



Office for Democratic Institutions and Human Rights

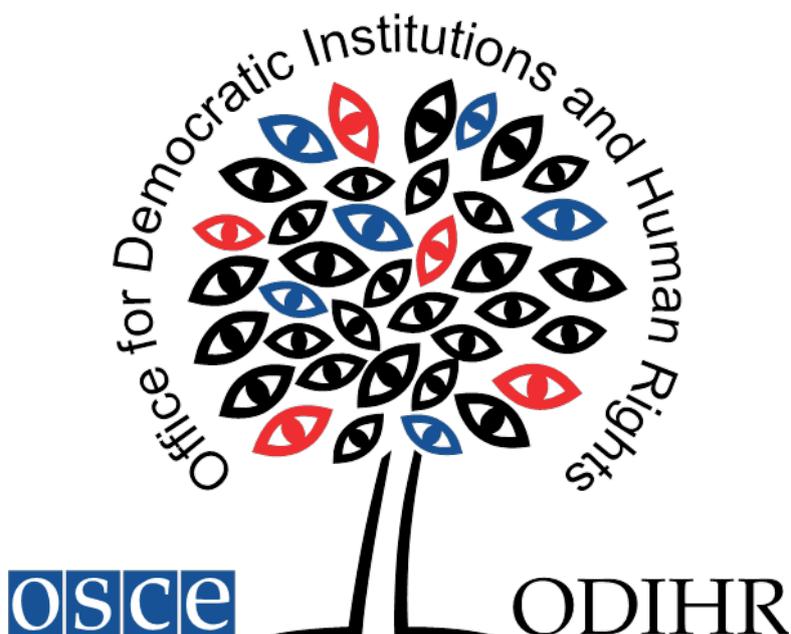
ICELAND

PRESIDENTIAL ELECTION

25 June 2016

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

4-6 April 2016



Warsaw
6 May 2016

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**ICELAND
PRESIDENTIAL ELECTION
25 June 2016**

OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an invitation from the Permanent Mission of Iceland to the OSCE to observe the 25 June 2016 presidential election, and in accordance with its mandate, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Reykjavik from 4 to 6 April. The NAM included Dr. Richard Lappin, OSCE/ODIHR Senior Election Adviser, and Mr. Radivoje Grujić, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the election. Based on this assessment, the NAM recommends whether to deploy an OSCE/ODIHR election-related activity for the forthcoming election, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry for Foreign Affairs for its assistance in organizing the visit. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Iceland is parliamentary republic with a president serving as the head of state, directly elected for a four-year term without term limits. On 12 April, the Prime Minister called the presidential election for 25 June, in line with Constitutional provisions. The candidate that obtains the highest number of votes in a single-round election will become president.

Presidential elections are primarily regulated by the constitution and the laws on presidential and parliamentary elections. The OSCE/ODIHR previously assessed the legal framework as providing a generally sound basis for the conduct of democratic elections. The OSCE/ODIHR NAM was informed that draft amendments to electoral legislation are prepared and will likely be submitted to parliament following this election. The amendments intend to address some prior OSCE/ODIHR recommendations, including harmonizing deadlines between candidate registration and early voting, extending timeframes for complaints and appeals, and introducing provisions for international and citizen observers. Constitutional reform initiated in 2010, which envisaged changes to the presidential electoral system and the powers of the president, remains pending.

The responsibility for the organization of the election is shared between several state bodies. The Ministry of Interior oversees most of the technical preparations but does not have direct authority over election commissions operating at constituency and polling station levels. All OSCE/ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the election administration, although some raised concerns about gaps in legislation and inconsistency in practice, particularly on election day.

There are some 245,000 registered voters. All citizens over 18 years of age have the right to vote, except those serving a criminal sentence of at least four years in prison. Voter registration is passive, except for those residing abroad for more than eight years who must actively register. No concerns were expressed regarding the accuracy of the voter lists.

Eligible voters over 35 years of age may stand for the presidency. Prospective candidates must be supported by signatures of between 1,500 and 3,000 voters. A voter can only sign in support of one candidate. No OSCE/ODIHR NAM interlocutors expressed concerns regarding the inclusiveness of the candidate registration process.

Election campaigning is largely unregulated. The Constitution protects fundamental freedoms and no OSCE/ODIHR NAM interlocutors raised concerns about the ability to campaign freely. Presidential campaigns tend to be personality-based rather than issue-based. While political parties are not prohibited from supporting candidates, all parties met with by the OSCE/ODIHR NAM stated that they do not plan to campaign in what they consider to be a non-partisan contest.

Campaign finance legislation sets limits for donations and expenditures and obliges candidates to submit post-election reports on their finances to the National Audit Office (NAO). Although no OSCE/ODIHR NAM interlocutors raised pressing concerns related to the regulations and oversight, it was acknowledged that more could be done to address prior OSCE/ODIHR recommendations concerning the regulation of third parties, to provide for effective and proportionate sanctions in case of violations, and to further strengthen the powers of the NAO.

The media offers a diverse range of views. Television is the main source of political information and the public broadcaster intends to provide all candidates with free airtime and equal coverage. Campaign debates and paid advertising are foreseen on public and private television. Although some concerns were noted about increased political pressure on the public broadcaster and a concentration of private media ownership, OSCE/ODIHR NAM interlocutors expressed overall satisfaction with media freedom and provisions for media coverage during elections.

In general, complaints and appeals can only be resolved after the election. Such complaints can be filed by any interested party or voter. Some OSCE/ODIHR interlocutors noted that the possibility of judicial appeal only after the election may not be effective, particularly for candidate registration.

Almost all OSCE/ODIHR NAM interlocutors expressed full confidence in the integrity of the electoral process and the ability of the election administration to conduct professional and transparent elections. All OSCE/ODIHR NAM interlocutors welcomed a potential election observation activity, noting the value of previous OSCE/ODIHR assessments to ongoing electoral reform. However, apart from some minor technical issues, no new issues have been identified since the last elections that would benefit from additional assessment by the OSCE/ODIHR.

Based on this, the OSCE/ODIHR NAM does not recommend deploying an election-related activity for the 25 June presidential election. The OSCE/ODIHR, however, reiterates that a number of its previous recommendations remain valid and reaffirms its readiness to support the authorities in its ongoing electoral reform efforts.

III. FINDINGS

A. BACKGROUND AND POLITICAL CONTEXT

Iceland is parliamentary republic with a directly-elected president serving as head of state. The president formally holds significant powers, including the rights to appoint the prime minister and other government ministers, to dissolve the parliament, and to veto laws adopted by parliament. In practice, however, the role of the president is largely seen as a representative one with decisions typically based on the recommendations of the government. The parliament is a unicameral body composed of 63 deputies, directly elected for four-year terms. Six parties are currently represented in the parliament.¹ On 12 March, the Prime Minister called the presidential election for 25 June. The last presidential election was held in 2012, when Ólafur Ragnar Grímsson was re-elected for a fifth consecutive term in office.

Women are well represented in political life, including some 41 per cent of members of parliament (MPs) and 5 of the 10 ministers. Women have previously run several times for the presidency and, from 1980 to 1996, Vigdís Finnbogadóttir served as Iceland's first female president.

From 4 April, large-scale protests occurred for several days after leaked documents revealed that the Prime Minister had failed to disclose a potential financial conflict of interest related to an offshore company when he entered parliament in 2009. It resulted in the Prime Minister stepping down and an interim Prime Minister assuming office until early parliamentary elections will be held, which are widely expected for autumn 2016.

The OSCE/ODIHR previously deployed Election Assessment Missions for the 2013 and 2009 parliamentary elections.² The final report on the 2013 elections concluded that “the parliamentary elections were conducted in pluralistic and transparent manner and voters enjoyed a wide choice of political options. The electoral process benefited from a high degree of respect for fundamental rights and freedoms and trust in the impartiality of the election administration.” This NAM was the first OSCE/ODIHR activity related to presidential elections in Iceland.

B. ELECTORAL SYSTEM AND LEGAL FRAMEWORK

The president is directly elected for a four-year term, without term limits. The candidate that obtains the highest number of valid votes in a single-round election becomes president. If there is only one candidate, that person is elected unopposed.³ Constitutional reform initiated in 2010, which envisaged changes to the presidential electoral system and the powers of the president, remains pending. Several OSCE/ODIHR NAM interlocutors expressed concern that the present electoral system, together with a potentially high number of candidates, could result in a president being elected by a minority of voters. The current political discourse reflects a widespread view that the electoral system should be revised to address this concern and to better reflect the powers of the president, potentially by changing to a two-round majoritarian system.

The legal framework for presidential elections consists primarily of the 1944 Constitution (last amended in 1999), the 1945 Law on Candidacy and Election of the President of Iceland (LCEPI,

¹ Independence Party 19 MPs, Progressive Party 19 MPs, Social Democratic Alliance 9 MPs, Left Green Movement 7 MPs, Bright Future 6 MPs, and Pirate Party 3 MPs.

² See previous [OSCE/ODIHR election-related reports on Iceland](#).

³ Article 5 of the Constitution. This situation occurred in 1945, 1949, 1956, 1960, 1964, 1972, 1976, 1984, 1992, 2000 and 2008. In all these cases, the only candidate for the president was the incumbent.

last amended in 2011) and the 2000 Parliamentary Elections Law (PEL, last amended in 2012), as well as several other laws.⁴ The LCEPI consists of 14 articles specific to presidential elections, with the PEL applying in general to all other aspects. Previous OSCE/ODIHR final reports assessed the legal framework as providing a generally sound basis for the conduct of democratic elections.

After the 2013 parliamentary elections a working group was created under the leadership of the Ministry of Interior (MoI) to prepare amendments to the PEL. The working group was tasked to address some prior OSCE/ODIHR recommendations, including the harmonization of deadlines between candidate registration and the start of early voting, extension of timeframes for complaints and appeals, and introduction of provisions for international and citizen observers.⁵ The OSCE/ODIHR NAM was informed that draft amendments have been prepared on the basis of inclusive discussions with a range of stakeholders and that these proposals are expected to be submitted to parliament following the presidential election.

Although the law does not explicitly provide for international observation, the OSCE/ODIHR has received a timely invitation to observe the upcoming election and all stakeholders affirmed their willingness to co-operate with a potential OSCE/ODIHR election observation activity, as was the case in past elections.

C. ELECTION ADMINISTRATION

The responsibility for the organization of presidential elections is shared between a number of state bodies, including the MoI, Senior Election Commissions (SECs), Local Election Commissions (LECs), and Supreme Court. The Ministry of Foreign Affairs (MFA) is responsible for co-ordinating out-of-country voting.

The MoI oversees most of the technical preparations for the election but does not have direct authority over the election commissions. It is responsible for approving candidate registration, as well as developing and distributing all election-related materials and ballots. In line with a prior OSCE/ODIHR recommendation, the MoI co-ordinates meetings with the SECs in an attempt to ensure consistency in implementing the law. This has led to the development of templates for signature collection for prospective candidates and guidance materials on several issues, such as determining what constitutes a valid ballot. The MoI provides a wide range of election-related information on its website, easily accessible in Icelandic and English.

The SECs are located in each of the six constituencies and are composed of five members nominated by political parties and appointed by parliament after each parliamentary election for a four-year period. SECs are responsible for the receipt and verification of candidate supporting signatures, issuing certificates for candidacies, counting ballots, and transferring results protocols and other materials to the Supreme Court. Some 260 LECs will be created for this election, placed in some 130 localities across 74 municipalities. LECs consist of three members appointed by the respective municipality. LECs are responsible for organizing and conducting voting at polling stations and for transferring ballot boxes to the SECs for the count.

⁴ Other relevant laws include the 2006 Law on the Finances of Political Organisations and Candidates and their Information Disclosure (Campaign Finance Law), the 2011 Media Law, and the 2013 Law on Icelandic National Broadcaster.

⁵ Paragraph 8 of the 1990 OSCE Copenhagen Document provides that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place”.

The Supreme Court has a specific and limited role in presidential elections. It rules on disputed ballots, announces the election results, and decides on complaints regarding the election. It is also tasked to archive candidate registration documents, election materials, and ballots.

In order to promote inclusive participation, the authorities undertake specific arrangements for voters with disabilities who can be assisted in polling stations by a person of their choice in casting their vote. In addition, following consultation with groups representing persons with disabilities, the MoI has developed Braille templates for visually impaired voters.

The legislation provides for early voting that starts eight weeks before election day (for these elections, 30 April). This is three weeks before the deadline for registering candidates (21 May). In-country early voting takes place at the 26 District Commissioner offices throughout the country,⁶ while out-of-country early voting takes place in some 260 Icelandic embassies and consulates abroad. Special arrangements also allow for early voting to take place at hospitals, prisons and ships-at-sea. A voter may cast multiple early votes, as well as cast a ballot on election day, and only the last vote is counted. The OSCE/ODIHR has previously recommended that early voting should not begin before candidatures have been confirmed.

All OSCE/ODIHR NAM interlocutors expressed full confidence in the professionalism and impartiality of the election administration, although some raised concerns about continuing gaps in legislation and inconsistency in practice, particularly on election day.

D. VOTER REGISTRATION

All citizens that are at least 18 years of age have the right to vote. Voter registration is passive and Registers Iceland maintains a central database of registered voters based on the population register. Voters residing abroad remain in the voter register for eight years following their departure, after which they must actively register for elections. After elections are called, Registers Iceland provides extracts of the voter list to the municipalities, which split them by polling ward. The lists are made available for public scrutiny ten days before election day. Corrections, except changes to location or residence, can be made up to and on election day. Voters can also check their entries via an online platform. According to Registers Iceland, some 245,000 voters are registered, including some 13,000 living abroad. No concerns were expressed to the OSCE/ODIHR NAM regarding the accuracy of the voter lists.

E. CANDIDATE REGISTRATION

Eligible voters over 35 years of age may stand for presidency. Prospective candidates have to submit an application to the MoI by 20 May, supported by signatures of between 1,500 and 3,000 voters that have been certified by the SECs. A minimum number of signatures should be collected from each of the four quarters of the country, which is calculated in proportion to the number of voters in that region.⁷ The boundaries of the quarters do not correspond to those of the SECs, but the OSCE/ODIHR NAM was informed that this does not pose practical challenges to the collection and certification of signatures.

The law does not specify deadlines for submitting signatures to the SECs for certification. However, in practice, the SECs set a deadline in advance of the candidate registration deadline, so as to allow

⁶ District Commissioners are appointed by the MoI and have wide administrative responsibilities.

⁷ At least 1,215 signatures are needed from the southern quarter, 163 from the northern quarter, 62 from the western quarter, and 60 from the eastern quarter.

sufficient time for verifying signatures and for prospective candidates to redress any omissions or technical errors. A voter can only sign in support of one candidate. For this election, Registers Iceland has developed an electronic programme that SECs may use to check for duplicate signatures and confirm the eligibility of supporters. No OSCE/ODIHR NAM interlocutors expressed concerns regarding the inclusiveness of the candidate registration process.

The MoI reviews the applications, certifies that the conditions for registration are met, and announces the names of the candidates by 27 May. At the time of the OSCE/ODIHR NAM, some 13 candidates had declared their intention to stand for election. The incumbent stated in January 2016 that he will not seek another term in office; however, he decided to enter the race on 18 April in response to the political instability caused by the prime minister's resignation.

F. ELECTION CAMPAIGN

Election campaigning is generally unregulated. No official campaign period exists and campaigning may take place up to and including on election day. The constitution guarantees freedoms of association, assembly and expression and no OSCE/ODIHR NAM interlocutors raised concerns about the ability to campaign freely. Presidential election campaigns tend to be personality-based rather than issue-based, drawing high voter participation. It is expected that candidates will primarily rely on broadcast and social media for their campaign. While political parties are not prohibited from nominating or supporting candidates, all parties met with by the OSCE/ODIHR NAM stated that they do not plan to play any role in the campaign, viewing the election as a non-partisan contest.

G. CAMPAIGN FINANCE

Campaign finance is regulated by the Campaign Finance Law (last amended in 2012), as well as instructions issued by the National Audit Office (NAO). No public financing is available for presidential candidates. Candidates can receive private donations from legal entities and individuals up to ISK 400,000.⁸ Donations from state, foreign and anonymous sources are forbidden. A spending limit is calculated according to the number of voters, which for this election, amounts to some ISK 37.5 million.⁹ Campaign finance legislation does not fully address spending by third-parties.

The NAO is responsible for monitoring campaign finance and provides guidance to candidates through templates and trainings. Candidates are obliged to submit an independently audited statement on their campaign contributions and expenditures within three months of an election. The NAO is responsible for publishing a summary of each candidate's report, displaying total contributions and expenditures together with the source of donations exceeding ISK 200,000. Should the NAO consider a report to contain incorrect or inaccurate information, it may require an additional independent audit. In case of identified violations, the NAO does not have the authority to sanction candidates, but it may submit cases to the police for investigation.

No OSCE/ODIHR NAM interlocutors raised pressing concerns related to campaign finance regulation and oversight. In 2012, the Council of Europe's Group of States against Corruption (GRECO) concluded that the revised campaign finance law addressed all of its prior recommendations.¹⁰ However, it was nonetheless acknowledged by a number of OSCE/ODIHR

⁸ 1 EUR is approximately 140 ISK (Icelandic Crown).

⁹ This is ISK 1 million, plus ISK 150 per voter.

¹⁰ See the 2012 GRECO [Compliance Report on Iceland](#).

NAM interlocutors that more could be done to address prior OSCE/ODIHR recommendations, particularly in respect of comprehensively regulating financing by third parties, ensuring an effective and proportionate sanctioning regime, and further strengthening the investigative powers of the NAO.

H. MEDIA

The media environment is pluralistic and offers a diverse range of views. The main source of political information is television, followed by daily newspapers and, increasingly, online and social media. The two television channels of the public broadcaster (RÚV) and the privately-owned Channel 2 command the largest audiences for news-oriented programmes. Two newspapers, *Morgunbladid* and *Fréttabladid*, retain a strong position in influencing political opinion despite falling circulation. Although some concerns were noted about increased political pressure on RÚV and a concentration of private media ownership, OSCE/ODIHR NAM interlocutors expressed overall satisfaction with media freedom and provisions for media coverage during elections.¹¹

The activities of broadcast media are mainly regulated by the Broadcasting Act and the National Broadcasting Service Act, which obliges media to provide objective, reliable and impartial news. RÚV is further required to provide equal coverage of all candidates and, for the first time in this election, will provide each candidate with 4 minutes of free airtime. RÚV and Channel 2 will each organize a series of debates among the candidates and provide them with an opportunity to present their views during news and political programmes. Candidates may also purchase paid airtime on public and private media. Media interlocutors expressed concerns to the OSCE/ODIHR NAM that the late candidate registration deadline and the potentially large number of candidates may affect their ability to cover the campaign in an effective and engaging manner.

While the law does not stipulate a specific obligation to monitor media coverage of elections, the Media Commission has a general obligation to ensure that media comply with the law and to apply sanctions in case of violations. Complaints are to be dealt with by the Commission in an expedient manner and it can initiate procedures *ex officio*. For the first time in this election, the Media Commission will organize quantitative and qualitative monitoring of RÚV's coverage of the campaign addressing a prior OSCE/ODIHR recommendation.

I. COMPLAINTS AND APPEALS

Jurisdiction over election-related disputes is regulated by the Constitution, PEL and LCEPI. Complaints pertaining to voter registration can be lodged with the municipal authorities. Apart from cases that concern criminal charges, election-related complaints and appeals to a judicial body can only be made after the election. Such complaints can be filed with the Supreme Court by any interested party or voter at least five days before the Supreme Court meets to validate and announce the election results. The time of this meeting is not specified in the law, but it must be held between election day and the date that the newly-elected president takes office. The Supreme Court decisions are final. Some OSCE/ODIHR interlocutors noted that the possibility of judicial appeal only after elections may not be effective, particularly in cases of complaints regarding candidate registration.¹²

¹¹ See also statement of the [OSCE Representative on Freedom of Media, 8 September 2015](#).

¹² Paragraph 5.10 of the 1990 OSCE Copenhagen Document states that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity.”

IV. CONCLUSION AND RECOMMENDATION

Almost all OSCE/ODIHR NAM interlocutors expressed full confidence in the integrity of the electoral process and the ability of the election administration to conduct professional and transparent elections. All OSCE/ODIHR NAM interlocutors welcomed a potential election observation activity, noting the value of previous OSCE/ODIHR assessments and recommendations in contributing to the ongoing electoral reform process. However, apart from some minor technical issues, no new issues have been identified since the last elections that would benefit from an additional assessment by the OSCE/ODIHR.

Based on this, the OSCE/ODIHR NAM does not recommend deploying an election-related activity for the 25 June presidential election. The OSCE/ODIHR, however, reiterates that a number of its previous recommendations remain valid and reaffirms its readiness to support the authorities in its ongoing electoral reform efforts.

ANNEX: LIST OF MEETINGS

Ministry for Foreign Affairs

Axel Nikulasson, Director, International Organisations and Bilateral Relations
Jóhann Jóhannsson, Head, Consular Services
Urdur Gunnarsdóttir, Press Officer

Ministry of Interior

Hermann Saemundsson, Director, Department of Human Rights and Local Government
Ólafur Hjorleifsson, Legal Advisor, Department of Human Rights and Local Government
Stefanía Traustadóttir, Social Scientist, Department of Human Rights and Local Government

Supreme Court

Markús Sigurbjörnsson, President

Constitutional and Supervisory Committee of the Parliament

Ögmundur Jónasson, Chairperson
Elín Valdís Thorsteinsdóttir, Secretary
Kristel Finnbogadóttir Flygenring, Secretary

Committee on Constitutional Reform

Páll Thórhallsson, Chairperson

Senior Election Commission for Reykjavik North

Erla S. Árnadóttir, Chairperson
Faney Gunnarsdóttir, Member
Páll Halldórsson, Member
Arnar Thór Stefánsson, Member
Tómas Hrafn Sveinsson, Member

Senior Election Commission for Reykjavik South

Sveinn Sveinsson, Chairperson
Heimir Herbertsson, Member
Sjöfn Ingólfssdóttir, Member

Reykjavik City Council

Helga Björk Laxdal, Director of the Office
Hildur Lilliendal Viggósdóttir, Election Manager

Registers Iceland

Ástríður Jónsdóttir, Legal Adviser

State Auditor

Óli Jón Jónson, Communications and International Relations Officer
Gudbrandur R. Leósson, Consultant, Financial Audit Department
Lárus Ögmundsson, Senior Attorney at Law

Media Commission

Ingvi Hrafn Óskarsson, Chairperson
Heiddís Lilja Magnúsdóttir, Legal Adviser

Political Parties

Valgerdur Palsdottir, Party Secretary, Bright Future
Unnsteinn Jóhannsson, Press and Communications Officer, Bright Future
Birgir Ármannsson, Member, Independence Party
Sigurbjörn Ingimundarson, Secretary General of the Parliamentary Faction, Independence Party
Thórdur Thórarinsson, Secretary General, Independence Party
Katrín Jakobsdóttir, Chairperson, Left-Green Movement
Lísa Kristjánsdóttir, Assistant to Chairperson, Left-Green Movement
Björn Thor Johannesson, Pirate Party
Hakon Johannesson, Pirate Party
Kristján Guy Burgess, Party Secretary, Social-Democratic Alliance

Icelandic National Broadcasting Service (RÚV)

Heidar Örn Sigurfinnsson, News Editor
Rakel Thorbergsdóttir, Head of News
Tinna Magnúsdóttir, Producer

365 Media

Thorbjörn Thórdarson, Journalist

Civil Society

Gudni Jóhannesson, Associate Professor, Institute of History, University of Iceland