



**Resolution 1590 (2007)<sup>1</sup>**

## **Secret ballot – European code of conduct on secret balloting, including guidelines for politicians, observers and voters**

Parliamentary Assembly

1. In all member states, the secret ballot is taken for granted as a basic principle. There is no longer any question of challenging it today and it is a vital part of all democratic processes.
2. The Parliamentary Assembly has always seen defending democracy, the rule of law and human rights as its main task. Holding free and fair elections is one of the fundamental principles of democracy and the rule of law. The right to vote is therefore a vital, fundamental freedom in all democratic systems. The Assembly also regards universal suffrage as one of the key aspects of the democratic system. It is a right set out in several Council of Europe legal instruments, in particular the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 9) and the Code of Good Conduct in Electoral Matters drawn up by the European Commission for Democracy through Law (Venice Commission) and approved by the Assembly in 2003.
3. Ensuring the secrecy of voting therefore remains a key aspect of free and fair elections. It protects voters against any threats likely to impinge on their choices and safeguards their freedom of thought and their political and other beliefs. The secret ballot plays an integral part in legitimising the democratic process. It ensures that citizens are able to express themselves freely, that elected representatives are truly representative and that legislative and executive bodies are legitimate, thereby contributing to public trust in institutions.
4. During the electoral process and inside the polling station the secrecy of the ballot implies not only the right but also an obligation for voters to keep their vote secret. Nobody may have access to ballots once cast to discover how anyone has voted.
5. The Assembly draws attention to its own role in free and fair elections. Each of the many election observation exercises it has conducted in Council of Europe member states has enabled it to reassert its commitment to the process of democratic consultation and its desire to promote full compliance with the principles and rules governing democratic elections, including respect for secret voting.
6. It also points out that all citizens, regardless of their gender, race, colour, language, religion, political or other opinions, national or social origin, membership of national minorities, wealth, birth or any other status, must enjoy the same rights and, in particular, the right to take part in elections with secret ballots. It therefore believes that member states must ensure that this right can be exercised in full and must adapt the bodies responsible for organising and overseeing elections accordingly.
7. In addition, the Assembly is aware that electoral practice in member states is still affected by various national traditions. While the latter must be taken into account, they must not be used as pretexts for certain practices which undermine the basic principles governing the conduct of free and fair elections, including secret balloting.

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1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 23 November 2007 (see [Doc. 11438](#), report of the Political Affairs Committee, rapporteur: Mr Aligrudié).



8. In this context, the Assembly condemns the practice of family voting. It urges member states where family voting still takes place to impose penalties on those involved and take action against election officials who tolerate it.

9. Moreover, the Assembly strongly condemns all other infringements of secret voting such as buying votes, voter harassment, multiple voting, the stamping of ballot papers and a shortage of polling stations and polling booths, and urges member states to take action against such infringements.

10. The greatest possible attention must be paid to actual voting, as it is very often a key moment in any political process. The Assembly therefore believes that supervision of the secrecy of voting must be as strict as possible. It accordingly believes that the Council of Europe should promote a code of good conduct on secret ballots, including guidelines for politicians, observers and voters. It refers to the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers (New York, 27 October 2005), and the work done on the subject in recent months by the Venice Commission.

11. The Assembly also refers to its long-standing experience of election observation and the many recommendations based on election observation exercises which constitute a series of guidelines for the conduct of free and fair elections.

12. The Assembly therefore:

12.1. calls on member states to guarantee secret voting for all citizens, including the most vulnerable groups such as the elderly, people with disabilities and the illiterate, and to make sure that appropriate facilities are provided to enable such individuals to vote in secrecy and, in particular, to take the following measures if they have not already done so:

12.1.1. preserve voter anonymity so that votes cannot be linked to voters;

12.1.2. respect individuality of voting and enable all voters to make their choices freely;

12.1.3. ensure maximum security in electronic voting by providing for secure data transfer and preserving voter anonymity;

12.1.4. make sure that election officials do not interfere with secret voting, namely that they do not read the ballot papers before the counting process;

12.1.5. provide and expand facilities and equipment that guarantee secret voting (polling stations, polling booths, mobile ballot boxes, etc.), thereby ensuring confidentiality;

12.1.6. abolish the use of ballot papers attached to counterfoils and bearing serial numbers;

12.1.7. for proven cases of electoral fraud, annul election results in the constituencies concerned and, if such fraud is likely to have influenced election results, rerun voting;

12.1.8. put an end to all forms of family voting and punish and prosecute those involved;

12.1.9. impose severe penalties for violations of the secrecy of voting such as buying votes, voter harassment, multiple voting and stamping of ballot papers, and take robust action against any shortage of polling stations or polling booths;

12.1.10. make sure that ballot papers are transported securely so as to preserve the secrecy of the ballot;

12.2. calls on member states to:

12.2.1. undertake legislative reforms, in particular of electoral codes, to ensure secrecy of voting;

12.2.2. promote education and information programmes and policies on democratic principles, in particular on respect for the secret ballot;

12.2.3. allow international observers to observe the various elections held and clarify the status of such observers;

12.2.4. train officials responsible for organising and overseeing elections;

12.2.5. follow and implement the recommendations based on the Assembly's election observation exercises;

12.2.6. ensure that the composition of electoral committees is fair;

12.2.7. step up co-operation with civil society and NGOs involved in promoting greater respect for democracy and secret voting.