



Office for Democratic Institutions and Human Rights

SWEDEN

GENERAL ELECTIONS

9 September 2018

ODIHR Election Expert Team

Final Report



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I. EXECUTIVE SUMMARY

Sweden is a constitutional monarchy, with a parliamentary system of governance. The legislative power rests with a unicameral parliament (*Riksdag*) comprised of 349 deputies elected for four years. The 9 September parliamentary elections were held jointly with elections to county and municipal councils. A total of 34 parties contested elections to the *Riksdag*, representing a broad spectrum of political platforms. The election legislation provides a solid basis for the conduct of genuine democratic elections. However, additional measures might be considered to fully guarantee the secrecy of the vote and ensure uniform implementation of the election procedures, in particular the printing and distribution of ballots. The recent legal amendments, which introduced additional reporting requirements for political parties and limited the amount of anonymous donations, enhance the transparency of political financing. While there is a general confidence in the integrity of the elections, a sizeable number of election-related complaints were submitted to the Election Review Board (ERB).

The electoral legal framework consists primarily of the Constitution, the 2005 Elections Act and the 2005 Election Ordinance, the latter two amended most recently in 2018. The majority of the ODIHR EET interlocutors expressed confidence in the system that is considered open and transparent. The legislation does not contain specific provision on the presence of observers, contrary to OSCE commitments.

The Election Authority has the overall responsibility for planning and co-ordination of the general elections. At the sub-national level, elections are administered by County Administrative Boards, Municipal Election Commissions and Polling Boards. There is no hierarchy among the election administration bodies of different levels and the Election Authority does not have oversight power.

The Election Authority printed some 673,000,000 ballots. Most of the ODIHR EET interlocutors expressed concerns over the logistical and environmental problems that such number of ballots causes. All parties that the ODIHR EET met with reported problems with the distribution of ballots, stating that they would prefer that the election administration be responsible for the distribution of all ballots.

The Elections Act requires that ballots are placed adjacent to or within the premises of the polling station. In practice, ballots are placed on a table or a stand, often in plain view of voters and staff present in the polling station at times might diminishing the secrecy of vote, which is provided for OSCE commitments. The government recently published a draft law that foresees the placement of a protection screen at the place where ballot papers are put to shelter it from view and to protect secrecy of the vote.

The legal framework allows public and private political funding. Parties that participated in elections or received public funding are obliged to report to the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*). The reports offer only a partial disclosure, as they contain information solely on income. The parties are not obliged to report on their expenses, assets and debts, hence the possibility for the public scrutiny of political financing is limited and is not in compliance with the international good practice and Council of Europe's Group of States against Corruption (GRECO) recommendations.

¹ The English version of this report is the only official document. An unofficial translation is available in Swedish.

The ERB is the body mandated to adjudicate on election-related matters. Before election day, the ERB received appeals pertaining to party name registration and to revocation of candidates by political parties, all of which were dismissed. Following the elections, over 770 complaints were submitted to the ERB.

II. INTRODUCTION AND ACKNOWLEDGEMENTS

Following an invitation from the authorities of Sweden to observe the general elections, based on the findings and conclusions of the Needs Assessment Mission deployed from 15 to 17 May 2018, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Expert Team (EET) of two experts.

The ODIHR EET focused its assessment on the electoral legal framework pertaining to the uniform implementation of election procedures, and the implementation of the campaign finance reporting and oversight framework. The report is therefore limited in scope and does not offer an overall assessment of the electoral process. The specific areas under review were assessed for their compliance with OSCE commitments and other international obligations and standards for democratic elections, as well as with national legislation. In line with the ODIHR methodology, the ODIHR EET did not undertake a comprehensive and systematic observation of the election day procedures. This final report should be read in conjunction with the 2018 ODIHR NAM report and previous reports, which provide additional detail on electoral processes in Sweden.²

The ODIHR EET wishes to thank the Ministry of Foreign Affairs, the Election Authority and the Legal, Financial and Administrative Services Agency for their co-operation and assistance, as well as to express gratitude to representatives of all other institutions, political parties, media, civil society and other interlocutors for sharing their views.

III. BACKGROUND

Sweden is a constitutional monarchy, with a parliamentary system of governance. The head of state is the King, whose duties and functions are ceremonial. The legislative power rests with a unicameral parliament (*Riksdag*) comprised of 349 deputies elected for four years. The parliament elects and holds accountable the government vested with the executive power.

Pursuant to the results of the last elections in 2014, eight parties were represented in the outgoing parliament: Social Democratic Party with 113 seats, Moderate Party (83), Sweden Democrats (42), Green Party (25), Centre Party (22), Left Party (21), Liberal Party (19) and Christian Democrats (16). The Social Democratic Party and the Green Party formed a minority government, with 50/50 gender parity in ministerial positions.

The 9 September parliamentary elections were held jointly with elections to county and municipal councils. A total of 79 parties contested elections to the *Riksdag*, representing a broad spectrum of political platforms. The growing support to the right wing of political spectrum, especially to the Sweden Democrats, shaped the political discourse on migration, integration and social issues.

² See all previous ODIHR [reports on Sweden](#).

IV. LEGAL FRAMEWORK

The legal framework regulating the general elections consists primarily of the Constitution, the 2005 Elections Act and the 2005 Election Ordinance.³ The Constitution consists of four fundamental laws. One of these, the 1974 Instrument of Government states that all power emanates from the people, establishes general principles of universal and equal suffrage, free, secret and direct elections to the *Riksdag* and guarantees the protection of fundamental rights and freedoms.⁴ It also establishes an electoral system of proportional representation to the *Riksdag*. Votes are cast for party lists with the option of preferential voting for a candidate.⁵

The Elections Act and the Election Ordinance have been amended several times, most recently in 2018. The Elections Act specifies the competencies of the election administration and regulates issues pertaining to voter registration, constituency delimitation, registration of parties and candidates, distribution of ballot papers, voting and counting procedures, allocation of seats, and appeals against election results. The Election Ordinance provides further details for some technical aspects of the process, such as specifications for ballots and steps for filling in of protocols. Recent amendments included the requirement of consent of candidates to participate in the election, colour-printing of ballot papers and an adjustment in the allocation of seats to the *Riksdag*.

The legislation constitutes an overall solid basis for the conduct of genuine and democratic elections and the majority of the ODIHR EET interlocutors expressed confidence in the system that is considered open and transparent. However, several stakeholders expressed concerns over the provisions pertaining to distribution and placement of ballot papers. (See Election Administration)

The Elections Act states that counting at all levels is public but contains no explicit provision for voting. It does not contain a specific provision on international observation, contrary to Paragraph 8 of the 1990 OSCE Copenhagen Document.⁶

Legislation should be amended to explicitly provide for the presence of observers to ensure full compliance with Paragraph 8 of the 1990 OSCE Copenhagen Document.

V. ELECTION ADMINISTRATION

The Election Authority has the overall responsibility for planning and co-ordination of the general elections. Its competencies include delimitation of constituencies and distribution of seats among them, registration of parties, delivery of voting cards, production of ballot papers and envelopes, establishing the locations for out-of-country voting, compilation of voter lists, and allocation of seats to the *Riksdag*.

³ Relevant provisions of the 2017 Local Government Act, the 1972 Act of State Financial Support to Political Parties, the 2018 Act on Transparency of Party Financing and the 2017 Administrative Procedures Act are also applicable.

⁴ The other three fundamental laws are the 1810 Act of Succession that provides the rules on succession to the throne, the 1949 Freedom of the Press Act, and the 1991 Fundamental Law on Freedom of Expression.

⁵ There are no specific requirements for the creation of a political party. Parties must register their participation in elections and if they wish to brand the party name.

⁶ [Paragraph 8 of the OSCE 1990 Copenhagen Document](#) states that “the participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavor to facilitate similar access for election proceedings held below the national level. Such observers will undertake not to interfere in the electoral proceedings.”

At the sub-national level, elections were administered by 21 County Administrative Boards (CABs), 290 Municipal Election Commissions (MECs) and 6,004 Polling Boards (PBs). CABs are regional branches of government and their competencies in the election process pertain to registration of candidates, district delimitation at county level and final counting of votes. MECs are elected by the municipal councils and are responsible for recruitment and training of PBs, setting up of polling stations and distribution of equipment and material. The law does not contain criteria for recruitment of PB members, but only those who have received training can be appointed. However, EET interlocutors did not raise concerns regarding selection of PB members or their impartiality. There is no hierarchy among the election administration bodies of different levels and the Election Authority does not have oversight power.⁷ The Election Authority produced two handbooks on election procedures that were considered by the election administration as suggestions rather than guidelines. The implementation of election procedures is entirely within the competence of each individual election administration body and therefore lacks uniform and consistent implementation.

A. BALLOT PAPERS

There are three types of ballots available to voters for each type of elections: ballots with party name and rank-ordered candidates that allows preferential voting, ballots with party name only, and blank ballots.⁸ The Election Authority printed some 673,000,000 ballots for the elections. ODIHR EET interlocutors expressed concerns over the logistical and environmental problems that such number of ballots causes and pointed out a need to revisit the number of ballot papers needed. Parties that received at least one per cent of the vote in one of the two last elections and parties represented in the municipal council or the county council have the right to print ballots with the party name at the expense of the state and to request the distribution of these ballots by the CABs to polling stations. All parties are responsible themselves for delivering to polling stations their ballots that contain candidate lists.

All political parties that the ODIHR EET met with reported problems with the distribution of ballots and they stated that they would prefer that the election administration be responsible for the distribution of all ballot papers. Some MECs agreed to undertake distribution of all ballots, even of those they were not legally obliged to distribute. In one case, a MEC established criteria different from those legally prescribed for distribution of ballots that covered more but not all political parties.⁹ Previously, in its 2015 report on the conduct of elections, the Election Authority has expressed concerns over the different practices followed by MECs in the distribution of ballot papers and recommended further clarification of the roles and responsibilities of the different election administration bodies.¹⁰

Consideration could be given to additional measures to ensure that ballot papers be made available to voters under equal conditions for all contestants. The Electoral Authority could be vested with the power to issue guidelines with the aim to ensure uniform implementation of election procedures.

⁷ Certain MEC decisions are nevertheless subject to CAB approval.

⁸ In a blank ballot paper a voter can write in the party and a candidate's name.

⁹ MEC in Skurup in the region of Skåne decided that, in addition to the legal responsibility for distribution of party and blank ballots, it would also take the responsibility for distributing ballots with candidate lists to all polling stations for the parties that are currently having a seat in the municipal council, county council or the parliament. The decision was appealed to the Election Review Board but was dismissed due to lack of competence (see Complaints and Appeals).

¹⁰ [Election Authority, Report 2015:1, Experiences from the elections in 2014-2015.](#)

B. VOTING PROCEDURES

The legislation provides voters with ample opportunities to cast their vote. Voting in advance is taking place in designated polling stations for a period starting 18 days before election day. Every municipality must have at least one advance polling station which stays open also on election day. Voters increasingly avail themselves of this option – around 47 per cent of ballots were advance votes cast in 2,727 polling stations. Voters can vote in any advance polling station in the country.¹¹ Advance votes coming from other constituencies are processed by the MECs and forwarded to the polling station of the voter where they are counted together with the ballots cast on election day. Out-of-country voters can cast their ballot by post or at Swedish embassies and consulates.¹² Under certain conditions, a vote cast in person can also be sent by a messenger.¹³

The Elections Act requires that ballots are placed adjacent to the polling station and, if this is not possible, within the premises of the polling station. Voters can pick as many ballots they wish and proceed to the booth. The ballot is placed in an envelope and unused ones are discarded. In practice, ballots are placed on a table or a stand, often in plain view of voters and staff present in the polling station, which at times might diminish the secrecy of vote. Some ODIHR EET interlocutors voiced the opinion that secrecy of the vote is a choice and it is up to the voters to safeguard it if they wish by picking more than one ballot.¹⁴

Consideration should be given to further measures to ensure the secrecy of the vote, in accordance with the Constitution, as well as with OSCE commitments and other international obligations and standards.

Nonetheless, most ODIHR EET interlocutors pointed out that the current provisions and practice of placing ballots on a table or a stand, sometimes outside the view of the PBs, posed challenges for the PB to keep order at polling stations and left ballot papers exposed.¹⁵ The Election Authority informed the ODIHR EET that there have been reports during the 2018 general elections from out-of-country polling stations where ballots of several parties went missing, including the Sweden Democrats.

Some solutions have been explored by the parliament in order to address this issue. The government published on 24 August a draft law that included an amendment to this provision. The relevant article foresees the placement of a protection screen at the place where ballot papers are put in order to shelter it from view and ensure the secrecy of the vote.¹⁶

¹¹ Unless voters have obtained themselves the ballots with candidate lists of their own district, they can use and vote only with a party ballot or a blank ballot. If a party has nominated all its candidates to the CAB within the prescribed deadline (10 April), its candidate lists are considered ‘locked’ and the voter cannot add another name to it as a ‘write-in’. If a party has not nominated all of its candidates, voters can add another name provided that the ‘write-in’ candidate has given his/her consent.

¹² For the 2018 general elections, out-of-country voting at diplomatic representations began on 16 August.

¹³ Voters that due to illness, impairment, or age cannot go to a polling station can avail themselves of this opportunity. Votes are placed in two envelopes, and a witness must also attest to that the voter has cast the vote in the manner prescribed by law.

¹⁴ Paragraph 20 of [General Comment 25 on Article 25 of the UN International Covenant on Civil and Political Rights \(ICCPR\)](#) notes that waiver of the right to secret ballot is incompatible with Article 25 of ICCPR. Paragraph 7.4 of the [1990 OSCE Copenhagen Document](#) requires that votes are cast by secret ballot. In addition, Part 1, paragraph 4 (a) of [the Venice Commission's Code of Good Practice in Electoral Matters](#) states that “for the voter, secrecy of voting is not only a right but also a duty, non-compliance with which must be punished by disqualification of any ballot paper whose content is disclosed.”

¹⁵ There have been reports in previous elections of snatching stacks of ballots to deprive voters of certain choices or deliberately mixing ballots of parties with similar names with the aim to confuse the voters.

¹⁶ [Government Bill 2017/18:286 on Enhanced Protection of the Secrecy of the Vote.](#)

VI. PARTY AND CAMPAIGN FINANCE

The 1972 Act on State Financial Support to Political Parties and the 2018 Act on Transparency of Party Financing provide the legal framework for political financing.¹⁷ There is no distinction between political and campaign financing, with the exception of requirement of reporting for parties that participated in elections.¹⁸

Until 2014 parties voluntarily disclosed their main sources of funding on the basis of the Joint Agreement Concerning Openness about the Parties' Income signed in 1980. The decrease of party membership, combined with the critical assessment of the transparency of party funding by the Council of Europe's Group of States against Corruption (GRECO) led to the endorsement of the 2014 Act on Transparency of Party Financing.¹⁹ The Act took into consideration the 2003 Council of Europe recommendations on common rules against corruption in funding of political parties and electoral campaigns as well as some of the GRECO recommendations.²⁰

The new Act on Transparency of Party Financing, which entered into force in April 2018, limited the size of anonymous donations, requiring every anonymous donation above a stipulated threshold to be returned to a donor or, when the donor's identity cannot be determined, to the state.²¹ The amendments also widened the spectrum of parties at central, county and municipal level that are required to submit financial reports. Moreover, further disclosure requirements, including the requirement for audit of submitted reports, were introduced with the aim to increase accountability and transparency of political financing. Political parties the ODIHR EET met with at the central, county and municipal levels assessed positively the new legal provisions as contributing to transparency.

A. FUNDING AND EXPENDITURES

The legal framework allows both public and private funding. Public funding is available to all parliamentary parties as well as parties that received at least 2.5 per cent of votes in one of two previous elections. The amount is calculated on the basis of the number of received votes and the number of parliamentary seats. Further public funding is available to parties at county and municipal levels, pursuant to results in elections to respective local councils. Public funding is the dominant source of income for political parties, amounting to some 63 per cent of the total party incomes in 2017.²²

¹⁷ Certain provisions of the Election Act, the 1999 Act on Support for the Parliamentary Work of Members of the *Riksdag* and Parliamentary Party Groups, and the 2010 Act on the State Support to the Parliamentary Women's Organizations regulate aspects of the parties financing.

¹⁸ State funding is available for political parties, and [the state budget for the year 2018](#) envisions 50 million SEK (approximately 5 million EUR) for voter education and voter information projects to ensure more equal representation of different groups of voters. Political parties may apply for the funding in order to reach out to politically less active groups of voters.

¹⁹ See Ohman, M., *Sweden*, in: *Checkbook Elections? Political Finance in Comparative Perspective*. Ed. Norris, P. and van Es, A.A., Oxford University Press, 2016, pp. 159 – 176, and [Samuelsson, C., Membership in Political Parties is Declining](#), Statistics Sweden, 2018 (in Swedish).

²⁰ See Recommendation Rec(2003)4 of the Committee of Ministers to member states, and the [GRECO Evaluation and Compliance Reports](#) on transparency of party funding.

²¹ Threshold for anonymous donations amounts to 5 per cent of the price base. The price base is calculated in accordance with provisions of the 2010 Social Security Act on annual basis. For the year 2018 it amounts to 45,500 SEK, thus the 5 per cent of the price base amounts to 2,275 SEK.

²² Data is calculated on the basis of [political parties' revenue reports](#) for 2017 submitted to the Legal, Financial and Administrative Services Agency (*Kammarkollegiet*). According to the [parliament website](#), annual financial support to parliamentary parties from the state budget and the *Riksdag* amounts to about SEK 466 million (EUR 45.5 million).

Private funding can be in a form of membership fees, donations, revenues from sales and lotteries. Among the sources of private funding the political parties listed mainly membership fees, which range from 100 to 300 SEK, and donations.²³ While majority of the parties attracted donors among business community and other private donations, the Social Democratic Party also enjoys the traditional financial support from the Swedish Trade Union Confederation (*LO*). The *LO*'s support, aside from donations to the party, included an independent campaign in support of the Social Democratic Party. The *LO* devoted 30 million SEK for newspaper and cinema advertisements, a campaign to reach out to its members, and advertisement in social media.²⁴ A number ODIHR EET interlocutors, including electoral contestants, criticized the close link between the Social Democratic Party and the *LO*, reasoning that *LO* members' political affinities are very diverse and hence its financial support should be diversified. The *LO* informed ODIHR EET that as a democratic organization, they are open to different political opinions among its membership and ready to take those into consideration when they are voiced within the *LO* bodies. Notwithstanding the historical linkages of the Social Democratic Party and the *LO*, unregulated participation of third parties in electoral campaigns can compromise political finance transparency.²⁵

In order to improve the transparency of campaign funding legal regulation of involvement of third parties in electoral campaign could be considered.

There are no legal limits on the size or type of expenditures, whereas incomes of parties eligible for public funding ranged from 3 to over 400 million SEK.²⁶ Parties invested mainly in traditional campaigning materials, i.e. posters, billboards, leaflets and direct mailing to voters. All parties the ODIHR EET spoke with assessed that their expenses related to campaigning in social media are much higher than in previous elections.

B. REPORTING AND OVERSIGHT

According to the Act on Transparency of Funding of Political Parties, parties that participated in elections or received public funding and elected officials are obliged to submit reports. The reports require only information about annual revenues and need to be submitted to the *Kammarkollegiet*. Parliamentary parties are obliged to report regardless the size of their budget while other political entities need to file a financial report only if their incomes exceed certain amount.²⁷ As the 2018 legal changes broadened the type of political entities obliged to report, ODIHR EET was informed that it may concern up to 35,000 political parties and associations. However, given the exemption from the reporting obligation for the smaller revenue budgets, the *Kammarkollegiet* assessed it would concern around 1,000 political entities.²⁸

²³ The majority of parties used a mobile application 'Swish' for receiving small donations. The Moderate Party and the Centre Party used interests from the capital investments made after selling some of their properties. The Social Democratic Party and its youth branch the Swedish Social Democratic Youth League (SSU) own a lottery called 'A-lotterierna', drawing revenues from its incomes.

²⁴ Both the Social Democratic Party and the *LO* informed ODIHR EET that the systematic financial support of the *LO* to the party stems from their historical joint development and their programmatic proximity. The *LO* supports the Social Democratic Party with 6 million SEK annually. See: [Social Democratic Party 2017 Financial Report](#). For more information about the *LO* campaign in support of the Social Democratic Party see the [LO webpage](#) (in Swedish).

²⁵ See Doublet, Y-M., [Political funding Thematic Review of GRECOs Third Evaluation Round](#).

²⁶ Data retrieved from [the political parties' revenue reports for 2017 submitted to the Kammarkollegiet](#).

²⁷ Non-parliamentary parties are required to report if their annual revenue exceeds 50 per cent of the price base, i.e. 22,750 SEK. The size of revenue is calculated after the deduction of public funding, membership fees and financial transfers within party structure.

²⁸ *Kammarkollegiet* launched an [information campaign](#) in television and online, sensitizing political parties to the new reporting provisions.

The financial reports need to contain information about incomes from public funding, membership fees, revenues from business activities and contributions from private donors, including from individuals, companies, organizations, associations, foundations and funds. Contributions below 2,750 SEK can be reported as anonymous, whereas reports on donations above this threshold need to reveal the donor identity. The *Kammarkollegiet* informed the ODIHR EET that it developed an Internet platform for online reporting, easily accessible to political parties and the public.

The reports, together with a written opinion of an authorized auditor, need to be submitted to the *Kammarkollegiet* by 1 July each year and made publicly available. A fine of up to 10,000 SEK can be imposed for late reporting. Based on notifications from the public or other information, the *Kammarkollegiet* may investigate the accuracy of reporting. Fines for incomplete or erroneous reporting reach up to 100,000 SEK. Accepting an anonymous donation of a value higher than the amount of 2,750 SEK is subject to a fine equal to the twofold of the accepted donation. So far, no fines have been imposed, but their prescribed level, in comparison with the parties' incomes, is too low to be dissuasive.²⁹

The financial reports offer only a partial disclosure, as they contain information solely on income. Parties are not obliged to report on their expenses, assets and debts, hence the possibility for the public scrutiny of political financing is limited and is not in compliance with the Council of Europe and GRECO recommendations.³⁰ Parties, when inquired by the ODIHR EET, generally welcomed ideas of further legal regulations that would improve the transparency of political financing.

Political parties eligible for public funding need to apply to the Party Subsidy Board on annual basis. Parties' full financial reports, containing information about their incomes as well as expenditure, assets and debts, audited by an authorized auditor, need to be attached to the application.³¹ Those reports, although not public, are accessible to citizens and media pursuant the provisions on freedom of information request stipulated in the 1949 Freedom of Press Act.

The legal provisions on disclosure of political financing should be amended for the parties to be accounted for incomes as well as for expenditures, assets and debts. As a step towards complying with the GRECO recommendation, the parties' financial reports provided to the Party Subsidy Board could be made more easily accessible for the public.

The campaigns were run predominantly by party leaders and top candidates. Some candidates on the lower positions on parties' lists organized their individual campaigns, financed from their own incomes. Although some parties informed the ODIHR EET about the practice of candidates signing a code of conduct, which obliged them to full transparency of incomes, the law does not provide for

²⁹ Pursuant the [Recommendation Rec\(2003\)4 of the Council of Europe Committee of Ministers](#), "States should require the infringement of rules concerning the funding of political parties and electoral campaigns to be subject to effective, proportionate and dissuasive sanctions."

³⁰ [GRECO, in its Second Compliance Report on Sweden Transparency of Party Funding](#), recommended "to ensure that income, expenditure, assets and debts are accounted for in a comprehensive manner following a coherent format; to seek ways to consolidate the accounts to include local branches of parties as well as other entities which are related directly or indirectly to the political party or under its control; and to make sure that the annual accounts are made public in a way that provides for easy access by the public." See also [GrecoRC3\(2016\)3 Second Compliance Report on Sweden, Transparency of Party Funding](#), 24 March 2016. The [Recommendation Rec\(2003\)4 of the Council of Europe Committee of Ministers provides that](#) States should require political parties "to keep proper books and accounts" and to make them public "at least annually".

³¹ The Party Subsidy Board is a parliamentary body comprised of three members appointed for the period of six years. Its activities are regulated by the 2013 Law with Instructions for the Party Subsidy Board.

transparency of campaign financing of individual candidates contrary to provisions of the UN Convention against Corruption as well as Council of Europe recommendations.³²

Transparency of campaign financing of individual candidates should be regulated in line with international obligations and standards.

VII. COMPLAINTS AND APPEALS

The Election Review Board (ERB) is mandated to adjudicate complaints on election results and complaints and appeals against certain decisions pertaining to constituency delimitation, distribution of seats, corrections in voter lists, registration of party names and notification of candidates. The ERB consists of seven members, appointed by the *Riksdag*. The Chairperson must be or must have held a position as a permanent judge and may not be a member of the *Riksdag*. The Board's decisions are final.

Before election day, the ERB received a total of ten appeals. Five of these pertained to party name registration and were dismissed as relevant decisions of the Election Authority were upheld.³³ Two appeals on decisions on distribution of ballots were dismissed on procedural grounds for lack of competence and for not being filed within the deadlines.³⁴ In addition, three appeals filed by candidates disputing the revocation of their candidature by their political party were dismissed for lack of legal standing. The ERB ruled that it is up to the political party to nominate candidates and that the legal provisions do not grant any rights to individual candidates to challenge decisions pertaining to candidate nomination.³⁵ There appears to be a general lack of awareness among electoral contestants on the procedures to file complaints regarding matters in the pre-election period.

Election results can be contested with the ERB by any voter or electoral contestant from the day after the election day and up to ten days after the results have been declared. Over 770 complaints were filed and the examination of those pertaining to the *Riksdag* elections has been prioritized. This number represents a significant increase, compared to previous elections. According to the interlocutors from the ERB, the adjudication of complaints is expected to take several months.

VIII. RECOMMENDATIONS

These recommendations contained throughout the text are offered with a view to enhancing the conduct of elections and bringing them fully in line with OSCE commitments and other international obligations and standards for democratic elections. ODIHR stands ready to assist the authorities to further improve the electoral process and in following-up on the recommendations contained in the report.³⁶

³² Article 7.3 of the [UN Convention against Corruption](#), requires that „Each State Party shall also consider taking appropriate legislative and administrative measures (...) to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties.” [Recommendation Rec\(2003\)4 of the Committee of Ministers of Council of Europe](#) notes that “States should require particular records to be kept of all expenditure, direct and indirect, on electoral campaigns in respect to each political party, each list of candidates and each candidate”.

³³ Plaintiffs alleged that other parties' names and logos had the potential to create confusion among voters.

³⁴ In the case against Skurup municipality's decision to distribute ballot papers of more parties than it was legally obliged, the competent body to decide on such an appeal would be the Administrative Court. The ERB did not transfer the appeal to the Court, since the plaintiff filed the complaint after the deadline.

³⁵ The decisions on these three appeals were rendered after election day.

³⁶ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR's election assessment and recommendations.”

1. Legislation should be amended to explicitly provide for the presence of observers to ensure full compliance with Paragraph 8 of the 1990 OSCE Copenhagen Document.
2. Consideration could be given to additional measures to ensure that ballot papers be made available to voters under equal conditions for all contestants. The Electoral Authority could be vested with the power to issue guidelines with the aim to ensure uniform implementation of election procedures.
3. Consideration should be given to further measures to ensure the secrecy of the vote, in accordance with the Constitution, as well as with OSCE commitments and other international obligations and standards.
4. In order to improve the transparency of campaign funding legal regulation of involvement of third parties in electoral campaign could be considered.
5. Transparency of campaign financing of individual candidates should be regulated in line with international obligations and standards.
6. The legal provisions on disclosure of political financing should be amended for the parties to be accounted for incomes as well as for expenditures, assets and debts. As a step towards complying with the GRECO recommendation, the parties' financial reports provided to the Party Subsidy Board could be made more easily accessible for the public.

ANNEX: FINAL RESULTS

Results published by the Election Authority on 16 September 2018:

Votes	Amount	Percentage
Total number of registered voters	7,495,936	100
Total number of votes cast (turnout)	6,535,271	87.18
Total number of valid votes	6,476,725	99.11
Total number of invalid votes	58,546	0.89

Distribution of valid votes to the political parties and allocation of seats:

Party	Votes received	Percentage	Number of seats
Social Democratic Party	1,830,386	28.26	100
Moderate Party	1,284,698	19.84	70
Sweden Democrats	1,135,627	17.53	62
Centre Party	557,500	8.61	31
The Left	518,454	8	28
Christian Democrats	409,478	6.32	22
Liberal Party	355,546	5.49	20
Green Party	285,899	4.41	16
Feminist Initiative	29,665	0.46	0
Other parties	69,472	1.07	0
TOTAL	6,476,725	100	349

In total, 161 women were elected to parliament, representing approximately 46 per cent of the total number of MPs.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (ODIHR) is OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights and fundamental freedoms** consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked people, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).