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**THE NORWEGIAN
ELECTORAL SYSTEM
MAIN FEATURES**

**THE ROYAL MINISTRY OF LOCAL GOVERNMENT AND LABOUR
1993**

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1993**

F Clifton White Resource Center
International Foundation for Election Systems

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I INTRODUCTION

1. General

The Norwegian electoral system is based on the principles of direct election and of proportional representation in multimember constituencies.

The country is divided into 19 constituencies corresponding to the counties. These constituencies are again divided into polling districts, i.e. the municipalities.

In *general elections* 157 constituency representatives are to be elected to the Storting. Their distribution among the counties is laid down in the Constitution. In addition 8 representatives are to be elected to seats at large, which are distributed among the counties after the election.

The rules concerning how many representatives are to be elected at *county and municipal elections* are laid down in § 4 of the Act concerning municipalities and in § 5 of the Act concerning county municipalities. In these provisions it is left to the municipal council/county council to determine the number of representatives within statutory limits.

Elections are conducted according to the list system, and both political parties and other groups can put up lists.

2. Legislation

Articles 50 to 64 of the *Constitution* contain a number of fundamental provisions relating to elections. These apply *inter alia* to the conditions concerning entitlement to vote and the loss of the right to vote, the number of Storting representatives and their distribution among the counties, the method of election, the criteria of eligibility and checking of the validity of the election. The rules laid down in the Constitution only refer directly to elections to the Storting. The more detailed rules relating to the conduct of elections have been collected in the *Representation of the People Act* of 1 March 1985. Unless otherwise stated by the individual provision or by the individual chapter, the rules of the Representation of the People Act apply to all three types of election.

3. Time of elections

Article 54 of the Constitution provides that general elections shall be held every four years by the end of September. § 24 of the Representation of the People Act provides more specifically that elections are to be held in all municipalities in the country on one and the same day in September in the final year of each Storting's term of office. The Act has a corresponding provision for municipal and county elections and it is established practice that the local government elections are held midway between general elections. Polling day is determined by the King - the Act lays down that it shall be a Monday. The municipalities may themselves decide that polling shall also take place on the Sunday before the polling day determined by the King.

II RIGHT TO VOTE AND ELECTORAL REGISTER

1. Conditions governing the right to vote

Entitled to vote at *general, municipal and county elections* are Norwegian citizens who attain the age of 18 no later than 31 December in the year of the election, and who have not lost their right to vote pursuant to Article 53 of the Constitution. This provides that the right to vote may be lost on conviction of criminal offences for which such deprivation of right may be included as part of the penalty. This applies to offences against the independence and security of the state, offences against our Constitution and our Head of State and offences concerning the exercise of civil rights. Furthermore, the right to vote is lost by any persons entering the service of a foreign power without the consent of the government, buying votes, selling their vote, or voting at more than one polling station.

Nevertheless, Norwegian citizens who are resident abroad on polling day only have the right to vote if at any time previously they have been registered at the population registry as resident in Norway. This requirement does not apply however to diplomatic or consular staff and their households.

At *municipal and county elections* persons who are not Norwegian citizens have the right to vote provided they have been registered at the population registry as resident in Norway for the last three years before polling day and otherwise satisfy the conditions.

For all elections there is an additional requirement that to be able to exercise their right to vote, those entitled to vote must be registered in the register of electors on polling day.

2. Registration of electors

The Electoral Committee has the responsibility of ensuring that in every municipality a register is kept of those who have the right to vote at the election. The basis for the register of electors is the population register in the municipality on 1 June in the year of the election. Persons who have been resident abroad for more than 10 years - and who are not diplomatic or consular staff or a part of their households - must apply if they wish to be included in the register of electors.

The Electoral Committee must set up a draft register of electors. At the same time a list must be set up of persons who have applied to be included in the register of electors but whom the Electoral Committee

has not found it possible to include. The draft register of electors shall be displayed for public scrutiny with a possibility of appeal for all those who believe that they themselves or others have been incorrectly included in or omitted from the register of electors.

By the end of August in the year of the elections the Electoral Committee shall hold «a meeting to pronounce rulings concerning inclusions in and deletions from the electoral register». After this rulings meeting no inclusions may be made in the register of electors. However, deletions may be made in certain cases, e.g. if a person is dead or included in the register of electors in another municipality. In such cases deletions may be made right up to polling day.

All those who are deleted from or included in the register of electors after it has been displayed for public scrutiny shall be informed of this.

III ELIGIBILITY AND OBLIGATION TO ACCEPT ELECTION

1. General elections

Those eligible to the Storting and obliged to accept election are persons who have the right to vote at the election, who have resided in Norway for at least 10 years and who are not disqualified or exempt.

Those disqualified from election are members of staff of the ministries with the exception of ministers and state secretaries, staff of the Court and staff and pensioners in the diplomatic and consular services.

Those who may claim exemption from appearing on a list in general elections are persons who have the right to vote in another county, who have been members of the Storting during its last term of office, who attain the age of 60 by the end of the year of the election or who are members of another political party than the one issuing the list.

2. Municipal and county elections

Those eligible and obliged to accept election to the municipal council/county council are persons who have the right to vote at the election, who are registered in the population register as resident in the municipality/county on polling day and who are not disqualified or exempt.

Those disqualified from election to the municipal council or county council are the county governor, the deputy county governor, the chief municipal executive/county executive, the head of any branch of the municipal or county administration, the chief municipal/county treasurer, the secretary of the municipal/county council, the chief municipal/county auditor and the auditor of any municipal/county undertaking. In addition the county executive's deputy is disqualified from election to the county council.

Those who may claim exemption from election to the municipal council and county council are persons who attain the age of 65 by the end of the year of the election, who have been members of the municipal/county council for the last four years, who have the right to exemption under other statutory provisions, who are granted exemption by the (County) Electoral Committee because they «would not be able to carry out the duties of their office without unreasonable difficulty», or who are members of another political party than the one issuing the list.

IV PREPARATION OF THE ELECTION

1. Electoral bodies

For all elections an *electoral committee* consisting of the municipal executive board shall be elected in every municipality. The Electoral Committee is responsible for the conducting of the election in the municipality. Correspondingly a *county electoral committee* consisting of the county executive board shall be elected in every county with responsibility for conducting the election at county level.

If polling is to take place in several places in the municipality, the polling station in each place shall be managed by a *polling committee* of no fewer than four members chosen by the Electoral Committee.

On the occasion of *general elections* a *national electoral committee* of no fewer than five members shall be chosen in addition. The National Electoral Committee is appointed by the King and is responsible for calculation, distribution and nomination in respect of the seats at large in addition to issuing credentials to the elected Storting representatives.

2. Registration of political parties

The Representation of the People Act contains provisions concerning the registration of political parties. An application for registration must be signed by the members of the party's executive committee and it must be accompanied by a transcript of the minute book for the meeting at which the party was constituted. The application must have been received by the Notary Public in Oslo by 31 March in the year of the election for registration to be effective for the election the same year.

In addition to the application the party must submit a signed declaration - which is not more than one year old - from no fewer than 5 000 persons who have the right to vote at a general election that they wish the party to be registered. There is no requirement that the signatories should be members of the party.

A party may not be registered if there is a danger that the name of the party may be confused with the name of a party that is already registered.

3. Nomination

The rules concerning nomination provided by the Representation of the People Act do not require the parties to carry out nomination in a particular way. The rules simply provide that if a registered party wishes to benefit from the financial advantages which the Act gives the party - namely travel and subsistence allowance from the public purse for journeys to the nomination meeting - the party must follow the rules laid down in the Representation of the People Act.

The right to have the delegates' travel and subsistence expenses covered with respect to nomination meetings applies only to general and county elections and only to registered parties. The idea behind these rules is to ensure that all districts in the county, including the most remote and thinly populated, shall have a reasonable opportunity to exert influence on which candidates are to represent the party. In the case of municipal elections the delegates to the nomination meetings have on the whole such modest distances to travel that it is not deemed necessary to give the parties financial compensation to satisfy these considerations.

The rules concerning nomination provided by the Representation of the People Act contain provisions concerning how many delegates from each municipality may attend the nomination meeting in the county, how they shall be elected, time limits and other rules concerning the summoning of the meetings to elect delegates and corresponding regulations for the summoning of nomination meetings. The Act also contains rules concerning the determination of the place of the nomination meeting and what errors will have consequences for the party's right to have these expenses covered.

4. The list proposals

A proposal for an electoral list must satisfy the following requirements to be able to be approved:

- It must be submitted no later than 1 June in the year of the election.
- The proposal must clearly indicate to which election it applies and the heading must indicate by which party or group the proposed list has been issued, without leading to confusion. The heading on list proposals from registered parties shall be the registered name of the party.
- For *general and county elections* the list proposals shall contain as many different names as there are representatives to be elected. For *municipal elections* the list proposals shall contain as many diffe-

rent or once repeated names as there are representatives to be elected. In addition the proposals may contain up to as many other different names as the Act states.

- For *general and county elections* proposals must be signed by no fewer than 500 persons with the right to vote in the county, and for *municipal elections* by as many people with the right to vote in the municipality as there are representatives to be elected to the municipal council.

A proposal issued by a registered party may be signed by the head and secretary of the local branch of the party in the county/municipality respectively.

- A list proposal must not have joint candidates with another list proposal relating to the same election.
- The list proposal shall furthermore indicate a representative and a representation committee for the list. These represent the list after it has been submitted.
- The list proposal shall be accompanied by a list of the candidates' dates of birth. The same applies to the proposers if the list proposal has not been submitted by a registered party with a local branch in the county/municipality.

A proposal for an electoral list may be withdrawn by the representation committee of the list no later than 20 June in the year of the election.

The County Electoral Committee (for elections to the Storting/county council) and the Electoral Committee (for elections to the municipal council) check whether the list proposals submitted satisfy the statutory requirements, and decide whether they shall be approved. If the list cannot be approved, the (County) Electoral Committee contacts the representative of the list to have the necessary changes made for the list to be able to be approved.

The (County) Electoral Committee shall further inform all candidates on the list proposals that they have been proposed, and provide information about which rules apply to exemption from election.

No later than 10 August in the year of the election the (County) Electoral Committee shall decide whether or not the list proposals shall be approved. A statement of which lists have been approved shall be published.

The (County) Electoral Committee is responsible for ensuring that ballot papers are printed for all the approved electoral lists for voters to use in the polling stations.

V VOTING AT THE POLLING STATION

1. Opening of the polling station

The polling station is opened when the president of the polling committee in each place where balloting is being conducted reads out a declaration which is laid down by the King for each election.

2. Objections to the election - rules of order

The Representation of the People Act contains provisions which cover objections to the election being conducted. These may be for instance protests against the geographical situation of the places where balloting is being conducted, against the design of polling premises or against the hours of voting. According to the Act objections «shall be put forward as soon as the polling station has been declared open, or as soon as whatever constitutes the grounds for the objection has taken place». However, this provision is simply a regulation relating to order, not a condition of the right to appeal, and it is no obstacle to an appeal to the Ministry or the Storting pursuant to the ordinary rules for appeals.

The Act further contains a prohibition against canvassing in polling premises or in adjacent rooms. Adjacent rooms are defined as rooms through which the voters must pass to reach the actual polling premises. This prohibition covers canvassing for or against particular political parties, opinions or persons whether this takes place orally or by means of posting up, handing out or displaying written material. It is also forbidden to keep a check on who comes and votes and to disturb or hinder the normal conduct of the poll. This latter formulation covers people who create a disturbance in the polling premises, those who are drunk and disorderly, and people who for instance obstruct the polling booths. Breach of these rules may lead to expulsion from the polling station.

3. Recording the proceedings

The rules contained in the Representation of the People Act require that a record shall be kept of everything dealt with and decided at the polling station. In municipalities with polling in several places a minute book shall be kept for each place where polling is held. Responsibi-

lity for keeping the record rests with the president of the polling committee.

4. Voting

The Representation of the People Act contains detailed rules for how voting at the polling station shall take place. First a cross shall be placed against the voter's name in the register of electors. Crossing off shall be done before the envelope for the ballot paper is handed over. After this the voter is shown into a booth where without being observed (s)he may place a ballot paper in the envelope, which is then placed in a ballot box standing on the polling committee's table.

The Representation of the People Act contains exceptions from the main rule in the case of «foreign» votes, i.e. votes from electors who are registered in another polling division in the municipality, and electors who are not registered at all. The same also applies to voters who are deemed to lack the necessary soundness of mind. This may for example be due to insanity, mental disability, severely advanced senility or the influence of alcohol or drugs. In these cases the name shall not be crossed off in the register of electors, nor shall the vote be placed in the ballot box. Instead the vote shall be placed in a separate cover envelope on which are written the voter's name, address and date of birth. In the case of a vote cast by a person deemed by the polling committee to lack the necessary soundness of mind, a justification of this shall also be written on the cover envelope.

The Act also contains a special rule for voters who by reason of physical disability need help when casting their vote. These voters may be given «necessary help» by a person over the age of 14 who is present on the polling premises. The helper may also accompany the voter into the booth and place the vote in the ballot box if necessary.

Voters who are not able to get into the polling premises may cast their votes immediately outside the polling station, e.g. in a car. The way this is done is that two members of the polling committee or election officials take the election material out to the voter. As far as possible the voter shall place the ballot paper in the envelope without being observed. The two polling committee members/election officials shall together take the vote in, ensure that the name is crossed off in the register of electors and place the vote in the ballot box.

5. The voters' right to make changes on the ballot papers

At *general elections and county elections* the voters may make changes on the ballot papers by changing the order of candidates and by deleting candidates. At *municipal elections* the voters may in addition «cumulate» (i.e. give an additional vote to) candidates and add danglers (i.e. candidates) from other electoral lists. Cumulation is done by placing a cross or writing «kum» by a candidate's name, or by writing the name once more. There is no limit to the number of candidates who may be cumulated. When it comes to danglers, the voters may add up to as many names as correspond to a quarter of the number of representatives to be elected.

6. Conclusion of polling

The Representation of the People Act contains detailed provisions relating to the keeping of ballot papers, ballot boxes and other election material between the first and second polling days in municipalities with two-day voting.

The president of the polling committee declares polling concluded when the prescribed time arrives and the voters who are at that moment in the polling station have been given the chance to cast their vote.

VI VOTING IN ADVANCE

A major principle of our electoral system is that the voters' influence on the composition of the directly elected assemblies shall be exerted through ballot at a polling station on the day of the election. This principle would however exclude a number of voters with no possibility of getting to a polling station on the day(s) of the election. For this reason the legislation allows for the possibility of voting in advance, and advance voting has a long tradition in our electoral legislation.

The condition for being able to vote in advance is that one will be prevented from going to the polling station in person. However, there is no requirement that detailed grounds for the necessity of voting in advance should be submitted, nor shall an advance vote be rejected even if the voter is in the municipality on polling day and thus would have had the opportunity of voting.

Advance voting takes place in the period from 1 July in the year of the election to the last Sunday before polling day in municipalities with one-day voting, and to the last Saturday before polling day in municipalities with two-days voting. However, there is a requirement that an advance vote must be cast so early that it reaches the Electoral Committee of the municipality in which the voter has the right to vote before the polling stations close on polling day.

In the case of advance voting the voter shall hand his or her vote to a returning official appointed by the Electoral Committee. Outside Norway returning officials may be appointed by the Ministry. In addition the Representation of the People Act contains provisions concerning who is to be the returning official at foreign service missions, on skips engaged in foreign trade, on drilling platforms, etc.

The basic principle is that advance voting means that the voter goes in person to a returning official in those places the Electoral Committee has determined. In addition the Representation of the People Act allows for advance voting to take place in institutions. It is also the case that people who are ill and disabled but who are not in institutions may in accordance with prescribed rules be allowed to vote where they actually live.

The Representation of the People Act contains detailed rules concerning how advance voting shall be announced and how it shall be carried out. For advance voting use is made of special cover envelopes produced by the Ministry. Furthermore the Act contains provisions concerning how advance voting shall be carried out in countries whose regulations are an obstacle to an advance vote being given to a returning official.

VII CHECKING AND COUNTING OF VOTES - THE RESULT OF THE ELECTION

1. Checking the votes cast

The checking of the votes cast begins with a check of the *ballot paper envelopes*. Ballot paper envelopes shall always be used. Pursuant to the rules of the Representation of the People Act there are requirements that the envelopes shall not be transparent and that they shall not bear «any attached or inscribed mark indicative of who the voter is or expressive of any opinion about persons, organisations or social issues».

The Ministry is responsible for the printing of official ballot paper envelopes, and these are the only lawful ones for voting in Norway. For voting abroad other envelopes may also be used.

If the statutory requirements concerning the ballot paper envelope are not met, the vote is rejected without any closer examination of the ballot paper.

There are also detailed statutory rules for the appearance of *ballot papers*. There is a requirement concerning colour, and a ballot paper must not be marked in a manner indicative of who the voter is or expressive of any opinion about persons, organisations or social issues, nor must there be anything in the ballot paper envelope in addition to the ballot paper indicative of who the voter is or which may be construed to have been placed there deliberately. There is a further requirement that the ballot paper shall have a heading clearly indicating to which electoral list it applies.

For printed ballot papers there is a requirement that the ballot paper shall be identical with the official electoral list, or that it shall bear the name of the electoral list or the name of the party or group participating in a joint list without having the names of candidates.

The Representation of the People Act also contains rules relating to cases in which it may be accepted that a voter has used a ballot paper from another county/municipality, and to the way in which the electoral authorities shall react if there are more ballot papers than there should be in one ballot paper envelope.

When checking the *advance votes* the Electoral Committee shall in the first instance only check the actual votes cast by going through the cover envelopes. The Representation of the People Act contains detailed rules concerning what requirements must be met for advance votes to be able to be accepted as valid. Grounds for rejection are *inter alia* that errors were made when the cover envelope was filled out, that the

cover envelope is not sealed or has probably been opened, that the elector has voted on polling day and that the advance vote reached the Electoral Committee too late.

The Electoral Committee must further specially check «foreign» votes cast, votes cast by voters who are not in the register of electors and votes cast by voters who are deemed to lack the necessary soundness of mind.

The Representation of the People Act requires that the whole electoral committee must take decisions concerning rejection or approval of votes cast. In practice it will be the doubtful cases which are put before the Electoral Committee.

2. Counting the votes

The Representation of the People Act lays down that the count at all elections shall be conducted in two rounds - the rough count and the final count. The purpose of the rough count is to produce a provisional election result as early as possible. It is in connection with the final count that the Electoral Committee makes up its mind on questions concerning approval/ rejection of votes cast.

It is the Electoral Committee that decides whether the *rough count* shall take place at the individual polling stations or whether it shall be undertaken by the Electoral Committee with the votes from all the polling stations. The condition for carrying out the rough count at the polling station is that the relevant part of the register of electors contains no fewer than 500 names and that the remaining polling stations also have no fewer than 500 names in the register of electors.

The manner in which the rough count is conducted is that the ballot papers are arranged in groups according to the designations of the electoral lists, which are again arranged in groups of changed and unchanged lists. Each group is counted and placed in envelopes. It is the results of the rough count that are communicated to the press and public on election night.

The *final count* «is undertaken by such persons and in such manner as the Electoral Committee has determined, and under the scrutiny of the Electoral Committee». The Act requires however that advance votes and votes cast at the polling station shall be counted separately.

The count at *general elections and county elections* consists in counting the ballot papers for the individual electoral list, and here the heading on the ballot paper is crucial. The names of the candidates are not relevant in this connection, nor is there any registration of changes on the lists. This is done later by the County Electoral Committee if

necessary. The number of votes cast for each list is the number of ballot papers relating to the list concerned.

When the final count for a *general election* has been completed, the president of the Electoral Committee shall enter in the Electoral Committee's minute book the numbers of votes for all electoral lists, the total number of votes, the number of polling station votes and the number of advance votes. After this the Electoral Committee shall send a transcript of the electoral record and the minute books of the polling committees to the Office of the Storting. The same applies to cover envelopes for approved and rejected advance votes, all appeals and remarks received, all rejected ballot papers and all votes cast by persons who were not in the register of electors.

To the County Electoral Committee the Electoral Committee shall send a transcript of the electoral record together with all approved polling station votes and all approved advance votes.

When the final count for *county elections* has been completed, the Electoral Committee shall enter in the electoral record the numbers of votes for all electoral lists, the total number of votes and their distribution between polling station votes and advance votes. To the County Electoral Committee the Electoral Committee shall send a certified transcript of the electoral record together with all polling station votes and advance votes cast in the county elections.

For *municipal elections* every ballot paper has to start with the same number of list votes as the number of representatives to be elected. However, if danglers have been added to a ballot paper, each dangler gives one list vote to the electoral list to which the dangler belongs, while the electoral list of the ballot paper loses one list vote for every dangler added. The number of votes for a list is the sum of all the list votes.

3. The result of the election

The determination of the result of the election is done in two stages. The first is to find out how many candidates the individual list is to get, after which the candidates of the individual lists are declared elected. It is the County Electoral Committee which determines the election result for general and county elections, while the result of municipal elections is determined by the Electoral Committee.

At *general elections* the method of distributing the constituency seats among the lists is that the number of votes cast for each list in the county is divided by 1.4 - 3 - 5 - 7 and so on. The number of votes cast for each list shall be divided as many times as the greatest number

of seats the list may be expected to win. The quotients are numbered consecutively. The largest quotient becomes no. 1, the next largest no. 2, and so on. The seats are distributed consecutively among the lists according to the sizes of the quotients.

The method of declaring the winning candidates for each list is that first only the names placed as no. 1 on the ballot papers are counted. The candidate who gets most votes at this count is elected. After this those names placed as no. 2 on the ballot papers are counted. The candidate who gets the highest total of votes at the two counts, ignoring the one who is already elected, is elected. The same procedure continues until all the seats the list is to get have been filled.

For the voters' changes on the ballot papers to have any effect on the choice of person, more than half the voters must make changes in favour of the same candidate.

When the result has been determined, a transcript of the minute book shall be sent to the Office of the Storting and to the National Electoral Committee.

The distribution of the seats at large is undertaken by the National Electoral Committee on the basis of the results from the county electoral committees. The seats at large are distributed among those parties which are under-represented in relation to the votes they received when the country is seen as a whole. However, parties which in the county results have already got more representatives than a nationwide count would have given them, keep their representatives. The seats at large go to those parties' county lists which have the largest quotients left when the ordinary representatives have been distributed. Only registered parties with more than 4% of the votes may participate in the system of seats at large.

The procedure for the determination of the result in *county elections* is much the same as that used for determining the constituency representatives elected to the Storting. However, one difference is that a sixth of the seats in the county council are designated as seats at large. These are distributed among the lists in the same way as the other seats, but when candidates are being declared elected the seat goes to the first candidate on the list who comes from a municipality which has not received any representation in the county council at the ordinary distribution.

At *municipal elections* the procedure for determining the result is that the sum of the list vote figures is divided by the number of representatives to be elected plus one. The whole number of the quotient is increased by one. The number of votes cast for each list is divided by the increased quotient and each list wins as many seats as the whole numbers of the new quotients indicate. If not all the seats are distributed in this way, a new division is carried out in which the number of votes for

each list is first divided by the number of seats the list has won plus one, then - if necessary - by the same figure plus two, and so on.

The method of declaring candidates elected is that the seats won by each list are distributed among the candidates in order according to how many votes they have received.

VIII APPEAL

The Representation of the People Act provides for the right of appeal, both against the electoral committee's rulings on the right to vote and on access to the polls, and in general against the preparation and conduct of the elections. Any person who has the right to vote in the county/municipality concerned, has the right of appeal. In the case of *general elections* appeals shall be addressed to the Storting, and in the case of *municipal and county elections* to the Ministry.

The Storting and the Ministry may - if it is necessary to correct a mistake that has had consequences for the election result - order a new determination of the result or a new election.



