 (1) of the Election Regulations and Section 6-3 a of the Election Act. When collecting signatures on paper, the Ministry has, in an opinion, stated that signatures must be put down in person and cannot consist of block letters or initials only. This also entails that signatures by proxy are not permitted.

On the other hand, registered political parties that submit list proposals pursuant to Section 6-3 (1) are permitted to submit electronic signatures if facilities exist for digital communication with the municipality/county.

Section 13 (2) of the Election Regulations stipulates that signatures collected pursuant to Section 6-3 (2) of the Election Act are confidential and shall not be disclosed to the public. Please see Section 15-4 of the Election Act, which covers the duty of secrecy. It follows from Section 15-4 (1) that the provisions of the Public Administration Act relating to the duty of secrecy shall apply correspondingly in the case of election.

According to Section 13 (1) of the Public Administration Act, the fact that a person has signed a list proposal is information concerning that person's "personal affairs" and hence is subject to the duty of secrecy.

The list proposal shall show which candidates stand for election on the list for the party/group. The list shall also be signed by the proposers of the list. Therefore, those who sign a list proposal cannot do so without it listing the names of the candidates. However, it follows from Section 6-6 (3) of the Election Act that if a list proposal does not satisfy the legal requirements when submitted, the election authorities shall seek to remedy this through negotiations with the representatives for the list proposal to bring it into conformity with the law. This implies that it is not an absolute requirement that all of the candidates' names are listed in the signed list proposal. However, the list must, at minimum, include the name of one candidate, as otherwise it will not constitute a list proposal.

The Act does not contain any provisions regulating whether persons who have signed a list proposal, have the right to withdraw their signatures. This is not mentioned in the wording of either the Act or the preparatory works. Accordingly, there is no special basis for assumptions as to whether a signature

on a list proposal can be withdrawn.

In the Ministry's assessment, the Election Act does provide an exhaustive description of what the election authorities shall check before approving a list proposal, cf. Section 6-1 of the Election Act. A signature on a list proposal indicates support for the party/group being allowed to submit a list for the election.

Signing a list proposal has no legal consequences for the person signing it, beyond the party/group being allowed to submit a list for the election provided that the list satisfies the legal requirements. Those who sign the list are under no obligation to vote for that list proposal in the election.

The law requires that it must be clear that the signatures are signatures on a list proposal, not signatures on a blank sheet of paper. Consequently, it is a prerequisite for approval that the person affixing their signature knows what they are signing. When the election authorities check each signature, they must determine whether the person is qualified to vote in the election, i.e. whether they are entitled, under the provisions of the Election Act, to sign the proposal. The election authorities are also required to check whether anyone has signed more than one list proposal. If any person has signed more than one list proposal, the election authorities shall order the person concerned to give notice, within a certain time limit, which of the lists they wish to be on.

If the person is qualified to vote, has not signed more than one list proposal, and the list of signatures shows that the signature concerns submission of a list for a defined party or group, the signature shall be accepted as valid. With a sufficient number of valid signatures, the list proposal is entitled to stand for the election in question. In our assessment, it is difficult to see how the election authorities can make other assessments regarding the validity of signatures. The fact that election authorities are only required to check certain conditions therefore indicates that they are not in a position to consider whether anyone wishes to withdraw their signature.

Before the time limit for submitting a list proposal expires, it may be withdrawn or changed freely. However, the authority to make changes is vested in a committee of representatives. This must be regarded as an appropriate solution, since it would be impractical to allow everyone who signs/submits a proposal, to make changes to it after it is submitted.

If a person wishes to withdraw their signature, it is, in our assessment, most appropriate to regard this as a matter between that person and those who requested the signature. In this context, reference is made to the fact that the committee of representatives for the list, may freely withdraw or change the proposal before the time limit expires.

7.7 Representatives and committees of representatives

Rules regarding this are contained in Section 6-1, (2) (e) of the Act and in Section 14 of the Election Regulations.

Section 6-1 (2) (e) of the Election Act stipulates that all list proposals shall name a representative and their deputy from among those who sign the list.

Furthermore, the third sentence of the provision stipulates that the list proposal shall contain a list of those who are to function as a committee of representatives, although this is not a requirement in connection with approval of list proposals.

A representative's duties include representing the proposers in negotiations with the electoral committee/county electoral committee concerning the list proposal. It is the duty of the committee of representatives to withdraw the list if necessary.

Section 14 of the Election Regulations contains provisions for appointing representatives and committees of representatives if that has not been done when the list is submitted.

It follows from Section 14 (1) of the Regulations that when a list proposal comes from a registered political party and is signed by two members of the board of a local branch of that party, these two shall be regarded as the representative and deputy representative. The board of the local branch shall be regarded as the committee of representatives.

Section 14 (2) of the Regulations stipulates that, when a list proposal is submitted in accordance with the requirements in Section 6-3 (2) of the Election Act, the two uppermost signatories shall be regarded as the representative and deputy representative if the list proposal does not specify who is to have these functions. The number of signers who are to constitute the committee of representatives shall be the five uppermost signatories on the list proposal.

The committee's functions shall cease when the election has been held.

7.8 Processing of list proposals by electoral committees/county electoral committees

The electoral committee/county electoral committee shall check that the list proposals received satisfy the legal requirements, including whether the proposers and candidates satisfy the requirements of the Election Act, cf. Section 6-6. Through negotiation with the representative, the electoral committee/county electoral committee shall seek to bring the list proposal into conformity with the requirements of the Act, cf. Section 6-6 (3).

The proposers must provide the documentation required to substantiate that the conditions have been fulfilled, when so requested by the electoral committee/county electoral committee. Electoral committees must take particular care in checking whether candidates satisfy eligibility rules and that their names and addresses are correct.

If it is unclear who is entitled to represent a registered political party at a local level, and thus unclear who is entitled to submit the list for this party, election authorities must clarify this by obtaining, and basing their considerations on, statements from the party's executive body, cf. Section 6-6 (4).

Section 6-6 (5) of the Act regulates matters when one person signs or is a candidate on more than one list proposal for the same election.

If a person is a proposer/candidate on more than one list proposal, the electoral committee/county electoral committee shall ask that person to choose the list on which they wish to remain. If the person fails to reply within the time limit stipulated, they shall remain on the list first received and be stricken from the other(s). There is nothing to prevent a person appearing as proposer and candidate on the same list. A person can also appear as proposer on one list proposal and as candidate on another, even if they are for the same election.

If it is found that a candidate is not eligible for election, or that they are exempted, the candidate shall be stricken from the list. In such cases, the representative for the list shall decide whether a new candidate shall be entered in the vacant place, cf. Section 15 of the Election Regulations. Alternatively, the list can be supplemented with a new name at the bottom, so that the other candidates move up in unchanged order.

The Ministry refers to Section 3-1 of the Election Act, which regulates eligibility at election to the Storting, as well as Section 3-3 of the Election Act, which regulates eligibility at election to county and municipal councils. The electoral committee/county electoral committee should, as much as possible, examine whether there are circumstances related to the candidates' positions which make them not eligible.

The Ministry encourages the electoral committee/county electoral committee to inform the candidates about these rules when they are notified. In addition to the restrictions contained in the Election Act, there are certain positions that are incompatible with being a parliamentary representative, such as serving as a Conciliation Board member.

It follows from Section 6-6 (1) of the Election Act that the electoral committee/county electoral committee shall make the lists available for inspection as and when they are received. The manner in which this is to be done shall be decided by the individual electoral committee/county electoral committee. As previously mentioned, the signatures on the list proposals (except for those of the representatives) shall not be available for inspection, cf. Section 13 of the Election Regulations.

Approved lists can be put on the Internet, with the information concerning the candidates that is given in the proposed list and approved by the electoral committee/county electoral committee. The address and/or occupation of the

candidates may be given in addition to their names and years of birth.

7.9 Notice to candidates

All candidates on the list shall be notified by the electoral committee/county electoral committee in accordance with Section 6-6 (5) of the Election Act when they are listed on a list proposal.

This notice shall contain information concerning grounds for claiming exemption from election to the Storting, cf. Section 3-2 of the Election Act, or to county or municipal councils, cf. Section 3-4 of the Election Act. There are no further rules regarding the manner in which this notice is to be given. The Ministry recommends that notice be given in the form of a registered letter.

The electoral committee/county electoral committee shall determine the deadline for responses, documentation requirements, etc., in accordance with normal municipal proceedings, cf. the Local Government Act and Public Administration Act.

7.10 Changes to list proposals after expiry of the submission deadline

7.10.1 General information

The Ministry points out that before the submission deadline expires, the proposers may make changes to the list proposal, even if it has been submitted to the electoral committee. They may change the order of the candidates and/or replace candidates. They may also submit a new list proposal. If more than one list proposal has been submitted, the electoral committee shall use most recently submitted one.

7.10.2 Changes after the submission deadline has expired

It follows from Section 15 (1) of the Election Regulations that, after the submission deadline has expired, proposers may only make such changes to the list proposal as are necessary to bring the list into compliance with the Election Act and Election Regulations. While not necessary for compliance with the legislation, they may insert a new candidate on the list if a candidate has been stricken as a result of being disqualified or exempted from election, cf. Section 15 (2) of the Election Regulations. Alternatively, the candidates following the empty slot can be moved up, while also inserting a new name at the bottom of the list.

The order of candidates cannot be changed, in the form of reordering, after expiry of the submission deadline. Furthermore, no changes may be made as regards the number of candidates to be awarded additional votes during municipal council elections.

There is no requirement to add a new name when a candidate is exempted, so long as the list proposal otherwise contains a sufficient number of names to be approved. In such cases, the list proposal representative may decide that the subsequent candidates be moved up, without supplying a new name.

7.10.3 Candidate death after list proposals are approved

Sometimes, one or more list candidates die after the lists have been approved. The question in this context is whether or not the deceased person(s) should be stricken from the list. It would be natural to confer with the proposers and the next-of-kin, and to comply with their wishes insofar as possible. If they ask to have the name removed, and the official ballot papers have not yet been printed, the deceased person's name should be removed from the list before it is printed. If the ballot papers have already been printed, the deceased person's name should be redacted if this is practicable.

An approved electoral list will be valid even if, due to death(s) among list candidates, it contains fewer names than required by the Election Act.

A deceased candidate must be disregarded in candidate results. This follows from the provisions on ineligible candidates (Sections 11-5, 11-10 and 11-12 of the Election Act), and applies in all elections.

Section 7-2 (3) of the Election Act concerns the ability of voters in municipal council elections to include candidates from other electoral lists (so-called "cross-party votes") on the ballot paper they use. This will normally have an impact on the distribution of list votes between lists. However, it follows from the final sentence of the provision that the inclusion of ineligible candidates (including deceased candidates) will not have significance as regards the distribution of list votes.

7.11 Approval of electoral lists

7.11.1 Deadline

The electoral committee/county electoral committee must make decisions on list proposals by no later than 1 June, cf. Section 6-6 (2) of the Election Act.

By no later than the same date, the approved list proposals (official election lists) shall be made available for inspection, cf. Section 6-7 of the Election Act.

Pursuant to this provision, the electoral committee/county electoral committee shall also arrange announcement of the headings on the approved lists. At the same time, information shall be provided regarding where the lists are available for inspection by the public. The electoral committee/county electoral committee shall decide where the lists are to be made available.

7.11.2 Notice to proposers

It follows from Section 18 (1) of the Election Regulations that the electoral committee/county electoral committee shall notify the representatives and send them a copy of the approved list proposal as soon as the lists are approved.

If a list proposal is not approved, the electoral committee/county electoral committee shall notify the representative of this as soon as possible and, at the same time,

inform them of the right to and conditions for appeal, cf. Section 18 (2) of the Election Regulations.

7.12 Appeal

Section 6-8 of the Act stipulates that those who believe that the electoral committee/county electoral committee should reverse a decision to approve or reject a list proposal, have a right to appeal the committee's decision within a certain time limit. The electoral committee's decision to approve or reject an application for exemption may also be appealed under this provision.

The term of appeal is 7 days from publication of the heading on the approved lists. The reason for this provision is to avoid an invalid election by correcting any mistakes *before* the election takes place. It will thus be possible to avoid uncertainty as to whether or not an election will be valid.

Registered parties may also appeal under this provision, even though they do not have a right of appeal under the ordinary appeal rules in Chapter 13 of the Election Act. The party may have an interest in protecting its name even if it does not have a local branch that has submitted a list (with a possible risk of confusion) in the constituency in question.

The Ministry is the appeal authority for county and municipal council elections. If the electoral committee/county electoral committee does not accept the appeal, the final decision will be made by the Ministry.

For parliamentary elections, the National Electoral Committee is the appeal authority for appeals regarding list proposals.

If no appeal is filed under this provision, there will nevertheless be an opportunity to appeal later under the general appeal rules in Chapter 13. By this point, however, it may be too late to correct any errors before the election day. As a consequence, the party may be unable to participate in the election in question, unless the appeal authority finds that the result of the election is not valid and orders a second ballot.

8 BALLOT PAPERS

8.1 Introduction

Provisions relating to ballot papers and the voters' right to make alterations to ballot papers (i.e. the right to cast personal votes) can be found in Chapter 7 of the Election Act. Regulations for preparing and printing ballot papers have been issued by the Ministry by virtue of Section 7-3.

Ballot paper envelopes are not used when voters cast advance votes in the municipality in whose electoral register they appear, or on election day. This means that strict rules must apply for ballot papers in consideration of the need to protect the secrecy of the ballot.

Many and various considerations must be taken into account in the design of ballot papers, cf. Chapter 4 of the Election Regulations. It is a goal for the design of ballot papers for different elections to be developed as uniformly as possible, as well as to comply with universal design requirements.

8.2 Obligation to print ballot papers

The Act requires the county electoral committee to print ballot papers for all approved election lists in the county, for use in parliamentary and county council elections, cf. Section 7-1 (1). The county electoral committee shall print ballot papers both for use in polling stations on election day and for advance voting.

The Election Act requires the electoral committee to print ballot papers for all approved election lists in the municipality, for use in municipal elections, cf. Section 7-1 (2). The electoral committee shall print ballot papers both for use in polling stations on election day and for advance voting.

Furthermore, under Section 20 of the Election Regulations, it is a duty to produce blank ballot papers. For county council elections, the county electoral committee must arrange production of blank, blue ballot papers. For parliamentary elections, the county electoral committee must arrange production of blank ballot papers that are white on the inside and orange on the outside. Similarly, for municipal council elections, the electoral committee must arrange production of blank ballot papers that are white on the inside and pink on the outside.

On the outside, the blank ballot papers shall be the same as ballot papers with lists, so that blank ballot papers cannot be distinguished from other ballot papers. Accordingly, the format and the outside (instructions, raster prints (if any), etc.) must be the same as the ordinary ballot papers with the names of the candidates.

In Section 20 (4) of the Election Regulations, the Ministry has stipulated that the following shall be printed on the inside of the blank ballot papers (Bokmål: «BLANK STEMMESEDDEL. Brukes til å stemme blankt.» Nynorsk: «BLANK RØYSTESETEL. Bruker ein til å røyste blankt.»).

8.3 Ballot papers for advance voting and polling stations

Section 7-1 of the Election Act stipulates that it is the duty of the county electoral committees/electoral committees to arrange printing of ballot papers for all the approved election lists in the county/municipality before advance voting commences. Nothing is stipulated regarding the number of ballot papers to be printed. It is the responsibility of the respective electoral committees to ensure that enough ballot papers are printed both for advanced voting and for voting on election day.

Therefore, the county electoral committee/electoral committee shall determine this number at their discretion. It is important to be make sure that enough ballot papers are printed.

8.4 Ballot papers for proposers

Pursuant to Section 21 of the Election Regulations, the representative for the individual election list may order, at their own expense, through the county electoral committee/electoral committee, any number of ballot papers they wish. Requests for ballot papers must be submitted within the time limit set by the county electoral committee/electoral committee.

8.5 What must be included on the ballot papers

The requirements for what must be included on the ballot papers is set forth in Section 19 (3) (a) through (d) of the Election Regulations:

- a) The ballot paper shall contain information about the election to which it pertains.
- b) The ballot paper shall contain a heading showing which party or group the list emanates from. The heading shall also be printed in a font size of at least 20 points, see section on font size, letter type and double-sided printing.
- c) The ballot paper shall contain the first name, surname and year of birth of the candidates standing for election on the list. The individual electoral committee may decide whether the surname or given name shall come first. Furthermore, information about the candidates' occupation and/or place of residence may be presented on the ballot paper. This shall be done if it is necessary in order to avoid confusion between candidates on the list. On joint lists information may be provided about each candidate's affiliation in relation to the different groups behind the proposal. If such information is included on the ballot paper, this shall be done for all candidates on the list.
- d) The ballot paper shall contain a guide concerning the opportunity one has to make amendments to the ballot paper. If this guide is printed on the reverse of the ballot papers, notice of this shall be given on the front, see more under the section on voter guides (8.12).

Pursuant to Section 19 (8) of the Election Regulations, candidates for election to municipal councils who are to be awarded additional votes pursuant to Section 6-2 (3) of the Election Act, shall be listed first on the ballot paper in bold print.

The use of party logos on ballot papers is not currently permitted under the Election Act.

8.6 Fields for making changes to ballot papers

Section 19 (7) through (9) of the Election Regulations contains rules on how to arrange for voters making changes to ballot papers.

8.6.1 Parliamentary elections

Ballot papers for parliamentary elections must be printed according to the Election Regulations' design requirements, cf. Section 19b. No other information

can be displayed on the ballot papers.

8.6.2 County and municipal council elections

For county and municipal council elections, a column shall be placed to the left of the candidates' names and bear the heading "Personstemme" (Bokmål) or "Personrøyst" (Nynorsk), see Section 19c (3) of the Election Regulations. Voters put tick marks in the box(es) to indicate a personal vote. On ballot papers for municipal council elections, all candidates who are to have additional votes pursuant to Section 6-2 (3) of the Election Act, shall be listed first on the ballot paper in bold print.

For municipal council elections, there shall also be a field for personal votes for candidates from other lists (cross-party votes). The field shall bear the heading "Kandidater fra andre lister" (Bokmål) or "Kandidatar frå andre lister" (Nynorsk), see Section 19c (4) of the Election Regulations.

Here voters enter the name(s) of any candidates from other lists for whom they wish to vote.

8.7 Ballot paper size

Ballot paper size is regulated by Sections 19b and 19c of the Election Regulations. In the case of parliamentary elections, the size shall be 150 x 203 mm after folding. In the case of county council elections, the size shall be 150 x 220 mm after folding. In the case of municipal council elections, the size shall be 150 x 220 mm after folding. Pursuant to Section 19b (6) and 19c (6) of the Election Regulations, the ballot papers shall have perforated folding edges.

8.8 Paper quality and colour

The ballot papers shall be printed on 90 g uncoated white paper. Pursuant to Section 19b (1) of the Election Regulations, in parliamentary elections, the outside of the ballot paper shall have a coloured patterned page using colour code C0 M60 Y90 K0 (orange), and a dark patterned field at the top. The outside of the ballot paper shall have the instruction text and a designated stamp field printed on a white background. The ballot paper shall have a white inside with the names of parties or groups and names of candidates printed, and a folding edge with the same pattern and colour code as the outside.

Pursuant to Section 19c (1) of the Election Regulations, in municipal council elections, the outside of the ballot paper shall have a coloured patterned page using colour code C0 M58 Y15 K0 (pink), whereas pursuant to Section 19c (2), in county council elections, the outside of the ballot paper shall have a coloured patterned page using colour code C35 M0 Y5 K0 (blue). Both shall have a dark patterned field at the top. The inside of both types of ballot papers shall white. The purpose of this rule is to ensure that in municipal and county council elections, which take place at the same time, it is possible to see from the outside whether the ballot paper is pink or blue, and consequently which election

is is for.

The Norwegian Directorate of Elections shall sign a framework agreement with a printing service for the printing of ballot papers, and it is recommended that municipalities and county authorities place call-off orders under this framework agreement. The agreement shall also include quality assurance of ballot papers for optical scanning, and guaranteed compliance with relevant regulatory requirements.

Section 19 (2) of the Election Regulations stipulates that ballot papers used at the polling stations must be produced in such a way so that it is not possible to see what the electors have voted after the ballot paper has been folded. To protect the secrecy of the ballot, it is important that ballot papers are not transparent. The electoral committees are responsible for ensuring that the ballot papers comply with the requirements. The electoral committee must make sure that the printing service understands the requirements and comply with them. It is not up to the printing service to determine whether voter rights have been appropriately protected. As a minimum, the county electoral committee/electoral committee must request a sample or proof print to personally assess the quality.

8.9 Font size, letter types and double-sided printing

Under Section 19 (1) of the Election Regulations, ballot papers must be reader-friendly. Accordingly, the font used on ballot papers must be reader-friendly. It should be plain, without serifs, and not very dense. The Norwegian State Council on Disability recommends Arial, which is a highly reader-friendly font.

As regards headings, Section 19 (3) (b) of the Election Regulations stipulates that the font size shall be minimum 20 points. If a ballot paper for a joint list has a joint designation as the heading, it will be sufficient that the joint designation is printed in this size.

Electoral committees must ensure that the heading is positioned so that it is visible when the ballot papers are placed in their compartments.

All ballot papers in the same constituency shall have the same font and font size.

8.10 Counting marks, codes, etc.

Pursuant to Section 19b (4) of the Election Regulations, a ballot paper number and a unique ballot paper ID shall be printed at the bottom left of the ballot paper in parliamentary elections. The ballot paper number shall be printed in font OCRB 10 point with character spacing set to 75 thousandths of an em. The number consists of 22 characters and is generated in EVA. The ballot paper number shall only be printed on the side of the folding edge that has the stamp area on the reverse – this applies to ballot papers divided into two or three parts. The ballot paper ID is generated by the printing office consecutively during printing. Each ballot paper must have its own unique number. This shall also be

printed in font OCRB 10 point with character spacing set at 75 thousandths of an em. This number consists of 8 characters. The ballot paper ID shall only be printed on the same side as the ballot paper number.

Adjustment marks shall be printed on the inside and outside of the ballot paper as shown in the regulations. Templates for the ballot papers shall be made available by the Norwegian Directorate of Elections.

8.11 Making changes to ballot papers

8.11.1 Parliamentary elections

In parliamentary elections, voters may make changes to the ballot paper in two different ways. They may change the order in which the candidates' names are listed, and they may delete candidate names, cf. Section 7-2 (1) of the Election Act.

Pursuant to Section 19b (2) of the Regulations, a column of boxes shall be printed to the left of the candidates' names, allowing voters to change the order of the candidates. The column shall have the heading "Nr.". The order of candidate names can be changed by adding numbers to these boxes, by having the number indicate the desired position in the ranking of candidates. This must be evident from the instructions on the ballot paper.

The Act stipulates that candidates may be deleted in accordance with the instructions on the ballot paper. Voters may delete candidates by marking the boxes to the right of the candidates' names, cf. Section 19b (3) of the Election Regulations. The column shall have the heading "Stryk". The ballot paper must include instructions emphasising that this is the only means whereby the voter can delete a candidate's name.

Deletions marked outside the particular column of boxes for deleting candidates, will not be recognised as deletions. The reason for this is that optical scanners must be able to scan the ballot papers. Considerations of an effective election and equal treatment of voters necessitate such a solution.

8.11.2 Municipal and county council elections

Under Section 7-2 (2) of the Election Act, voters may cast one personal vote for as many candidates as they wish in municipal and county council elections. It follows from Section 19c (3) that one column of boxes shall be printed to the left of the candidate names. This column shall have the heading "Personstemme" (Bokmål) or "Personrøyst" (Nynorsk). Voters add a personal vote for the candidate(s) by marking the appropriate box(es).

In municipal council elections, the voters may also cast personal votes for one or more candidates on other election lists, so-called "cross-party votes", cf. Section 7-2 (3) of the Election Act. This is done by entering the names of the candidates on the ballot paper, including party affiliation, if this is necessary to

identify the candidate. It follows from Section 19c (4) of the Election Regulations, that ballot papers shall include a field where candidates from other lists may be included. The first column of the table shall bear the heading “Kandidater fra andre lister” (Bokmål) or “Kandidatar frå andre lister” (Nynorsk). The second column shall bear the heading “Parti”.

The number of candidates that can be added from other lists (cross-party votes) depends on how many members the municipal council has. The maximum number of candidates that may be entered is equivalent to one quarter of the number of members to be elected. Since municipal councils are required to consist of an odd number of members, cf. Section 5 (2) of the Local Government Act, the number will not be divisible by four. Therefore the figures must be rounded off. The number shall be rounded down, because the number of cross-party votes would otherwise exceed the legal maximum of one quarter. Nevertheless, up to five candidates from other lists may always be entered, irrespective of the number of members on the municipal council.

8.12 Guides for voters

Pursuant to Section 19 (3) (d) of the Election Regulations, the ballot papers shall include a guide concerning the opportunity one has to make changes to the ballot paper. The text can be found in the Regulations.

9 ELECTION MATERIALS

9.1 Materials to be sent to the electoral committees

The Norwegian Directorate of Elections and the Sami Parliament distribute the following election materials to the electoral committees:

9.1.1 Official ballot paper envelopes

Ballot paper envelopes must be used for advance voting in the following circumstances:

- During the advance voting period, cf. Section 24a of the Election Regulations.
- In the event of loss of power or communication with the electoral register (contingency procedure), cf. Section 8-4 (3) of the Election Act and Section 27a of the Election Regulations.
- Where the electoral committee in special instances has determined that a ballot paper envelope must be used, cf. Section 8-4 (4) of the Election Act
- When a vote is received from a voter registered in another municipality, cf. Section 8-4 (5) of the Election Act.
- When a vote is received from a voter not listed in the relevant part of the electoral register or a voter who has already been crossed off in the electoral register, cf. Section 27 (4) of the Election Regulations.

On election day, ballot paper envelopes must be used if the vote must be must

put in a special cover.

For municipalities that use electronic crossing off in the electoral register on election day, ballot paper envelopes are also used at the polling station in cases where votes are to be accepted as contingency votes, cf. Section 9-5a (4) of the Election Act.

Ballot paper envelopes shall not be used during ordinary advance voting when voters cast advance votes in the municipality in whose electoral register they appear, or during normal voting on election day.

Ballot paper envelopes shall be brown and in C5 format. The front of the envelope shall bear the national coat of arms and the words “Valg/val”. Ballot paper envelopes for the Sami Parliament elections are blue.

9.1.2 Ballot papers with party names but no candidate names

The Norwegian Directorate of Elections shall distribute ballot papers that can be used by voters who vote outside their own county in parliamentary elections and outside their own municipality in county council elections. These ballot papers do not contain the names of the candidates. Instead, they contain an overview of all registered political parties, as well as a dedicated field to add other parties/groups. The voter shall mark the alternative they are voting for.

If the voter wishes to vote for a party/list that is not on the party ballot paper, the name can be added in an open field on the party ballot paper. Party ballot papers also have text in Braille.

In addition to the party names printed in ordinary text, Braille abbreviations of party names are included for the benefit of blind voters. The Norwegian Directorate of Elections shall distribute an information sheet printed in Braille designed for this group of voters. The sheet shall be made available to blind voters who receive the ballot papers the Norwegian Directorate of Elections sends out. The sheet contains an explanation for the party abbreviations used on the ballot papers and a guide on how to vote.

The Sami Parliament shall send out ballot papers for Sami Parliament elections containing party names and candidate names for use by voters who vote in their own constituency in Sami Parliament elections. It shall also send out blank ballot papers without party names and candidate names. These ballot papers shall be used by voters who vote outside their own constituency in Sami Parliament elections. The voter shall write the name of the list for whom they wish to vote on the ballot paper.

The ballot papers must be distinguishable from each other when simultaneous elections are held. In simultaneous parliamentary and Sami Parliament elections, ballot papers for the parliamentary election are orange, while ballot papers for the Sami Parliament election are blue. In simultaneous municipal and

county council elections, ballot papers for the municipal council election are pink, while ballot papers for the county council election are blue. In addition, the Norwegian Directorate of Elections shall also send out:

- blank polling cards

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- posters informing voters how to vote via either advance voting or on election day

9.2 Materials to be procured by the electoral committee

The electoral committees must procure all other necessary materials. These include:

- Ballot papers with the names of candidates.
- Window envelopes for advance voting. The Norwegian Directorate of Elections recommends that the municipalities use the new window format for the cover envelope. Older cover envelopes should not be used because of the risk of the name and address of the voter appearing in the envelope window.
- Contingency envelopes for use in the event the online electoral register is not available. On election day, these envelopes shall be orange.
- Cover envelopes for votes to be inserted in a separate cover, i.e. for
 - 1) “alien” vote
 - 2) voters who are not registered in the electoral register
 - 3) voters who have been crossed off in the electoral register because they voted in advance.
- Stamps for stamping ballot papers (for more information about stamps, see section 10.9.7).
- Sufficient writing materials (preferably ballpoint pens) to be placed in the voting booths for use by voters who want to make changes to the ballot papers.
- Wrapping paper and string.
- Sealing materials.
- Cover envelopes.

The Norwegian Directorate of Elections recommends the following

format for the windowed cover envelope: Envelope format: B5 (width 250 mm x height 176 mm).

Window size: Width 118 mm x height 95 mm.

Window placement: 14 mm from left edge and 46 mm from top edge.

Votes that shall be sent to other municipalities must be sent in a forwarding envelope, cf. Section 27 (8) of the Election Regulations.

The municipalities shall also have contingency envelopes available if the

electronic voting administration system, EVA, should go down during the advance voting period. This envelope should be different from the cover envelope. For example, this may be done by putting a “B” on the front of the envelopes used in a contingency situation.

Municipalities that use online crossing off in the electoral register on election day shall have orange contingency envelopes available for use in the event the online election administration system, EVA, goes down on election day, cf. Section 31a of the Election Regulations.

In good time before voting begins, the election committee must ensure that all the necessary election materials have been procured.

Election materials will be distributed to the municipalities directly from the printing service. Experience has shown that errors may occur in the distribution of the material, which necessitates replacement deliveries of materials to some municipalities. It is therefore important that election committees check the entire delivery immediately upon arrival, so that any replacement deliveries of election materials can be sent as soon as possible.

Municipalities that have not received a sufficient number of envelopes or ballot papers may contact the Norwegian Directorate of Elections to request more. For supplementary orders, please use the contact form found on the election official portal: <https://valgmedarbeiderportalen.valg.no/kontakt-oss/>. Please note, however, that other envelopes and any blank ballot papers may be used if the municipality runs out of the supplied materials.

The electoral committee must ensure that the election materials are distributed to the polling stations in a timely and appropriate manner, ensuring that nothing is lost or damaged. The chair of the polling committee is responsible for checking that all materials have been received.

9.3 Universally designed polling equipment

Each individual municipality is responsible for establishing polling stations, both for advance voting and for the election day itself. Universal design requirements, cf. section 10.3, shall be emphasised in the design of the polling stations.

Universally designed polling equipment has been developed, which takes into account the various challenges persons with disabilities face. The polling equipment includes the polling booth, ballot boxes and sign-posting. Both the polling booths and the ballot boxes have been designed to ensure that all voters, including wheelchair users, are able to use them. There will therefore be no need for a specially adapted polling booths for this group.

The Norwegian Directorate of Elections has entered into a framework agreement for the production of this equipment on behalf of the municipalities. This means that municipalities wishing to order equipment may do so by

making call-off orders on the agreement. The municipalities need not hold its own tender competition.

A web portal has been established to make it easier to order equipment. Municipalities can find information about and order equipment via the website. The online portal is found here: www.valgutstyr.no

Each municipality decides for itself how much equipment it wishes to purchase for each election. Each municipality also decides whether it wishes to purchase all or part of the solution. No municipality is obliged to purchase election equipment from this solution.

10 ADVANCE VOTING – IN NORWAY

It is important that all those involved in receiving advance votes are given sufficient training to prevent errors. Returning officers are responsible for ensuring compliance with relevant rules, as the votes may be otherwise be discarded.

The rules concerning advance voting are laid out in Chapter 8 of the Election Act and Chapter 6 of the Election Regulations. The municipalities are responsible for making arrangements for the receipt of the advance votes within Norway.

10.1 Early advance voting

Voters may cast votes within Norway from 1 July – so-called early advance voting. The early advance voting period shall last until 9 August, i.e. until the date on which ordinary advance voting starts on 10 August.

Formally, such “early advance voting” will be part of the advance voting, but the period from 1 July to 10 August is called the early advance voting period, and the period from 10 August to the Friday before election day is called ordinary advance voting.

Provision for this arrangement is laid down in Section 8-1 (4) of the Election Act:

(4) Electors who are in the realm, with the exception of Svalbard and Jan Mayen, and who cannot cast a vote in the advance voting period or during the electoral proceedings can apply to the municipal authority and cast their vote from 1 July and up to the start of advance voting on 10 August of the election year.

In some election years, 10 August will fall on a Saturday or Sunday. Section 15-5 of the Election Act then stipulates that the time limit shall be extended until the following Monday. The Act must therefore be interpreted to mean that in such years, it shall be possible to cast early advance votes until ordinary advance voting starts. Municipalities that so desire, may therefore keep early advance voting open on the last Saturday and Sunday before

ordinary advance voting starts.

This arrangement applies to all voters. Early advance voting is intended as a service for those who are unable to vote during the ordinary advance voting period or on election day. However, the voter is not required to provide documentation that they are prevented from voting in advance or from voting on election day.

Voters may cast their votes in any municipality in the country. In other words, there is no requirement that a vote must be cast in the municipality in which the voter is registered. The electoral committee shall forward the vote to the correct municipality, as and when the votes are cast.

Voters must apply to any municipality with a request to vote. This application may be submitted in writing or verbally.

10.1.1 Service hours for early advance voting

Section 24 a (2) of the Election Regulations provides the following: *“The Electoral Committee indicates where such voting is to take place. In so far as it is practically possible, the Electoral Committee shall take into account the voter’s wishes with regard to the time at which advance voting will take place.”* In reply to enquiries, voters shall be provided with information about when voting can take place.

If a voter claims that they are not able to cast their vote within this time frame, the electoral committee shall, within reason, seek to accommodate the voter’s wishes for a different time frame. This could, for example, include permitting the voter to cast their vote later in the day. However, as a point of departure, the voter should be requested to cast their vote during ordinary business hours/service hours. The electoral committee shall decide on the best solution according to the circumstances in each individual case. In announcements concerning the arrangement, it will nevertheless be sufficient to provide information about the ordinary service hours, as fixed by the electoral committee.

10.1.2 Organisation, procedure, election materials and the electoral register

Pursuant to Section 24 a (1) of the Election Regulations, the Electoral Committee has a duty to ensure that voters who contact the municipal authority during the period from 1 July to the start of ordinary advance voting are able to cast their vote.

All voters may contact the municipality, either personally or by other means, from 1 July with a request to vote. Early advance voting is intended to be a special scheme that should be easy to handle. Municipalities are not required to organise full advance voting facilities at all polling stations. The requirement of having two returning officers present for receipt of advance votes does not apply before 10 August.

Section 24 a (3) of the Election Regulations stipulates that *“the rules concerning advance voting laid down in the Election Act and the Election Regulations apply*

accordingly to the extent they are relevant. Section 8-4, subsections 2, 3 and 4 of the Election Act do not apply." The procedure for advance voting is provided in Section 8-4 of the Election Act and Chapter 6 of the Election Regulations. Among other things, this means that the requirement for votes to be cast in a "*secluded room and unobserved*" also applies during the advance voting period. Requirements in the Election Regulations concerning storage, sealing and transportation of materials also apply correspondingly.

Polling booths may be provided, or a secluded room if this is more convenient. The municipality must provide secluded space for the placement of ballot papers. The requirements with regard to the secret ballot shall apply in the same matter as all other voting. Consideration must also be given to wheelchair users, in the same manner as at polling stations.

The main rule provided in Section 8-4 (2), (3) and (4) of the Election Act for the ordinary advance voting regarding ballot papers being dropped directly into the ballot box does not apply.

Instead, the advance voting procedure is described in Section 24 a (4) of the Election Regulations.

For early advance voting, ballot paper envelopes, polling cards and cover envelopes must always be used.²

Polling cards are sent electronically to voters who have not opted out. Voters who have opted out of electronic polling cards will receive their card on paper, as before. The returning officer shall either print out a polling card from EVA, or fill out a blank polling card, which is to be put into the cover envelope with the ballot paper envelope. According to ordinary procedures, returning officers must include on to the blank polling card or duplicate polling card sufficient information to identify the voter, see section 4.11 regarding requirements for information on polling cards. This option can be used for voters who have brought their polling card with them.

If ballot papers showing the names of candidates are not ready when early advance voting begins, the party ballot paper with Braille may be used.

The ballot paper must be stamped before it is inserted into the ballot paper envelope. The municipalities must therefore have stamps available when the early advance voting period starts. If a ballot paper does not have a stamp, it must be stamped by the election official upon opening the envelope. The content shall be checked and the casted vote shall be assessed, cf. Section 39a of the Election Regulations..

In order to ensure a secret ballot, the ballot paper envelope must be sealed. If the voter has not sealed the envelope, the returning officer shall do so. An unsealed

² Voters will not yet have received polling cards during parts of this period. The municipality must therefore either use blank polling cards or print out a polling card from EVA.

envelope is not grounds for discarding the vote.

The returning officer shall use information from the electoral register and add this to the polling card. This includes information about which municipality in which the voter is registered. The returning officers appointed by the electoral committee shall not decide whether or not these votes are to be approved. Nor shall they cross off the register. The register must only be crossed off when a vote has been approved, cf. Section 10-1 of the Election Act. The returning officer shall never decide whether or not an advance vote is to be approved. This assessment shall be made by the electoral committee, in the normal manner.

Early advance votes must not be marked as “early advance votes” in any manner, but the number of advance votes received shall be registered separately in the electoral committee’s protocol. Votes from voters registered in other municipalities shall be forwarded as and when they are received. The electoral committee shall check the votes when the electoral register is ready. Until this time, the electoral committee must ensure that votes are securely stored. To ensure that the electoral register is updated before ordinary advance voting starts, the electoral committee should address votes before this time.

The requirements of the Election Regulations concerning storage, sealing and transport of materials apply similarly.

10.2 Ordinary advance voting period, within Norway

Ordinary advance voting starts on 10 August of the election year, cf. Section 8-1 (1) of the Election Act. If 10 August is on a Saturday or public holiday, advance voting shall start on the first business day thereafter, cf. Section 15-5 of the Election Act.

Advance voting cannot extend past the last Friday before election day, cf. Section 8-1 (2). The Governor of Svalbard may decide that voting shall close earlier than the main rule of the Act, if this is necessary in order to ensure that the advance votes are received in time.

Voters must personally ensure that they vote in time for their votes to reach the Electoral Committee before 17:00 on the day after Election day.

10.2.1 Service hours:

Service hours for the receipt of advance votes have traditionally been the same as the ordinary service hours of the municipality. It can be difficult to find the time to vote in a busy schedule. This can be especially difficult if the polling station is not open after working hours. In order to ensure good availability for voters, the municipalities should therefore give service hours careful consideration and examine the possibility of extending service hours later in the evening than what has previously been the norm.

The Ministry is of the opinion that there are grounds for extended opening hours

at least one day a week throughout the advance voting period, and that municipalities should consider extended opening hours every day in the last week before the election. However, on the last day before election day, it may be prudent, in the interest of making sure votes arrive in time, to close earlier. Municipalities should also consider the possibility of offering service hours on Saturdays.

10.3 Accessibility and facilitation of elections

The accessibility of ordinary elections concerns both which premises are used as polling stations and how these premises are made accessible. It is imperative to ensure that all those who want to vote in the election, have the opportunity to do so. Good accessibility shall ensure the individual's right to participate and have a say in society, and nobody shall be excluded from voting in an election due to lack of facilitation. It is therefore absolutely necessary for the municipalities to consider the accessibility of polling stations before elections. The Directorate of Elections has prepared a guide for accessibility in election, that may be useful in this work.

10.3.1 Universal design

The term universal design refers to designing products or surroundings in such a manner that they can be used by everyone, insofar as possible. The concept of universal design involves a stricter requirement for equality of opportunity than does the concept of accessibility for persons of reduced functional ability. Where accessibility for persons with disabilities may be achieved by means of special solutions, universal design requires that the main solution meet all user needs.

An important part of equality of opportunity for people with disabilities is to be able to exercise their right to take part in elections on the same basis as other citizens. When the electoral committee decides on premises to be used for advance voting, it is therefore necessary to take into account voters with disabilities.

The Equality and Anti-Discrimination Act stipulates requirements for the universal design of polling stations. Section 17 of the Act states “*Public undertakings and private undertakings focused on the general public have a duty to ensure that their general functions have a universal design.*” The duty does not apply to design or accommodation that imposes a disproportionate burden on the undertaking.

The purpose of the Equality and Anti-Discrimination Act is to promote equality and prevent discrimination based on, for example, disability. It is intended to “*help to dismantle disabling barriers created by society and prevent new ones from being created*”, cf. Section 1.

Participation in elections is one of the most important arenas for social participation. It is therefore important that the municipalities perform a thorough evaluation of whether the polling stations satisfy the requirements for universal design. Surroundings and materials shall be designed so that they can be used by people in all age groups and with different skills, capacities and

functional abilities. Conditions relating to movement, sight, hearing, understanding or sensitivity to the environment are crucial.

The building application part of the Planning and Building Act provides a legal basis for laying down regulations relating to the upgrade of existing public buildings to a standard corresponding to universal design. Such regulations have not yet been laid down.

10.3.2 The municipality's duty to act

The Equality and Anti-Discrimination Act contains requirements with which electoral committees must comply. Section 24 of the Act states that “[p]ublic authorities shall make active, targeted and systematic efforts to fulfil the purpose of the Act.” Section 19 of the Act also stipulates a duty to actively work to promote universal design, which supplements the general duty to act. These duties to act require that municipalities pay attention to whether or not polling stations satisfy universal design requirements.

10.3.3 Requirements related to advance voting premises – choice of premises

Sections 8-3 (1) and 9-3 (2) of the Election Act stipulate certain requirements for the premises to be used for voting. The premises must both be suitable for voting and accessible to voters.

10.3.3.1 Suitability

It follows from Section 8-3 (1) of the Election Act that voting shall take place in suitable premises. This means that the framework surrounding advance voting must be such that voters feel comfortable in the situation and secure in their knowledge that basic safety procedures are followed. Advance voting premises should therefore have a certain official characteristics. For this reason, public buildings are primary choices for voting. Other premises may also be used, but voting in premises in which activity of a commercial nature takes place, will not satisfy the requirement for voting to take place in a calm and dignified manner. However, this does not preclude advance voting in shopping centres or similar locations. But where in the shopping centre this is facilitated, must be evaluated in light of the suitability requirement.

In other respects, please refer to section 10.4.3, which describes voting in shopping centres in more detail.

For example, votes may be accepted in temporary premises, etc. outside the shopping centre, or a polling station may be established in a suitable area inside the shopping centre. Examples of potential polling stations include empty or vacant premises inside the centre. Whether or not certain premises are suitable for accepting advance votes, will depend on a specific assessment. In this assessment, the electoral committee must assess both the layout of the premises and the type of other activity taking place on the premises.

10.3.3.2 Accessibility

Voters must be able to enter the polling stations unassisted. Other premises must only be used under “special circumstances”. This means that voting must take place in premises where voters can enter unassisted.

If no such premises are available in the municipality, the municipality must generally implement measures to make the premises accessible to voters. This may include setting up a wheelchair ramp. If there are no suitable premises where voters may enter unassisted, and it is either impossible or disproportionately expensive to make the premises accessible to all voters, other premises may be used. A strict assessment must form the basis for the decision to use other premises.

The accessibility of premises will depend on their geographical location in the municipality, parking or bus stops nearby, whether they are in a traffic hub, whether they are located in a place used by many people, etc. The municipality should review the whole “voting process”, from parking or bus stop to ballot box, to see whether any obstacles that could create problems for certain voters have been overlooked.

Unmarked stairs/steps, especially, may be perceived as problematic.

The accessibility requirement applies to all polling stations in the municipality. It is not sufficient to make a single polling station accessible. Any deviation from this requirement requires a weighty reason. The Ministry would also like to emphasise that not facilitating a polling station on the grounds that facilitation is not needed in the polling district in question, does not constitute compliance with the Act.

When considering whether premises can be found where voters can enter unaided, all types of premises should be considered. Even though there is no tradition for organising advance voting in a certain type of premises, this would be a better solution than setting up a polling station on premises that are not accessible to all voters. Relevant premises are listed in section 10.4.

10.3.4 Facilitation on the premises

10.3.4.1 General information

Sections 26 and 30 of the Election Regulations contain requirements for good accessibility inside the polling stations. Accessibility in polling stations extends to all aspects of the interior of polling stations, which may affect the opportunity to cast votes. This includes signage/markings, accessibility, logistics, lighting and polling equipment, such as polling booths, ballot boxes and ballot papers.

In connection with the requirements for universal design, a polling equipment solution has been developed, from which the municipalities may order; see section 9.3.

The Ministry would like to point out the importance of municipalities keeping in mind who they are facilitating for. It is important to be aware that a large

portion of the population will be disabled for parts of life, for example during periods of injury and illness or old age. It is therefore important for municipalities to think creatively as regards facilitation.

10.3.4.2 Wheelchair users

The new polling booths have two tables, one for those standing and a lower one for wheelchair users. It should be possible to reach ballot papers for everyone inside these booths. If, in extraordinary circumstances, there are no suitable polling booths for wheelchair users, ballot papers may be laid out on one or more low tables on the premises. In such cases, the tables must be hidden from view to allow the voter to choose a ballot paper in secret. Another alternative is to distribute a complete set of ballot papers to voters who have difficulties using ballot papers laid out in the polling booth. However, we encourage, insofar as possible, the use of solutions that can be used by all.

10.3.4.3 The blind and visually impaired

Among other things, the Election Regulations stipulate that polling booths must be tidy and well-lit. The new polling booths have their own light over the tables. It is also important for information at the polling station and/or in booths to be displayed in sufficiently large fonts to be read by all.

The second sentence of Section 26, and Section 30, of the Election Regulations stipulate that voting shall be facilitated in such a way that blind and visually impaired voters can cast their votes without having to ask for help. The municipalities decide for themselves how they wish to facilitate the fulfilment of this requirement. In choosing procedures it is of decisive importance that the ballot be secret and that the chosen solution be easy to follow.

The Ministry recommends that ballot paper cassettes be marked with labels with the list heading in Braille for the blind and large print for the visually impaired. If such booths are used, it is generally sufficient to furnish one such booth in each polling station. However, one should consider facilitating multiple polling booths in this manner, as signage with large fonts may be beneficial for large groups of voters.

Another way to facilitate for blind and visually impaired voters is to use an index card solution. This entails using a small briefcase or similar with dividers, where the party names are printed in Braille and large type on the divider tabs. Ballot papers with candidates names are placed behind the dividers. It is important to remember a separate divider for blank ballot papers. When a blind voter comes to the polling station, the briefcase will be handed over to the blind person, who can find their desired ballot paper independently without help from others. This solution may be particularly relevant in the event of at-home voting.

It is extremely important to emphasise that the secret ballot principle must be safeguarded, whatever solution is chosen.

The requirement for the voting to be facilitated to enable blind and visually impaired voters to cast votes without help from others, applies regardless of where the advance voting takes place. As such, it does not only apply to ordinary polling stations and institutions, but also in the event of at-home voting. The requirement also applies abroad.

The Ministry recommends that people thoroughly familiarise themselves with the provisions of the Election Regulations, which are available on www.valg.no.

Feel free to cooperate with representatives of various user groups and get advice from people with disabilities when planning which premises to use and when designing inside these premises. See also: [municipal and county authority committees for people with disabilities](#).

10.4 Advance voting locations

10.4.1 Introduction

The electoral committee shall decide where advance voting shall take place. However, there is a statutory provision requiring that advance voting opportunities be provided in healthcare and social welfare institutions. See section 10.3.3 regarding the requirement to consider suitability.

10.4.2 "where the electoral committee otherwise determines..."

As stipulated by Section 8-3 (2) (b) of the Election Act, advance voting shall take place where the electoral committee determines that advance votes shall be received. The electoral committee must evaluate specifically how many advance voting locations are required in the municipality. The same applies to the service hours of the polling stations. However, the Act is based on the condition that it must be possible to cast an advance vote at at least one polling station throughout the entire period. This applies only to ordinary business days (Monday through Friday).

Locations where it is natural to hold advance voting, beyond those required by law (healthcare and social welfare institutions and ambulatory services) include municipal offices, public service offices, libraries, NAV (Norwegian Labour and Welfare Administration) offices, banks, housing cooperatives, shopping centres, schools, universities, university colleges, hotels, election buses, election boats, medical service boats, etc. When organising advance voting, it is important that the municipality ensures good accessibility for all voters.

10.4.3 In shopping centres

In many municipalities, shopping centres will be places used by many voters. If conditions are suitable, it would be natural to allow advance voting here.

In its comments in Prop. 64 L (2010-2011), the Ministry stated the following as regards the content of the provision:

“Traditionally, many municipalities organise advance voting in town halls and/or municipal service and information centres, sometimes as the only location. The Ministry believes that municipalities should consider whether this actually ensures the best possible accessibility and facilitation. It is important to ensure good participation in elections, and thus facilitate voting in places where voters can be found. The evaluation shows that there is positive feedback from advance polling stations in shopping centres. These days, there is good infrastructure connected with shopping centres, and shopping centres normally also have good accessibility and are well-organised for everyone, regardless of functional ability.

The Ministry urges each electoral committee to perform a thorough review of places for advance voting, with a view to the best facilitation for voting and the best possible accessibility for voters.”

The Ministry refers to what has been quoted from the Proposition and asks municipalities to consider whether it may be relevant to have advance voting at one or more shopping centres in the municipality.

Advance voting in or near shopping centres must be organised in such a way that the secret ballot principle is safeguarded, while ensuring that voting can be done undisturbed by other activity in the centre, as far as possible. If there are any vacant or unused premises in the centre, it may be natural to use these. Another alternative may be to use a temporary polling station set up outside the centre. The Ministry recommends that electoral committees enter into dialogue with the management of shopping centres with the aim of arriving at the most appropriate organisation of polling.

10.4.4 At schools, universities and university colleges

Being able to cast an advance vote at an upper secondary school, university or university college could be a simple and expedient way for younger voters to cast an advance vote. Municipalities with such educational institutions should therefore consider carefully what opportunities there are for voting there.

10.4.5 In prisons and military camps

Voters who are in prison may experience difficulties voting on election day. The same considerations that apply to providing facilities for advance voting at healthcare and social welfare institutions, also apply to persons who are in prison. This indicates that advance voting should be made available in all prisons.

The same considerations apply, although to a lesser extent, to military personnel in military camps.

10.4.6 In healthcare and social welfare institutions

Pursuant to Section 8-3 (2) (a) of the Election Act, advance voting in healthcare and social welfare institutions shall take place in the same manner as other

advance voting. This includes hospitals, nursing homes, after-care centres, etc. At-home advance voting could also be organised for people living in sheltered accommodation connected directly to the institutions as mentioned above, cf. Section 25 of the Election Regulations. It is not possible to determine that advance voting shall only be held at certain healthcare and social welfare institutions.

Advance voting shall take place at least one day at all institutions. In order to ensure as many voters as possible are able to vote, advance voting should be arranged as close to election day as possible. All voters shall have access to cast their advance votes at these institutions, including residents, personnel and other voters.

The previous paragraph is conditional on these institutions being accessible to the general public. It has been pointed out to the Ministry that certain institutions are privately owned and that a number of institutions are not open to the general public. The wording of the Act stipulates that it must be possible to receive advance votes, even in these types of institutions. It is important that the election authorities establish a good dialogue with representatives of the institutions so that advance voting may be organised and implemented in a manner that does not conflict with the rules and principles that apply in the relevant institutions. Institution staff may be appointed as returning officers, as needed.

10.4.7 Ambulatory voting

Voters who, due to illness or disability are unable to vote at any of the locations where advance voting is available, may apply to the electoral committee to cast an advance vote at their place of residence, cf. Section 8-3 (6) of the Election Act.

The electoral committee shall set a date by which such applications must have been received by the municipality.

The date shall be set to a time between Tuesday and Friday in the final week before the election. The electoral committee must publicise the ambulatory voting scheme well in advance of the date.

The Act does not contain any formal requirements with regard to the application. For example, there is no requirement that the application must be made in writing. The application must, however, specify that the voter is ill or disabled and therefore prevented from voting in advance from another location.

10.5 Announcement of advance voting

The electoral committee shall announce the time and place for all advance voting in the municipality, cf. Section 24 of the Election Regulations. Announcement of advance voting must be given in a medium that will reach as many voters as possible. This includes the local newspaper, a municipal information brochure,

etc. The Ministry would especially like to encourage municipalities to ensure that good, clear information about the election is posted on the municipality's website.

As for all other advance voting, advance voting in institutions must be announced. Such announcements should include both posting at the institution and announcements in newspapers. The staff at the institutions should also inform those confined to their beds and others who are unable to read the notices.

10.6 Returning officers

Pursuant to Section 8-2 (1) (a) of the Election Act, the electoral committee shall appoint returning officers within Norway.

The electoral committee must appoint the number of returning officers that is necessary in order to execute advance voting in a satisfactory manner. It is the responsibility of the electoral committee to ensure that returning officers receive the necessary training.

Returning officers must study and learn the rules governing advance voting.

Section 8-2 (3) of the Election Act limits the tasks list candidates may perform during elections. List candidates who appear on electoral lists in the election cannot be appointed as returning officers in the municipality in question in the same election. This means that list candidates cannot serve as returning officers. This restriction only applies to those who are personally standing in the relevant election, and not to politicians in general.

10.6.1 Number of election officials at polling stations

Section 8-1 (5) of the Election Act stipulates that two returning officers must be present during the casting of advance votes. This applies only during the ordinary advance voting period in Norway, with the exception of Svalbard and Jan Mayen. The requirement for two returning officers does not apply to early advance voting.

The requirements for two returning officers was introduced at the same time as when the use of ballot paper envelopes for voters casting their vote in their own municipality was discontinued. When the vote is approved and placed in the ballot box as it is cast, it cannot be traced back to the voter. Errors will therefore have greater consequences, as they cannot be corrected. Having two people present will therefore improve the quality of the execution. This is also necessary in order to ensure confidence in the election system, and to protect election officials against suspicion.

10.6.2 Two returning officers

The intention behind the provision is to ensure that two returning officers monitor the ordinary advance voting process, i.e., that at least two returning officers are physically present when the ballot papers are stamped, the name of the voter is crossed off in the electoral register and the voter deposits the ballot

paper in the ballot box. In other words, it does not seem to be in accordance with the intentions of the provision that only one returning officer receives advance votes while the other is busy with other tasks in the room.

It is up to the electoral committee to decide on the organisation of the voting and how the tasks are distributed between the returning officers in accordance with the legislation. The municipalities themselves must assess whether the requirement has been met in the various cases.

10.7 Ban on canvassing, etc.

10.7.1 Canvassing

Pursuant to Section 8-5 (1) of the Act, canvassing is not permitted in the room in which advance voting is taking place. This ban means that it is not permitted to conduct an election campaign in the form of stands or similar. The ban covers canvassing for or against the system, political parties, opinions or persons. It covers both verbal and written opinions, such as posting notices or handing out brochures.

10.7.2 Information about the consumption of ballot papers

Pursuant to Section 8-5 (2) of the Election Act, unauthorised persons must not gain any knowledge of the consumption of ballot papers for the different electoral lists. This means that election officers must not provide information to the press, for example, concerning the consumption of ballot papers. The press or others must also not be given access to the polling booths or to other locations where ballot papers are laid out, in order to check the situation concerning consumption of ballot papers.

10.8 Identification

Section 8-4 (6) of the Election Act regulates the obligation to provide proof of identity during advance voting. The corresponding provision regarding voting on election day appears in Section 9-5 (2) of the Election Act.

If the voter is not known to the returning officer, the voter must provide identification. If an unknown voter is unable to prove their identity, the returning officer shall not accept their vote. The voter must be turned away and advised to return later with proof of identity.

If the returning officer knows the voter, it is not necessary to show identification. There is also nothing to prevent those acting as election officials at the polling station from identifying the voter. The Ministry points out, however, that other voters in the polling station cannot confirm another voter's identity. It may be expedient to have voters show identification even if the returning officer knows them, as the identification will include the national identity number, which is unique when used for look-ups in the electoral register.

Neither the Act nor the Regulations define what form of identification shall be

accepted. The returning officer must consider the identification presented by the voter in each individual case. It is a minimum requirement that the identification has a certain official character and includes the voter's name, date of birth and photo. Common types of identification include debit cards with a photo, driving licences or passports, but other types of photo identification may also be acceptable.

The Ministry would like to point out that it is important to show good judgement in deciding whether the identification offered is sufficient proof of the voter's identity.

The point of departure must be that if the identification provides a credible impression, the voter has fulfilled their obligation. Provided the returning officer can see that the correct person is present, the voter should be allowed to cast a vote. This should apply even if the identification has expired. Even so, the return officer must assess the “quality” of the identification in every case.

The Ministry encourages municipalities to provide information to the local NAV office and other relevant agencies in the municipality, so that they can consider granting financial support to obtain identification, or establish a system for issuing temporary identification free of charge.

If the voter has left their identification at home and circumstances permit, it may be relevant to drive the voter home to collect the identification. One can otherwise be helpful and assist in calling a taxi or similar.

The returning officer must verify that the voter in question is the person he or she claims to be. This may create particular problems with regard to garments that completely cover the head. The identification requirement means that the voter's face must be seen.

The returning officer must explain what the identification requirement entails and ask the voter in a respectful way to show their face to enable identification. This could be handled in a secluded area/separate room.

The Act includes one exemption from the requirement for voter identification in the case of advance voting in institutions such as healthcare and social institutions and prisons. In this case, it is not an absolute requirement that an unknown voter shows proof of identity, because it may be the case that those staying in such institutions may not have identification available. Instead, the voter may be identified by an employee of the institution. In such case, it is a requirement that the employee identifies themselves.

The exemption does not apply to visitors to the institution. In this case, the full identification requirement applies.

10.9 Procedure for advance voting

10.9.1 Premise and main rule

The returning officer is obliged to inform the voter of the rules applying to advance voting and to ensure that the voting takes place undisturbed.

The returning officer must not make any attempt to influence the voter with regard to their vote.

The advance voting procedure is laid down in Section 8-4 of the Election Act and Section 27 of the Election Regulations. The main premise is that the returning officer show the voter to the place where the ballot papers have been placed, before the further procedure pursuant to Section 8-4 of the Election Act is decided.

The main rule is that voters who cast a vote in the municipality on whose electoral register they appear must place their ballot paper directly in the ballot box. If the voter is registered in another municipality, a ballot paper envelope shall be used instead, which must be placed in a cover envelope along with the polling card. A review of the various procedures can be found below.

As regards the advance voting procedure, see section 10.1.

10.9.2 Voters in the municipality's electoral register – directly in ballot box

Voters who cast their vote in the municipality where they are registered, shall place their ballot paper directly in the ballot box, cf. Section 8-4 (2) of the Election Act. This is the same procedure as on election day. The voter shall be shown into the booth, choose their ballot paper, fold it and approach the returning officer. The returning officer shall cross off the person in question in the electoral register, stamp the ballot paper and the voter must personally place it in a sealed ballot box. The vote is then approved when the voter places the ballot paper in the ballot box and is crossed off in an electronic online electoral register.

This arrangement takes effect when the ordinary advance voting starts on 10 August. For early advance voting, ballot paper envelopes, polling cards and cover envelopes must be used.

10.9.2.1 Scope of application

This arrangement shall apply in Norway, with the exception of Svalbard and Jan Mayen. The procedure must be followed on all premises where the electoral committee decides that votes will be accepted pursuant to Section 8-3 (2) of the Election Act. This also includes various institutions, prisons, military facilities, etc. Furthermore, the procedure shall also be followed when at-home votes are cast in the event of ambulatory voting. Returning officers must bring a ballot box, ballot papers and a computer with access to the Internet in order to log on to the election administration system (EVA) with online access to the electoral register when the vote is collected. For the use of ballot paper envelopes in special circumstances, see section 10.10.4.

10.9.2.2 Time for approving votes

When a ballot paper is placed directly into the ballot box, the vote is approved at

the same time as the voter casts an advance vote. This means that those appointed as returning officers have the authority to approve ordinary votes placed in the ballot box.

10.9.2.3 Electronic electoral register

In order for the returning officer to verify that the voter is eligible to vote in the municipality and has not already had a vote approved, it is a condition that the returning officer must have access to an updated online electoral register when the vote is cast. With EVA, all municipalities have access to an electronic nationwide electoral register.

With an electoral register available online, the vote shall be approved as it is cast and the voter is crossed off in the electoral register. This means that the crossing-off electoral register can be printed out with crossed-off approved advance votes.

10.9.3 If the online electoral register is not available – contingency situation

A condition for the voters to place the ballot papers directly in the ballot box is that the returning officer has online access to the electronic electoral register, to ensure the voter cannot have more than one vote approved. Access to the online electoral register requires sufficient uptime, technical equipment and communication. It is important that the municipalities ensure internet access at their polling stations.

It is possible that the electoral register could be temporarily unavailable to the returning officer when the voter wants to cast their vote, for example due to a power outage. In this case, it will not be possible to cross off the voter in the electoral register, and the returning officer must follow the contingency procedure.

The procedure that must be used when the online electoral register is not available follows from Section 8-4 (3) of the Election Act and Section 27 a of the Election Regulations. The procedure is only relevant in cases where the voter is supposed to place the ballot paper in the ballot box, but where the electoral register is temporarily unavailable. In these cases, a temporary contingency procedure shall be used. This entails using a ballot paper envelope that is placed in a separate contingency envelope along with the polling card, for as long as the electronic electoral register is unavailable. The contingency envelope must be placed in a ballot box. The municipalities determine whether to use a separate ballot box for these cases, see section 10.9.8.

These votes must be approved by the electoral committee afterwards. When the contingency situation ceases, the contingency envelopes shall be delivered to the electoral committee for approval. Approval should take place continuously, with the aim of achieving the most up-to-date crossed-off electoral register possible.

The contingency procedure, with the use of a contingency envelope, should only

be used when the online electoral register is not available. When the electoral register is available again, the voter must place the ballot paper directly in the ballot box as stipulated by the main rule.

10.9.4 Use of ballot paper envelopes in “special cases”

In some cases, it will not be suitable or practically feasible to follow the main rule to place the ballot paper directly in the ballot box. Special circumstances could result in it not being possible to get the necessary infrastructure in place to ensure an online electoral register at certain locations. During voting, for example in prisons, where there are often many people who are registered in other municipalities and who must use ballot paper envelopes regardless, it may be expedient to have all voters cast their vote according to the same procedures, in order to ensure sufficient secrecy. It can also be difficult to ensure online access to the electoral register for ambulatory voting. In these cases, ballot paper envelopes can be used, which are placed in a cover envelope along with the polling card. The electoral committee must then decide whether to approve the vote.

Deviation from the main rule is only allowed in special cases, cf. Section 8-4 (4) of the Election Act. This is thus an exception, which may only be used following a thorough assessment of the need and whether it constitutes such a special case. The special case must be related to an existing situation, or a situation that arises. Special circumstances could, for example, include known local technical problems, because it is particularly impractical or difficult to achieve stable access to the electoral register online. To ensure secrecy, as many voters as possible should cast their vote directly in the ballot box.

Each individual municipality will determine when votes should be cast according to this exception. The electoral committee must carry out a specific assessment in each individual case.

The electoral committee cannot decide that they will only accept votes according to this procedure.

In small municipalities with few advance votes, it will often be challenging to ensure secrecy when there are different categories of votes that are cast in different manners. It is out of consideration to voters that advance votes can be submitted in several manners. The consideration to the voter also allows for as many as possible to place their ballot paper directly in the ballot box. All election officials are subject to a duty of secrecy if they learn how a voter voted.

10.9.5 If the voter cannot be found in the electoral register or is already crossed off

As on election day, it is possible that the voter cannot be found in the electoral register or is already crossed off for approved voting. In these cases, the person in question should still be able to vote, but must use a ballot paper envelope. The electoral committee shall address the vote afterwards.

A special cover is used for such cases on election day. In advance voting, it is more expedient to use cover envelopes. When the ballot paper has been stamped, the voter personally places it in a ballot paper envelope and seals the envelope. The returning officer places the ballot paper envelope and polling card in a cover envelope, which is then sealed. The voter places the cover envelope in a ballot box. The returning officer ensures that received cover envelopes are submitted to the electoral committee for processing in connection with their checking the votes.

10.9.6 Voter registered in another municipality

The procedure in cases where the voter is registered in another municipality is regulated by Section 8-4 (5) of the Election Act. Advance votes submitted by voters registered in another municipality shall be placed in ballot paper envelopes that are placed in a cover envelope along with the polling card. This is because such votes must be forwarded to the electoral committee in the correct municipality for subsequent verification. It is not possible for voters to place the ballot paper directly in the ballot box in these cases.

Voters with voting rights in another constituency than where the vote is cast must be issued with a cross-off ballot paper with the names of registered political parties, unless they bring along a ballot paper from their own constituency, cf. Section 27 (2) of the Election Regulations. Voters must always place their vote in a ballot box, even when ballot paper envelopes are used. The municipalities themselves shall determine whether to use a separate ballot box in these cases.

10.9.7 Stamping ballot papers

To ensure the voter can only have one vote approved, all ballot papers must be stamped according to the procedure on election day. This applies both to votes going directly in the ballot box and those that will be placed in ballot paper envelopes. This means that all voters, regardless of whether their vote will be placed in a ballot box or a ballot paper envelope, must go to the booth first. When the voter then approaches a returning officer, the appropriate procedure will be decided.

During counting, ballot papers placed directly in the ballot box must be discarded if they have not been stamped, see Chapter 14. Any unstamped ballot papers in ballot paper envelopes shall be stamped by the election officer when the envelope is opened. The content shall be checked and the vote shall be considered. This is the same procedure that is followed when ballot papers in special cover envelopes on election day are not stamped, see section 15.2. Consequently, ballot papers placed in ballot paper envelopes should not be discarded due to a missing stamp. In these cases, the missing stamp is due to an error by the returning officer. The ballot paper envelope replaces the stamp, and there is no doubt regarding the validity of the ballot paper.

Election day votes and advance votes must be counted separately. In order to prevent mixing advance votes and election day votes, the stamps are required to be different for advance voting and election day voting. In order to ensure secrecy, it is also a requirement that the stamp does not reveal in what municipality the vote is cast, see Section 8-4 (7) of the Election Act. Stamps with municipal crests, etc. must therefore not be used during advance voting.

Each municipality can determine the design of the stamps and who will be responsible for purchasing. Multiple municipalities may join forces and coordinate purchasing. There is also nothing to prevent county authorities from potentially playing such a role.

The decision of which stamp to purchase must be made on the basis of the purpose and consideration behind the requirement for a stamp. The purpose of the stamp is to ensure the voter can only have one vote approved. Stamps for advance voting must be different from election day voting because the ballot papers shall be counted separately. Due to security considerations, the same stamp should not be used by all municipalities across the country (such a common stamp could more easily lead to fraud or abuse).

For advance votes, the stamp must not indicate the municipality where it was received. If a municipality receives few votes from other municipalities, the risk is significant that secrecy cannot be ensured if the stamp indicates where votes were cast. That is the reasoning behind the requirement that the stamp for advance voting cannot contain the municipal crest/name. The same consideration does not apply to election day voting. No votes are received from other municipalities on election day. There is therefore no problem with the stamp potentially containing the municipal crest on election day.

The stamp should be easy to read, i.e. not too small. It must be easy to distinguish the stamp used with advance votes from the stamp used on election day. The stamp should provide a good imprint and preferably be black. This makes it easier to scan the ballot papers, and fewer ballot paper have to be verified. It does not matter whether it is square or round. The motif of the stamp is also of no significance, with the proviso that stamps used during advance voting cannot contain municipal crest/name. Stamps used by municipalities for elections may contain the national coat of arms. Guidelines for using the national coat of arms are available at the Ministry of Foreign Affairs' website.

10.9.8 Ballot boxes

During advance voting there are multiple categories of votes, which may be cast in various manners. Below is an overview of the various categories and how to submit the votes:

<i>Voting categories</i>	<i>Procedure</i>	<i>Verification</i>
Early advance voting	Ballot paper envelope in cover envelope	Verified afterwards
Voter who votes in advance in own municipality	Ballot paper directly in ballot box	Crossed off in electoral register and verified by returning officer
In the event of power outage or breach in communication with the electoral register (contingency procedure)	Ballot paper envelope in separate contingency envelope	Verified afterwards
In special cases when the electoral committee has determined that a ballot paper envelope must be used	Ballot paper envelope in cover envelope	Verified afterwards
Vote from voter who is registered in another municipality	Ballot paper envelope in cover envelope	Verified afterwards
Vote from voter who is not listed in the relevant part of the electoral register or who is already crossed off in the electoral register	Ballot paper envelope in cover envelope	Verified afterwards

The voter must always personally place either their ballot paper or ballot paper envelope in a ballot box. Ballot boxes must be sealed.

It is up to the municipalities to determine whether one or more ballot boxes should be used during advance voting. Local conditions and different sizes could indicate that this is evaluated differently from municipality to municipality. Municipalities that receive many votes from voters registered in other municipalities could, for example, choose to have a separate ballot box for these cases.

It is particularly important to note that ballot papers that are placed directly in the ballot box in accordance with Section 8-4 (2) of the Election Act are approved as they are cast. It could therefore be expedient to use different ballot boxes for votes placed directly in the ballot box and votes submitted in ballot paper envelopes. If the same ballot box is used, the ballot box must be emptied at the end of the day, and the votes must be sorted. This requires good procedures.

It is recommended to use a separate ballot box in cases where votes are submitted in a contingency envelope in accordance with Section 8-4 (3) of the Election Act. Votes submitted according to the contingency procedure should not be mixed with other votes.

Contingency envelopes should only be used when following the contingency procedure in Section 8-4 (3) of the Election Act, cf. Section 27 a of the Election Regulations, see section 10.10.3.

10.9.9 Number of election officials at polling stations

During ordinary advance voting in Norway, except for on Svalbard and Jan Mayen, there must be at least two returning officers present for receiving advance votes, see section 10.6.

10.9.10 General provisions

Voters who are not eligible to vote in the county in parliamentary elections or county council elections or in the municipality in municipal council elections, shall, for each election receive a cross-off ballot paper with Braille, containing a list of names of the registered parties, cf. Section 27 (2) of the Election Regulations, and including a dedicated area to add other parties/groups and to cast a blank vote. In elections to the Sami Parliament, voters who are not eligible to vote in the Sami electoral area shall be given a blank ballot paper on which they enter the name on the list they wish to vote for. These voters shall therefore not use the ballot papers with candidate names that are laid out in the polling stations.

Inside the polling booth (*“in a secluded room and unobserved”*) the voter must fold the ballot paper in such a manner that the electoral list the voter has voted for is not visible.

If a ballot paper envelope is used, the ballot papers for both municipal council and county council elections must be placed in the same ballot paper envelope. In parliamentary elections and Sami Parliament elections the ballot papers must be placed in different ballot paper envelopes.

If a ballot paper envelope and polling card is used in Norway, the returning officer shall sign the polling card and write down when and where voting took place. If the voter has received an electronic polling card, or did not bring the polling card with them, the returning officer shall fill out a polling card with the necessary information or print a polling card from EVA. The returning officer shall place the ballot paper envelope and polling card in a cover envelope, which is then sealed. Votes for the Sami Parliament elections must be sent to the Sami Electoral Committee along with a separate polling card in a separate cover envelope.

The polling card shall be completed in such a manner that it is possible to unambiguously identify the voter on the basis of the information on the card, cf.

Section 23 (2) (b) of the Election Regulations. In addition, the returning officer must cross off for the correct election and fill out the name and address of the electoral committee/Sami electoral committee where the vote is to be sent. The voter's name and address must always be completed, even if, e.g., the electoral register number could be sufficient. A name and address could, however, be insufficient to unambiguously identify the voter. Other information it would be relevant to add to the polling card therefore includes the voter's electoral register number or national identity number.

10.9.11 Right to assistance with voting

Voters who, due to physical or mental disability are unable to vote by themselves, can, at their request, get assistance from a returning officer or other person of their choosing. The voter may be assisted by both a returning officer and another person of their choosing if they so request. By requiring the voter to personally request assistance, the risk of situations where the voter can be subjected to undue influence is reduced.

In connection with advance voting, the returning officer shall decide whether the conditions for the right to assistance have been met. Situations may arise where returning officers disagree on whether the voter has met the conditions for the right to assistance. Pursuant to the provision, it is sufficient that one returning officer believes the conditions for the right to assistance have been met.

The returning officer shall make the assistant aware that are they are subject to a duty of secrecy.

Other voters with a need for assistance should receive guidance without a returning officer or election official being present inside the polling booth while the voter makes their selection. The need for guidance could, for example, be caused by poor language proficiency in Norwegian or a lack of knowledge about how to vote. An election official can provide guidance to the voter about how they should proceed inside the booth before the official steps out of the booth and allows the voter to make their selection in private.

This provision is described in more detail in connection with voting on election day.

10.9.12 In healthcare and social welfare institutions

Advance voting in healthcare and social welfare institutions takes place largely in the same manner as other advance voting, cf. the above. There must also be at least two returning officers present during advance voting in institutions.

Out of consideration for patients/pensioners arriving at the institution during the final days before the election, advance voting should take place as close to election day as possible. The electoral committee should always consult with the management of the institution before deciding when voting is to take place at an institution. Institution staff may be appointed as returning officers, as needed.

10.9.13 In patient rooms and in sheltered accommodation

Voting is permitted in patient rooms in healthcare and social welfare institutions. However, such voting should not take place to a greater extent than absolutely necessary.

Patients/pensioners who are not confined to bed and who wish to vote should do so in a separate room in the institution, arranged for this purpose.

Some patients wishing to vote may share rooms with other patients. According to Section 8-4 (1) of the Election Act, the voter shall, in “*a secluded room and unobserved*,” fold the ballot paper up in such a manner that it is not possible to see which electoral list the voter is voting for. Whenever it is practical and safe to move one or more patients out of the room while voting takes place, this should be done. However, in many cases such a step may be difficult to implement. A more practical approach will therefore be to screen off the voter from the other patients, e.g. by means of portable screens, etc. Regardless of the chosen solution, it is important that the returning officer arranges matters so that voting can take place in a completely secure manner so that none of the other patients in the room are able to observe how the voter votes.

With regard to casting of votes in patient rooms and in the homes of persons living in sheltered accommodation, the returning officer shall give the voters a single ballot paper for each group submitting lists at the election, cf. Section 27 (5) of the Election Regulations.

Unused ballot papers must be placed in an envelope, which is sealed. This will ensure that the voting remains secret. The voter can choose to keep the envelope containing the unused ballot papers or give it to a returning officer. If the envelope is given to a returning officer, the returning officer shall ensure destruction of this in a satisfactory manner and inform the voter of this. The voter shall put their vote in a ballot box, but the individual municipality shall determine whether a separate ballot box shall be used in these cases.

To ensure that voting at institutions can be implemented in a satisfactory manner, the election authorities must cooperate with the institutions concerning the practical implementation. It is particularly important that patients are given the necessary voting information in advance. With regard to patients who are confined to their beds, personnel at the institutions shall be included in the process and pass on necessary information in advance. However, the personnel cannot receive votes unless they are appointed as returning officers by the electoral committee.

10.9.14 Ambulatory voting

In the case of ambulatory voting, there shall also be no fewer than two returning officers present at the voting premises cf. Section 8-1 (5) of the Election Act.

Voters shall be given a single ballot paper for each list in the election, cf. Section 27 (5) of the Election Regulations. Unused ballot papers shall be placed in an

envelope, which is sealed, and the voter can either keep the envelope with the unused ballot papers or give it to a returning officer. If the envelope is given to a returning officer, the returning officer must ensure destruction of this in a satisfactory manner and inform the voter of this.

10.9.15 Voters with reduced cognitive abilities

All those who fulfil the conditions of Sections 2-1 and 2-2 of the Election Act are entitled to vote. This naturally includes persons with varying degrees of reduced cognitive abilities, such as persons with mental disabilities or dementia.

Special problems for both the voter and returning officers may arise during voting. This applies particularly in cases where the voter struggles to understand that they are in a voting situation, or where the voter has problems accounting for which list they wish to vote for.

The key point is that the voter personally decides whether or not to vote. Exercising the right to vote is voluntary. Relatives, election officials and employees at institutions and care homes or sheltered housing must not influence anyone to use the right to vote against their will, or decide that a person who is entitled to vote should not be given the opportunity to do so. Typically, employees at institutes cannot decide which residents or patients are “*fit to vote*”. Neither can election officials or the voter's family.

It is also important that election workers are aware that it is the voter who decides who they will vote for. Neither family members nor employees of institutions shall be able to influence or compel the voter to vote for a particular list. Such undue influence during voting is against the law.

Experience shows, however, that situations will arise where the voter is not capable of casting a vote on the basis of their own assessment. This group of voters will often be accompanied by someone to assist in voting and they may be vulnerable to influence from family members, election workers or employees of institutions.

If a person does not display a certain interest in or will to cast a vote, the returning officer must make a concrete and individual assessment of whether or not this is a person who wishes to cast a vote. The reason for this is that the voter shall decide this and not, for example, a family member who declares that the person has always voted.

In this context, as always, it is important that voting is done in a satisfactory manner, so that the secret ballot requirement is fulfilled. Any assistants shall be made aware that they are subject to a duty of secrecy, cf. Section 15-4 (2) of the Election Act.

It is not permitted to use any form of delegated authority. Nobody may cast a vote on behalf of another voter in this way.

10.10 Advance votes received too late

10.10.1 Legal requirements

Pursuant to Section 8-1 (3) of the Election Act, the voter is responsible for casting their vote at a time which means that the electoral committee receive the advance vote by 17:00 on the day after the election day. However, the objective is that as many as possible of the advance votes are received in time.

It follows from Section 27 (8) of the Election Regulations that, in the second to last week of the advance voting period, advance votes shall be forwarded to the voters' home municipalities every day.

In the last week before election day, advance votes shall be forwarded in such a manner that they are received by the electoral committee by 17:00 on the day after election day. This means that they should not be sent by letter post this week. The Directorate of Elections shall establish a distribution agreement for express forwarding of advance votes during this period, which the municipalities may use.

Mailing envelopes shall be used when forwarding cover envelopes.

10.10.2 Practical tips for procedures

In addition to following the statutory procedures for forwarding advance votes, there are several measures the municipalities can implement to help the votes arrive in time.

It is important that the correct address of the electoral committee in the recipient municipality is written on the mailing envelope. One small error in the postal code can lead to a delay in the mailing system, which may mean that the vote is discarded.

Election officials should also be made aware that there are two pairs of municipalities in Norway that share the same name:

- Herøy in Møre og Romsdal and Herøy in Nordland,
- Våler in Viken og Våler in Innlandet.

It is important that advance votes sent to the electoral committees in these municipalities have the correct postal code. A vote sent to the wrong municipality in the last days of the advance voting period may end up being discarded because it has taken too long for it to arrive at the correct municipality.

It is also recommended that the municipalities enter into a dialogue or cooperation with the Norway Post locally. Election officials must be made aware of the final submission deadline for mail prior to the election day.

11 ADVANCE VOTING – ABROAD

11.1 Introduction

The rules governing advance voting abroad are provided in Chapter 8 of the Election Act and Chapter 6 of the Election Regulations. This chapter provides a brief overview of these regulations.

11.2 Dates for advance voting abroad, on Svalbard and Jan Mayen

Advance voting abroad and on Svalbard and Jan Mayen commences on 1 July.

No votes must be accepted before this date. Any such votes will be rejected.

Advance voting abroad must not continue beyond the second-to-last Friday before election day, cf. Section 8-1 of the Election Act. On Svalbard and Jan Mayen, advance voting may continue until the last Friday before election day. However, the Governor of Svalbard may decide that advance voting shall close at an earlier date, if this is necessary in order to ensure that the advance votes are received in time. Advance votes received abroad and on Svalbard and Jan Mayen shall be forwarded to the municipalities' electoral committees. They must be received by the electoral committees in the relevant municipalities no later than 17:00 on the day after election day in order to be included in vote counting.

11.3 How to vote in advance

There are two ways to vote in advance when abroad. Either in the presence of an official returning officer – a member of the Foreign Service or a returning officer appointed by the Ministry, cf. Section 8-2 (2) of the Election Act – or voting by post (postal voting from abroad), cf. Section 8-2 (4). Voters who are unable to vote in advance in the presence of a returning officer may thus cast a vote by post without the presence of a returning officer. If the voter so wishes, they may request to have materials sent from a Foreign Service Station.

The procedure for postal voting from abroad is described in Section 28 of the Election Regulations. The voter shall personally insert the ballot paper into the ballot paper envelope and then place this inside a cover envelope. The following information shall be written on the cover envelope:

- The voter's name, last registered address in Norway and the voter's national identity number.
- The name and address of the electoral committee.
- The time and place for voting.

The voter must sign the cover envelope. If possible, a witness should confirm that the information on the cover envelope is correct. The voter then sends the vote to the electoral committee. The Norwegian Directorate of Elections has prepared a guide on how to vote by post. This is available on www.valg.no.

11.4 Advance voting locations

Advance voting in the presence of a returning officer shall take place:

- on Svalbard: where the Governor of Svalbard decides

- at a Norwegian foreign diplomatic station: At the station. The head of the station may decide that the vote may be received outside the station area. In such cases, the returning officer can only accept votes at locations decided by the head of the station.
- in the presence of an appointed returning officer on Jan Mayen and outside the realm: As decided by the Ministry. An updated overview is available on www.valg.no.

There is no statutory requirement for receipt of advance votes on board Norwegian ships in foreign trade or sailing between Norway and Svalbard and Jan Mayen. If advance voting is to take place on board such ships, a returning officer must be appointed or, alternatively, voters may cast their votes by post.

The Ministry has delegated the authority to appoint returning officers abroad to the Norwegian Directorate of Elections.³

11.5 Advance voting materials

Returning officers must have the following materials on hand:

a) Ballot papers

The Directorate of Elections shall send printed party ballot papers with Braille, including an overview of the registered political parties, as well as dedicated fields where other parties/groups can be added, or a blank ballot may be cast. The voter shall mark off the party they are voting for. Please note that not all parties have lists in all constituencies.

An overview of which parties have nominated candidates in the different constituencies can be found on www.valg.no.

Should party ballot paper for advance voting run out, ordinary sheets of paper may be used as ballot papers. It is also possible to make copies of the ballot paper. This is available on www.valg.no. If an ordinary sheet of paper is used as a ballot paper, the voter must specify which election the ballot paper refers to. In elections to the Sami Parliament, a blank ballot paper shall be used, on which voters write in the name of the list they wish to vote for.

b) Ballot paper envelopes

The Norwegian Directorate of elections shall distribute official ballot paper envelopes. If a returning officer runs out of ballot paper envelopes, ordinary envelopes may be used. In consideration of secret ballots, the use of envelopes showing the name of a company, embassy or similar should be avoided. However, votes will not be rejected if such envelopes are used.

c) Cover envelopes

³ <https://lovdata.no/dokument/LTI/forskrift/2017-01-23-79>

The ballot paper envelope must be inserted into a cover envelope which must be completed with the information specified in the Election Regulations, cf. Section 27 (6). It is the responsibility of the returning officer to ensure that the necessary information is complete and correctly written on the cover envelope.

The Norwegian Directorate of Elections will print and distribute cover envelopes for advance voting to returning officers abroad and on Svalbard and Jan Mayen. If the returning officer runs out of the cover envelopes they have been sent, ordinary envelopes may be used.

If such envelopes are used, the returning officer must ensure that all the information required is written on the envelope.

d) Forwarding envelopes

Forwarding envelopes are ordinary unmarked envelopes used to send advance votes to the electoral committee in the voter's home municipality.

11.6 Stamps on ballot papers submitted abroad

Section 40a of the Election Regulations stipulates that the Electoral Committee shall stamp ballot papers cast abroad. This is to ensure that they are not rejected in error during counting.

12 VOTING ON ELECTION DAY

The Ministry emphasises the importance of proper training of all members of the polling committees and other election officers, in order to avoid errors. Returning officers have an important responsibility to ensure that the statutory routines are observed, otherwise votes may be rejected.

12.1 Time of elections – one or two days

The municipal council shall decide whether elections in the municipality shall be held for two days, Monday and Sunday, cf. Section 9-2 (2). The adoption of this decision may not be delegated to the electoral committee, cf. the wording “the municipal council may itself decide” used in the Act.

In Innst. S. nr. 1 (1993–1994), the Storting's Preparatory Credentials Committee commented as follows:

“The Committee has registered that queues of voters have formed from time to time at some polling stations. One way of reducing queues could be to increase the capacity of the polling committees by engaging more people. Another possibility could be to extend voting hours, possibly by holding elections over a two-day period instead of only one day. The Committee is aware that, in many municipalities one day is sufficient based on the local situation, but the Committee is of the opinion that some of the larger municipalities that held elections on Monday only, should consider before the next election whether there could be advantageous to hold elections over a two-day period instead of one day only, or if the disadvantages outweigh the advantages.”

In municipalities in which elections are to take place on Sunday as well, the

municipal council may determine that one or more polling stations shall not be open on Sunday, cf. Section 9- 2 (2) of the Election Act.

If the municipal council has decided that one or more polling stations shall not be open on Sunday, voters who appear on the electoral register in these constituencies and who wish to cast their vote on Sunday, must cast an “alien vote” at one of the open polling stations in the municipality, cf. Section 9-5 (4). If only one polling station is open on Sunday, all eligible voters who do not live in this constituency must cast an “alien vote”. This is in accordance with the wording of the Act. These voters cannot therefore be crossed off in the electoral register, even if the polling committee in this region has access to the register from all constituencies.

If the municipality uses an online electoral register, voters may cast their vote in the same way at all the polling stations in the municipality, cf. Section 9-5a (3).

12.2 Time of polling – opening and closing of polling stations

The provisions governing service hours/voting hours can be found in Section 9-3 (2) of the Election Act. As a norm, the electoral committee shall set the service hours. The municipal council may, however, with a majority of at least one-third of committee members, decide to extend the service hours for the polling stations initially fixed by the electoral committee. However, no polling station may remain open later than 21.00 hours on Monday. On Monday, no votes may be cast later than 21:00. The Act does not contain any other provisions governing voting hours for either Sunday or Monday.

When voting hours are set, the consideration for voters shall be of paramount importance. One must presume that voters will be given reasonable time to cast their votes.

Polling stations must remain open within the specified service hours. Polling stations cannot be closed temporarily, for example for a meal break. The electoral committee (or the municipal council) may, however, decide to divide up opening hours for the polling station: for example, by deciding that the polling stations are to be open from 10:00 to 14:00 and from 15:00 to 21:00. Out of consideration for the voters, the electoral committee should only make such arrangements if this is considered to be absolutely necessary.

In certain municipalities, it may be necessary for polling stations to have varied opening hours due to local circumstances. This may be arranged within the provisions of the Election Act. If circumstances so indicate, municipalities should consider whether polling stations should open earlier on the election day, Monday, for example 07:00 or 08:00.

It is important that the polling committee is punctual in opening and closing the doors to the polling station at exactly the time set by the electoral committee.

When the time fixed for casting votes (both on Sunday and Monday) has expired, all voters who are present at the polling station before closing time shall be given the opportunity to cast their vote, cf. Section 9-7. If all the voters present can be accommodated on the premises, the doors to the polling station may be closed. Alternatively, the electoral committee must use other means to keep an overview of which voters had arrived at the polling station before closing time. For example, one of the officers may indicate the end of the queue outside the polling station. It is very important to ensure no voters gain entry into the polling station after closing time. Such cases often lead to formal complaints to the Ministry.

12.3 Universal design

See section 10.3, which also applies on election day.

12.4 Voting locations

12.4.1 Number of polling stations

Section 9-3 of the Act provides rules concerning the number of polling stations. The municipal council, or election council by delegation, shall decide how many polling districts and how many polling stations there shall be in the municipality. If the electoral committee wants to change the number of polling districts from the previous election, such a decision must be made before 31 March of the election year. The provision states that the Norwegian Mapping Authority shall be informed of such decisions by this date.

As a main rule, there shall be one polling station per polling district. In special cases, additional polling stations may be established for a single polling district, provided this is necessary to ensure voters are able to vote. See also section 12.4.2 on additional polling stations.

When the municipal council/electoral committee decides the number of polling stations and where polling is to take place, consideration for the voters must be exercised. Polling must take place in several locations whenever this is necessary out of consideration for the voters. The election authorities must endeavour to arrange matters in such a way that queues can be avoided.

12.4.2 Additional polling stations

Pursuant to an amendment to the Election Act from June 2022, the electoral committee may establish additional polling stations for a polling district if this is necessary to ensure that voters are able to vote, cf. Section 9-3 (2) of the Election Act. A similar provision was adopted temporarily for the parliamentary election in 2021 due to the outbreak of Covid-19. The statutory authority to establish additional polling stations can be used in the event of circumstances that makes this necessary to ensure voters have the opportunity to vote. For example, an additional polling

station may be established on an island if the bridge to the mainland, where the polling station is located, is closed. The condition of necessity will not be considered to have been met if the circumstances necessitating the additional polling station were known when the the municipality's polling districts were divided.

Additional polling stations are associated with an existing voting district. The additional polling station shall not trigger a new polling district, and shall be assigned to the ordinary polling station, but a separate polling committee shall be appointed. The procedure for voting in an additional polling station follows from the new provision Section 9-5 b. See section 12.9.3 on receiving votes in additional polling stations and section 21 on protocols for additional polling stations.

12.5 Announcement of time and place of polling

Section 9-3 (3) stipulates that the electoral committees shall announce the time and place of polling. The Act does not require the electoral committees to make the announcement in any specific manner or at a certain time, but the voters must be made generally aware of the polling. The Ministry would especially like to encourage municipalities to ensure that good, clear information about the election is posted on the municipality's website.

12.6 Voting materials at the polling station

The electoral committee is required to have the following voting materials at the polling stations:

- Electoral register on paper for the relevant polling district, if the online electoral register is not used on the election day.
- In parliamentary elections: printed ballot papers that are orange on the outside and white on the inside and that are identical with all the elections lists approved in the constituency.
- In county council elections: Printed blue ballot papers that are identical with all the election lists approved in the constituency.
- In municipal council elections: printed ballot papers that are pink on the outside and white on the inside and that are identical with all the elections lists approved in the constituency.
- Blank ballot papers in the same design as the printed ballot papers that are to be used.
- Stamp for stamping ballot papers.
- Envelopes/cover envelopes for votes pursuant to Section 9-5 (4) of the Act and Section 31 of the Election Regulations.
- Envelopes/cover envelopes for votes pursuant to Section 9-5a (4) of the Election Act and Section 31a (3) of the Election Regulations.
- Ballot boxes that can be sealed.
- Polling booths.
- Writing materials, preferably ballpoint pens to be used by voters who want

to make changes to the ballot papers. These must be available in the booths. The polling committee must have an ample supply of writing materials in reserve.

- Wrapping and sealing materials.
- The electoral committee's protocol.
- Access to the Election Act and Election Regulations.

Blank ballot papers shall be laid out on the premises or in the polling booths along with the printed ballot papers.

Well before voting commences, the electoral committee shall ensure that a sufficient number of printed ballot papers have been distributed or delivered to all polling committees in the municipality.

Ballot papers should preferably be placed inside the polling booths. The ballot papers for each approved list shall be placed in separate stacks. Ballot papers may also be laid out on one or more tables in the polling station – ballot papers for every approved list stacked separately. It is most important that such tables are properly screened off so that others on the premises cannot see which ballot paper the voter selects.

A member of the polling committee or another person appointed by the polling committee, should regularly inspect the polling booths and tables where ballot papers are laid out.

This person should make sure that ballot papers are available for all lists at all times, in addition to writing materials. It is important to ensure that there are no ballot papers missing for certain electoral lists.

The polling committee must ensure that no more than one voter is in each polling booth or at the ballot paper table, unless this is in pursuance of the assisted voting rules, cf. Sections 8-4 and 9-5 of the Election Act.

Ballot papers shall be stamped with an “official stamp” before they are inserted in the ballot box. The electoral committee shall decide what sort of stamps should be used. A condition is that the stamp must be distinct from the stamp used during advance voting. The electoral committee must establish procedures to ensure that stamps do not go astray.

12.7 Rules relating to public order, ban on canvassing, etc. in polling stations

Section 9-4 (1) of the Act prohibits canvassing and any actions that may disturb or prevent normal voting proceedings in the polling station and in any rooms the voters must pass through to reach the polling station. Neither is it permitted for unauthorised persons to monitor who arrives at the polling station to vote.

The ban against canvassing in the Act does not extend to the area outside the polling station building. The ban covers canvassing for or against the system, political parties, opinions and persons. This applies to both verbal and written opinions, posting of notices, laying out or distributing brochures, etc. Members

of the polling committee and election officers must not, for example, wear badges, etc. with political content.

The provisions of the Act entail that parties and other groups are prohibited from handing out ballot papers inside the building where the polling station is located. However, outside the building, it is permitted to hand out ballot papers.

Examples of conduct that may give grounds for removal of persons include harassment of voters and noisy behaviour.

The sale of lottery tickets, collections, etc., that may disturb election proceedings is not permitted on the premises of polling stations or in rooms voters must pass through in order to reach the polling station.

The chair or deputy chair of the polling committee may, if necessary, remove any person behaving in a manner contrary to the aforementioned provisions, cf. Section 9-4 (3) of the Election Act. Any appeal against removal must be submitted in accordance with the normal rules of appeal in Chapter 13 of the Election Act.

It must be emphasised that the authority to remove persons from the premises of the polling station is a public order rule, not a rule relating to the right to vote. This means that if the voter returns to the polling station and the grounds for removal are no longer valid, they must be allowed to vote.

Section 9-4 (2) stipulates that unauthorised persons must not gain any knowledge of the consumption of ballot papers for the different electoral lists. Firstly, this means that members of the polling committee and other election officers must not divulge information to unauthorised persons, for example the press, concerning consumption of ballot papers. This means that the press or others must also not be allowed to enter the polling booths – or other places where ballot papers are laid out in order to check the consumption of ballot papers.

12.8 Ban against exit polls, etc. in polling stations

Election legislation is based on the principle that ballots are secret. The electoral committee is responsible for physically arranging matters so that secrecy can be observed and be a reality during elections. In connection with the election, voters must not be subjected to any pressure in order to get them to disclose how they have voted. If an exit poll is held inside the polling station, many voters may perceive this as unwanted pressure. Some voters may also believe that the poll is official and that they are therefore obliged to reply.

Section 9-4 (1) of the Act therefore stipulates that exit polls and similar voter questioning is prohibited in the polling station and in the rooms the voter must pass through to reach the polling station.

12.9 Voting inside the polling station

12.9.1 Introduction

The rules governing procedures when voting in the polling station are provided in Section 9-5 of the Election Act and Section 30 of the Election Regulations.

12.9.2 Logistics in the polling station

The Election Act contains no provisions for how the polling station shall be physically set up or organised (logistics). It is up to the electoral committee to decide how and in what order the voter shall be led through the various stages of voting.

The way the polling station is organised helps reduce the potential for errors, and the Ministry believes that the process of voting in the polling station has three central elements that shall be performed at the electoral committee's table:

- 1) Election official crosses off the voter's name in the electoral register .
- 2) Election official stamps the ballot paper.
- 3) Voter puts ballot paper in the ballot box. (Exception for voters who are not registered in the constituency, if paper-based electoral register is used, cf. section 12.9.5.)

It is important that these actions are performed in close succession and in the order stated. Additionally, all these points shall have the attention of and be under the control of election officials.

The ballot box should be placed at or in the immediate vicinity of the place for crossing off in the electoral register and stamping the ballot paper. The ballot box shall not be placed anywhere it is not under supervision. The election official must take care in checking that the voter places the ballot paper in the ballot box and that it has been stamped.

If a voter who has been crossed off in the electoral register leaves the premises without placing a ballot paper in the ballot box, this should be recorded in the polling committee's protocol if possible.

12.9.3 Procedures and routines for voting

As a basic rule, all voters who arrive at the polling stations on election day(s) shall be permitted to cast their vote. Voters who are not known to the returning officer and who cannot provide proof of identity, must be asked to return with proof of identity. The polling committee shall not accept votes from unknown voters who cannot produce proof of identity. The polling committee must be conscious of the fact that when the voter's name is crossed off in the register, the polling committee has verified that the voter is who they claim to be. See identification requirement in section 10.9, which also applies on election day. The voter's name shall be crossed off in the electoral register before the voter places the ballot paper in the ballot box. The Act does not state whether to cross

off the voter's name in the electoral register shall take place before or after the voter has been inside the polling booth. The important point is that the voter's name is crossed off before the ballot paper is placed in the ballot box.

In every election, there are always some places where more ballot papers are registered in the ballot box than are crossed off in the electoral register. This can be due to factors such as some voters using, for example, a blank ballot paper as a cover for their ballot paper or voters placing their ballot paper in the ballot box without the ballot paper being stamped. Differences between the number of names crossed off in the electoral register and the number of ballot papers in the ballot box must *not* occur. It is assumed that the most common reason for such errors is a lack of attention from the returning officer. For that reason, good logistics are necessary in the polling station, see section 12.9.2. The ballot paper shall be folded in such a way that it is not possible to see which electoral list the voter is voting for, and this shall take place "*in a secluded room and unobserved*", cf. Section 9-5 (3). The voter shall then hand the ballot paper to the polling committee who shall stamp the ballot paper with an official stamp. After the ballot paper has been stamped, the voter shall drop the ballot paper into the ballot box.

The Ministry emphasises that it is important to take precautions to ensure that no unauthorised person can ascertain how voters have voted. It is particularly important to prevent voters from folding the ballot paper the wrong way so that the vote is visible. This is a very important point in upholding the secret ballot principle and preventing unauthorised persons from checking how voters have voted. It is the polling committee's responsibility to ensure that voters do not leave the booth with the ballot paper folded in the wrong manner. The voter shall be guided back into the booth if the ballot paper is folded incorrectly.

It is also important that there are good routines with regard to stamping of ballot papers before these are inserted in the ballot box. In 2002, an international standard was prepared entitled the Code of Good Practice in Electoral Matters, adopted by the Venice Commission.

This standard is not legally binding, but is frequently used as a reference when international observers study election systems in different countries. Article 35 of the standard states:

"The voter should collect his or her ballot paper and no one else should touch it from that point on."

If the voter hands over their ballot paper to the person who is to stamp the ballot paper, it may be claimed that this is in breach of the above provision, even if the ballot paper has been folded in such a way that no one can see the name on the electoral list. The Ministry is of the opinion that it is possible to fulfil the requirements of the standard if the voter personally lays the folded ballot paper

on the polling committee's table, maintaining their grasp on it while it is stamped and without the person stamping the ballot paper being in direct physical contact with the paper.

In municipal council and county council elections, both ballot papers should be stamped if the voter is casting a vote in both elections. The person stamping the ballot papers must ensure that the papers have different colours, one pink and one blue. The ballot papers for both elections may be dropped in the same ballot box. However, it is permitted to have two ballot boxes on the polling committee's table, enabling voters to insert the ballot papers for each election in the appropriate box. In such cases, the ballot boxes should be clearly marked to avoid any mixing of ballot papers. The Ministry emphasises that the polling committee shall not ask the voter, or check in any other manner whether they have voted or intends to vote in both elections. If it is obvious that the voter has used another ballot paper as a cover, the polling committee should, however, point this out to the person in question.

If a voter by mistake drops an un-stamped ballot paper in the ballot box, the polling committee must not open the ballot box to remove the ballot paper in order to stamp it. The error shall instead be corrected by allowing the voter to collect a new ballot paper that can be stamped by the officer before it is inserted in the ballot box. The un-stamped ballot paper will be rejected. Any such cases should be registered, as they would otherwise lead to non-conformance between the votes received and the number of crosses in the electoral register. Non-conformance shall be recorded in the polling committee's protocol.

Both polling committees and electoral committees are required to keep records relating to the conduct of election proceedings, cf. Section 10-7 of the Election Act and Section 41 of the Election Regulations. The Ministry would like to point out that the forms for such recording and the requirement to do so are in the form of a formal regulation and the municipalities are therefore required to follow. The forms state that the number of crosses in the electoral register shall be reconciled with the number of votes cast and that reasons shall be given for any discrepancy.

If the municipality has established an additional polling station, the procedure for voting differs, depending on whether the municipality uses a paper-based electoral register or an electronic electoral register on election day, cf. Section 9-5 b of the Election Act. The paper-based electoral register is not available in additional polling stations. The returning officer shall then stamp the ballot paper, and the voter shall personally put the paper in a ballot paper envelope and then seal the envelope. Then, the returning officer shall put the ballot paper envelope in a cover envelope, seal the cover envelope and add the voter's name, address and date of birth to the front. The voter shall personally place the cover envelope in a ballot box.

If the municipality uses an electronic electoral register, the procedure for voting with electronic crossing-off shall be used. See section 12.9.4.

12.9.4 Crossing off in the electronic electoral register on election day

Section 9-5a of the Election Act allows the municipalities to use online crossing off on the electoral register on election day. Municipalities that choose to make use of this are required to facilitate this at all polling stations in the municipality.

The voting procedure described in Section 9-5 of the Election Act also applies when using electronic crossing off in the electoral register, with the exception of (4). Voters in municipalities that use the electronic electoral register on the election day will be able to cast their vote directly into the ballot box at all the polling stations in the municipality, cf. Section 9-5a (2). Municipalities that use the electronic electoral register on election day will therefore not receive any “alien votes”.

In the event of a loss of power or communication with the electoral register, the municipalities shall immediately switch to the procedure for contingency votes, cf. Section 31a of the Election Regulations.

The contingency situation arises the moment that the online electoral register for one reason or another is not available in such a way that checking off is not possible.

The Election Act states that, in a contingency situation, the voter shall place their ballot paper in a ballot envelope and seal the envelope after the ballot paper has been stamped. The returning officer shall then place the ballot paper envelope in a contingency envelope together with the polling card. The contingency envelope shall be orange, cf. Section 31a (3) of the Election Regulations.

The contingency procedure shall be suspended immediately if communication with the online electoral register resumes.

In municipalities with two-day elections, any contingency votes received on Sunday shall be dealt with and crossed off in the online electoral register before the polling stations open on the Monday.

12.9.5 Electoral register on paper – receipt of “alien votes”

Voters who are not registered in the polling district, but most likely registered in another district in the municipality, must also be allowed to vote (“alien votes”), cf. Section 9-5 (4) of the Act and Section 31 of the Regulations.

These voters shall not place their ballot paper in the ballot box after it has been stamped. The polling committee shall instead provide the voter with a ballot paper envelope. The voter shall place the ballot paper(s) in the ballot paper envelope and hand this to the polling committee, which shall place the

envelope in a special cover. The cover shall be sealed and the voter's name, date of birth and address shall be written on the outside. After voting ends, the cover shall be handed to the electoral committee.

12.9.6 Voters who are not registered in the electoral register in the municipality

Voters how are registered in the electoral register in another municipality must be referred there. Pursuant to Section 9-5 (4) of the Election Act, together with Section 31 of the Election Regulations, voters who are not registered in the electoral register must also be able to vote on election day, for example if the voter has been refused the right to vote due to a ruling by the electoral board.

These voters must follow the procedure described in 12.9.5.

12.9.7 Voters whose name has been crossed off in the electoral register/voters who have voted in advance

A voter who has voted in advance cannot "vote again" on election day if they have changed their mind and want to vote again. However, pursuant to Section 31 of the Regulations, a voter requesting to vote shall not be rejected even if their name has been crossed off in the electoral register, showing that the voter voted in advance. The reason for this is that the name could have been crossed off in error.

If the voter's name has been crossed off in the electoral register, indicating that the voter has voted in advance, the voter shall not drop their ballot paper(s) into the ballot box. The paper(s) shall be processed in the same manner as votes cast by voters who are not registered in the polling district.

12.9.8 Right to assistance with voting

Voters who, due to physical or mental disability are unable to vote by themselves, can get assistance from a returning officer or other person of their choosing, cf. Section 9-5 (5) of the Election Act. It is no longer required that a representative of the election authorities be present in the polling booth when the voter receives assistance from another person of their choosing.

The Act stipulates that the voter shall choose the assistant. Should another person approach the polling committee and request to assist the voter, the polling committee shall contact the voter in order to ensure that this is the voter's own wish. It is important that the polling committee endeavours to ensure that the voter is not being subjected to any form of pressure or influence.

There are no special requirements with regard to the additional assistant, such as age, or whether the assistant has the right to vote, etc. It is no longer a requirement that the functional impairment must be "serious". This entails that all levels of disability may grant a voter the right to assistance. The determining factor must be whether the functional impairment means the voter is unable to vote on their own, and not the seeming severity of the disability.

There can be different reasons why voters need assistance in connection with voting. For example, they may be physically disabled or there could be other reasons such as visual impairment, dyslexia or mental disabilities. Some of these voters have difficulty reading or understanding signs and other written instructions. They therefore need help to orient themselves in the polling station even if they may not necessarily have “visible” disabilities.

It is important that the members of the polling committee and election officers are aware of this and act in a forthcoming manner towards these voters. It is also important for these voters that persons who can guide and assist are easily recognisable as soon as the voter enters the polling station.

Members of the polling committee/election officers are considered civil servants, as defined in the Public Administration Act, and are thereby subject to the confidentiality rules in this Act, including when it comes to knowledge an individual’s voting. It also follows from Section 15-4 (1) of the Election Act that all that the provisions of the Public Administration Act relating to the duty of secrecy shall apply in the case of election.

A person who assists a voter in connection with voting, and thereby learns who the voter voted for, must keep this information secret, see Section 15-4 (2). The Act states that the polling committee must inform extra assistants that they have a duty of secrecy with regard to the vote cast. The Act specifies who shall determine whether a voter meets the criteria for assistance. When there is no doubt that the criteria for assistance have been met, the polling committee member or election official to whom the voter reaches out, shall ensure that the voter is given the assistance they need. If a member of the polling committee or an election official believes that the voter does not meet the criteria for assistance during voting, the voter may request a second opinion from the polling committee, which shall determine whether the voter has met the criteria. The guiding principle is that a person who claims that they are unable to vote on their own due to functional impairment, shall be believed. There is no requirement to provide documentation of the functional impairment. Any and all doubt concerning whether or not the voter has met the criteria, shall benefit the voter. It would be more detrimental to deny such a voter assistance than it would be to grant assistance to a voter who does not need it.

Other voters who need assistance due to poor proficiency in the Norwegian language, or a lack of knowledge of how to vote, can receive guidance without requiring a returning officer or election official to be present inside the booth with them when they make their selection. An election official can provide guidance to the voter about how they should proceed inside the booth before the official steps out of the booth and allows the voter to make their selection in private.

The Ministry emphasises that all those who are able to make their way into the polling station shall do so and shall cast their vote in a normal manner inside the polling station. Only voters who are unable to enter the polling station may cast their vote immediately outside the polling station to two returning officers (members of the polling committee or election officers), cf. Section 9-6 of the Act and Section 32 of the Regulations.

If a voter is registered in the relevant district's electoral register, the voter's name shall be crossed off before the voter is given the ballot papers. The returning officers shall bring with them the following:

- one set of ballot papers comprising one paper for each electoral list (for all elections)
- a stamp
- a ballot box

The voter shall – if relevant with assistance in accordance with the Regulations – fold the ballot paper(s) and hand the vote to the returning officers, who shall then stamp the paper(s). The voter shall then insert the vote into the ballot box. The returning officers shall then return to the polling station with the ballot box. Unused ballot papers must not be accepted in return.

12.9.10 Voters with reduced cognitive abilities

See section 10.9.15, which also applies on election day.

13 SEALING AND STORING ELECTION MATERIALS

13.1 Sealing requirements

The ballot boxes shall be sealed during voting. The rules for sealing have been included in the Section 8-4 (9) of the Election Act (during advance voting) and Section 9-5 (6) (on election day).

It is important that the ballot boxes are sealed during all stages of the voting process, i.e. when they are being used by voters. Whether voting is occurring during the advance voting period or on election day itself is immaterial to the requirement that the ballot boxes shall be sealed when the polling stations are open for voting. The sealing requirement also applies during storage and transport, see section 13.3.

13.2 Emptying of ballot boxes

There is nothing to prevent, indeed there may often be a need for, breaking the seal from time to time when the ballot boxes are not in use. It may also be necessary to break the seal if the ballot box becomes full during the voting itself. The same applies when votes shall be forwarded to other municipalities. There is nothing to prevent separate ballot boxes being used for voting for other municipalities.

Votes should, however, be forwarded to the right municipality on an ongoing basis.

13.2.1 Advance voting

It may prove necessary to empty ballot boxes during advance voting. It follows from Section 29 of the Election Regulations that the electoral committee must ensure that satisfactory routines are established for how the contents shall be stored.

This means that it is the electoral committee's responsibility to ensure that satisfactory routines are established in the polling stations, so that nothing unlawful occurs as regards the contents of the ballot box.

The cover envelopes, with ballot paper envelopes and polling cards, must be stored in such a way that they are not mixed with other election materials.

The cover envelopes must also be stored in such a way that they are not accessible to unauthorised persons. If the ballot papers and stamps are stored in a place where the election authorities do not have direct supervision of them, the storage location shall be sealed, cf. Section 34 of the Election Regulations.

13.2.2 In the polling station

A system for sealed ballot boxes on election day will normally require several ballot boxes or strong emptying procedures. It is important to establish secure routines for emptying ballot boxes, so that nothing unlawful occurs as regards the contents.

The procedure for emptying ballot boxes on election day is regulated by Section 33 of the Election Regulations. If it is necessary to empty ballot boxes during the course of election day, the electoral committee shall ensure that polling committees use the following procedure:

1. At least two members of the polling committee shall be present when the seal on the ballot box is broken.
2. The contents are immediately emptied into a suitable container, which is sealed and marked with a serial number.

Examples of suitable containers include sealed aluminium cases and boxes or coloured plastic sacks that are sealed with cable ties. If plastic sacks are used, these must be strong and they should have a special colour to distinguish them from normal refuse sacks. Refuse sacks must not be used.

The electoral committee shall ensure that the polling committee follows the stated emptying procedure. It is up to the electoral committee to obtain suitable containers and cable ties. The electoral committee shall also ensure that there is a system for marking the containers with serial numbers. It may be appropriate to issue each polling station with a set of serial numbers.

13.3 Storage and transport of election materials

Section 9-8 of the Election Act stipulates that all election materials shall be

stored and transported in a satisfactory manner. The Ministry has established more detailed rules for the storage and transport of election materials in Sections 29a and 34 of the Election Regulations.

Firstly, the rules stipulate that the electoral committee is responsible for establishing secure procedures for the storage and transport of election materials in all phases of the election proceedings.

The electoral committee shall decide – based on local conditions – how the election materials, electoral register, ballot papers, ballot boxes, etc., shall be stored.

The ballot paper containers shall be stored in such a way that they are not accessible to unauthorised persons. The election authorities must maintain an overview of the number of stamps on the premises and ensure that they cannot be used by unauthorised persons. Votes that have been cast shall be stored in such a way that they cannot be mixed with other ballot papers or other election materials.

This provision further imposes a sealing requirement in all situations where the election materials will be left without direct supervision by the election authorities. Sealing should be done by some means of sealing so that unauthorised persons are unable to gain access to the materials without it being visible. The chair of the polling committee – or another person appointed by the committee – is responsible for the safekeeping of sealing materials.

The rule covers all instances where election materials may conceivably be left unattended, for example between Sunday and Monday in locations with 2-day elections, or if counting is suspended in the evening on election day until the following morning.

Where elections are held over two days, the electoral committee shall decide where and how the ballot boxes with cast votes and the other materials shall be stored. The following alternatives may be considered:

- Both the ballot boxes and other materials shall be kept with the electoral committee (or at another secure place) and taken back to the polling stations before the next day's voting begins.
- Both ballot boxes and other materials shall be kept with the electoral committee, but only the other materials are transported back before voting begins the next day. In this case, the ballot boxes containing cast votes shall be kept with the electoral committee until counting begins.
- The ballot boxes are kept with the electoral committee, while the other materials are kept at the polling station.
- Both ballot boxes and other materials are kept at the polling station.

Materials to be kept at the polling location shall be gathered inside the polling station. The polling committee shall check that there are no unauthorised

persons present in the polling station, that all windows are properly closed and that all doors are properly locked. The keys shall be kept by a member of the polling committee who does not keep seals, etc. The polling committee shall be made aware in advance of who has keys to the polling station and ensure that all keys are obtained.

If it is deemed to be more secure or more appropriate, the election materials may be stored in another room in the building where the polling station is located.

All transport of election materials shall take place by the quickest, safest means and without unnecessary delay. The electoral committee is responsible for establishing proper procedures here. Those who have sealing materials in their care, are not to undertake the transport of materials. They may also not provide any form of security.

14 CHECKING AND APPROVING ADVANCE VOTES

14.1 More about the approval process for votes cast in advance and at the polling stations

There is an important difference between 1) checking the casting of votes and 2) checking ballot papers. The matters to be checked differ and different rules apply. When checking the casting of votes, this involves checking the act of voting or the manner in which the voter has cast their vote and whether the voter satisfies the legal requirements. When checking a ballot paper, the actual ballot paper must be checked. Before the ballot paper can be checked, the voter's voting must be approved. That means the person must be crossed off in the electoral register. If the casting of the vote is rejected, the ballot paper shall not be checked.

When a voter has given or had an opportunity to give their vote, that person has cast their vote. This casting usually contains one ballot paper per election. Cast votes shall be checked, which leads to the vote being either approved or rejected. All approved casts are subjected to a second check – a check of the actual ballot paper. Thus the checking can be described as a two-step process.

Step 1: Approving the casting of votes.

This check differs for advance voting and for votes cast at the polling station. The check also differs for advance votes where the ballot paper is placed directly in the ballot box, and advance votes submitted in ballot paper envelopes. Advance votes submitted domestically during the period 1 July to 9 August (early advance votes) according to Section 24 a of the Election Regulations are checked according to the same rules as advance votes submitted in ballot paper envelopes.

For advance voting submitted in ballot paper envelopes, the electoral committee examines the cover envelope/polling card. If the committee finds that the vote is in accordance with the regulations, i.e. in accordance with the requirements in Section 10-1 of the Act, it shall cross the voter off in the electoral register and the vote is approved.

If the legal requirements are not satisfied, the vote must be rejected. At this point, the ballot paper has not yet been checked. If the cast vote is rejected, the ballot paper will never be checked.

Section 10-1a of the Election Act applies for verifying advance votes placed directly in the ballot box. In these cases, the returning officer approves the vote as it is cast. This is the same procedure as in Section 10-2, which regulates approval of ordinary election day votes, see below.

If the voter, for various reasons, cannot be crossed off in the electoral register at the polling station (the voter has already been crossed off or is not listed in the electoral register at the polling station/municipality), the vote must be placed in a cover envelope, see section

10.9.5. The electoral committee will subsequently check the cover envelope, before the vote is either approved or rejected. The same applies if a contingency envelope is used.

In the case of ordinary voting at the polling station, the checking and approval of the vote takes place when the voter casts their vote. The polling committee checks that the voter is in the polling district's electoral register and, if so, allows the voter to cast their vote. The vote is approved when the voter is crossed off in the electoral register.

If, for any reason, the voter cannot be crossed off in the polling district's electoral register (the voter has already been crossed off or is not in the polling district/municipality's electoral register) the vote cast shall be placed in a special envelope. Afterwards, the electoral committee shall check the envelope and also the electoral register before potentially approving the vote. If the vote is approved, it becomes an approved vote.

When advance voting or voting at the polling station is approved, this means that the voter was entitled to vote and did so in accordance with the regulations, i.e. in a manner that satisfies the approval requirements in Sections 10-1, 10-1 a and 10-2 of the Act. This does not, however, mean that the actual ballot paper has been checked and approved.

Step 2: Approval of ballot papers

An approved ballot paper consists of one ballot paper envelope with contents, or just a ballot paper. The electoral committee shall check whether the contents of the ballot paper envelope are in accordance with the regulations, i.e. the envelope and its contents are in accordance with the requirements in Section 10-3. This process leads to ballot papers being approved or rejected.

When a ballot paper is approved, that means that it satisfies the requirements for approval in Section 10-3 of the Act and is to be counted in the election results.

The term *votes* is often used to refer to both the voting process and the ballot papers. The term *votes* has no independent legal meaning in relation to the rules and regulations for approval of cast votes and ballot papers. It is the casting and the ballot papers that are to be approved or rejected. Nevertheless, in some cases it is most natural to use the term *votes*, for example in running text. In other connections it is more natural to speak of casting a vote or ballot papers. Consequently, a vote may be synonymous with a casting of a vote and/or a ballot paper.

In the Act, this distinction is emphasised by separate rules for approval of the casting of votes and ballot papers. Sections 10-1 and 10-1 a concern advance voting, Section 10-2 concerns voting at polling stations and Section 10-3 concerns approval of ballot papers (all).

14.2 Time of checking advance voting

As many as possible of the votes cast in advance shall be checked before election day, so that as many as possible of them become final. Advance votes dropped directly into the ballot box are approved when the voter is checked off on the electoral register. Checking the advance votes submitted in ballot paper envelopes may commence as and when the electoral committee receives the advance votes, cf. Section 10-1 (3). However, the final check must not take place later than at such time when the electoral committee can be certain that all the electoral committees who shall cross off on electoral registers on paper receive the electoral register for their districts before the polling stations open on Sunday or Monday. It is the advance votes approved before the election day that will be included in a preliminary count no later than 4 hours before the polling stations close.

For advance votes that there was no time to check before the electoral register was published on election day, or that are received on election day, checking shall not commence until all the polling stations have closed on Monday and all of the the electoral committees have completed their cross-offs. For municipalities that use a paper-based copy of the electoral register, the electoral committee must have received the registers from all voting districts before the checking of the above advance votes can begin.

Formally, an advance vote is approved when the voter's name is crossed off in the electoral register, see Sections 10-1 (2) and 10-1 a (2) of the Election Act. Before a voter can be crossed off in the electoral register as having cast an approved advance vote, the electoral committee must check whether the advance vote satisfies the Election Act's approval requirements, cf. Section 10-1 (1). Correspondingly, returning officers must verify if advance votes dropped directly

into the ballot box fulfil the requirements for approval according to Section 10-1 a (1).

A decision not to approve an advance vote is deemed to be a matter of principle. Therefore, decisions not to approve an advance vote must be made by the returning officer (when the advance vote is placed directly in the ballot box) and the electoral committee itself. However, it shall be possible to delegate powers to approve straightforward votes, cf. the chapter on delegation.

14.3 Opening of advance votes submitted in ballot paper envelopes

Section 35 of the Regulations requires that, if cover envelopes *and* ballot paper envelopes are opened at the same time, the electoral committee must ensure that this is not done by the same persons. There is nothing to prevent the envelopes from being opened by the same persons, but then it must not be done at the same time. This is to ensure that these persons are unable to connect the cover envelope with the ballot paper envelope and thus see how the voter voted.

The Regulations further stipulate that there must always be at least two persons present (who can check each other) when cover envelopes and ballot paper envelopes are being opened.

14.4 Conditions for approving advance votes

14.4.1 Introduction

Chapter 8 of the Act contains provisions concerning the procedure to be followed when the voter wishes to cast a vote in advance. Whether or not this procedure is followed, is, however, not decisive for whether or not a vote cast shall be approved.

The provisions are given to ensure good implementation of the election.

When checking, it is not necessary for votes cast in Norway and abroad to be kept separate. The election materials are different, but the approval requirements under the Act are the same. Even so, the electoral committee is required to keep separate records of the number of votes cast in Norway and abroad.

Advance votes submitted in a ballot paper envelope cast in Norway, consist of a cover envelope, a polling card with personal data, and a ballot paper envelope. Advance votes from abroad and from Svalbard and Jan Mayen consist of a cover envelope with personal data and a ballot paper envelope. These form the basis for determining whether the vote shall be approved or discarded.

14.4.2 Individual conditions

The Election Act's conditions for approval of advance voting submitted in ballot paper envelopes follow from Sections 10-1 (1), and 10-1a of the Election Act for advance votes cast in the ballot box.

These provisions contain a set of criteria or conditions that must be met before the vote can be approved. It is not sufficient that one or some of the conditions have been met. The conditions are cumulative. This means that they must all be met before the vote can be approved. There are no other requirements for approval of advance votes in either the Election Act or the Election Regulations. The actual ballot paper shall be approved according to Section 10-3.

Please note that it is not necessary to check the ballot paper envelope itself. The main rule is that an official envelope shall be used. However, nothing about this envelope could lead to the vote being discarded. Even in cases where the ballot paper envelope is missing, this, in itself, will not be sufficient to discard the vote. If the ballot paper envelope is missing, this is often the result of a formal error on the part of the returning officer. This should not negatively affect the voter. The fact that election authorities might possibly see what the voter voted, is not in itself reason to discard the vote.

Advance votes placed directly in the ballot box are approved by the returning officer as the vote is cast. The conditions for approval in these cases are the same conditions that apply for approval of election day votes, and must be interpreted in the same manner.

The ballot paper envelope used when voters are not listed in the relevant part of the electoral register or are already crossed off in the electoral register must be handled according to the same rules that apply when using special cover envelopes. Reference is therefore made to Chapter 15 for a review of these conditions.

The conditions for approving advance votes submitted in a ballot paper envelope are reviewed below. This includes cases where the electoral committee, in special cases, has determined that an envelope must be used, cf. Section 8-4 (4) of the Election Act, and cases where a contingency envelope is used, when the online electoral register is temporarily unavailable, cf. Section 8-4 (3) of the Election Act.

14.4.2.1 Entered in the electoral register

Pursuant to Section 10-1 (1) (a) of the Election Act, it is a condition for approval of advance voting submitted in an envelope that the voter is entered in the municipal electoral register. The electoral committee may therefore only approve votes cast by voters who have been entered in the municipality's electoral register, and who therefore have the right to vote in the municipality.

If the voter is not in the electoral register, the advance vote must be discarded. The cover envelope shall be put to one side, unopened. In some cases it may be necessary to open the cover envelope in order to determine the identity of the voter.

Note that if the electoral committee knows that the voter is registered in another municipality, the vote shall be forwarded to that municipality.

14.4.2.2 The voter's identity

Section 10-1 (1) (b) contains a condition stipulating that the vote must contain sufficient information to identify the voter. The voter's data must be on the polling card or the cover envelope for advance voting abroad and on Svalbard and Jan Mayen. Requirements for the polling card are stipulated in Section 23 of the Election Regulations.

The information to be given on the outside of the cover envelope is prescribed in Sections 27 (6) and 28 (3) of the Regulations.

It shall be possible to identify the voter from the information on the polling card or the cover envelope. If that is the case, the condition in (b) has been met.

In several contexts, the Act presumes the use of official election materials. This is to ensure that the requirements of the Act are satisfied to the greatest possible extent. This also applies to the polling card and cover envelope. However, use of official polling cards/cover envelopes is not required under the rules of the Act for approving votes. The condition in (b) must also be deemed to have been met if another document containing the voter's information is enclosed with the vote, or if the information is provided in any other way. It would not be contrary to the Act, provided that the document serves the same function, i.e. that of identifying the voter.

The polling card shall contain the information necessary to identify the voter, cf. Sections 22 and 23 of the Election Regulations. This would be the voter's name, address, date of birth and electoral ID number, etc. If the voter can be identified solely from the name, that will suffice to fulfil the conditions of the Act. A missing or incorrect address is not sufficient to discard the vote, unless the address is necessary to identify the voter.

Abroad and on Svalbard and Jan Mayen, the cover envelope shall be used to identify the voter. Voters who vote in advance by post (postal voting from abroad) should use the provided cover envelope. However, this is not a requirement, and an ordinary envelope may also be used. If an ordinary envelope is used as a cover envelope, the conditions in Section 28 of the Election Regulations must be met.

A form is printed on the outside of the provided cover envelope, in which the returning officer must enter the necessary information. This includes the voter's name, address, date of birth and electoral ID number. There is also a field for the voter's signature. However, the absence of a signature does not in itself constitute grounds for discarding the vote. If the voter has not been registered as a resident of Norway for the last 10 years preceding the election day, cf. Section 2-4 (3) of the Election Act and Section 1 of the Election Regulations, the voter must apply for entry in the electoral register. This can be done by signing the cover envelope. If, in such a case, the voter has not signed the cover envelope, it will not be considered an application for entry in the electoral register. It will not

then be possible to enter the voter in the register and the vote must be discarded, cf. the Section 10-1 (1) (a) of the Election Act.

If it is not possible to identify the voter, the condition in (b) will not have been met and the vote must be discarded. The electoral committee cannot send the vote back to the returning officer so that they can enter the missing information.

14.4.2.3 Voting at the proper time

Section 10-1 (1) (c), contains the provision that the vote must be cast at the proper time. Section 8-1 stipulates that advance voting in Norway shall take place from 1 July until the last Friday before election day. The time and place of the advance vote shall be specified on the polling card/cover envelope. If this has been done, the electoral committee will accept the vote, provided that no other factors indicate that it is not correct.

If the time and place of voting is not stated, that alone is not sufficient reason to discard the vote. The electoral committee must then investigate to see if there is any other way of ascertaining whether the condition is satisfied, for example by looking at the postmark or checking when the municipality received the vote. This condition means a list of the advance votes received should be kept.

14.4.2.4 Correct returning officer

Section 10-1 (1) (d) contains the condition that the vote shall be delivered to the correct returning officer, unless it is a postal vote. The returning officer shall sign the cover envelope used for advance voting abroad. The electoral committee can check the returning officer against a list drawn up by the Norwegian Directorate of Elections of returning officers appointed abroad. There is also a field for the returning officer's signature on polling cards used in Norway. Section 8-2 of the Election Act prescribes who may receive advance votes.

Returning officers were previously required to sign votes for them to be valid. This is no longer the case. The signature will be more an aid in helping the electoral committee decide whether they are dealing with the correct returning officer. The absence of a signature is not in itself grounds for finding that the condition has not been met. If official materials are used "from head to toe", it is reasonable to assume that the vote was given to the correct returning officer.

If unofficial materials are used, there may be reason to make further inquiries, such as finding out where the vote was posted and calling the relevant electoral committee.

Official returning officers who use unofficial materials, should enclose an explanation for the electoral committee that will check the vote.

When voting abroad, the voter shall sign the cover envelope, see Sections 27 (6) and 28 (4) of the Election Regulations. The voter's signature is not to be checked and a missing signature from the voter does not constitute grounds for discarding the vote.

If the vote is sent as a postal vote, the condition in (d) does not apply. Such votes are cast without a returning officer present. Section 28 (5) of the Election Regulations prescribes that voters who submit postal votes should have a witness confirm that what is written on the cover envelope is correct. However, such a witness cannot be regarded as a returning officer. The absence of certification by a witness does not constitute grounds for discarding the vote.

14.4.2.5 Cover envelope

Section 10-1 (1) (e) contains a condition that the cover envelope must not have been opened. This condition deemed to have been met if the cover envelope has been sealed and there is nothing to indicate that it has been opened, or that there has been any attempt to open it after the returning officer sealed it in the presence of the voter.

Please note that it is a requirement that the ballot paper envelope must be sealed, cf. Section 8-4 (5) of the Election Act. However, an unsealed envelope does not have consequences for the validity of the ballot paper.

14.4.2.6 Previously approved vote

Section 10-1 (1) (f) contains a condition that a vote must not previously have been approved for the voter. If the voter is already crossed off in the electoral register and a vote has therefore already been approved for them, the new vote cannot be approved.

One consequence of this rule is also that, if a person has cast more than one advance vote, it will be the advance vote first received by the electoral committee that is approved, provided that it is in accordance with the regulations.

Advance votes that have not been checked before the electoral register is published at the polling station on election day, may not be checked and approved before the electoral registers are returned to the electoral committee after voting is completed. If the voter has been crossed off in the register on election day and therefore has had a vote approved at the polling station, any advance vote must be discarded. This applies even though advance votes, in principle, are final. The reason for this is that it will not be possible to find the vote cast by the voter on election day, because it will be in the ballot box. If, on the other hand, the voter's vote at the polling station has been placed in a special envelope, cf. Section 31 of the Election Regulations, the polling station vote shall be discarded without removing it from the envelope and the advance vote shall be approved, provided that it satisfies the legal conditions for approval. In this case, the advance vote shall be approved, unless it fails to meet the requirements of the Act.

14.4.2.7 Received before 17:00 on the day after election day

Section 10-1 (1) (g) stipulates that votes must be received by the electoral committee by 17:00 on the day after election day. That the votes must have "been received" means that they must physically be in the hands of the electoral committee.

If an advance vote is discarded and the voter, for that reason, has not been able to cast a “valid” vote, the electoral committee may notify the voter of this so that they can vote again. However, the electoral committee is not bound to effect special measures in this regard. Each case must be assessed individually, and importance may be attached to whether notifying the voter would involve disproportionate difficulties for the electoral committee.

14.5 Wrongly addressed advance votes

Insofar as possible, advance votes that are wrongly addressed shall be forwarded to the correct electoral committee.

Cover envelopes from abroad shall be marked: “Til valgstyret i [...] kommune”. If the electoral committee receives such a vote, but the person is not in their electoral register, the committee should first make inquiries as to where the voter may be registered.

If the advance vote is wrongly addressed and the cover envelope has been opened by the wrong electoral committee, this will not necessarily constitute grounds to discard the vote, cf. Section 10-1 (1) (e). However, the electoral committee that forwards the advance vote, should enclose an explanation of what happened.

14.6 More than one ballot paper envelope from the same voter

If a vote cast contains more than one ballot paper envelope or ballot papers without envelopes, all of the ballot papers from this vote shall be placed unread in a ballot paper envelope. The vote shall be checked in accordance with Section 10-1 (1) of the Election Act and the ballot papers shall be checked in accordance with Section 10-3. Should the election authorities happen to see what the voter voted, this will not constitute grounds to discard the vote or ballot papers.

14.7 Crossing off in the electoral register

If all of the conditions in Section 10-1 (1) have been met, the vote shall be approved and the voter crossed off in the electoral register. Section 10-1 (2) stipulates that a name being crossed off in the electoral register is visible evidence that the electoral committee has assessed and approved the vote. The ballot paper envelope shall now be kept separate from the polling card/cover envelope. The electoral committee shall decide whether approved advance votes shall be kept in a separate ballot box or elsewhere.

For advance votes to be final, it is necessary that they are, to the greatest possible extent, crossed off in the electoral register before the polling station opens. The electoral committee must take this into consideration when planning implementation of the election.

15 CHECKING AND APPROVING

VOTES AT THE POLLING STATION

15.1 Introduction

For the approval procedure for both advance and polling station votes, see section 14.1.

Chapter 9 of the Act contains provisions regarding the procedure to be followed at the polling station to ensure that voters have an opportunity to vote.

However, whether or not this procedure is followed, shall not be a determining factor in approval of the votes.

The provisions are given to ensure good implementation of the election.

A distinction must be made between ordinary votes and votes placed in a special envelope. Both types of votes are to be checked in accordance with the provision in Section 10-2 (1) of the Election Act. At the polling stations, checking and approval of ordinary votes takes place at the same time as the vote is cast. However, votes cast at the polling station, but which are placed in a special envelope, are also approved afterwards.

15.2 Checking of polling station votes

15.2.1 Introduction

At the polling stations, checking and approval of ordinary votes takes place at the same time as the vote is cast. Ordinary votes are approved when the ballot paper is placed in the ballot box (or the voter is given the opportunity to put the ballot paper in the box) and the voter is crossed off in the electoral register. Votes in the special envelopes are approved afterwards.

15.2.2 Conditions for approving votes placed in the ballot box at the polling station

The conditions for approval of these votes are laid down in Section 10-2 (1) of the Election Act. This provision lists the conditions that must be met before votes at the polling station can be approved. This means that if the conditions are not met, the votes cannot be approved. If all of the conditions in Section 10-2 (1) have been met, the vote shall be approved and the voter crossed off in the electoral register. The actual ballot paper shall be approved according to Section 10-3.

In municipalities that cross off on the electoral register on paper on election day, voters who are entered in the electoral register for the district and for whom voting has not been previously approved, shall be allowed to put the ballot paper in the ballot box.

Pursuant to Section 10-2 (1) (a) of the Election Act, it is a condition for approval that the voter has been entered in the municipality's electoral register. For municipalities that cross of paper electoral registers on election day, the polling committee in each polling station can only cross off voters from the electoral

register who are registered in the electoral register for that particular polling district. This means that if the voter is not registered in this polling station, but in a different polling district in the municipality, the vote shall be cast as a so-called “alien vote” and must therefore be placed in a special cover. Afterwards, the electoral committee will check whether these votes satisfy the voting conditions. The polling committees in municipalities that cross off in the online electoral register on election day, can cross off all the voters in the municipality.

Pursuant to Section 10-2 (1) (b) of the Election Act, it is a condition that the voter must have had an opportunity to cast a vote. This condition is satisfied if the voter places their vote in the ballot box or if the ballot paper is placed in the special envelope. The condition will also be satisfied if, for example, the voter is crossed off in the electoral register, but chooses to leave the polling station without putting a ballot paper in the ballot box. A voter who has been crossed off in the electoral register, but who leaves the polling station without putting a vote in the ballot box, cannot be approved for voting again. If they wish to cast a vote again, the vote must then be placed in a special envelope, with an endorsement from the electoral committee.

Pursuant to Section 10-2 (1) (c) of the Election Act, it is a condition for approval that the voter has not already cast an approved vote. If the voter has done so, the vote must be placed in a special envelope. The electoral committee will then have to discard the vote.

15.2.3 Conditions for approving votes in special envelopes

When votes are cast on election day, the following circumstances may result in the vote being placed in a special envelope, cf. Section 9-5 (4) of the Election Act and Section 31 of the Election Regulations:

- The voter is not entered in the electoral register at the polling station (they may be in the electoral register for another polling district, or in another municipality) in municipalities that cross off in the electoral register on paper; or
- The voter has already have been crossed off in the electoral register.

These votes are not approved at the same time as the vote is cast, unlike ordinary votes. The electoral committee must check afterwards to ascertain whether the conditions for approval in Section 10-2 (1) have been met. These votes are placed in a special envelope that contains the voter’s ballot paper envelope containing the ballot paper. The voter’s name, address and date of birth shall be written on the outside of the envelope. The actual ballot paper shall be approved according to Section 10-3.

Pursuant to Section 10-2 (1) (a) of the Election Act, it is a condition for approval that the voter has been entered in the municipality’s electoral register. In the case of votes cast in a polling district in a municipality other than that where the

voter is registered (“alien votes”), inquiries must be made to ascertain whether the voter also voted in their own district. If the voter has voted in their own district, the vote in the envelope shall be discarded without opening it. The voter will then be crossed off in the electoral register for the polling district where they have already cast an approved vote, cf. Section 10-2 (1) (c).

Pursuant to Section 10-2 (1) (b) of the Election Act, it is a condition that the voter has had an opportunity to cast a vote. This condition is satisfied, in that the vote was placed in a special envelope.

Pursuant to Section 10-2 (1) (c) of the Election Act, it is a condition that the voter must not have already cast an approved vote. If the voter has done so, the vote shall be discarded without opening the envelope. The same applies if the voter has already cast an approved vote at a polling station in the polling district where they are registered, see above.

If the voter has cast several alien votes, that is not in itself reason to discard all of them. One vote in accordance with the regulations shall be approved and the others discarded. Pursuant to the principle that a vote shall be final, the vote that was first received by the electoral committee shall be approved, provided that it satisfies the legal conditions.

If the envelope in which the votes are placed is not sealed, that is not in itself sufficient reason to discard the vote. If the envelope in which the votes are placed is not sealed, this also will not have consequences for the validity of the ballot paper.

If an unknown voter is unable to produce identification at the polling station, they shall not be allowed to vote. When a person is not known to the returning officer, it is a condition for voting that the person can produce identification. If this condition is not satisfied, the person is not entitled to vote.

16 CHECKING AND APPROVING BALLOT PAPERS

16.1 Introduction

An important principle underlying the rules for approving ballot papers, is that the number of circumstances that could lead to votes being discarded shall be as low as possible. Therefore, this principle should be applied as a normative rule whenever there is doubt as to whether a ballot paper should be approved or discarded.

Advance votes and polling station votes must be kept separate when approving ballot papers. There is no requirement to separate ballot papers for votes cast abroad and in Norway. When municipal and county council elections are held, the ballot papers for the different elections must be kept separate. This similarly applies at parliamentary and Sami Parliament elections in those municipalities that also count votes in Sami Parliament elections.

16.2 Conditions for approving ballot papers

Section 10-3 (1) of the Act contains rules for approval of ballot papers. They apply to ballot papers for votes cast in advance and for votes cast at the polling stations. The rules are cumulative, i.e. all of the conditions must be fulfilled before a ballot paper can be approved.

Ballot paper envelopes used for advance voting and for votes placed in special envelopes are not subject to approval. Only the ballot paper is to be checked.

Pursuant to Section 10-3 (1) (a) of the Election Act, it is a condition for approval that the ballot paper is stamped with the official stamp. This applies to all ballot papers, both those submitted in advance and those submitted on election day.

The stamp ensures that only one ballot paper is approved for each voter.

If the voter has used a blank ballot paper as the cover around the ballot paper, only the outer ballot paper will be stamped. This means that the actual ballot paper will be discarded, because it has not been stamped. This also applies if several ballot papers are stuck together, or if, for other reasons, the voter submits additional ballot papers. It is therefore important that the returning officer ensures that the voter has only taken one ballot paper. However, it is not possible to open the vote cast before it is inserted in the ballot box to check whether the voter has submitted more than one ballot paper.

If a ballot paper does not have the official stamp, it must be discarded. However, this does not apply to ballot papers inside a ballot paper envelope, cf. Section 39a of the Election Regulations. If a ballot paper that has been placed in a ballot paper envelope during the advance voting period in Norway and lacks an official stamp on election day, the electoral committee shall stamp the ballot paper afterwards. The stamp is a replacement for the ballot paper envelope and will ensure each voter can only have one vote approved.

During advance voting, use of a ballot paper envelope will be relevant in the following instances:

- During the advance voting period, cf. Section 24a of the Election Regulations.
- In the event of loss of power or communication with the electoral register (contingency procedure), cf. Section 8-4 (3) of the Election Act and Section 27a of the Election Regulations.
- Where the electoral committee in special instances has determined that a ballot paper envelope must be used, cf. Section 8-4 (4) of the Election Act
- When a vote is received from a voter registered in another municipality, cf. Section 8-4 (5) of the Election Act.
- When a vote is received from a voter not listed in the relevant part of the electoral register or a voter who has already been crossed off in the

electoral register, cf. Section 27 (4) of the Election Regulations.

At the polling station, ballot paper envelopes must be used for votes placed in special cover envelopes when votes are received from voters already crossed off in the electoral register. If an electoral register on paper is used, ballot paper envelopes must be used when voters cast their vote in another constituency than where they are registered (alien votes), cf. Section 31 of the Election Regulations, or when the vote has been cast in an additional polling station, cf. Section 9-5 b (1) of the Election Act. In addition, a ballot paper envelope shall be used if the voter is not registered in the municipality's electoral register, e.g. due to a "covert address" or the fact that the person has lived abroad for more than ten years. Ballot paper envelopes must also be used in the event of loss of power or communication with the electoral register (contingency procedure) in municipalities that use an online electoral register, cf. Section 9-5a (4) of the Election Act and Section 31a of the Election Regulations. In these cases, the vote is not approved as it is cast, as is the case for votes inserted in the ballot box, but it is approved afterwards. The envelope ensures that the voter can only have one vote approved. There is therefore nothing to prevent the ballot paper from being stamped afterwards.

Ballot papers submitted abroad are not stamped upon submission. These must therefore be stamped afterwards to be valid. Section 40a of the Election Regulations stipulates that the Electoral Committee shall stamp ballot papers cast abroad.

Pursuant to Section 10-3 (1) (b) of the Election Act, it is a condition that the ballot paper shows the election to which it applies. Requirements for ballot papers with the candidate names are given in Sections 19b and 19c of the Election Regulations. However, it is not a requirement for approval of the ballot paper that it is in the form described in that provision. Ballot papers other than those printed by the election authorities may also be used. Approval conditions are set forth in Section 10-3 only .

Normally, it will be evident from the heading on the ballot paper or its colour, which election it is for.

The legal condition is that the ballot paper "indicates" the election for which it applies. This means the ballot paper does not necessarily have to specify which election it is for. It is sufficient that its appearance indicates which election it is for. If a ballot paper envelope contains two ballot papers, and only one of them specifies the election, for example "Kommunestyrevalget 20XX", one can then assume that the other one is for the county council election. This will apply even if both ballot papers are of the same colour. In this case the voter's intention is clear from the manner of voting.

If the ballot paper is of a different colour than that prescribed for the particular

election in Sections 19b and 19c of the Election Regulations, but bears the name of the election, this is usually sufficient to consider the condition as being satisfied. This similarly applies if the colour is in accordance with regulations, but the ballot paper lacks the name of the election. However, if the election designation is missing and the colour is “wrong”, only the text/names of the candidates can indicate which election it is for.

If, for example, the voter has deleted the election designation on a blue ballot paper and written “Kommunestyrevalget” on it, the ballot paper can nevertheless only be approved if it is in a ballot paper envelope, i.e. if it is a vote that was cast in advance or placed in a special envelope at the polling station. If such a ballot paper is placed directly in the ballot box, this change cannot be approved. This is connected with the possibility of two ballot papers being approved for a single voter in the same election. This is contrary to the principle of the Election Act, that a voter may have only one vote approved for each election. If the municipality uses one ballot box for each election, only the ballot papers for the respective elections can be approved. This means that if the ballot paper is in a ballot box intended for the municipal council election, it must be rejected. If it is in a ballot box intended for the county council election, it shall be approved as a vote for the county council election.

Pursuant to Section 10-3 (1) (c) of the Election Act, it is a condition for approval that the ballot paper shows the party or group for which the voter voted. Requirements for ballot papers bearing the candidates’ names are given in Section 19 of the Election Regulations. However, it is not a requirement for approval of the ballot paper that it is in the form described in that provision. Approval conditions are set forth in Section 10-3 only .

Here, again, the condition is that the ballot paper “indicates” which party or group the voter has voted for. This means that the ballot paper does not necessarily need to be identical with the official paper. If the electoral committee is able to determine what the voter intended to vote for, that is sufficient to fulfil the condition. Conversely, if it is not possible for the electoral committee to determine the voter’s intention, the condition will not have been met.

Normally, official printed ballot papers are used. In this case, the name of a party or a group will be on the ballot paper and the conditions for approval are met. Common abbreviations are also fine, such as commonly used party designations such as a large "A", a large "H", "Sp" and so on.

Unregistered groups are on a par with registered parties as concerns the requirement regarding a name on the ballot paper. For example, a ballot paper designated “Frie Velgere”, “Uavhengige Velgere” or something similar, without the names of candidates, would thereby also satisfy the condition. The ballot paper should be approved in both cases. All ballot papers are deemed to contain the names of the candidates that are on the group’s official list. See Section 10-3,

which stipulates that a ballot paper is deemed to be identical with the official election list.

It is not a condition for approving the ballot paper that it has a heading. If a ballot paper contains all the candidate names from a specific election list, it is possible to identify who the voter is voting for and the requirement will be satisfied. If the names of one or more candidates standing for election on one and the same list in the constituency, the vote must be deemed to have been given to that party or group. However, if the names of candidates come from different lists, it will be impossible to know which party or group the voter intended to vote for. The conditions in the Act will therefore not have been met.

If the voter has attempted to write a list heading, it must be acceptable to interpret what the voter means based on linguistic similarities. If, for example he or she has written “Arbeidspartiet” it is natural to assume that the voter means “Arbeiderpartiet”. “Arbeidslista” or something similar is more dubious.

Interpretations towards political similarity cannot be accepted. What can be regarded as political similarity is not obvious. In reality, it would be impossible to interpret the voter’s intention. A ballot paper inscribed “De konservative” could therefore not be given to “Høyre”.

In some cases, the voter has made changes to the ballot paper that may be of significance for whether the condition in (c) can be deemed to be satisfied. It is necessary to distinguish between permissible changes (e.g. crossing out and writing a new heading on the list) and non-permissible changes (such as X over the ballot paper). In the latter case, the alteration must be disregarded and the vote must go unaltered to the list concerned. In other words, the ballot paper shall be approved as it stands without the non-permissible changes.

If two or more registered parties submit a joint list, ballot papers made out to the name of one of these parties or the full name of the joint list, shall go to the joint list, cf. Section 38 of the Election Regulations. This similarly applies if one or more registered parties have submitted a joint list with a group that does not represent any registered party.

If there are one or more ballot papers in a ballot paper envelope and they are all from the same election list, it will be possible to determine the one for which the voter was voting. One of the ballot papers shall be approved. Even if the ballot papers differ slightly in appearance, for example if one is printed and one handwritten, that has no significance. If the ballot papers are for different election lists, they must all be discarded.

Pursuant to Section 10-3 (1) (d) of the Election Act, a further condition is that the party or group for which the voter has voted, has submitted a list in the constituency. A ballot paper for a list that is not standing in the constituency in which the voter is on the electoral register cannot be approved.

Use of a ballot paper intended for another district than that where the voter is in the electoral register, shall be approved when the party also has a list in the constituency where the voter is in the electoral register.

Please note, however, that ballot papers intended for another constituency may only be approved in regard to a registered political party. It is otherwise of no significance whether the ballot paper has been corrected, or whether it is printed or handwritten. Such a ballot paper shall be deemed to contain the names of candidates in accordance with the official election list in the voter's constituency, cf. Section 10-3 (2).

If the voter has used a printed ballot paper that is not identical with the official election ballot paper and has corrected it, only the corrections shall be disregarded, cf. Section 10-3 (3).

The conditions reviewed above are the conditions of the Act that apply for approval of votes.

16.3 Registration of blank votes

The following shall be regarded as blank votes:

1. ballot papers without endorsement for any chosen party or group, and
2. ordinary blank ballot papers, i.e. ballot papers without text (which a ballot paper must have if the voter wishes to vote for a party or a list).

Naturally, blank votes cannot be counted in the election results, since the votes cannot be allocated to any particular seat. The number of voters who cast blank votes is nevertheless of interest and importance. For that reason, a record of the number of such votes should be kept.

Ballot papers that are discarded because they do not satisfy the legal requirement for approval, shall not be counted as blank votes. One example may be if there is doubt concerning the list alternative for which the vote applies. An empty envelope, or a ballot paper envelope with a ballot paper for only one election (in local elections), shall not be regarded as a blank vote (for the other election). In such cases, it cannot be said that the voter purposely acted to cast a blank vote.

16.4 Ballot papers that are not identical with the official papers

Pursuant to Section 10-3 (2) a cast ballot paper shall be regarded as identical with the official election list, i.e. it is deemed to contain all the candidate names that are on the approved list.

The Act does not prevent use of ballot papers other than the printed ballot papers, for example a blank sheet of paper written on by the person themselves, or printed out from a PC or Internet, or a pre-printed ballot paper from anyone other than the election authorities. Regarding all ballot papers as having the same contents as the official election lists makes it possible to avoid voter actions with pre-printed manipulated ballot papers where one name is omitted,

for example. Printing error problems are also avoided. The electoral committee therefore does not need to check all of the ballot papers to see whether they are identical with the official ballot papers. “Identical with the official ballot papers” means identical with the ballot paper in the county or municipality where the voter is entitled to vote.

Section 10-3 (3) of the Act nevertheless stipulates that, if the voter has made corrections on printed ballot papers that are not identical with the official ballot papers, these corrections shall be disregarded. This does not apply to handwritten ballot papers. Only if the voter has had a complete election list with names can one be certain that the voter had an opportunity to make the same alterations as they would have done on an official election list. In theory, it can be assumed that ballot papers are circulating where the name of an individual candidate is deleted or changed in some way. In that event, it would not be possible for the voter to give that candidate a personal vote, even if they had wished to do so. The consequence of this is that the electoral committee must check all the corrected ballot papers and separate those that are not identical with the official election lists.

16.5 Significance of changes to ballot papers

Valid changes to official ballot papers shall count in the election results. If the voter has made changes to a ballot paper that is not identical with the official election list, the changes shall be disregarded. If the voter has changed the ballot paper in a different way from what is permitted, the changes shall also be disregarded. However, the ballot paper itself shall be approved if it satisfies the conditions in Section 10-3 of the Act.

In parliamentary elections, the voters may change the order of the candidates and strike names. The voters mark changes in order by putting the desired order number beside the candidate’s name. cf. Section 7-2 of the Election Act. Pursuant to Section 19 (9) of the Election Regulations, there shall be a separate column of boxes for this purpose. Names must be stricken in the manner described on the ballot paper, cf. Section 7-2 of the Election Act. Pursuant to Section 19 (9) of the Election Regulations, a name shall be stricken by marking the box to the right of the candidate’s name.

On official ballot papers for municipal and county council elections, there is a field for indicating personal votes and a field for entering candidates from other lists (cross-party votes) (only in municipal council elections). It is of no significance for the validity of the vote or the alterations whether the voter has marked a personal vote or entered a “cross-party vote” in any way other than that prescribed, as long as the marking/entry is in accordance with the manner of alteration described in Section 7-2 of the Election Act.

If the voter has submitted two or more ballot papers for the same party in the same election (applies only to ballot papers in a ballot paper envelope), and some of them have been changed, the following rules apply, cf. Section 39 of the Election Regulations: When only one of the ballot papers has been changed, this ballot paper shall be approved. When two or more ballot papers are altered alike, one of them shall be approved. In both cases, the changes are taken into account. If two or more ballot papers have been changed, but differently, one of them shall be approved, but the changes shall be disregarded.

17 COUNTING BALLOT PAPERS

17.1 Principles for counting

Section 10-4 of the Election Act contains the principles for counting ballot papers. This provision applies both to advance votes and to votes cast at the polling station.

Responsibility for counting votes rests with the electoral committee, cf. Section 10-4 (1). The committee decides how the counting shall take place, for example whether there shall be a preliminary count at the polling stations, or whether the votes shall be taken to another polling station to be counted, or whether all counting shall take place centrally at the electoral committee's office.

Normally, the preliminary count takes place at the electoral committee's office. Similarly, the electoral committee may decide that all counting shall take place in another municipality or in the offices of the county electoral committee. Such counting may be preferable in view of the desire for quicker results from machine counting. However, if the municipality chooses to do the counting in another municipality or in the offices of the county electoral committee, that does not mean that responsibility for the counting is delegated to another electoral committee or the county electoral committee. The electoral committee for the municipality the counting concerns, must be present at the counting, cf. Section 40 of the Election Regulations. The election authorities must ensure that votes from different municipalities are not mixed. Counting shall take place separately, in the presence and under the supervision of the electoral committee.

Counting votes in another municipality or in the offices of the county electoral committee may be done both for the preliminary and the final counting.

Decisions as to where and how counting is to take place shall be made by the electoral committee. However, the preliminary counting of votes in another municipality or in the offices of the county electoral committee must not lead to delays in the counting for the municipality.

The electoral committee is responsible for ensuring that there are suitable conditions for such counting.

If the electoral committee leaves the preliminary counting to the polling district, the electoral register for the district must contain at least 100 names,

cf. Section 10-4 (2) of the Election Act.

If there are less than 100 names in the register, the preliminary count shall take place in the offices of either the electoral committee or at another polling station. Ballot papers case in additional polling stations shall never be counted in the additional polling station, cf. Section 10-4 (2) of the Election Act. These ballot papers shall either be counted by the electoral committee in the ordinary polling station for the polling district, along with the other ballot papers from the district, or they shall be counted by district or together by the electoral committee.

In municipal and county council elections, the votes shall be counted separately, cf. Section 10-4 (3) of the Election Act. Counting may take place at the same time, provided that this will not cause delays in the result for the county council election.

Section 10-4 (4) of the Act establishes the principle that advance votes and polling station votes shall be counted separately.

All ballot papers shall be counted twice, cf. Section 10-4 (5) of the Election Act. As such, the municipalities shall count both advance votes and polling station votes, but the counting shall take place at different times.

In municipal and county council elections, it is important that the forwarding of materials to the county electoral committee is not delayed by the second counting of the municipal council votes. Nevertheless, the requirement for a correct result takes precedence over forwarding the material as quickly as possible.

The scanning of the ballot papers does not change the requirement for two rounds of counting. Errors may occur even with the use of this type of technical aid, so that two rounds of counting are required.

Rules for the preliminary count are stipulated in Section 10-5 of the Election Act, and rules for the final count can be found in Section 10-6.

17.2 Manual preliminary counting

It follows from Section 37a of the Election Regulations that the preliminary counting of advance votes and votes on election day must take place by manual counting. Manual counting refers to a hand count without the use of machines. Counting using computers that are not connected to the internet is not considered manual counting. A guide on manual preliminary counting has been prepared, and it includes a detailed description of how to carry out manual counting.

17.3 Machine counting (scanning)

EVA has a system for machine-counting and -reading of ballot papers(EVA Skanning). he electoral committee itself bears responsibility for the counting and the result being correct and in accordance with the legal requirements. The

Act allows for counting in scanning centres where multiple municipalities/county authorities count ballot papers. However, the municipal electoral committee is responsible for the result of the count and must monitor the count. This responsibility cannot be transferred to another municipality.

17.4 Preliminary count

17.4.1 When does the preliminary count begin?

17.4.1.1 Advance votes

The preliminary counting of advance votes that have been received, approved and crossed off in the electoral register before election day, may, at the latest, begin four hours before all polling stations in the municipality close on Monday. Nevertheless, a condition for this is that it can be done without “*conflicting with the secret ballot principle*”, cf. Section 10-5 (1) of the Election Act. This means that if the municipality only receives a few advance votes, it cannot commence the preliminary counting of these until voting has ended on election day. Instead, the votes cast must be set aside and merged with any late advance votes received. Counting can then begin as soon as all the advance votes have been approved.

If the municipality receives a sufficient number of votes, so that a preliminary count can be made, the electoral committee must ensure that a certain number of votes are set aside to be merged with the late advance votes received, cf. Section 37 of the Election Regulations.

Votes set aside shall not be included in the preliminary count performed before the polling stations have closed on election day. The number to be set aside shall be determined by the electoral committee itself, but must be sufficiently high enough to ensure that the advance votes that the electoral committee receives after counting has begun, remain anonymous during the counting. These votes may not be counted until after 17:00 the day after election day and they shall be recorded separately in the protocol.

Pursuant to an amendment to the Election Act from June 2022, the preliminary count cannot begin until the Sunday before election day, at the earliest, cf. Section 10-5 (1) of the Election Act.

The result of the preliminary count must not be made public before 21:00 on election day on Monday, cf. Section 9-9 of the Election Act.

Giving information concerning the result to media or to researchers is not synonymous with making the information public. If the electoral committee gives such information regarding the result before 21:00, it must also call attention to the release ban. The party who receives information regarding the voting results before 21.00 hours, has an independent responsibility to ensure that it is not published before 21:00.

17.4.1.2 Polling place votes

The electoral committee decides where counting is to take place, cf. Section 10-4. The preliminary count of polling place votes shall start as soon as possible after voting at the polling station has ended, cf. Section 10-5 (2) of the Election Act. In this context “the polling place” refers to the individual polling station.

Preliminary counting at one polling station of the votes cast there may therefore commence even if the voting has not finished at other polling stations in the municipality. Please note the provision in Section 9-9 prohibiting the publishing of election results before 21:00 on election day.

If it is decided that joint counting shall take place for several polling stations, the counting may start before all the votes have come in from these stations to the counting place, provided that the secrecy requirements are satisfied, cf. Section 10-4 (2) of the Election Act. This means that separate counting can start for some if the electoral register contains at least 100 names. This similarly applies if all or part of the preliminary count takes place at the offices of the electoral committee.

17.4.2 Procedure for the preliminary count

Advance votes and polling station votes must be kept completely separate at the counting, cf. Section 10-4 (4) of the Election Act.

Votes whose approval is uncertain, so-called “dubious votes”, shall be kept separate from the preliminary count. This applies to both advance and polling station votes. Dubious votes are ballot papers that cannot immediately be approved. Such votes shall always be assessed by the electoral committee itself. Only ballot papers may be deemed “dubious”, not votes cast. Voting, as such, is always approved before the preliminary count begins and the separation of dubious votes is necessary.

If the preliminary count of polling station votes for the whole municipality takes place in the offices of the electoral committee, polling station votes cast in other districts than where the voter was registered in the electoral register (alien votes) shall be checked and merged with the other polling station votes, provided that this can be done without significant counting delays, cf. Section 10-5 (3) of the Election Act.

The preliminary count shall count how many ballot papers have been cast for each list, cf. Section 10-5 (5) of the Election Act. For the preliminary counting, it is not required under the Act that each election list shall be sorted in groups for lists with changes and lists without changes. However there is nothing to prevent this if the electoral committees considers it expedient.

At polling stations where a preliminary count is made, the polling committee must notify the electoral committee of the preliminary result as soon as it is available.

17.5 Final count

17.5.1 When shall the final count begin?

The final count shall start immediately after the preliminary count is finished and the electoral committee has received all votes cast at the polling stations, cf. Section 10-6 (1) of the Election Act. This rule applies to both advance votes and polling station votes. If the preliminary count of the polling station votes for the whole or parts of the municipality took place at the polling stations, the electoral committee must have received all of the votes from the polling stations before counting can commence. This differs from the preliminary count. The final count checks all approved votes for the entire municipality. The final count cannot take place at the individual polling stations, but must take place under the supervision of the electoral committee. It need not necessarily take place in the municipality or be undertaken by the electoral committee itself.

17.5.2 Procedure for the final count

Advance votes and polling station votes shall be counted separately, cf. Section 10-4 (4) of the Election Act.

The final count shall take place in the manner determined by the electoral committee, by the persons appointed by the electoral committee, and under the supervision of the electoral committee.

All ballot papers shall be counted anew in the final count, cf. Section 10-6 (2) of the Election Act.

Furthermore, the electoral committee shall decide whether ballot papers that were put aside as dubious votes in the preliminary count, and votes that were placed in special envelopes, shall be approved. The votes that are approved in this process shall, after the first count, be merged with the other votes before the second count.

In the final count, ballot papers must be separated into ballot papers with and without changes. The electoral committee shall count the number of valid ballot papers that pertain to each election list and in thereby find the number of votes for each election list.

In municipal council elections, the electoral committee shall also record the registered alterations made by voters on the ballot papers, cf. Section 10-6 (3). If a change is not valid, the change shall be disregarded, cf. Section 7-2 (4) of the Election Act. However, the ballot paper itself shall be approved, provided that it satisfies the conditions in Section 10-3.

In parliamentary elections and county council elections, changes made by voters shall be recorded by the county electoral committee, cf. Section 10-6 (4) of the Election Act.

When the count is completed, the electoral committee shall enter the information in the protocol, cf. Section 10-7 of the Election Act and Section 41 of the Election Regulations.

17.6 Replacement of ballot papers during the count

Neither the Election Act nor the Election Regulations permit the replacement of so-called "non-standard" ballot papers. This entails that a non-machine-readable ballot paper is replaced with the corresponding machine-readable paper. Ballot papers shall therefore not be replaced before being counted. It is an important principle that the ballot paper the voter has used to vote shall – if it is approved – be counted. No other ballot paper may be counted instead of this ballot paper. The practice of replacing ballot papers is, in the Ministry's opinion, not in accordance with the law.

17.7 Forwarding election materials to the county electoral committee

Section 10-8 (1) of the Act stipulates that, as soon as the final count is finished, the electoral committee shall forward all election materials relating to the parliamentary election or county council election, to the county electoral committee. Any appeals shall be forwarded to the Ministry.

The electoral committee shall send the following election materials to the county electoral committee:

- All approved advance voting ballot papers, separated into changed and unchanged (a).
- All approved polling station ballot papers, separated into changed and unchanged (a).
- All discarded advance voting ballot papers (b).
- All discarded polling station ballot papers (b).
- All discarded votes cast (b).
- All cover envelopes for advance votes from abroad and from Svalbard and Jan Mayen (c).
- Certified copies of entries in the electoral committee's protocol relating to the election (d).
- Copies of appeals received (e).

When sending ballot papers to the county electoral committee it is important that all the counting categories are packed separately. There must be a clear distinction between advance votes, ordinary polling station votes, votes in special envelopes, late arrivals/set aside, votes received in a contingency envelope for municipalities with an online electoral register on the election day, and alien votes for the rest of the municipalities.

Ballot papers proposed to be discarded must follow their category. For example, an advance ballot paper that has been proposed discarded must be packed together with the rest of the advance votes. We recommend placing these on top, so that they are easy to locate.

For the City of Oslo, Section 10-8 (2) stipulates in particular that the

materials in question shall be forwarded to the County Governor as soon as the parliamentary election is completed.

The election materials shall be packed in good order in sealed packaging, cf. Section 10- 8 (3) of the Election Act. The different categories of ballot papers should be placed in separate envelopes with a description of the contents on the outside. The packaging shall be sealed. It is not appropriate, nor is it compatible with the objects clause in the Act, to use only wrapping paper, plastic bags or the like for transporting election materials. The electoral committee is responsible for ensuring that transportation takes place in accordance with the requirements of the Act and Regulations.

It is important that the election materials be sent immediately, i.e. in the quickest safe way, so that the election results are not delayed unnecessarily. The electoral committees should employ practical systems, based on local conditions, to forward the materials to the county electoral committee as quickly as possible. Whenever practicable, the electoral committee should organise direct transport to the county electoral committee.

17.8 Requirement for receipts documenting handover of election materials

There are requirements for obtaining receipts for the handover of election materials. The rules for this are included in Section 34a of the Election Regulations.

In all elections, when election materials are transferred from the polling committee to the electoral committee, a receipt shall be issued showing:

- What has been handed over.
- Who has handed it over.
- Who received the material.
- Specification of the time and place of handover. The

receipt shall, as a minimum, include information about:

- Handover of the electoral committee's protocol.
- Crossed off electoral register (in municipalities that use paper electoral registers).
- Number of ballot boxes.
- Number of units containing ballot papers in sealed containers.
- Stamp for stamping ballot papers.

The obligation to issue such a receipt applies to both the polling committee when handing over to the electoral committee and to the electoral committee when handing over to the county electoral committee (in the case of Oslo in parliamentary elections, to the County Governor of Oslo and Viken).

The form shall be provided to the recipient along with the materials. Those receiving the materials shall check what is received against the form and confirm

that what is on the form is in accordance with what is delivered. The certified, signed receipt for the material shall be handed to the person bringing the material – a representative of the polling committee for delivery within the municipality or a representative of the electoral committee for delivery to the county electoral committee.

The Ministry would like to point out that it is up to the municipalities to establish good, practical routines for ensuring the proper transport and handover of the materials. If the materials should be delivered without a representative of the sender being present, if sent by post, for example, the Ministry assumes that the recipient will check the material and send a receipt.

18 DETERMINING THE RESULT OF PARLIAMENTARY ELECTIONS

18.1 Constituencies in parliamentary elections. The number of members of the Storting.

Article 57 of the Norwegian Constitution and Sections 11-1 and 11-2 of the Election Act contain rules on constituencies and number of members of the Storting. The country is divided into 19 constituencies that correspond to the 19 former counties, and 169 Storting representatives are elected. Of these, 150 are elected as constituency members and 19 as members at large.

18.2 Allocation of seats to the constituencies in parliamentary elections

Section 11-3 of the Act contains rules on the allocation of seats between constituencies.

All the seats in the Storting shall be allocated to the constituencies every eight years. The allocation is undertaken by the Ministry.

The allocation is performed as follows:

First, an allocation figure for each constituency is determined. This is done using the following formula:

	The number of inhabitants in the constituency at the end of the penultimate year before the parliamentary election in question
+	The number of square kilometres in the constituency multiplied by 1.8
=	The allocation number

The allocation figure for each constituency is divided by 1 – 3 – 5 – 7 etc. (Sainte-Laguë method). The quotients are numbered consecutively and the parliamentary seats are allocated to the constituencies consecutively on the basis of the sizes of the quotients.

Seat no. 1 goes to the constituency with the largest quotient, seat no. 2 is

allotted to the constituency with the second largest quotient, etc., until all seats have been allocated. If two or more counties have the same quotient, the parliamentary seat goes to the constituency with the highest allocation figure. If the two counties have the same allocation figure, the constituency to which the parliamentary seat will be allocated shall be determined by the drawing of lots.

18.3 Distribution of constituency seats between the electoral lists. The returning of members

Section 11-4 of the Act determines how the constituency seats are apportioned between the electoral lists.

All the constituency's seats, with the exception of one, are allocated by the county electoral committee as constituency seats. The last seat is a seat at large and is allocated by the National Electoral Committee.

The allocation of seats is based on the modified Sainte-Laguë method, with 1.4 as the first number. The county electoral committee shall count the votes cast for all electoral lists from all municipalities in the constituency. The total vote polled by each list is divided by 1.4 – 3 – 5 – 7, etc.

The votes cast shall be divided as many times as is necessary to determine the number of seats the list is to have. The first seat is allotted to the list with the largest quotient. The second seat is allotted to the list with the second largest quotient, etc., until all parliamentary seats have been allotted. If two or more lists have the same quotient, the seat goes to the list with the highest number of votes. If they have polled the same number of votes, the list to which the seat is allocated is to be determined by the drawing of lots.

When the number of seats for an electoral list has been determined, the seats are allocated between the candidates on the list, cf. Section 11-5 of the Act. The returning of members proceeds as follows:

First, the names recorded as no. 1 on the ballot papers are counted. On unchanged ballot papers, the candidate at the top is no. 1. Voters may amend the ballot papers and re-number the order of the candidates. The candidate with most such placements is elected. If the list is to have more than one seat, the names listed as no. 2 on the ballot papers are then counted. The candidate with most placements when the two counts are added together is elected. Here the candidate elected as no. 1 is disregarded. The counting continues in the same way until all the parliamentary seats allocated to the list have been filled. If two or more candidates achieve the same results, the original order on the list will be decisive. Ineligible candidates are disregarded.

Section 7-2 (1) of the Act stipulates that, in parliamentary elections, a voter may change the order in which the candidates are listed on the ballot paper. This can be done by placing a (new) number next to the name of the candidate. The voter can also strike candidates' names. The rules governing the

determination of the result of elections entail that changes to ballot papers by voters will be taken into account only if more than 50% of those who voted for the list have made alterations with respect to the same candidate.

Each list shall as far as possible, be allotted a number of alternates that corresponds to the number of members plus three. The candidates for seats as alternates are allocated in the same manner as the members.

18.4 Allocation of seats at large by the National Electoral Committee

The rules governing the allocation of seats at large are laid down in Article 59 of the Constitution and Section 11-6 of the Election Act. The National Electoral Committee shall determine the result of the election and allocate seats at large. The National Electoral Committee's result shall be based on transcripts submitted by the county electoral committees.

The parties to which seats at large are to be allotted must first be determined. Article 59 (3) of the Constitution specifies that only registered parties that have received at least 4% of the total number of votes cast nationwide are included in the competition for seats at large. This is the criterion called the "election threshold". Parties that poll fewer votes, and local lists, will be disregarded. However, they will retain any constituency seats they have won in the constituencies.

The National Electoral Committee shall first allot all seats nationwide as if the country were a single constituency. If parties/groups that are not entitled to seats at large have achieved constituency seats, these will be deducted from 169 before the National Electoral Committee proceeds with the allotment of seats.

The total number of votes polled by the parties in all constituencies is divided by 1. 4 – 3 – 5 – 7 – 9, etc., and all seats are allotted in the same way as in the procedure followed by the county electoral committees. If any party proves to have achieved more constituency seats than the number that follows from the calculations of the National Electoral Committee, a new determination will be conducted in which these seats are deducted. Each party shall be allotted the number of seats at large that corresponds to the difference between the number of seats it would have attained in a national determination of results and the number of constituency seats it in fact attained.

The next phase is to determine the constituencies in which the parties will receive their seats at large. This is done in the following manner:

- a. The starting point is the number of votes polled by the parties in the constituencies. If the party did not win any constituency seats, the number of votes in the constituency is applied. If the party has won constituency seats, the number of votes is divided by a quotient that corresponds to $(\text{number of constituency seats} \times 2) + 1$. The vote count or quotient is then divided by the average number of votes underlying each

constituency seat in the constituency.

Example:

In constituency X, 100,000 votes have been cast and 10 constituency members have been elected.

- Party A polled 8,000 votes and received 0 constituency seats. The party's vote will then be divided by 10,000 (which is the average number of votes per constituency seat). The party will thereby be allotted a quotient of 0.8, which is that party's basis for the competition for seats at large.
 - Party B has polled 15,000 votes and received 2 seats. The votes must then first be divided by 5 ((2 X 2) + 1). The quotient 3,000 is divided by 10,000, and the party is allotted a quotient of 0.3.
 - Party C has polled 50,000 votes and received 5 seats. The vote must first be divided by 11 ((5 X 2) + 1). The quotient 4545 is divided by 10,000, and the party is allotted a quotient of 0.4545.
- b. The quotients for all constituencies and all parties entitled to seats at large are then set out in order of size. If one or more quotients are equal, the number of votes in the constituencies in question will be decisive. If an equal number of votes were polled, the order will be determined by the drawing of lots.
- c. Seat at large no. 1 is allotted to the party and constituency with the largest quotient. Seat at large no. 2 is allotted to the party and constituency with the second largest quotient, etc.
- d. When a constituency has been allocated a seat at large, it will not be included in subsequent allocations of seats at large. When a party has received the number of seats at large to which it is entitled, it will be disregarded for the purpose of further allocation of seats at large. The distribution continues for the remaining constituencies and parties until all of the seats at large have been allocated.
- e. The National Electoral Committee shall designate the candidates who are to be elected as members at large and all alternates. The National Electoral Committee shall proceed in the same way as the county electoral committees, cf. the above, in that those who have already been elected as constituency members will be disregarded. Ineligible candidates will be disregarded.

18.5 Credentials for the members returned to the Storting. Notification of the elected members.

After the National Electoral Committee has finished determining the result of the election, Section 11-8 of the Election Act stipulates that it shall proceed as follows:

- Issue credentials for all members and alternates and send these credentials to the Storting.
- Keep a record of the determination of the result of the election and notify the Storting and county electoral committees thereof.

Section 11-9 of the Act stipulates that after it has received notification from the National Electoral Committee, the county electoral committee shall notify all elected members and alternates of their election, and inform them of their right to apply for exemption from election.

The Act contains provisions on the procedures that are to be followed if a candidate has been elected a member or alternate for multiple constituencies. The general rule is that the person in question may decide which constituency they wish to represent by submitting a written declaration within three days of receiving notification from the county electoral committees. If no such declaration is submitted, election will be deemed to have been accepted for the constituency in which they are entitled to vote. If they are not entitled to vote in any of the constituencies in question, they will be deemed to have been elected by the constituency which comes first in alphabetical order.

19 DETERMINATION OF ELECTION RESULTS IN COUNTY COUNCIL ELECTIONS

19.1 The county electoral committee's distribution of seats

Section 11-10 of the Act contains rules on the determination of election results in elections to the county council.

Seats are allocated on the basis of the modified Sainte-Laguë method in accordance with the provisions of Section 11-4 of the Election Act. The votes polled for the election lists for all municipalities in the constituency are added up and then divided by 1.4 – 3 – 5 – 7 – 9, etc.

The seats are allocated to the electoral lists successively on the basis of the quotients. If two lists have the same quotient, the seat will go to the list that polls the higher number of votes. If they both poll the same number of votes, the seat will be allocated by means of the drawing of lots.

If a list has received more seats than it has electable candidates, the excess seats will be allocated to the other lists in accordance with the above rules.

19.2 The returning of members

Members are returned on the basis of the provisions of Section 11-10 (2) of the Election Act.

Voters may cast personal votes for one or more candidates on the list by placing a mark next to the candidate's name, cf. Section 7-2 (2) of the Election Act. The Act provides for an election threshold equivalent to at least 8% of the vote polled by

the list as a precondition for alterations by the voters to affect the return of members. The county electoral committee must accordingly check the alterations made by voters to the ballot papers. Candidates who have received personal votes on at least 8% of the approved ballot papers are returned first.

If multiple candidates exceed the election threshold, the number of personal votes will be decisive. Other candidates are returned in the sequence on the list.

Example: The list has polled 5,000 votes. The election threshold for personal votes to have an effect is therefore 400. The list receives 5 seats on the county council. The candidates on the list poll the following number of personal votes:

A: 67

B: 133

C: 402

D: 295

E: 497

F: 207

G: 417

The candidates will be returned in the following order: E, G, C, A, B, D, F.

E, G and C exceed the election threshold. Accordingly, the number of personal votes they have polled will determine their ranking. A, B, D and F have not reached the election threshold and will accordingly be ranked on the basis of the original sequence on the list.

Ineligible candidates will be disregarded.

Each list shall as far as possible be allocated as many alternates as it receives elected members, with the addition of three.

The county electoral committee shall advise the elected representatives and deputy representatives of the election and advise of the right to apply for exemption from election, cf. Section 11-11 of the Election Act.

In this context, the Ministry wants to point out the following: A person who has grounds for exemption but has failed to exercise the right when advised that they are a list candidate may not claim exemption after having been elected. We refer to Section 3-4 (2) of the Election Act. Exemption from election may, however, be relevant in the following cases:

1. The grounds for exemption have arisen after the time limit for claiming exemption expired. This may be the case, for example, if the person in question has contracted a serious illness.
2. The person in question has not been made aware of the grounds for

exemption and the right to be removed from the proposed list, and this is due to error or negligence on the part of the election authorities.

20 DISTRIBUTION OF SEATS IN ELECTIONS TO THE MUNICIPAL COUNCIL

20.1 The electoral committee's distribution of seats

The election lists' list votes should be used as the starting point for distributing seats. Each ballot paper counts for as many list votes as there are members to be elected to the municipal council. If the voter has not entered candidates from other lists, all the list votes will be allotted to the list. If the voter has not entered candidates from other lists (known as cross-party votes), the list will lose the corresponding number of list votes, whereas the cross-party vote lists will benefit correspondingly. The rules on cross-party votes and their significance can be found in Section 10-6 (3) of the Act, cf. Section 7-2 (3).

In summary, the list votes for the individual list can be determined as follows:

	the number of ballot papers cast for the list x the number of municipal council representatives
+	the number of list votes received from other lists as a result of candidates being recorded as cross-party votes
-	number of list votes given to other lists by recording candidates from these lists as cross-party votes on the list's ballot papers

Only cross-party votes cast for candidates that are electable will result in the transfer of list votes from one list to another, cf. Section 7-2 (3).

Section 11-12 (1) of the Act contains rules on the allocation of seats.

This is based on the modified Sainte-Laguë method as accounted for in Section 11-4 of the Election Act. The list votes for the individual list is divided by 1.4 – 3 – 5 – 7 – 9, etc. The seats are allocated to the electoral lists successively on the basis of the quotients. If two lists have the same quotient, the seat will go to the list that polls the higher number of votes. If they both poll the same number of votes, the seat will be allocated by means of the drawing of lots.

If a list has received more seats than it has electable candidates, the excess seats will be allocated to the other lists in accordance with the above rules.

20.2 The returning of members

Members are returned on the basis of Section 11-12 (2) of the Act. Members are returned on the basis of two factors:

1. Additional votes from the party: Candidates recorded on the list in bold print shall receive an increased share of the vote, equivalent to 25% of the number of ballot papers cast for the list concerned, cf. Section 6-2 (3). Section 6-2 (3).

2. Personal votes from voters: The personal votes given to the candidates by the voters are then counted. Personal votes of this type may be given in two ways – as personal votes to candidates on the list in accordance with Section 7-2 (2), or as personal votes to candidates on other lists (cross-party votes) in accordance with Section 7-2 (3).

The candidates that poll the most personal votes in total in accordance with 1 and 2 above will be elected. If multiple candidates receive an equal number of personal votes, the sequence on the official electoral list will be decisive.

Ineligible candidates will be disregarded.

Each list shall as far as possible be allocated as many alternates as it receives elected members, with the addition of three.

The electoral committee shall advise the elected representatives and deputy representatives of the election and advise of the right to apply for exemption from election, cf. Section 11-13 of the Election Act.

In this connection, the Ministry wants to point out that a person who has failed to exercise the right to claim exemption as a list candidate, cannot claim exemption if elected, cf. Section 3-4 (3) of the Election Act.

Exemption from election may, nevertheless, be relevant in the following cases:

1. The grounds for exemption have arisen after the time limit for claiming exemption expired. This may be the case, for example, if the person in question has contracted a serious illness.
2. The person in question has not been made aware of the grounds for exemption and the right to be removed from the proposed list, and this is due to error or negligence on the part of the election authorities.

21 KEEPING THE ELECTION PROTOCOL

Section 10-7 of the Election Act requires the polling committees, electoral committees and the county electoral committees to keep records in connection with conducting elections. Pursuant to Section 10-7 of the Election Act, cf. Section 41 of the Election Regulations, the Ministry decides which forms the polling committees, electoral committees and county electoral committees are to use in their record keeping. The information to be recorded concerning the individual election is specified on the form. The various forms may be obtained from EVA, where they are called protocols. The Ministry has decided to delegate the authority to determine the forms to the Norwegian Directorate of Elections.⁴

The protocols shall ensure that it is possible to verify that the election proceeded in accordance with the regulations. The electoral committee's protocol also provides the basis for the control procedures for which the county

⁴ <https://lovdata.no/dokument/LTI/forskrift/2017-01-23-79>

electoral committee is responsible in elections to the Storting and county councils. The recorded information also provides the basis for the Storting's review of parliamentary elections, cf. Section 13-3 of the Election Act and the approval by municipal councils and county councils of elections to municipal councils and county councils, cf. Section 13-4.

22 REVIEW AND APPROVAL

22.1 Parliamentary elections

22.1.1 County electoral committee's review of the election

Section 10-9 (1) of the Act stipulates that the county electoral committees are to review the conduct of the election. The county electoral committee shall check that the election has been conducted in accordance with the applicable electoral system, the Election Act and the Regulations. The county electoral committee's review of the parliamentary election represents a provisional review and provides the basis for the final review of the election by the Storting. The purpose of the review is to bring to light circumstances that may have a bearing on the county electoral committee's determination of the election results and any errors that may be of significance when the Storting determines whether the election is valid. Errors that might result in the invalidity of parliamentary elections are accounted for in Section 13-3 of the Election Act.

The check shall be conducted on the basis of the protocols of the electoral committees and the other election materials that the electoral committees are required to submit to the county electoral committee pursuant to Section 10-8 of the Election Act. If the county electoral committee finds errors in the electoral committee's decisions to approve or reject votes or ballot papers or errors in the electoral committee's counting, such errors shall be rectified.

It is essential to bring to light any errors that have occurred in the election, whether they are such that they are required to be rectified in connection with the determination of the election result or not. It is particularly important to bring to light errors that may be of importance when the Storting determines whether the election is valid.

The county electoral committee shall record minutes of the review in the protocol. This must include information that the Storting might need in its final review of the parliamentary election for the country as a whole. Errors must be recorded regardless of which electoral body committed them and regardless of whether they resulted in the rejection of votes or not. It is of particular importance that the Storting is notified of the rejection of votes and the reasons for such rejection. The Storting must be notified of anything that may have a bearing on its assessment of the validity of the election.

22.1.2 Additional counting locations

County councils that are responsible for several constituencies may choose to conduct the control count for the different districts in more than one location, if this is deemed more expedient. However, the count must be performed in a single location for each individual district. There is no requirement for the count to be performed under the supervision of the county electoral committee, as it is for the final count pursuant to Section 10-6, which shall be performed under the supervision of the electoral committee.

22.1.3 The County Governor of Oslo and Viken' review of parliamentary elections in Oslo

It follows from Section 10-9 (2) of the Act that the review that would otherwise be performed by the county electoral committee shall be performed by the County Governor of Oslo and Viken as regards the election in Oslo. However, the County Governor shall not review those parts of the determination of the election result that Oslo Electoral Committee performs in its capacity as the county electoral committee.

For reasons of expediency, the County Governor shall perform the review after the fact. This means that Oslo Electoral Committee cannot postpone those parts of the determination of the result of the election that it performs as the county electoral committee, pending the County Governor's review. Only when the Electoral Committee has completed all aspects of the determination of the results of the election shall the protocols and election materials be forwarded to the County Governor. It may be expedient for the election material to be examined in the premises of the Electoral Committee to avoid the physical transfer of large quantities of election materials. As regards other aspects of the view, see section 22.1.1 above.

In the same way as the county electoral committees, the County Governor shall inform the Storting in writing of the review conducted with respect to the election. The County Governor is not required to use a dedicated minute book form. The County Governor may notify the Storting in the form of a letter or by some other appropriate means.

22.1.4 The Storting's review of the election

The provisions governing the Storting's review of the election are found in Section 13-3 of the Election Act. According to (1), the newly elected Storting shall decide whether the election of members to the Storting is valid. The Storting reaches its decision on the basis of recommendations from the Preparatory Credentials Committee (preliminary and final).

The Storting shall ensure that any errors are corrected in so far as this is possible. This might, for example, take the form of a recount of ballot papers, a new allocation of seats or return of members. If errors have been committed that are assumed to have had an effect on the outcome of the election but that cannot be rectified, the Storting shall declare the election to be invalid – be it for a

single municipality or for an entire constituency. If the election is declared to be invalid, the Storting will order a new election. It may – in special cases – order a new election in the entire constituency even if the error does not apply to all municipalities in the constituency.

22.2 Municipal council elections

Provisions governing the review of the election are found in Section 13-4 of the Election Act. The newly returned municipal council decides whether the election is to be approved or, if applicable, rejected.

The municipal council itself approves the election on the basis of a recommendation by the electoral committee. A copy of the duly completed protocol of the electoral committee must be attached as an appendix to this recommendation.

The approval of the election shall take place at the constitutive meeting of the new municipal council, cf. Section 7-1 of the Local Government Act. The election shall be approved before the municipal council elects the municipal executive board and the chair of the municipal council. Approval – or, if applicable, rejection – of the election shall be considered as the first item of business on the agenda of the constitutive meeting. The serving chair of the municipal council shall convene this meeting and shall chair the proceedings relating to this business.

If the municipal council finds that the election has been conducted in accordance with the regulations, the election will be approved. The municipal executive board, chair of the municipal council, etc., may then be elected.

The protocols of the electoral committee provide the basis for the electoral committee's recommendation and thus the decision of the municipal council. Errors that have come to the attention of the electoral council but that cannot be rectified should be mentioned in the recommendation to the municipal council. In its recommendation, the electoral committee should give its assessment of the significance of this error in terms of the validity of the election.

The election can and must be declared invalid if errors have been committed that have a bearing on the distribution of seats between the lists and if these errors cannot be rectified in other ways than by a new election.

If the municipal council declares the election to be invalid, notification must be sent to the Ministry. If applicable, fresh elections will be ordered by the Ministry, cf. Section 13-4 (4) of the Election Act.

The Ministry is not to be supplied with a copy of the decision approving elections to municipal councils.

22.3 County council elections

Provisions governing the review of the election are found in Section 13-4 of the

Election Act. The newly returned county council decides whether the election is to be approved or, if applicable, rejected.

The county council itself approves the election on the basis of a recommendation by the county electoral committee. A copy of the duly completed protocol of the county electoral committee must be attached as an appendix to this recommendation.

The approval of the election shall take place at the constitutive meeting of the new county council, cf. Section 7-1 of the Local Government Act. The election shall be approved before the county council elects the county executive board and the chair of the county council. Approval – or, if applicable, rejection – of the election shall be considered as the first item of business on the agenda of the constitutive meeting. The serving chair of the county council shall convene this meeting and shall chair the proceedings relating to this business.

If the county council finds that the election has been conducted in accordance with the regulations, the election will be approved. The county executive board, chair of the county council, etc., may then be elected.

If possible, the county electoral committee shall rectify any errors committed by the electoral committees. This follows from the provisions governing the county electoral committee's review in Section 10-9 (1) of the Election Act. This might, for example, be errors in the approval/rejection of ballot papers or mistakes in the count.

The election can and must be declared invalid if errors have been committed that have a bearing on the distribution of seats between the lists and if these errors cannot be rectified in other ways than by a new election.

If the county council declares the election to be invalid, notification must be sent to the Ministry. If applicable, fresh elections will be ordered by the Ministry, cf. Section 13-4 (4).

The Ministry is not to be supplied with a copy of the decision approving elections to the county council.

In county council elections, it is possible that errors could be committed in one or more municipalities. If so, the most practical approach will probably be for a new election to be ordered in the municipality or municipalities to which the error applies. However, legal authority exists to – in special cases – order a fresh election in the entire county, even if the error applies only to individual municipalities.

22.4 Legality review

According to Section 13-4 (4), a review of the legality of the municipal council's or county council's decision to approve the election may be applied for. The time limit for submitting an application for a review of legality is

seven days after the decision was adopted. In other respects, Chapter 27 of the Local Government Act concerning reviews of legality will apply correspondingly.

In cases covered by the Election Act, applications for reviews of legality shall be considered by the Ministry, not the County Governor. The reason is that County Governors do not have the delegated authority to consider ordinary appeals in the area of elections. The Ministry has deemed it appropriate that all competence to review appeals should be vested in a single instance.

22.5 New election

Section 13-5 of the Election Act contains provisions on how a new election will be conducted. The electoral register shall be updated and, where applicable, corrected. The Ministry may grant exemption from the provisions of the Election Act where necessary for the appropriate conduct of a new election. This will apply in particular to provisions governing practical issues, such as the granting of exemptions from time limits and the like. It will not be permissible for exemptions to be granted in areas that have been put in place to protect the legal rights of voters, cf. also the legislative intent of the Act. In any event, it can hardly be appropriate for exemptions to be required from this type of rule in connection with new elections.

23 APPEALS AGAINST ELECTION OUTCOMES

23.1 Who has the right to appeal?

Any person with the right to vote in the election has the right to appeal, cf. Sections 13-1 and 13-2 of the Election Act. This applies in the case of both parliamentary elections and municipal/county council elections. In the case of municipal elections, the right of appeal applies in the municipality in which the appellant is recorded on the electoral register. In the case of parliamentary elections and county council elections, in the constituency in which the appellant is recorded in the electoral register.

The requirement that the appellant be recorded in the electoral register will not apply if the appeal concerns questions regarding voting rights or the possibility of casting a vote. In such cases, persons not recorded in the electoral register may also appeal.

23.2 Issues that may be appealed

Common rules apply to parliamentary elections and elections to county councils/municipal councils in this area, cf. Sections 13-1 (1) and 13-2 (1) of the Election Act. Appeals may be lodged against “*matters relating to the preparation and conduct of the election*”. This means that, in principle, appeals may be lodged against circumstances of all types. There are no restrictions, apart from the fact that the circumstance must relate to the preparation and conduct of the election in some way or other. It is not a requirement that the appeal should, for example,

apply to an administrative decision.

23.3 Special rules concerning demands for corrections in the electoral register and appeals concerning list proposals

The Act contains special rules on appeal with regard to certain types of circumstances. Firstly, this applies to demands to correct the electoral register as accounted for in Section 2-7. Any person who believes that they or a third party has been incorrectly recorded or omitted from the electoral register in the municipality may require the electoral committee to rectify the error. Further details on the right to require corrections in the electoral register can be found in the chapter on the right to vote and the electoral register. Secondly, Section 6-8 contains a special rule on list proposals. Appeals against a decision by the electoral committee/county electoral committee to approve or reject a list proposal must be submitted within seven days after publication of the approved list headings. In addition to proposers affected by the decision, the national offices of registered political parties may appeal the decision if they are of the opinion that the exclusive right to their party name has been infringed. For further information see the chapter on list proposals and the processing of these proposals.

23.4 Term of appeal

Appeals must be submitted no later than seven days after election day, cf. Section 13-1 (2) and Section 13-2 (2). Nevertheless, appeals against issues relating to the preparation and conduct of elections may also be submitted earlier. Clearly, the earlier an appeal is made the better, so that any errors can be rectified before the election. The appeal must reach one of the appeal bodies, cf. Section 23-7, no later than 7 days after election day. It is not sufficient for the appeal to have been posted before the expiry of the time limit.

The deadline for presenting an appeal against the outcome of the election is seven days after the outcome of the election has been approved by the county council or municipal council.

23.5 Requirement of a written appeal

According to Section 13-1 (3) and Section 13-2 (3), the appeal shall be made in writing.

23.6 Where the appeal is to be lodged

Appeals concerning parliamentary elections shall be lodged with the electoral committee in the municipality, the county electoral committee, the County Governor, the Ministry or the Storting Administration.

In municipal elections, appeals shall be lodged with the electoral committee in the municipality. In the case of county council elections, the appeal shall be lodged with the county electoral committee. An appeal concerning matters of significance to both

elections may be lodged with either the electoral committee or the county electoral committee.

In any event, the principle that administrative agencies have a duty of guidance will apply and the agency in question will be required to forward the matter to the appropriate body.

23.7 The appeal body

23.7.1 Parliamentary elections

In June 2022, the Storting adopted amendments to the Constitution's rules on parliamentary elections, including rules concerning the approval of elections and appeals against the Storting's decision regarding election validity. As a result, there are now discrepancies between the Constitution's rules and the Election Act's rules concerning approval of parliamentary elections and appeals. This section will be updated once the new Election Act enters into force.

It still follows from Section 13-1 (4) of the Election Act that, in parliamentary elections, the Storting is the appeal authority for appeals concerning the right or opportunity to vote, cf. Section 13-1 (4) of the Election Act. Pursuant to this provision, the National Electoral Committee shall give its opinion on these types of appeal cases to the Storting.

23.7.2 Municipal elections and county council elections

The Ministry is the appeal body in the case of appeals concerning municipal elections and county council elections, cf. Section 13-2 (4).

The Ministry's decisions in appeal cases are final. They cannot be brought before the courts for review. The background to this provision is the need to secure a speedy and final decision.

23.8 The appeal review process and its consequences

The ordinary principles of administrative law apply to the hearing of appeals. To ensure that the newly elected body is able to review the appeals in connection with its review of the election's validity, it is important that the electoral committee/county electoral committee processes the appeals as soon as possible after receiving them. The electoral committee/county electoral committee send submit a copy of received appeals to the Ministry immediately after receiving them, so that the Ministry can start preparing the appeals for processing by the Ministry/National Electoral Committee.

In cases where the appellant does not have the right to appeal, or the appeal is lodged too late, the appeal shall be dismissed. Dismissed appeals shall also be forwarded to the National Electoral Committee/Ministry, along with the electoral committee's/county electoral committee's views of it.

The electoral committee/county electoral committee shall review the case and assess whether the matter should be decided in the appellant's favour. If the matter is not decided in the appellant's favour, it will be submitted to the National Electoral Committee (in the case of parliamentary elections) or the

Ministry (in the case of local elections) for review. The electoral committee's/county electoral committee's review of the appeal should indicate whether the appellant has the right to appeal and whether the appeal was lodged in time. Furthermore, comments should be given to the arguments of the appeal, so that the case has been clarified as much as possible before the appeal is transferred to the National Electoral Committee/Ministry.

The electoral authorities may reverse their decisions in the usual way, within the limits provided for in the Public Administration Act. The decision-making body may set aside or amend individual decisions if the appeal is found to be justified, cf. Section 33 of the Public Administration Act. The same applies in the case of the appeal body, cf. Section 34 of the Public Administration Act. In certain circumstances, individual decisions can also be reversed without an appeal having been lodged, cf. Section 35 of the Public Administration Act. Beyond this, the electoral authorities are free to rectify any errors, irrespective of whether or not an appeal has been lodged.

The National Electoral Committee decides whether an appeal is to be granted in instances in which it has the decision-making authority in appeals. In all other cases, the National Electoral Committee gives its opinion to the Storting. The Ministry functions as secretariat to the National Electoral Committee in appeal cases.

The Storting decides whether a parliamentary election is valid, cf. Section 13-3 (1) of the Election Act. In this regard, the Storting may also consider and, if applicable, reverse the decisions of the National Electoral Committee in appeal cases.

Section 13-2 (4) of the Act regulates the right of the Ministry to declare an election to be invalid. If errors have been committed in municipal elections that are assumed to have had a bearing on the allocation of seats between the lists, and that cannot be rectified, the election in the municipality in question shall be declared to be invalid. If errors have been committed in county council elections that are assumed to have had a bearing on the allocation of seats between the lists and that cannot be rectified, the Ministry shall declare the election in a municipality or the entire county to be invalid.

23.9 Appeals against matters that cannot be rectified

Many circumstances relating to the preparation and conduct of the election cannot be rectified at the time the appeal is lodged. In such cases, the electoral committee/county electoral committee cannot grant the appeal. This because, if so, an error could only be rectified by declaring the election to be invalid, which the electoral committee/county electoral committee does not have the authority to do.

The electoral committee/county electoral committee shall prepare the case. Since

the review of appeal cases of this nature will be urgent, a copy of the appeal must be forward to the Ministry as soon as the appeal has been received, in other words before the electoral committee/county electoral committee has reviewed the matter. At the same time, the municipal council or the county council must be informed in the case of local elections.

In the case of local elections, the Ministry will decide whether errors have been committed that are considered to have a bearing on the allocation of seats. If an error must be assumed to have a bearing on the allocation of seats, the Ministry will declare the election to be invalid and order a fresh election. If an error is assumed not to have a bearing on the distribution of seats, the Ministry will notify the electoral committee/county electoral committee to this effect and the electoral committee/county electoral committee will apply this decision when presenting its recommendation to the newly-returned municipal council/county council.

In parliamentary elections, the Storting decides whether the election is invalid and whether a new election is to be ordered.

24 STORAGE, DISPOSAL AND DESTRUCTION OF ELECTION MATERIALS

24.1 Introduction

Section 15-2 of the Act concerns the storage, disposal and destruction of election materials. According to this provision, when the election is over, all election materials shall be handled in accordance with the provisions of the Archives Act and the Regulations adopted pursuant thereof. Archival considerations will accordingly determine how the election materials are to be processed once the election has been completed. It is important that a distinction be made between election materials that have been in use and election materials that are unused.

24.2 Unused election materials

Election materials that have not been in use cannot be considered archive material. These types of materials are subject to provisions concerning archival limitations, as laid down in Section 14 of the Public Archives Regulations. This applies to unused envelopes, unused ballot papers and unused copies of the electoral register.

24.3 Used election materials

In the case of election materials that have been in use, the Director General of the National Archives has determined (in a letter dated 9 September 2003 in response to a letter from the Ministry) pursuant to Section 9 of the Archives Act that the following materials may be discarded:

24.3.1 Envelopes

Both ballot paper envelopes and cover envelopes – rejected and accepted – may be

discarded in a satisfactory manner when the outcome of the election has been determined with final effect.

The Ministry presumes that the same must apply in the case of votes that have been placed in special covers.

24.3.2 Ballot papers

Ballot papers that have been rejected may be discarded in a satisfactory manner when the election outcome has been determined with final effect. Ballot papers that have been approved, however, must be stored until the electoral period has expired before being disposed of in a satisfactory manner. It is not necessary to store ballot papers on paper for four years if the counted ballot papers can be stored in an equally secure manner on an electronic medium.

EVA Scanning does not provide image files of the approved ballot papers, and does not have the functionality to extract these from the database. EVA Scanning stores all counts that have been completed. This also includes counts that have been transferred to EVA Admin, but that have not been approved, counts that were never transferred and counts that were carried out and then deleted. This means that all scans are stored in EVA Scanning.

This will not provide an accurate picture of the approved ballot papers, as in many cases, these will be found from multiple scans. Therefore, it is the Ministry's recommendation that the ballot papers be safely filed on paper for a 4-year period, if the counted ballot papers cannot be stored equally as securely on an electronic medium other than EVA, which is not a case and filing system. What medium this will be at any time will be a professional assessment in accordance with the provisions of the Archive Act and Public Archive Regulations.

24.3.3 Polling cards

Polling cards may be destroyed in a satisfactory manner when the outcome of the election has been determined with final effect.

24.3.4 Crossed-off electoral registers

Crossed off electoral registers shall be stored until two election periods have expired before being discarded in a satisfactory manner.

25 ELECTION OBSERVATION

25.1 Framework – our international obligations

As a member of the United Nations, the Council of Europe and the OSCE, Norway is committed through a number of international documents both to invite and receive national and international election observers. The most important documents in the legal framework are the UN International Covenant on Civil and Political Rights, the European Convention on Human Rights, the OSCE Copenhagen Document of 1990, and the OSCE Charter for European Security from 1999.

Conventions, recommendations and charters to which Norway has acceded are legally binding. In addition, there are standards and guidelines that are not directly legally binding. However, they have been drawn up on the basis of legally binding documents.

One of the most important international provisions regarding election observation is Article 8 of the Copenhagen Document of 1990.⁵ This document was adopted at a conference of foreign ministers of the OSCE countries on 5 June 1990 in Copenhagen. The document lays down principles for protection and strengthening of human rights and fundamental freedoms as important goals for democratic states. Pursuant to Article 8, the OSCE states pledge to accept election observers from other member countries, private institutions and organisations, international as well as national. They can also actively take the initiative with respect to election observation. These commitments regarding election observation have subsequently been repeated in various international documents.

25.2 Section 5-10 of the Election Act

In order to clarify Norway's responsibility with respect to election observation, and to pave the way for visits from election observers, a provision regarding election observation has been included in Section 15-10 of the Election Act. Pursuant to this provision, the Ministry can accredit national and international election observers from institutions and organisations to observe the conduct of parliamentary and local government elections. Section 85 a of the Regulation relating to Sami Parliament elections provides a similar legal basis.

The provision on election observation in Section 15-10 of the Election Act applies to public and private institutions and organisations – both national and international. It does not authorise private individuals to engage independently in election observation. However, there is nothing to prevent private individuals who may desire insight into the conduct of elections or training in election observation from being granted permission to do so by local election authorities. This may also imply permission to be present at a polling station for short periods of time. Such presence is not to be regarded as formal election observation.

Private individuals may also wish to be present when ballot papers are counted. The counting of ballot papers takes place formally at a meeting, cf. Chapter 11 of the Local Government Act, and meetings are in principle open to the public. The local election authorities decide how counting is to take place, so that it proceeds properly.

The Ministry stresses that it is important that we have an electoral system that is open and transparent to all who might be interested. The conduct of elections

⁵ <http://www.osce.org/odihr/elections/14304?download=true>

is an important democratic action which we want the whole population to have complete confidence in. The local election authorities should therefore endeavour to facilitate individuals who wish to observe elections.

25.3 Purpose of election observation

Elections concern fundamental civil and political rights, and election observation is thus a means of protecting these rights. According to the OSCE, a well conducted election is a political contest that takes place in an atmosphere of confidence, transparency and accountability, and which gives voters a choice between different political options. A sound democratic election process is contingent on freedom of expression and free media, compliance with the law, the right to establish political parties and compete for election, non-discrimination and equal opportunities for all citizens, freedom from threats, and a number of other fundamental human rights that all OSCE countries have committed to protect and promote. Election observation strengthens responsibility and transparency, and thereby boosts both national and international confidence in the election process.

The purpose of election observation is to determine whether the election and the electoral process are in compliance with national and international legislation and other universal principles for democratic elections.

Through the “Charter for European Security”, Norway has not only renewed its obligation to issue invitations to observe elections, but also agreed to follow up promptly the OSCE’s election assessments and recommendations (“*We agree to follow up promptly the OSCE’s election assessment and recommendations.*”).

National and international organisations and institutions may be invited to, or may themselves take the initiative to, check that the country’s conduct of elections takes place in accordance with national and international regulations. This is done by observing the election process, in whole or in part. Election observers shall observe and report to the institution or organisation they represent. They have no authority to instruct, assist, or involve themselves in the polling, counting or other aspects of the election.

Election observers from the OSCE must observe the ODIHR’s “Observer Code of Conduct”, which sets definite requirements for and restrictions on election observers. The United Nations, Council of Europe and Venice Commission have drawn up their own principles for international election observation and codes of conduct. In brief, election observers shall cooperate actively with the election authorities of the host country and shall not be an obstacle to the election proceeding according to plan. They shall be politically and financially independent in all respects. Their role is to observe what takes place in the course of the election process and to report subsequently to the public authorities whether the election has been free and in accordance with national and international commitments.

The electoral authorities of the host country at both central and local government levels shall for their part ensure that the observers have unrestricted access to all parts of the electoral process. They shall also have access to observe the part of the election that takes place electronically, through the use of new technology, etc.

Election observers shall have the right to move freely within the country and meet with whichever organisation or person they wish.

25.4 The OSCE/ODIHR

The OSCE is the Organization for Security and Co-operation in Europe. The ODIHR (Office for Democratic Institutions and Human Rights) is their institution with responsibility for election observation. The OSCE region stretches from Central Asia in the east to the USA in the west, and consists of a total of 57 countries including Norway.

25.4.1 The OSCE/ODIHR's different forms of election observation

All member states pledge to invite the OSCE/ODIHR to observe elections. The OSCE uses different methods to observe elections. Following an invitation, the OSCE/ODIHR normally sends some representatives on a Needs Assessment Mission (NAM). The purpose is to study the country's election legislation and take a closer look at the organisation and conduct of the administrative election process. The OSCE/ODIHR prepares a NAM report on the basis of this first visit. In it, the OSCE/ODIHR considers whether full election observation (brief or long-term) should be carried out in the country or whether only more limited observation should be conducted, with focus on particular topics and areas. In the case of a NAM, the team is usually in place for a shorter period before election day and on election day itself.

If the OSCE/ODIHR decides to carry out full election observation, an Election Observation Mission is carried out. This may be short- or long-term. If it is decided only to carry out more limited observation, an Election Assessment Mission (EAM) is carried out. These assessment missions are typically carried out in countries with long-standing democratic traditions. In both cases, a team of election experts is sent to the country.

25.5 International commitments, standards and guidelines for elections in general

The authorities of the individual countries are responsible for ensuring that international commitments are observed and implemented throughout the country. Thus our legislation and conduct of elections shall ensure, among other things:

- regular elections,
- free elections,
- reliable and transparent elections,
- fair elections,
- universal and equal suffrage

- secret ballot
- accurate counting and results

Our election legislation and system are based on these principles. This is clearly expressed in the objects clause of the Election Act: *“The purpose of this Act is to establish such conditions that citizens shall be able to elect their representatives to the Storting, county councils and municipal councils by means of secret ballot in free and direct elections.”*

The OSCE document of October 2003, “Existing commitments for democratic elections in OSCE participating states” provides a good overview with a detailed account of all our commitments.

One important principle of the European election tradition is the secret ballot requirement. Secret ballots without undue pressure is a human right laid down in a number of international conventions and other non-legally binding standards and commitments. The legal framework includes the UN Universal Declaration of Human Rights of 1948, the UN International Covenant on Civil and Political Rights, the OSCE Copenhagen Document of 1990 and the European Convention on Human Rights.

The UN International Covenant on Civil and Political Rights (1966) states:

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

(a) to take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) to have access, on general terms of equality, to public service in his country.

The comments accompanying the Covenant stipulates that all states shall take precautions to guarantee a secret ballot and that voters shall be protected from any form of compulsion or pressure to reveal what they have voted.

A number of standards for elections have been developed. The OSCE and Council of Europe have played a central part in this work in Europe. The guidelines laid down by the Venice Commission (under the Council of Europe) in 2002, “Code of Conduct on Electoral Matters” constitute an important standard. This code is not directly binding on member states, but builds on principles we are bound by and is used frequently as a reference when the election systems of member countries are assessed. A Norwegian translation is available from www.valg.no.

The Ministry recommends that all those with responsibility for the conduct of elections in their municipalities familiarise themselves with this standard.

25.6 Accreditation of election observers

25.6.1 Application for accreditation

National and international organisations wishing to observe elections in Norway must apply to the Ministry for accreditation for this purpose, cf. Section 15-10 of the Election Act.

The Ministry's guidelines for election observers indicate the requirements set out for applications for accreditation.

To accredit means to authorise or empower. Proof of accreditation issued by the Ministry indicates that the person in question is formally authorised and empowered to observe the conduct of the election process in its entirety. Proof of accreditation applies for the individual election for which accreditation is applied, and is issued to individuals.

Election observers shall decide themselves what they wish to observe and where. An application for accreditation therefore does not contain information in this respect.

The Ministry of Local Government and Regional Development shall issue proof of accreditation to all election observers who fulfil the requirements. Some of those applying to be election observers may request at the same time to have an interpreter with them. The Ministry shall therefore also issue proof of accreditation to interpreters.

The Ministry considers whether it is advisable to convene the election observers for information meetings, to inform them about the Norwegian election system and answer any questions the observers might have. It may also be a good idea to recommend institutions and individuals they may find it useful to contact, etc. This kind of information is especially important if the observation takes place outside of professional, international organisations.

25.6.2 Accreditation card

Accreditation cards are designed in conformity with the Ministry's design program in the colours gold, white and orange, and equipped with white cords. These are the cards that election observers must always have with them in meetings with the election authorities, other parties concerned and at polling stations. The accreditation cards shall specify the observer's name (first and last), date of birth and the organisation the person is representing. There is also an ID number on the card so that the Ministry has an overview of the number of observers and their identities. Should any doubt arise as to whether a person has valid proof of accreditation, the Ministry must be contacted at the telephone number listed on the card.

When the Ministry has issued accreditation cards to election observers, all municipalities in the country will be informed of this via www.valg.no. The Ministry keeps a record of all accredited election observers. This record is an overview of those who have been accredited for the election in question, and the organisations they represent.

The list is published on www.regjeringen.no and is constantly updated.

25.6.3 *Guidelines for election observers*

The Ministry of Local Government and Regional Development has drawn up guidelines for election observation in Norway. The brochure is available in both Norwegian and English. It provides information about the procedure for applying for accreditation, how organisations or institutions wishing to observe should proceed, what aspects of the election may be observed and rules for how it is to proceed (“Code of conduct for observers”). There are also links to various documents such as the Election Act, the Election Regulations and the Election Manual. The brochure is available from www.valg.no under the topic of [election observation](#).

25.7 **Obligations of election observers**

According to section 4.4. of the preparatory works for the Election Act (Ot.prp. nr. 32 (2008 –2009), recommendations from the UN, OSCE/ODIHR, Council of Europe and Venice Commission shall form the basis for election observation in Norway. These guidelines are normally called “Code of conduct for observers”. Although standards and recommendations have been drawn up by different institutions, the principles and contents upon which they build are consistent.

Election observers who come to Norway are therefore assumed to be familiar with these rules. An important document providing general coverage is: “Declaration of principles for international election observation and Code of conduct for international election observers”, UN 2005.⁶ A wide range of institutions have acceded, and it is binding for Norway. The general principles are listed below. They are also mentioned in the Ministry’s “Guidelines for election observers”. Main elements of guidelines for election observers – election observers shall:

- respect sovereignty and international human rights
- respect the laws of the country and the authority of electoral bodies
- respect the integrity of international election observation missions
- maintain strict political impartiality at all times
- not obstruct election processes
- provide appropriate identification
- maintain accuracy of observation and professionalism in drawing conclusions
- refrain from making comments to the public or the media before the mission speaks
- cooperate with other election observers

⁶ Available at www.valg.no

- maintain proper personal behaviour
- not violate the code of conduct
- pledge to follow the code of conduct (Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.)

Election observers who are accredited by the Ministry are expected to familiarise themselves with Norwegian election legislation and the rules applying to the conduct of elections.

Election observers are obliged to comply with the provisions of the Election Act. It is particularly important that observers know what they can and cannot do at the polling station.

Observers with accreditation will have access to all parts of the election process, including the polling stations for both advance voting and voting on election day, and premises where counting of votes takes place. Accredited election observers also have access to the county councils' checking and counting of ballot papers and to the National Electoral Committee's calculation of seats at large in parliamentary elections.

When election observers arrive at a polling station, they should be referred to the chairperson of the polling committee. Questions concerning the conduct of the election should be directed as far as possible to the chairperson of the polling committee, but other electoral officers must also be helpful.

It is important with respect to the voters that the election observers are "visible", and that their presence cannot be misunderstood or misinterpreted. Voters with questions about election observation must of course receive answers to their questions.

The international voting standards – the secret ballot principle, etc. – will always form the basis for how election observation must proceed. The respective electoral committees have a separate responsibility for ensuring that these principles are observed in practice.

25.8 What are the duties of local election authorities?

All Norwegian municipal councils must be prepared to receive national and international election observers in all elections. Pursuant to Section 15-10 of the Election Act concerning election observation, the municipalities have an obligation to accept accredited election observers and facilitate observation of elections. This obligation also applies to county councils.

Election observers shall decide themselves what they wish to observe and where. An application for accreditation will therefore not contain information in this respect. Information as to where and which parts of the election process they wish to follow are therefore in principle unknown to the Ministry, unless they themselves wish to provide this information.

The municipal council should inform their own election officers that election observers may visit. The observers may wish to meet the municipal council in advance, in order to obtain information directly from the local election authorities. The municipal council must therefore assist by arranging a meeting and in other respects providing assistance to the extent it is required. In other respects the proceedings at the polling stations and the actual counting shall at all times take place in accordance with the rules and regulations. Thus no special preparations shall be made, even if the municipal council know that they will be receiving a visit from election observers. The primary task of the local election authorities is to ensure that the election is conducted correctly. The presence of election observers shall therefore not affect the conduct of the election.

Election observers are obliged to comply with Norwegian and international rules. Section 9-4 of the Election Act stipulates that the chairperson of the polling committee has the right to turn away any person who disrupts the election. These rules will also apply to election observers. The electoral committee may, for example, ensure that no one – including election observers – may be present at a polling station in such a way that their presence may be experienced as a form of surveillance by the voters, or an attempt to exert influence.

26 LOCAL REFERENDUMS

The use of local consultative referendums is an established part of Norwegian local democracy, although such local referenda are not regulated by law. In order to make this option visible, a principle clause concerning local referendums has been included in Section 12-2 of the Local Government Act. The legal authority provided is general in order that it should not be perceived as restricting local authorities.

The Act has no provisions regulating the conduct of local referendums. The election authorities in the individual municipalities are responsible for conduct in referendums. It might be appropriate to take the Election Act's provisions as a point of departure and to apply them insofar as they are appropriate.

The municipal council must stipulate the regulations for a referendum in accordance with Section 12-2 of the Local Government Act, including rules for who is eligible to vote and the right of appeal. It would be natural to use the principles the election legislation is based on as a basis, both nationally and internationally. In March 2007, the Venice Commission approved the “Code of good practice for referendums”.⁷ This is based on international principles for holding elections, and apply to both national and local elections. This entails, among other things, that the municipality should ensure compliance with the

⁷ <http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD%282007%29008-e>

principle for general suffrage rights and secret voting during referendums as well, which is the requirement for ordinary political elections.

Local referendums may be conducted at the same time as ordinary elections. If so, voting inside the polling station must be organised in such a way that there is no risk that voters will be mistaken as to which election they are voting in. One way of safeguarding this would be to utilise separate voting booths and ballot boxes for the referendum.

Section 16-1 of the Local Government Act imposes a reporting requirement on municipalities that conduct local referenda. Statistics Norway is responsible for compiling data. Data is compiled in connection with the annual KOSTRA (Municipality – State reporting) report, according to which a reply must be submitted by February of the year after the vote was conducted.

27 MISCELLANEOUS PROVISIONS

27.1 General information

Chapter 15 of the Election Act contains miscellaneous provisions with regard to elections.

27.2 Trials

Section 15-1 of the Election Act contains rules regarding trials in connection with elections. According to (1), the King may, upon application, give consent that:

- Elections can be performed in ways other than those laid down in the Election Act.
- Direct election may be held for bodies other than the Storting, county councils and municipal councils.

Trials are thus only relevant if one wishes to perform an election in a way other than that prescribed by law or regulation.

The background for this provision is the need to be able to perform elections in ways other than the traditional ones. It may be necessary to try out proposals that involve innovation, without first introducing mandatory schemes or systems by law. In order to gather necessary experience, which may in turn form the basis for potential amendments to the law, trials can be held. Trials may give an answer to whether changes should be made to the election system so as to increase interest in elections and local democracy.

Such trials may involve the procedures for implementing elections. One example may be using an online electoral register. Another topic for a trial may be lowering the voting age for local elections. There may also be a question of elections for bodies of functions other than those traditionally chosen by direct election, the chair of the municipal council (mayor) for example.

27.2.1 *Limitations*

The Act of 26 June 1992 No. 87 regarding trials in public administration (the Trials Act) contains general rules regarding trials and pilot schemes in public administration. The act regulates both what trials can be about and how they shall be performed. The Act sets limitations on what kind of regulations exemptions can be sought for. The Act cannot be used to obtain exemptions from the basic provisions of the Local Government Act regarding the organisation of activities in municipalities and county authorities, nor from the case processing rules of the Public Administration Act. Another important limitation is that one cannot approve trials that will involve the infringement of the rights or extension of the obligations of individuals under current legislation.

The principles of the Trials Act shall be taken as a basis for trials under the Election Act. Thus permission cannot be given to trials that conflict with the Election Act's fundamental principles.

According to Section 15-1 (2) of the Election Act, the King may determine further conditions for the trial and decide which legal provisions may be deviated. The King's authority is delegated to the Ministry of Local Government and Regional Development. Cases that involve a deviation from fundamental provisions of the Election Act, such as trials with reduced voting age for local elections, shall however be decided by the King in Council.

27.2.2 *Applications*

Trials in accordance with Section 15-1 of the Election Act may be based on applications from the municipalities. These must be approved by the King (the Ministry). In connection with such approval, special regulations must be devised for the implementation of the trial. The regulations must state what provisions shall apply in place of the provisions of current election law and regulations, or that make additions to or more precise definitions of these.

27.3 Time limits

Section 15-5 of the Election Act lays down rules for time limits and the consequences of failing to comply with them.

(1) and (2) of this Section stipulate rules about those cases where deadlines are linked to fixed dates and these fall on a Saturday, Sunday or public holiday. If the starting point for a time limit falls on a Saturday, Sunday or public holiday, the time limit begins to run from the next business day. If a end point for a time limit falls on a Saturday, Sunday or public holiday, it will instead expire on the next business day.

Section 15-5 (3) of the Election Act stipulates that, if a date that is the earliest or latest date for an action in accordance with the law falls on a Saturday, Sunday or public holiday, the earliest such action may be performed is on the next working day. The same applies if the latest date for an action falls on a Saturday, Sunday or public holiday. Here, the latest the action may be performed is on the next business day.

This means that if 31 March falls on a Saturday or Sunday, the deadline for delivering proposed lists will expire on Monday 1 April. If 31 March falls on Maundy Thursday, Good Friday, Easter Saturday, Easter Sunday or Easter Monday, the proposed list may be delivered on the Tuesday immediately following Easter.

27.3.1 Exceeding the time limit

According to Section 15-5, notifications, declarations or appeals that are given after the expiry of a deadline may only be considered if the time limit was exceeded due to circumstances outside the control or expectation of the person whose obligation it was to observe the time limit.

For example, exceeding a time limit due to delays in the post may be acceptable in cases where the law requires that an appeal shall have reached the electoral committee or county electoral committee by a given date, cf. for example Sections 13-1 (2) and 13-2 (2). Incorrect information from the authority responsible for providing information about the rules of the Election Act must also be accepted as relevant grounds for justification. One's own ignorance or misinterpretation of the rules of the Election Act will not normally be acceptable however.

27.4 Cost of parliamentary elections

It follows from Section 15-9 of the Election Act that the Treasury covers the expenses of the municipal and county authorities' legally required activities in respect of parliamentary elections.

The municipalities are given coverage of expenses through the income system. Incorporation into the income system means that the individual municipality will not have its expenses refunded according to fixed rates, but that the amount is divided between municipal and county authorities according to the costs key in the income system for municipal and county authorities.

28 OTHER LEGISLATION APPLICABLE TO ELECTIONS

28.1 Public Administration Act and Freedom of Information Act

28.1.1 Introduction

The Public Administration Act contains provisions on the procedures applied in public administration. The Act applies to activities conducted by administrative agencies “*unless otherwise provided by or pursuant to statute*”, cf. Section 1.

The Freedom of Information Act contains provisions on the public access to the public administration's files. According to Section 2, the Act applies to the State, municipalities and county authorities.

The general rule is that the provisions of the Public Administration Act and the Freedom of Information Act apply to bodies to which authority has been

granted pursuant to the Election Act. If a concrete interpretation of the Election Act results in solutions that deviate from the ordinary provisions of the Public Administration Act or the Freedom of Information Act, the solution provided for under the Election Act will take priority.

28.1.2 *Freedom of information*

The Act has few rules that are directly applicable to freedom of access to official reports. The provisions in question concern:

- access to the electoral register for public inspection (Section 2-6)
- access to list proposals for public scrutiny as they come in (Section 6-6 (1))
- publication of approved election lists (Section 6-7)
- duty of secrecy with regard to votes cast by individual voters (Section 15-4 (2), Section 8-4 (8) and Section 9-5 (5))
- the prohibition against disclosing information about ballot paper consumption (Section 8-5 (2) and Section 9-4 (2))
- access to the electoral register and other materials (Section 15-3)
- the prohibition against publishing election results and forecasts prepared on the basis of surveys conducted on the Sunday or Monday on which the election is conducted (until Monday at 21:00 at the earliest) (Section 9-9).

Section 13 of the Election Regulations stipulates that information on the identity of the person who has signed a list proposal pursuant to Section 6-3 (2) of the Election Act is subject to non-disclosure. This is information concerning that person's "*personal affairs*", cf. Section 13 (1) (1) of the Public Administration Act. Overviews of the names of signatories can accordingly not be released to the press or others. On the other hand, information on the identity of representatives who have signed lists proposals is regarded as publicly available information.

The Act contains no provisions regulating the procedures of electoral committees and county electoral committees. These bodies are publicly elected bodies in the sense of the Local Government Act and are accordingly regulated by the provisions of this Act concerning procedure (the Local Government Act, Chapter 11) including Section 11-5 on open or closed meetings.

28.1.3 *Right of access to applications for exemption from inclusion on the electoral list*

The proposers are parties to the case and accordingly have a right of access to a candidate's application for exemption, cf. Section 18 of the Public Administration Act. Moreover, the status of party, including the right of access, can be achieved by appeal. According to Section 13-2 of the Election Act, any person who is entitled to vote in the county/municipality in question may appeal against decisions concerning county council elections/municipal council elections.

28.1.4 *Public access with regard to the counting of votes*

The general rule is that the counting is conducted in a meeting which will, as a general rule, be open. Nevertheless, the public do not have an unrestricted right to be present during the counting. Persons may be turned away if they behave in a way that will disturb the proper conducting of the count. If meetings of the electoral committee/county electoral committee are to be held with closed doors, legal authority must be sought in Section 11-5 of the Local Government Act.

28.1.5 *Access to ballot papers*

Ballot papers that have been used in voting are not public pursuant to the Election Act, cf. Section 15-3 (2).

28.1.6 *Disqualification*

The general rule is that the provisions of Chapter II of the Public Administration Act will apply to bodies granted authority under the Election Act. If a concrete interpretation of the Election Act results in solutions that deviate from the ordinary provisions of the Public Administration Act, the solution of the Election Act shall take precedence.

The electoral committee and county electoral committee comprise publicly elected members. It will be normal for the members to be politically active or even candidates recorded on lists. This in itself does not disqualify the members from participating in general decisions, such as approval of the electoral lists as such, reviewing and counting votes or approving the outcome of the election. However, the member will be disqualified from participating in administrative decisions concerning their own or a close associate's electability or application for exemption.

In other individual cases, circumstances may exist that are likely to undermine confidence in the impartiality of a member. Examples might include strong conflicts of interest or dependency. Whether or not this constitutes "*special circumstances*" resulting in disqualification pursuant to Section 6 of the Public Administration Act will need to be assessed in the individual case.

In one case in which a party had submitted a list after the expiry of the time limit provided for in the Election Act, the Ministry held that a member of the electoral committee who was elected for this party was not disqualified from participating in meetings in which the lists were assessed for approval.

Questions concerning disqualification must be assessed on the basis of the same rules with regard to members of the polling committee as for members of the electoral committee.

28.2 The Penal Code

The Election Act does not contain its own penal provisions. Any breaches of the provisions of the Act will be encompassed by the Penal Code Chapter 19

(relating to protection of public authority and trust in this).

28.2.1 Buying and selling votes and unfair influence on voting

Sections 151 and 152 covers what is normally called buying and selling votes.

Section 151 concerns deliberate use of threats or offering advantages to someone in order to get them to vote in a particular way or to abstain from voting. The offence is committed when the threat or advantage has been given or promised. There is no requirement that the recipient actually changes their vote or abstains from voting.

Section 151 (3) refers to a person who by unlawful conduct causes another person to vote otherwise than he/she intended to, or to cast an invalid vote, or to abstain from voting, or who aids and abets thereto. One example may be to give information that the polling station is open to 21:00, when it actually closes at 18:00, or that the perpetrator ensures that a vehicle the voters are dependent on to reach the polling station does not start or is not available.

Section 152 concerns deliberately voting or promising to vote in a certain way or to abstain from voting as a result of the person in question having received or entered into an agreement concerning an advantage. The precondition is that the person concerned adopts a different attitude to the one he or she would otherwise have had. As regards "selling" votes, the act is committed in and by entering into the agreement. It is not necessary for the person in question to fulfil the agreement.

28.2.2 Illicit participation in an election

Section 153 of the Penal Code concerns deliberately acquiring the means to vote despite not having the right, and people who vote in the name of others or cast a vote more than once, so-called illicit participation in an election.

This will normally be achieved by giving incorrect information about age or place of residence, for example. Obtaining the right to vote in another constituency is also covered by this provision. If anyone is incorrectly entered in the electoral register as having the right to vote and votes despite knowing of the error, this is also covered.

Obtaining a vote by underhanded means is also an offence. This may for example occur through being allowed to vote without being checked against the electoral register. In such cases this is an offence even if, objectively speaking, the person in question had the right to vote. It is also an offence if a person who has, because of an error, not been crossed off the electoral register uses the opportunity to vote again. It is sufficient that the person in question has actually had the opportunity to vote. Normally, this means that the person has passed through the electoral register check.

28.2.3 *Subsequent interference with an election result*

Section 154 of the Penal Code makes it a criminal offence to distort the election result after the votes have been cast.

Distortion consists of deliberately stating a number of votes that does not agree with the supporting material, either because a number is deliberately stated that does not agree with the result of the count or because votes have been deliberately miscounted. Destroying ballot papers or neglecting to include some of the votes that have been cast is also covered by this provision. It is not a requirement that the election result has been made public or even that the distortion shall have affected the final outcome of the election, such as by changing the distribution of the mandate.

28.3 Alcohol Act

Following amendment of the Alcohol Act (amended by the Act of 12 December 2014 No. 69, entry into effect on 1 January 2015) under Section 3-4 (3) it is no longer forbidden to sell alcoholic beverages on election day. The same applies to sale and delivery of beer, cf. Section 3-7 (3) of the Alcohol Act. Within the framework of the Alcohol Act, the municipal council may consider which hours of sale they will allow on the election day.

Questions concerning the provisions of the Alcohol Act should be put to the Ministry of Health and Care Services.

28.4 The flying of flags on election day(s)

Election day is an official flag-flying day. Pursuant to the regulations relating to official flag-flying days, election day in parliamentary elections is an official flag-flying day.⁸ While the regulations do not specify, the Ministry of Foreign Affairs recommends that the flag be flown even in local elections.

Any questions concerning provisions governing the flying of flags on election day should be put to the Ministry of Foreign Affairs.

29 CHURCH ELECTIONS

Church elections shall also be held throughout the country, coinciding with the municipal and county elections. Church elections is an umbrella term for two elections: Parish council elections (local) and diocesan council elections (regional).

29.1 Rules for the church election. Responsibility for implementation of the church election

The church election is regulated by rules determined by the Church of Norway General Synod pursuant to the Church Act. The Church Council has prepared its

⁸ Section 4.

own election handbook for election workers responsible for the church election. It also has a general responsibility to provide centralized information to voters.

The parish councils are responsible for the implementation of the church election at the local level. They shall act as electoral committees and are thus responsible for ensuring that the election is conducted in accordance with the rules. The parish council shall determine the place for casting votes, appoint election officials, obtain equipment and materials and ensure the implementation of the election and the counting of ballot papers.

29.2 Time and place for voting at church elections

The church elections shall be held at the same time as the municipal and county elections throughout the country. The parish council shall determine where voting shall be performed on the basis of local conditions and opportunities. According to the rules, the church election shall take place in the immediate vicinity of the municipal polling stations, if this is possible. Where the church is in the immediate vicinity of the polling station, it would be natural to use the church or other church premises, but that will be up to the individual parish council to decide. Otherwise, it may be natural for the municipality to put premises at the parish council's disposal to hold the election.

If it is disproportionately difficult to hold church elections at all polling stations where municipal council and county council elections are held, the diocesan council may grant exemption from the requirements regarding time and place of voting at the church election. It may therefore be the case that it is not always possible to cast a vote in the church election in the immediate vicinity of all polling stations for the municipal and county elections.

A vital condition for being able to hold voting in the immediate vicinity of polling stations used for the municipal and county elections is that collaboration is entered into between the parish councils and the electoral committee in the municipality. In many places, the local and county elections take place in municipal buildings or premises, such as the town hall or schools. Where the conditions are amenable, and there is nothing to prevent it, the church election can be held in the same place as the local and county elections, i.e. in the same building or building complex, but clearly separated from the municipal and county election. Possible solutions in such cases could be to have a common entrance, but with voting taking place in separate rooms.

As a general rule, the Ministry would not recommend having voting for the church election in the same room, unless it is particularly suitable, such as in a large gymnasium hall. If it is thought that voting can be done in the same room, it must be laid out so as to avoid confusing the two. The room must be large enough to permit voting for both elections without any practical difficulties

arising. There must be separate polling booths and polling committee tables and the ballot papers for each election must be laid out in such a way that there is no risk of confusion. The room must be equipped with clear, unambiguous information for voters. There must be different persons performing tasks in connection with the municipal and county elections on hand and the church election on the other.

Both the parish council and electoral committee/polling committee must ensure that no ambiguities or mixing of the church and local elections occurs.

29.3 Collaboration between municipal election authorities and parish councils

It is a precondition that the implementation of the church election shall not affect bodies and administrative personnel who are taking part in preparations for and implementation of the municipal and county elections in such a way as to complicate the performance of these elections.

Even though, formally speaking, the municipality has no obligation to assist with the implementation of the church election, the Ministry would recommend collaboration with the parish councils. The municipality should seek to offer practical assistance, but in such a way that this does not affect the implementation of the municipal and county elections. It is important to arrive at good, concrete solutions that can ensure the best possible implementation of the elections, with a view to local conditions. At the same time, it is important that polling committees and other election officials in the municipal and county elections do not also have duties in the church election. If the municipality wishes to assist with personnel to receive votes in the church election, persons other than those who have corresponding duties in the municipal and county elections should be appointed. The municipality may put polling booths and ballot boxes at the disposal of the parish council, provided that this causes no disadvantage in performing the municipal and county elections.

As regards the practical implementation of the elections, arrangements should be organised that have consideration of the voters in focus, so that conditions facilitate this as well as possible. This means that one should aim at ensuring that the polling station for the church election can be close to the polling station for the municipal and county elections. In this way, voters can vote in both elections without great practical difficulty. The elections must however be kept clearly separated from each other and not mixed together.

It is important to establish good local routines for the implementation of the elections. This means, among other things, that good training and information must be given to the polling committees and to those who receive votes for the church election.