

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 402 (2016)¹

The misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials

1. Today, one of the most important and recurrent issues noticed by international electoral observers is the misuse of administrative resources during electoral processes. This phenomenon occurs both in emerging democracies and in countries with a long-standing tradition of democratic elections, and seems to have found its way into the established political culture in Europe and beyond, evoking the perception that such malpractice is normal. Overall, international standards and rules in force to prevent misuse are broad and allow States a wide margin of appreciation. Therefore, best practices and soft-law instruments seem necessary in order to provide guidance for implementation at local level.

2. In general, local and regional elections share many similarities with national elections as regards the problem of misuse of administrative resources. However, the specific role that local and regional elected representatives and public officials may have during electoral processes, as well as the intrinsic link, at grass-roots level, between incumbents, candidates and public officials on the one hand, and the electorate on the other, warrant tackling this problem from the local and regional perspective.

3. The political priorities of the Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) for 2013-2016 include measures to strengthen the commitment of local and regional elected representatives with regard to ethical conduct and combating corruption at the grass-roots level. In light of this, the Congress prepared a comprehensive Strategy on Preventing Corruption and Promoting Public Ethics at Local and Regional Levels.

4. Congress Resolution 382 (2015) on criteria for standing in local and regional elections recommends working in liaison with the European Commission for Democracy through Law (Venice Commission) in order to establish criteria for standing in local and regional elections, taking into account the rules of election campaigns and good practices inspired by concern for greater transparency in political life. It also proposes a follow-up to the issues of conflict of interest and campaign resources at the local and regional level.

5. In the context of its co-operation with strategic partners in the field of election observation, the Congress has contributed to the compilation of the “Joint Guidelines for preventing and responding to the misuse of administrative resources during electoral processes” (2016), prepared by the Venice Commission and the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR).²

6. Against this background, the Congress has examined the phenomenon of misuse of administrative resources from the specific angle of electoral processes at the local and regional level. As a consequence:

a. requests its Governance Committee to prepare a checklist for evaluating compliance with international standards and best practices on preventing misuse of administrative resources during electoral processes at local and regional levels;

b. asks the relevant instances of the Congress to develop a strategy for promoting the checklist among Congress members, local and regional authorities and their national associations;

c. encourages the relevant instances of the Congress, in the framework of training seminars and awareness-raising activities, to give priority to providing information about standards, rules and practices to prevent misuse of administrative resources during electoral processes;

d. invites associations of local and regional authorities in Council of Europe member States to engage in awareness-raising activities to develop a public ethics culture at the grass-roots level, in particular with regard to the role and responsibilities of local and regional representatives in electoral processes;

e. calls in particular on opinion leaders in the local and regional political context to combat misuse of administrative resources during elections through appropriate declarations, leading by example and ensuring transparency;

f. invites local and regional authorities to encourage civil servants and public officials at community level to sign voluntary declarations of neutrality, specifically aiming at their role during electoral processes.

1. Debated and adopted by the Congress on 19 October 2016, 1st sitting (see Document [CG31\(2016\)07final](#), explanatory memorandum), rapporteur: Stewart Dickson, United Kingdom (R, ILDG/GILD).

2. Venice Commission/OSCE/ODIHR “Joint Guidelines for preventing and responding to the misuse of administrative resources during electoral processes” (14 March 2016), CDL-AD(2016)004.