

Congress Election Observation Mission to Berlin – Regional and district council elections on 12 February 2023

Press briefing to present the preliminary conclusions of the Congress delegation, Monday, 13 February 2023, Abba Berlin Hotel, Berlin

Draft statement of the Head of delegation, Congress member Mr Vladimir PREBILIC, Slovenia

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Dear ladies and gentlemen,

A very warm welcome to this press conference of the Congress of Local and Regional Authorities of the Council of Europe – and thank you for joining us this morning.

I am pleased to present the preliminary conclusions of the Congress observation mission today.

First of all, I would like to quickly say a few words about the Congress of Local and Regional Authorities for those of you who don't know the organisation. The Congress is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its 46 member States, representing over 130000 local and regional authorities. As guardian of local and regional democracy, the Congress of the Council of Europe has been observing over 115 elections over the last twenty years which is one of its two institutional responsibilities.

Let me also highlight to you that one of the major features of the Congress election observation methodology is that Congress members who observe the elections are local and regional representatives from all Council of Europe

member States. This peer-to-peer mechanism allows us to compare the different systems in use in Europe and to monitor the application of common democratic standards.

Yesterday marked a special day for the Congress, even a historical day, as it was the first time that elections in Germany were observed by the Congress of the Council of Europe. The mission, that I had the great pleasure to lead, was deployed at the invitation of the Election Returning Officer of the Land Berlin, and we very much appreciate this trust and interest in the Congress' work.

Yesterday was also a historical day first and foremost because it was only the second time that elections had to be repeated in Germany. As Head of the Delegation, I can only welcome that, even in countries with long-standing democratic traditions such as Germany, legal safeguards and appeal mechanisms are efficient and ensure that the right of all citizens to vote in conditions in line with democratic standards is vigilantly protected. In that regard, while the numerous irregularities that occurred during the 2021 elections may have eroded trust in democratic processes, we believe that yesterday's repeat elections constituted an important step contributing to secure citizens' trust in the act of voting in Berlin.

As from Friday last week, a delegation of the Congress including 14 participants from 12 countries- Congress members, representatives from the Secretariat and one academic expert - carried out a mission to observe yesterday's regional and district council elections in Berlin. This on-site mission was preceded by meetings with key stakeholders from the election administration, the media, NGOs on 2 February and preparatory meetings with candidates and representatives of parties on 11 February.

Yesterday, operating in teams of two, our observers were deployed to all 12 districts of Berlin, following the electoral procedures in 80 randomly selected polling stations, from the opening to the closing, including the counting of regular and postal votes in 6 polling stations.

Overall, we witnessed a calm, peaceful and orderly election day without major incidents or anomalies. The somehow regrettable situation that led to a number of irregularities in the September 2021 elections does not seem to have affected the confidence of Berliners, as evidenced by the relatively good turnout under the circumstances.

The absence of party observers or national or international observers, other than those from the Congress of the Council of Europe, in the polling stations observed by our delegation is, in a way, symptomatic of this situation.

We would also like to highlight the significant efforts made to conduct these elections: provision of additional polling booths, incentives to build staff capacity, extensive training in various forms (online or on the ground).

The high professionalism and commitment of the chairs of polling stations and their staff should also be highlighted. In particular, the counting procedures in the polling stations we observed were handled with diligence, rigour and speed.

However, on the basis of the existing electoral standards and our experience as observers in the Council of Europe member states, I would like to share with you a few points that would deserve certain attention from the Berlin authorities in view of the next regional and district council elections.

Firstly, I would like to mention the need to clarify the division of competences and responsibilities between the main actors of local and regional elections in Berlin, especially with regard to the tasks of the regional returning officer, the district returning officers and their administration.

Secondly, on more practical issues that would require homogenisation, some areas for improvements could be considered :

For instance, we observed, in most of the polling stations we visited, that ballot boxes were locked but not sealed. We therefore recommend that in future

ballot boxes be sealed in a unified manner to secure the votes and that transparent ballot boxes be preferred.

Furthermore, with regard to the conditions for sending voting material to the chair of the polling stations: today, it is up to the chairs to manage the reception of the voting material, sometimes even directly at their home, and to transport it with their own means. We believe that this system imposes an excessive burden on chairs of the polling stations and may pose a risk to the integrity of the election material.

Therefore, we recommend uniform and standardised procedures in all districts on the organisation of the administration of voting, and to increase the competences of the regional level. We observed different practices from one district to another, which would gain in quality and efficiency if they were aligned on the same process. Itemised, clear and consistent instructions on the practical arrangements on election day help to avoid potential irregularities.

Further safeguards might also be beneficial for the integrity of the process including the counting of ballot papers before opening of polling stations. We believe that additional safeguards concerning the pre-election period including improvements of the transparency of campaign and party finance should be made such as additional requirements for campaign finance reporting and lowering the threshold for immediate disclosure of donations.

To finish, I would like to point out a last relevant issue for the delegation: While principle of publicity generally guarantees the transparency of the process allowing all citizens to observe the voting and counting, independent domestic and international observers are an indispensable asset to the transparency and trust of the electoral process, I would like to mention the need to introduce regulations for observers in order to clarify the modalities of their mission on election day.

Ladies and gentlemen, I should like to conclude with some details on the next steps:

In a few minutes, a press release summarising our key findings will be published on the Congress website, as well as my statement.

Already next month, on 21 March 2023, the Congress Plenary Session will discuss this report in Strasbourg. Congress members will be invited to adopt the recommendation addressed to the authorities of Germany. The report will be made public after its adoption on the Congress website, as usual.

Using an accelerated procedure, we will be able to provide our assessment shortly after the Election Day and hence allow for a timely evaluation of these repeat election, which not only for the Congress but also for the Berlin authorities, presented extraordinary circumstances.

I thank you for your attention and I am happy to take questions, if there are any.

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