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Conceptualizing and measuring free and fair elections

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Abstract. The quality of elections is a rapidly growing field of study. There are numerous research methods and analysis techniques to examine it. However, literature still needs to shed full light on one of the main concepts associated with this area of research. Often, scholars refer to the concept of “free and fair elections” without providing a precise definition and identifying the dimensions connected to it. This article aims to help fill this gap by proposing a theoretical and operational definition of free and fair elections. For this purpose, the ten dimensions that make up the concept and the procedures to be followed to arrive at their measurement are described in depth. At the end of the analysis, we propose an index that measures the level of freedom and fairness of the elections.

Keyword: quality of elections, free and fair elections, quantitative index, concepts and methods.

1. INTRODUCTION

In recent years, due to the growing importance of elections in mechanisms of political conditionality imposed by donor agencies, scholars, practitioners, and policy-makers have tried to establish what constitutes a free and fair election. While a theoretical consensus has emerged on the necessity to consider the whole electoral process – from voter registration to dispute resolution – the criteria often used to establish if an election has been free and fair remain vague and inconsistent. Assessing whether a given election has met the standards of freeness and fairness can be extremely difficult and risks remaining largely subjective. It is frustrating to recognize that, after many years of work on the subject, the expression “free and fair election” still tends to obscure rather than clarify (Bjornlund, 2004, pp. 94-95). Therefore, despite all efforts and attempts, despite the long-standing use of the expression and its great significance, we are still far from establishing a set of practical criteria that clearly state what “free and fair” means. Efforts to make the standard more precise have been largely unsatisfactory. This is even more true if we understand the concept as a dichotomous one (an election is either free and fair or not), while elections are political processes more realistically judged when considered along a continuum and contextualized.

This article defines a “free and fair election” and proposes a measurement procedure, which will be empirically tested in next articles. We will first analyze what has been done and the most renowned proposals, explaining why they are still not entirely satisfactory. We will then turn to our conceptualization based on ten dimensions. Finally, we will provide an operational definition and an index of free and fair elections. Concluding remarks will follow.

2. TOWARD A DEFINITION

As election observation became an established practice, international organizations involved in such an enterprise attempted to define better what “free and fair” means and to articulate the concept in its dimensions. One of the first attempts was the OSCE 1990 Copenhagen document that requires its member states to hold periodic elections for all seats in at least one chamber of the national legislature, with universal and equal suffrage, by secret vote, and regarding freedom of campaign, information, etc. In 1994, the Inter-Parliamentary Union (IPU) formally adopted a Declaration on Criteria for Free and Fair Elections that, together with the OSCE Document, reflects an international consensus on what constitutes free and fair elections. Starting from these declarations, scholars and other organizations have tried to develop the concept of free and fair elections, without reaching a general agreement (Elklit & Svensson, 1997; Bishop & Hoeffler, 2016; Luís, 2021).

This article tries to improve our knowledge by proposing an operational definition of “free and fair elections” that, unlike most recent attempts, goes beyond expert surveys. Given the absence of a consensus on what “free and fair election” means, it has so far proven difficult to develop practical standards against which measuring elections in the real world. Therefore, much valuable research has tried to overcome this problem using expert surveys (Norris et al., 2013). However, expert surveys have been increasingly criticized because experts’ ratings rarely agree and experts are never perfectly knowledgeable (Lindstädt et al., 2018). As the recent debate about the measurement of democracy using objective (factual or based on documentary sources) vs. subjective indicators (based on experts’ judgments) shows, we need reliable ways to measure free and fair elections (see Little & Meng, 2023; Knutsen et al., 2023). As Little and Meng (2023, p. 3) state, “While expert-coded data has many advantages – such as wide coverage of various dimensions related to democracy – the more they rely on human judgment, the more they can be systematically biased”.

Therefore, we propose another way to operationalize the concept of “free and fair elections” based on documentary sources that will be tested against existing measures in the next research steps. We will try, first, to divide the concept into its components, paying attention especially to the conceptual structure and to what is excluded, in order to give a connotative definition; secondly, we propose an operational definition; finally, we build a summarizing index that can be useful to score the quality of elections and to compare elections.

2.1. Defining free and fair

What constitutes a “free and fair, competitive and recurrent” election? There is still no agreement on suitable criteria concerning standards of freedom and fairness. Particularly complex is the expression “free and fair” as indicating a measurable, verifiable, uniform, and well-established international standard (Boneo, 1996).

As with every concept in the social sciences, there is a fundamental need to clearly define and distinguish (among them) the conceptual attributes of both “freedom” and “fairness”. They must also be reflected into precise dimensions and indicators, breaking the electoral process into its parts. However, before doing that, proposing a valid conceptualization of what can be considered a “free and fair election” is necessary. Following Elklit and Svensson (1997), a free election implies the right and the opportunity to choose one candidate over another. Its opposite is “coercion”, the absence of choice. Therefore, a free choice entails the formal and real opportunity to choose candidates between different options, without fearing negative or dangerous consequences. Fairness, instead, means “impartiality”: “Fairness involves both *regularity* (the unbiased application of rules) and *reasonableness* (the not-too-unequal distribution of relevant resources among competitors)” (Elklit & Svensson, 1997, p. 35). Its opposite involves advantages given to some people or groups that should have been treated equally. Since freedom entails the “rules of the game”, it would be meaningless to ask the question of the fair applications of rules and the equal distribution of resources without assessing the goodness of those rules. For the same token, analyzing the two components of “fairness”, regularity is more important than reasonableness as the latter is tough to achieve completely even in established democracies. At the same time, the former, regarding the impartial application of the law, is a fundamental part of any democratic regime. However, when it comes to the reality of an electoral process, it is not easy to distinguish elements in the “freedom” dimension from those in the “fairness” one.

2.2 *The dimensions of the concept*

Electoral processes are more than election-day practices. Free and fair elections require the realization of several other preconditions that Robert Dahl, treating “institutional guarantees” of democracy (Dahl, 1971, p. 3; 1989), enumerated: elections cannot be free and fair, competitive and recurrent if not all adult citizens have the right to vote and to run for office, if there is no freedom of speech, assembly, movement, campaign, information, and press. In other words, free and fair elections require civil and political rights; without them, no election can be called democratic. Therefore, guarantees of civil and political liberties in the pre-and post-election environment should take part in the definition. In the pre-election period, voters, parties, and candidates should have those freedoms provided for in the constitution and the electoral law. Electoral resources and media access should be almost equally distributed among competitors. In the post-election period, electoral rules on counting and complaints should be applied fairly, regularly, and impartially (Elklit & Svensson, 1997).

Therefore, a complete analysis of the elections’ quality must entail every aspect that goes from the electoral law to the resolution of post-electoral disputes through, for example, the registration of voters and candidates. Following Elklit and Reynolds’ (2005) framework, in defining the concept of “free and fair election”, we consider the following ten conceptual dimensions.

2.2.1 Legislative framework

The legislative framework includes the constitution, electoral legislation, administrative regulations, and codes of conduct, which must guarantee the exercise of fundamental freedoms and political rights associated with elections and conform with international standards for genuine and democratic elections.

Among the essential elements of a legislative framework to be considered “adequate” for a free and fair electoral process, the following should be considered:

- a) The right to vote must be universal (all people satisfying eligibility criteria must have the possibility to vote), free (free choice between competing candidates), equal (principle “one person, one vote”), direct (delegates’ structure is no longer possible today), and secret (nobody can be forced to reveal his/her vote)¹.
- b) An adequate voters’ list or register must be updated regularly.
- c) The legislative framework should establish:

- who may put forward candidates and under what conditions;
 - what activities can be carried out during the electoral campaign, and what kind of public or private funds contenders can receive;
 - how the casting and counting of votes will be procedurally organized;
 - how the organizational structure managing and controlling the electoral process (known as the Electoral Management Body (EMB)) is formed and how it works;
 - a clear, public electoral timetable so that activities, deadlines, and dates for completion are familiar to all participants.
- d) The electoral legislation must establish a formal structure and a set of rules for carrying out district drawing. Rules have to indicate how many districts should be drawn, what kind of districts should be drawn (single or multimember), and who should draw district boundaries (an independent and politically neutral body?). Moreover, it has to be clarified whether and what formal districting criteria should be established, how often districts should be redrawn, et cetera (Handley, 1998). Because delimitation practices vary significantly across countries, there are few universal guiding principles (Handley, 1998; Handley & Grofman, 2008):
- Representativeness: District boundaries should coincide, as much as possible, with communities of interest (administrative divisions, ethnic neighborhoods, or natural communities delineated by physical boundaries).
 - Equality of voting strength: Electoral district boundaries should be drawn so that districts are relatively equal in population.
 - Reciprocity: If the districting process is non-partisan, then all political parties must refrain from attempting to influence the outcome, but if political concerns are permitted to play a role in the process, then all political parties must be given access to that process.

2.2.2 Election administration

The election administration is responsible for the overall electoral process. It has to carry through several tasks identified by the law: planning and timetable, preparation of voter lists, delimitation of electoral districts and boundaries, the establishment of voting sites, appointment of staff, voter education and information, relationship with the media, provision for absentee voting, organization of the voting process, vote counting,

¹ See, www.ipu.org

and tabulation, dealing with candidates, parties, and agents, controlling costs and budgets, providing security, secrecy, and confidence on the vote. The integrity of election administration is crucial to guarantee that the whole electoral process is legitimate (IDEA, 1997; 2002). For an election to be free and fair, its administration has to be transparent and impartial.

2.2.3 Voter information and education

In emerging democracies, and to a lesser extent in established ones, voter information² and education³ are particularly important in developing an environment where free and fair elections may occur. They ensure that citizens understand and can exercise their electoral rights. Responsibility for impartial voter information and education often rests with the election administration. Voter information and education are essential in “founding” elections (elections that follow a regime change), due to substantial systemic, legal, and procedural changes that occur during these elections. Information about the electoral process is spread in many ways, and these are often not under the control of the election administration. Still, voters must have a non-partisan source of official information besides unofficial sources (candidates, parties, etc.).

2.2.4 Voter registration

Voter registration is among the most relevant tasks of election administration and plays a critical role in conferring legitimacy to the outcome of the election: the registration of voters not only enables eligible citizens to exercise their right to vote and, therefore, guarantees the universality of suffrage, but also prevents electoral fraud (helping to ensure that each eligible citizen is registered to vote once and only once), and supports other functions of the electoral management, such as drawing district boundaries and deciding the number and location of the polling places.

The procedures for registering voters differ among countries. There are three basic options available for the

development and maintenance of an electoral register: periodic lists (the election administration authorities devise a new voters list *de novo* for each electoral event); continuous lists (the electoral register is maintained and continually updated by the election administration); voters’ lists based on a civil registry (the list is produced from information already collected through the national civil registry)⁴. In all three cases, the registration can be “active” when voters have to apply for inclusion on the voter register, or “passive” when state authorities initiate the compilation of the voter register.

Suppose voters’ registration is fair, comprehensive, and inclusive. In that case, voter registration procedures should be clearly stipulated in law, and effective measures must be taken to ensure that potential voters are aware of the registration process and have reasonable opportunities to complete it. Registration must be simple and should not impose financial burdens on voters. The norms of democratic governance require that, to the extent possible, virtually all adult residents who have attained citizenship can register to vote. The basic qualifications for voting often include age, citizenship, full possession of civil and political rights, and residency. In addition, there could be restrictions on voting for citizens whose rights have been suspended because they have been convicted of a crime or deemed mentally incompetent.

2.2.5 Parties and candidates’ registration

Freedom of association, including forming or joining political parties, is one of Dahl’s “institutional guarantees” of democracy (Dahl, 1971, p. 3): democratic elections can only occur within a pluralistic environment. Most countries have specific legal conditions for the registration and regulation of political parties, which may include internal democracy as well as a unique name and symbol for each political party. Most electoral systems have established minimum eligibility requirements to register as a party. These are usually based on having a certain number of registered voters as members or a certain number of signatures. Problems can arise if this number is set too high or too low and, especially in countries in transition or coming out of a conflict, where identifying political party supporters can raise security concerns. It is fundamental that all persons who wish to stand for election should be free to do so without discrimination. Predetermined criteria and standard proce-

² Voter information includes the basic information enabling to vote, e.g. the date, time and place of voter registration; registration requirements; the date, time and place of voting; identification necessary to establish eligibility; special voting services; type of election; mechanisms for voting; etc.

³ Voter education includes more complex types of information such as the relationship between elections and democracy; the role, responsibilities, and rights of voters; the link between basic human rights and voting rights; the conditions necessary for democratic elections; the importance of each vote; the secrecy of the vote; etc.

⁴ For more information, see Administration and Cost of Elections Project, *Alternative Methods: Pro and Con*, <http://aceproject.org/ace-en/topics/vr/vra/vra01>

dures can diminish subjectivity in determining eligibility; if a party application has been rejected, it is essential to provide an appeal process. All these requirements and obligations must be clear, standardized, timely fixed, and established by the law.

Responsibility for the registration of candidates usually lies with the election administration: procedures should be established and applied consistently to avoid unfairness. There must be a clear electoral timetable that explains the date, time, and place for the completion of formalities.

2.2.6 Campaign regulation

An open and fair campaign requires the opportunity for all candidates, political parties, and their supporters to promote their platforms (freedom of expression), hold meetings (freedom of assembly), and travel around the country (freedom of movement). This is essential for the electorate to make an informed choice.

Special rules often regulate media coverage and the financing of campaign activities; they should provide for equal opportunities for all candidates and political parties and equal access to state resources. While an independent and diverse media environment is the best way to ensure freedom of expression, special attention should be devoted to publicly owned media. Governments have two critical obligations: a negative obligation, not to impede the media in playing their functions, and a positive obligation, to facilitate media pluralism to expose the public to the widest variety of sources of information in a balanced way. Candidates and political parties should have the right to communicate their political opinions and manifestos in the media, and voters should have the right to receive a diverse range of information to enable them to make an informed choice. Any restrictions on campaigning (e.g., the requirement of obtaining permission to hold public rallies) will need to be applied equally to all contestants. Authorities must implement and enforce campaign regulations consistently and impartially.

A key element of election campaigns' regulation is the financing of political parties (Austin & Tjernstrom, 2006). Financial subsidies have been introduced in most Western democracies since the 1950s; they have become the norm, and now they are a party's most important source of income. Public contributions should be distributed according to transparent, pre-set, objective, and reasonable criteria. Private financing is also desirable, but it must be controlled and limited to avoid excessive power concentrations.

2.2.7 Polling

All eligible citizens have the right to vote and should be given opportunities to exercise their voting right (e.g., by being assigned to a polling station not too far from home). The procedures for voting should be consistent for all voters. Voters should be free from violence, coercion, and intimidation. The best way to guarantee voting freedom is to ensure that all voters have the right to vote secretly. Special voting procedures should enable voters who cannot cast their ballot or attend polling stations to vote (e.g., assisted voting, mobile voting, postal voting, early voting, prison voting, out-of-country voting, etc.).

The electoral administration has to deal also with election intimidation and fraud: measures must be taken to address those problems and to ensure that they are not systemic and do not affect the outcome of the election. Preventing intimidation or fraud is particularly important in societies emerging from civil conflicts.

2.2.8 Security

Sufficient security to guarantee that voters may vote freely and without fear of current or future intimidation is a fundamental precept of a fairly conducted election. In broad terms, election security has to address two main objectives: firstly, the personal security of voters, candidates, electoral officials, and the general community; secondly, the physical security of premises and materials. The level of security must be sufficient to convince the population that it is safe for them to vote and to play an active role in the election and that voting materials are safe from fraud.

Intensive security measures are necessary for societies where political disputes may lead to violence or manipulation of voting. In states moving towards democracy from civil wars, the army, which until shortly before was one of the adversaries, can offer few guarantees of impartiality in an electoral process. In such environments, measures to protect voting integrity should ensure that the public has faith in the electoral process (Lyons, 2002).

2.2.9 Vote counting

The vote-counting process is the official count of ballots and the communication of results of each constituency done publicly by the electoral authorities. Vote counting is one of the most crucial stages in the electoral process. Closing and counting procedures should be established in the law and should be transparent, rapid, and accu-

rate. Counting should not take place in an atmosphere of intimidation, should involve only authorized staff, and should be closely monitored by party/candidate representatives, as well as international and domestic observers (if present). Results should be recorded in the official protocols, and copies of them should be given to all party/candidate representatives and observers and posted at the polling station. All parties and candidates should be able to complain about the vote-counting process. The official publication of the results, through media broadcasts and billposting, should thus be as quick as possible.

2.2.10 Complaints

All citizens who think their political rights have been infringed or denied have the right to an effective judicial remedy. Each phase of an electoral process can give rise to conflicts and complaints about the decisions of the electoral administration. For this reason, a system consisting of independent organs that apply pre-established legal rules should be envisaged. The electoral law can leave the solution of conflicts to either the electoral administration or the ordinary courts of justice if these bodies possess an effective statute of independence.

All complaints and challenges must be investigated, not just those sufficiently severe to generate suspicions about the overall validity of electoral outcomes.

Any suitable process must be accessible to all segments of the electorate, which means that the people

should understand how to complain and that the obstacles (distances, costs, intimidation or threat, etc.) should be minimal or absent. An important issue regarding accessibility is the potential cost of complaining: the ability to finance a court case should not determine whether someone can pursue a complaint.

In Figure 1, we show which elements of our conceptualization are related to “freedom”, “fairness/regularity”, or “fairness/reasonableness”.

2.3 What is excluded

Another way to clarify the definition of “free and fair election” is to state what is not included to establish boundaries and distinguish the concept under study from proximate ones. From this perspective, it is worth noting several exclusions. First, this definition does not include a range of aspects on which, while important, we still lack agreed-upon standards regarding what practices are preferable from the point of view of “freedom and fairness”. Among them are the compulsory nature of the voting, the electoral formula for translating votes into seats, the presence of territorial chambers, etc. (Munck, 2009). Second, this definition also excludes the confidence that politicians and citizens exhibit in the electoral process and election results; these attitudes are best considered as possible causes or consequences of the quality of the electoral process and, thus, should not be part of an evaluation of the quality itself. Third, this definition does not cover the

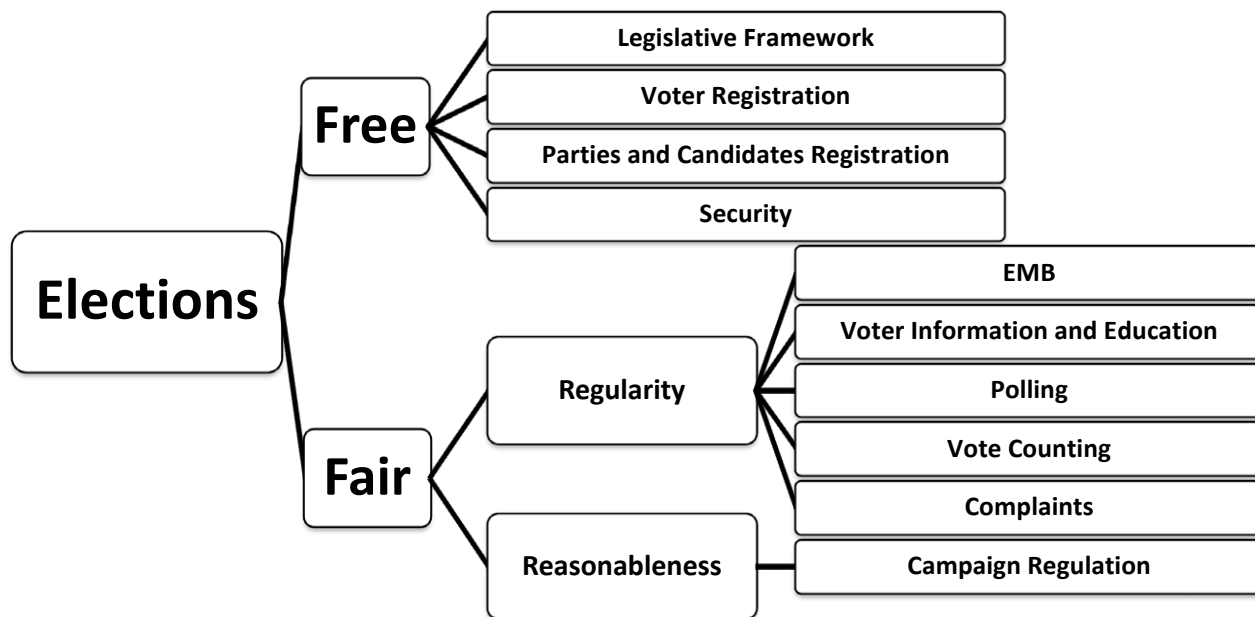


Figure 1. The dimensions of elections’ freedom and fairness.

goal of a successfully completed electoral process, that is, the assumption of office by the victors of elections.

We, therefore, propose a conceptualization of “free and fair elections” in ten dimensions, but this does not automatically lead to operationalization. What is needed is a set of indicators for each dimension to help us gather the relevant information to judge an electoral process. This will be the topic of the fourth paragraph. Before that, let us look at the conceptual structure of a “free and fair election”.

3. THE CONCEPTUAL STRUCTURE

While analyzing the concept of free and fair elections, we must address the “nature” of this concept. Should we treat it as a classical, Sartorian concept? Or should we think of it in terms of a family resemblance concept? (Sartori, 1970; 1984; Collier & Mahon, 1993; Gerring, 2001; Goertz, 2003). Starting with this question, we can recall this statement: “Just as democracy is not founded on a single ballot, so an election does not become unfree and unfair solely by reason of one or more branches of international standards” (Goodwin-Gill, 2006, p. 144). If we agree with this statement, we are working with a concept whose dimensions are on a continuum, and we do not need to have 100% of any of them to label an election as “free and fair”.

This suggests that a “free and fair election” is not made of necessary and sufficient conditions in the Sartorian mood: no attribute is necessary, to some extent, to declare an election free and fair. Instead, attributes are somehow “tradable”, as in the family resemblance categories (where two empirical referents can be part of the same overarching concept without having all the attributes in common), in the sense that you can renounce to a little bit of, for example, media time and space equal distribution “to get” a more violence-free election. This conceptual structure is more similar to Goertz’s (2020, 73) more recent proposals using a continuous view of concepts which “allows for the existence of a gray zone” and warns against conceptualizing in dichotomies.

Election management within a country can be strong in some areas and weak in others, giving rise to a reliability problem. What if some criteria have been fully respected while others have not been respected at all? Or if certain criteria have been fulfilled only partially? Again, “free and fair election” is not a black-and-white category: while there are some elections, especially in established democracies, that can clearly be labeled free and fair, and there are some others that are clearly neither free nor fair, there are also cases of elections that

cannot be defined “free and fair” because of a number of shortcomings, but, on the other hand, they cannot even be labeled “neither free nor fair”. Perhaps they are free, but fairness is limited, or maybe the freedom is limited, but they are instead fairly conducted inside the limits of a partially free electoral law.

The family-resemblance nature of this concept is also fundamental in building a unique, summarizing indicator. Before going to those details, let us try to summarize what has been done by giving a verbal definition of a “free and fair election”:

An election can be considered free and fair when citizens have the right and the opportunity to choose one candidate over another, without fearing negative or dangerous consequences, and when rules are applied without biases and resources are distributed not-too-unequally among competitors.

4. TOWARD AN OPERATIONAL DEFINITION

4.1 How to measure election quality

To evaluate election quality, we have been inspired by Elklit and Reynolds’ framework (Elklit & Reynolds, 2005), adapting it to encompass cases of founding, transitional, and post-conflict elections. The two scholars built a framework to identify levels of electoral governance performance. They find twelve principal areas of concern: legislative framework; electoral management; constituency and polling district demarcation; voter education; voter registration; access to and design of ballot paper (party and candidate nomination and registration); campaign regulation; polling; counting and tabulating the vote; resolving election-related complaints, verification of final result and certification; post-election procedures. Elklit and Reynolds’ proposal was a real innovation in this field. However, while the general conceptual structure is sound, some aspects are difficult to operationalize. Their framework looks for data that often do not exist in democratizing countries, either because they are pretty impossible to collect for their vagueness⁵ or because they ask for “perceptions” or other concepts challenging to operationalize and measure empirically⁶. To solve this problem, the authors resort to “expert

⁵ See question 8.7: “If there is substantial desire for election observation, is the desire satisfied?”; how can we univocally (and in a replicable, therefore scientific, way) give a score to this aspect? See also question 7.4: “Are state resources by and large used properly by the political parties and candidates?”

⁶ For example, see question 2.3: “What is the perceived quality of the EMB’s delivery of service in these elections?”

panels”. However, as previously stated, we are not convinced this could be the right way to proceed because of the previously mentioned shortcomings of expert surveys. Another flaw of this framework, if applied to post-conflict elections, is that it does not consider essential aspects for the success of the election and the democratic future of the country, such as the role of refugees and displaced population. A final, but less dangerous, element of subjectivity is the assignment of weights to the different “steps” (i.e., what we call “dimensions”). However, as also recognized by the authors, the different systems of weight for established and fledgling democracies can create some problems when a country is reclassified from fledgling to established democracy. Because of weighting motivations, a real trend of improving election quality could look like a declining one.

Returning to the concept, we divided “free and fair election” into ten conceptual dimensions that must be operationalized. As Goertz (2020) suggested, the best way to proceed is through a multi-level structure. Each dimension will be evaluated by finding some (from two to six) indicators that should be more easily operationalizable. We have established some criteria that we will score from zero to one, meaning, respectively: 0, very poor; 1/3, poor; 2/3, good; 1, very good. Since not all dimensions are of the same importance and have the same impact on election freedom and fairness, it will be necessary to weigh them⁷. We will develop and test the weighting system in the next research steps.

Let us now look at the operationalization of our ten conceptual dimensions.

4.1.1 Legislative framework

The operationalization of the legislative framework consists of five indicators:

Is the legislative framework fair and compliant with international minimum standards, including guarantees of fundamental freedoms and political rights? Whether the constitution, electoral law, and regulations provide for universal, free, equal, and secret suffrage; creating a voter register; rules to follow during the electoral campaign (also related to funding); and norms guiding polling, counting, and complaints.

Is the legislative framework clear, univocal, and unambiguous? Whether the norms do not conflict with each other and are easily understandable.

⁷ The weighing technique should be as impartial as possible. For instance, one could weigh the various dimensions in reason of their relevance in terms of space attributed to each of them by several election observation reports. To make the comprehension and legibility as easy as possible, the weights could be assigned so that they will add to one.

Is there a clear electoral timetable available? Due to the importance of every single dimension of the electoral process, there is always the need for a public and well-known electoral timetable. Its presence, precision, clarity, and publicity should give rise to a higher score.

Were elections held without delay? This indicator relates mainly to post-conflict or transitional elections, where delays are often used for not giving up power. We will count the days of delay between the scheduled day and the election day: the score will be 0 for a delay of more than three months; 1/3 for a delay between one and three months; 2/3 for a delay between one day and one month; 1 if elections are held without delay.

Was the electoral legislation implemented correctly? Knowing the difficulty in estimating this aspect, we should look at the observers’ reports.

Does the electoral legislation establish rules for carrying out the district drawing process, which is fair and compliant with international standards (equally weighted votes, respect for communities of interest, administrative and/or natural boundaries, principle of reciprocity)? We must look at the constitution, electoral laws, and regulations and see if they define clear rules on how many districts and what kind of districts should be drawn⁸. The fairness of a district drawing process can be evaluated based on: 1) its inclusiveness/exclusiveness (if political parties are allowed to play a part in the district delimitation procedure, then all of them must be included, and no one must be excluded); 2) who should have the ultimate responsibility for selecting the final districting plan; 3) the role of the legislature and the general public in this process; 4) what formal districting criteria should be established (are communities of interest, administrative and/or natural boundaries and other geographical features taken into account?); 5) whether and how often should districts be redrawn.

4.1.2 Electoral administration

Since the main and worldwide accepted standards regarding the electoral administration are independence, non-partisanship, and transparency, we decided to consider these three aspects in evaluating it:

Does the electoral law establish an independent electoral administration? We should consider the electoral laws and regulations to score the degree of independence

⁸ To score the principle of equally weighted votes we should divide, in each district, the number of registered voters by the number of legislative seats to be assigned; we should then divide the lowest result by the highest. This will allow us to find a percentage ratio, whose score will be 0 for a ratio between 0 and 0,25; 1/3 for a ratio between 0,26 and 0,50; 2/3 for a ratio between 0,51 and 0,75; and 1 for a ratio between 0,76 and 1.

and see if they establish a formally independent electoral administration.

Was the electoral administration impartial and non-partisan? We should look at the composition of this organ: if parties are permitted to play a role, then all of them must be given access to it.

Was the electoral administration sufficiently transparent? We should look at how the administration gives access to the electoral process information.

Did the electoral administration adhere to the law? To assess this aspect, it is only possible to rely on the information in the observers' reports.

4.1.3 Voter information and education

To evaluate the quality of this dimension, we should assess if, in each election considered:

Were information and education campaigns put in place before the election? We should score elections based on the wideness, intensity, and spread of these campaigns: the more complete and diffused they are, the higher the score will be.

If present, were information and education campaigns objective and pluralistic? Knowing the difficulty in estimating the objectivity and pluralism of information and education campaigns, we should look at the observers' reports.

4.1.4 Voter registration

To evaluate the quality of the voter registration process, we should score each election based on these five criteria:

What proportion of the voting-age population is registered to vote? We should calculate the percentage of the registered population with respect to the voting age population and give a score based on those percentages (0 from 0 to 25 percent, 1/3 from 26 to 50 percent, 2/3 from 51 to 75 percent, and 1 from 76 to 100 percent).

Are the bureaucratic steps to be done excessively heavy for the eligible population? We should examine the electoral law and establish if the registration procedures are complicated or pose financial or other burdens on voters.

Are criteria for registration fair and compliant with international minimum standards? Since those standards required worldwide are age, citizenship, full possession of civil and political rights, and residency requirements, we should consider any other added criterion as a useless barrier against democratic principles and the inclusiveness of the voter registration process.

Are effective remedies available for inaccuracies and omissions to be corrected? To assess if the registration process provides remedies to correct inaccuracies and omissions, we should look at the electoral legislation and evaluate the presence and availability of those remedies.

What proportion of the refugees or internally displaced population is registered to vote? We should calculate the percentage of the registered population with respect to the number of voting-age refugees or internally displaced population. Again, we should give a score on the basis of those percentages (0 from 0 to 25 percent, 1/3 from 26 to 50 percent, 2/3 from 51 to 75 percent, and 1 from 76 to 100 percent). If these data are not available, we should at least evaluate the existence of agreements and their quality.

4.1.5 Parties and candidates' registration

We identify three aspects related to party and candidates' registration:

Is there a clear timetable regarding parties and candidates' registration? A clear registration timetable permits avoiding confusion and misunderstandings.

Are the criteria for registration fair, and free from unreasonable exclusions? Those criteria need to be as fair as possible to avoid tensions or rejection of results. Moreover, they must be fair, transparent, and equal for all contenders.

Is there any unreasonable official interference in the operation of political parties? We should look at observers' reports.

4.1.6 Campaign regulation

To assess the quality of campaign regulations, we should assign a score to these three issues based on the electoral law and the observers' reports:

Was access to mass media equitable and open to all parties? Since the media are growingly used for electoral campaigns, and they are subjects of constant attention and monitoring during electoral processes, it is essential to apply the following principles to their regulation: 1) free media access for all parties and candidates; 2) control by the electoral administration on the neutrality of information provided by the media; 3) distribution of media time and space according to pre-established and objective criteria. To give a score to this issue, we should first look at the electoral legislation to check for relevant norms and then check for their application in the observers' reports.

Can media and journalists work freely and without censorship? We should first check if the legislative frame-

work provides for norms that assure the freedom of the media, and then look at the observers' reports and see if they signal attempts of censorship or limitations of media freedom.

Was the access to funds equitable and open to all parties? We should first look at the electoral norms and then check for their application in observers' reports.

4.1.7 Polling

Having mentioned the importance of polling-day practices, we should answer the following questions to evaluate them:

Were voting procedures efficient and transparent? The only way to give an assessment is through observers' reports.

Are party/candidate agents and national/international observers able to observe all aspects of polling? We should first analyze the legislative framework to see who is allowed to witness and then look at the observers' reports to evaluate how the legislation is implemented: if nobody is allowed to witness the polling process, the score will be 0; if only international electoral observers are allowed, the score will be 1/3; if also national electoral observers can witness, we should give 2/3; and, finally, if also representatives of political parties and candidates can observe, the score should be 1.

Were there cases of fraudulent voting? We should look at observers' reports.

Were there cases of intimidation? We should use observers' reports.

4.1.8 Security

When it comes to evaluating the quality of the security situation, it should be asked:

What was the level of election-related violence? We should look at observers' reports.

Does the electoral law provide measures to assure the physical security of premises and materials? We should consider the electoral law and evaluate these measures' presence, precision, and clarity.

4.1.9 Vote counting

To evaluate vote counting, we should answer four questions relating both to fairness and to the time needed for the process:

Was the counting transparent? We should analyze electoral laws and regulations and evaluate the elec-

tion based on this single criterion: if nobody is allowed to witness the counting process, the score will be 0; if only national and international electoral observers are allowed, the score will be 1/3; if also representatives of political parties and candidates can observe, we should give 2/3; and, finally, if also ordinary citizens can witness, the score should be 1.

Was the counting fair, accurate, and correct? We should look at observers' reports and evaluate this aspect only if the transparency score is 1/3 or more. Otherwise, the score should be 0.

Was there an excessive delay in the counting? We should count the days of delay in each election: the score will be 1 if provisional results were available one/two days after the election; 2/3 for a delay of three to seven days; 1/3 for a delay of one to two weeks; and 0 for a delay of more than two weeks.

Were the results readily available? For confidence in the integrity of the election process, open and mass availability of election results is necessary. Finding a system for evaluating the availability of results is not easy. The most objective criterion is to see if the electoral law establishes a method for publishing and publicizing results and then look at the observers' reports to control its implementation.

4.1.10 Complaints

To evaluate the quality of the dispute resolution mechanism, we should answer those two questions:

Was there an appropriate dispute resolution mechanism provided by law? We should look at the electoral law and consider whether and how it covers the issues of independence, transparency, and time frame for resolving disputes.

Was this mechanism easily accessible? We should consider if the electoral law foresees measures to explain as broadly and clearly as possible how to complain, if it specifies how the complaint should be made, by whom it will be considered, and if there are excessive obstacles in terms of costs and times.

5. FORMING AND INDEX

Before proposing the index, we have to focus on the timing of data collection. In other words: which data must be collected before, during, and after election day? As shown in Table 1, we have divided the observation tasks into four categories: before election day, during election day, after election day, and, finally, before, during, and after election day. This last category consists of

measurements that are obtained all along the electoral process because, for example, they refer to the behavior of a vital actor such as the electoral administration during the entire electoral process or, maybe, they consider the level of security and/or violence during the whole electoral period. We can easily notice that the bulk of data collection must be carried out before election day. Actually, before citizens are called to the polls, it is necessary to set many rules and institutions. In particular, the legislative framework must be completed; the electoral administration must be instituted, its staff must be nominated, and it must be put in the condition to work properly; the drawing of districts' boundaries must be accomplished; information and education campaigns must be developed and enacted; a voter roll must be created, and candidates and parties must have registered; media time and space, as well as funds, must have been assigned; measures to assure the physical security of people and election-related materials must be settled; and, finally, also mechanisms for the resolution of disputes must have been established and publicized. While, on election day, we should look carefully at voting and counting procedures, straight after polling stations' closures, attention must be devoted to delays in voting and counting. Finally, during the whole electoral process (i.e., before, during, and after election day), we must check on the implementation of the electoral legislation; the conduct of the election administration; the freedom of expression, assembly, association and movement, especially for candidates, political parties and media operators; the level of security and violence; the management of electoral disputes and complaints.

Turning to the summarizing index, we have to repack all the attributes "unwrapped" during the conceptualization into an overall – in this case, quantitative – assessment of the concept under investigation. When it comes to aggregation, everything depends on the aggregation rule, its justification, and the theoretical relationships among, and weight of, all the attributes, dimensions, and indicators to be aggregated. We have already identified "free and fair election" as a family-resemblance category. This means that the relationship between the concept, its attributes (free and fair), its dimensions (the ten areas of concern), and its indicators is not a necessary-and/or-sufficient-conditions one.

We must ensure a correspondence between this theory and the aggregation rule: in other words, the aggregation rule must be formally equivalent to the theorized relationship between concepts, attributes, and indicators. Moreover, recalling that:

[...] Aggregation rules have two characteristics that make them more severe or lenient. They can allow for a

high score on one conceptual attribute to compensate or make up for a low score on another attribute. Moreover, they can allow the scores on various conceptual attributes to interact with each other, either insulating the high score on one conceptual attribute from the low score on another attribute or allowing a low score on one conceptual attribute to drag down the high score on another attribute. In sum, aggregation rules can be compensatory or noncompensatory, and interactive or noninteractive, and assign greater or less weight to the positive or negative scores received by individual conceptual attributes (Munck, 2009, pp. 70-72).

Trying to apply it to the concept under scrutiny, we can say that an aggregation rule for "dimensions-to-concept" should be partially compensatory (as we have seen in paragraph 3, we can trade one attribute with another only "up to a certain point") and interactive. This means that a strong performance on one dimension can partially compensate for poor performance on another dimension. However, failings in one dimension have implications for the overall election assessment. This, according to Munck, should lead us to adopt as the aggregation rule the (weighted) "geometric mean"⁹.

Since failings in one dimension have consequences for the overall assessment of an election, the properties of the geometric mean are quite suitable. Actually, the presence of one and just one zero value makes zero the whole mean.

$$M_{g,pond} = \sqrt[\sum_i p_i]{\prod_{i=1}^N x_i^{p_i}} = \left(\prod_{i=1}^N x_i^{p_i} \right)^{\frac{1}{\sum_i p_i}}$$

However, when it comes to aggregating indicators to dimensions, we must note that the relationship between indicators is, again, partially compensatory, but this time noninteractive (since the indicators measure different aspects of the same concept). According to Munck, the arithmetic mean is the best aggregation rule.

6. CONCLUSIONS

Due to malfunctioning voting machines and problems in ballot design in some Florida counties, the 2000 U.S. presidential election was decided by the judiciary. It

⁹ Note that, using the same aggregation framework, but different conceptual attributes and dimensions, Munck comes to a completely different outcome: in his view, in fact, "the relationship among these attributes is noncompensatory and interactive" (Munck 2009, p. 104), leading him to the choice of multiplication as the aggregation rule.

was a real trauma for politicians, practitioners, and academics: even one of the oldest democracies in the world could suffer serious damage to the quality of the electoral process. Since then, largely empirical studies on electoral integrity (so-called by Pippa Norris and colleagues) have spread. These analyses are based on perceptions of electoral quality (Norris, 2013) and objective data, often deriving from particular elaborations of electoral results (Alvarez et al., 2013).

These researches, although they have the great merit of having contributed to imposing the issue of the quality of elections among scholars, have attributed little importance to the conceptual aspects. This article has adopted a different perspective, focusing precisely on the concept and, in particular, on the operational dimensions that make up the concept of “free and fair elections”.

The adopted approach was theory-driven, meaning conceptual attributes and dimensions were selected in light of a theory. Aggregation procedures were also guided by the theory regarding conceptual attributes and their relationship. However, concretely evaluating what constitutes a free and fair election remains difficult. Despite the growth and development of international electoral assistance and observation, it is hard to find some common standards. It is even more difficult because the proposed instrument must apply to a fluid and changeable situation such as founding, transitional, or post-conflict elections. To overcome some of these problems, we have proposed to evaluate election freedom and fairness through an analysis grid that also considers the pre- and post-election environment.

This article contributes to the analysis of the quality of elections by providing a synthetic index, theoretically founded, that results in the aggregation of the values attributed by the researcher to the ten dimensions composing the concept of free and fair elections. We leave to future research the index application to specific case studies and/or comparative analysis. Of course, it could be very helpful and interesting to compare our index to other methods of quality of elections analysis, such as the well-known, and already cited, Electoral Integrity Project (Norris, 2014). We hope to be able to face this issue in the near future.

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| Table 1 | Dimensions | Performance indicators | Where to find the information | How to measure | When to look for information |
|-------------------------------------|---|---|---|--|-------------------------------------|
| 1) Legislative Framework (F) | 1) Is the legislative framework fair and compliant with international minimum standards, including guarantees of fundamental freedoms and political rights? | Electoral law | Active (universal, free, equal, and secret) and passive (who put forward candidates and how) suffrage; voter register; campaign and funding regulation; polling, counting, and complaints | Before election day | |
| 2) | Is the legislative framework clear, univocal and unambiguous? | Electoral law | Coherent, complete, and systematic electoral framework | Before election day | |
| 3) | Is there a clear electoral timetable available? | Electoral law (and peace agreement, where the case) | Timetable presence, precision, clarity and publicity | Before election day | |
| 4) | Were the elections held without delay? | Observers' reports | Days of delay between the scheduled day and the election day | After election day | |
| 5) | Was the electoral legislation implemented correctly? | Observers' reports | Observers' reports or mass media | Before, during, and after election day | |
| 6) | Does the electoral legislation establish rules for carrying out the district drawing process, which is fair and compliant with international standards (equally weighted votes, respect for communities of interest, administrative and/or natural boundaries, principle of reciprocity)? | Electoral law and Official documents | How many districts, what kind of district, by who, following which criteria, how big and how often should they be redrawn | Before election day | |

| Dimensions | Performance indicators | Where to find the information | How to measure | When to look for information |
|---|--|-----------------------------------|---|---------------------------------------|
| 2) Electoral administration (FRy) | 1) Does the electoral law establish an independent EMB? | Electoral law | Degree of independency (especially from the executive) | Before election day |
| | 2) Was the EMB impartial and non-partisan? | Electoral law, Observers' reports | Electoral administration composition | Before, during and after election day |
| | 3) Was the EMB sufficiently transparent? | Observers' reports | How and to what extent information are given | Before, during and after election day |
| | 4) Did the EMB adhere to the law? | Observers' reports | Observers' reports or mass media | Before, during and after election day |
| 3) Voter information and education (FRy) | 1) Were information and education campaigns put in place before the election? | Observers' reports | Wideness, intensity and spread of information and education campaigns | Before election day |
| | 2) If present, were information and education campaigns objective and pluralistic? | Observers' reports | Observers' reports or mass media | Before election day |

| Dimensions | Performance indicators | Where to find the information | How to measure | When to look for information |
|---|---|--------------------------------------|---|---------------------------------------|
| 4) Voter registration (F) | 1) What proportion of the voting-age population is registered to vote? | Electoral statistics | Percentage of registered population with respect to the voting age population | Before election day |
| | 2) Are the bureaucratic steps to be done excessively heavy for eligible population? | Electoral law | Simplicity of registration procedures and absence of financial burdens on voters | Before election day |
| | 3) Are criteria for registration fair and compliant with international minimum standards? | Electoral law | The criteria must be only age, citizenship, full possession of civil and political rights and residency | Before election day |
| | 4) Are effective remedies available for inaccuracies and omissions to be corrected? | Electoral law | Presence, precision and clarity of these measures | Before election day |
| | 5) What proportion of the refugees and internally displaced population is registered to vote? | Electoral statistics | Percentage of registered population with respect to the number of voting-age refugees or internally displaced | Before election day |
| 5) Parties and candidates registration (F) | 1) Is there a clear timetable regarding parties and candidates registration? | Electoral law | Timetable presence, precision, clarity and publicity | Before election day |
| | 2) Are the criteria for registration fair and free from unreasonable exclusions? | Electoral law | Fair, clear, standardized, timely fixed and legally established criteria (i.e. signatures) | Before election day |
| | 3) Is there any unreasonable official interference in the operation of political parties? | Observers' reports | Observers' reports or mass media | Before, during and after election day |

| Dimensions | Performance indicators | Where to find the information | How to measure | When to look for information |
|-------------------------------------|--|--------------------------------------|--|---------------------------------------|
| 6) Campaign regulation (FRs) | 1) Was access to mass media equitable and open to all parties? | Electoral law and observers' reports | Degree of freedom, neutrality and political pluralism; system of distribution of media time and space according to pre-established and objective criteria. | Before election day |
| | 2) Can media and journalist work freely and without censorship? | Electoral law and observers' reports | Presence of norms and observers' evaluation | Before, during and after election day |
| | 3) Was the access to funds equitable and open to all parties? | Electoral law and Observers' reports | Public and private funding regulation; limits on electoral expenditures; limits on contributions; etc. | Before election day |
| 7) Polling (FRy) | 1) Were voting procedures efficient and transparent? | Observers' reports | Observers' reports or mass media | Election day |
| | 2) Are party/candidate agents and national/international observers able to observe all aspects of polling? | Electoral law and observers' reports | Possibility of witness the counting: nobody (0), International EOM (1/3), National EOM (2/3), representatives of political parties and candidates (1) | Election day |
| | 3) Were there cases of fraudulent voting? | Observers' reports | Observers' reports or mass media | Election day |
| | 4) Were there cases of intimidation? | Observers' reports | Observers' reports or mass media | Election day |

| Dimensions | Performance indicators | Where to find the information | How to measure | When to look for information |
|-------------------------------|---|---|--|---------------------------------------|
| 8) Security (F) | 1) What was the level of election-related violence? | Observers' reports | Observers' reports or mass media | Before, during and after election day |
| | 2) Does the electoral law provide measures to assure the physical security of premises and materials? | Electoral law | Presence, precision and clarity of these measures | Before election day |
| 9) Vote counting (FRy) | 1) Was the counting transparent? | Electoral law, observers' reports | Possibility of witness the counting: nobody (0), EOM (1/3), representatives of political parties and candidates (2/3), ordinary citizens (1) | Election day |
| | 2) Was the counting fair, accurate, and correct? | Observers' reports | Observers' reports or mass media | Election day |
| 10) Complaints (FRy) | 3) Was there an excessive delay in the counting? | Electoral statistics and observers' reports | Days of delay between the election day and the official proclamation of results | After election day |
| | 4) Were the results readily available? | Electoral law and observers' reports | Methods for publishing and publicizing the results | After election day |
| | 1) Was there an appropriate dispute resolution mechanism provided by law? | Electoral law | Degree of independence, transparency and speed in disputes resolution | Before election day |
| | 2) Was this mechanism easily accessible? | Electoral law, observers' reports | Measures to explain how to complain; presence of obstacles in terms of cost and time | Before, during and after election day |