

INSTRUCTION ON OBSERVATION OF ELECTIONS AND REFERENDUMS

Issued pursuant to Section 5 of the Law "On the Central Election Commission"

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I. Requirements for an Authorised Observer and the Authorisation Procedure

1. The conduct of elections and referendums (hereinafter – “elections”) may, in accordance with the procedures laid down in laws and regulations, be observed by:

1.1. members of the Central Election Commission and persons authorised by it;

1.2. members of local government election commissions and persons authorised by such commissions;

1.3. other authorised persons:

1.3.1. in elections of the Saeima, the European Parliament and local government councils - persons authorised by political parties and alliances of political parties which have submitted a list of candidates in the relevant constituency;

1.3.2. in a national referendum - persons authorised by political parties and alliances of political parties;

1.3.3. in a local government referendum - persons authorised by the submitter of the submission initiating the local government referendum;

1.4. mass media representatives.

2. For the purpose of observing elections, the persons referred to in Sub-paragraph 1.3 of this Instruction who are entitled to authorise observers may authorise citizens of the Republic of Latvia who have attained 16 years of age on election day.

3. The following persons may apply to the Central Election Commission for authorisation to observe elections:

3.1. citizens of the Republic of Latvia who have attained 16 years of age on election day and have completed the training course of the Central Election Commission for authorised election observers (hereinafter - observers);

3.2. representatives of organisations and other institutions invited by the Central Election Commission;

3.3. representatives of international organisations and other foreign institutions invited by the Ministry of Foreign Affairs.

4. To obtain authorisation from the Central Election Commission, the persons referred to in Sub-paragraph 3.1 of this Instruction shall, not later than two weeks before the elections, obtain the authorisation electronically on the election training platform or submit an application of the specified form (Annex) to

the Central Election Commission, indicating the preferred polling station for observation (number, name, address).

5. The Chairperson of the Central Election Commission shall examine the applications and issue authorisation to observe the conduct of elections at a specified polling station or refuse to issue such authorisation.

6. The following persons may apply to a local government election commission for authorisation to observe elections in the territory of the relevant local government:

6.1. citizens of the Republic of Latvia who have attained 16 years of age on election day and have completed the training course of the Central Election Commission for election observers;

6.2. representatives of organisations and other institutions invited by the relevant local government election commission.

7. In order to receive an authorisation from a local government election commission, the persons referred to in Sub-paragraph 6.1 of this Instruction shall, not later than two weeks before the elections, submit an application in the specified form (Annex) to the local government election commission, indicating the preferred polling station for observation (number, name, address).

8. The application referred to in Paragraph 7 of this Instruction shall be examined, and authorisation shall be issued or refused, by the chairperson of the relevant local government election commission.

II. Rights and Duties of an Observer

9. An observer has the right to observe the conduct of elections, including the right to:

9.1. choose any polling station for observation when submitting an application;

9.2. observe the sealing of ballot boxes and record and photograph the security seal numbers of the ballot boxes;

9.3. without interfering with the work of the polling station commission, ask questions of members of the polling station commission and other observers and answer questions regarding their activities, as well as ask questions of voters and answer questions from voters (except questions about how they voted or intend to vote);

9.4. become acquainted with entries made in the election procedure log without interfering with the work of the polling station commission;

9.5. address the chairperson of the polling station commission with an oral or written proposal or objection regarding the course of voting, or a complaint regarding possible infringements of laws and regulations, and receive a reply from the chairperson of the polling station commission;

9.6. ascertain that the proposal or complaint and the reply provided are registered in the election procedure log;

9.7. if the infringement is not remedied, the chairperson of the polling station commission does not provide a reply, or registration is refused, apply to the local government election commission;

9.8. observe the sorting of registration envelopes of voters who have voted outside their constituency;

9.9. observe voting by voters who have arrived at the building where the polling station is located but, due to mobility impairments, are unable to enter the polling premises;

9.10. observe mobile voting and voting at the location of the voter and obtain in advance information on the time of such voting and the next address at which voting will take place. A voter has the right to prohibit observation at their place of residence;

9.11. be present at the open meeting of the polling station commission during which the polling station commission counts the votes;

9.12. receive information on the procedure and method used for counting the votes received by candidates;

9.13. ascertain that the data in the vote counting report correspond to the results recorded in the vote counting notes (for example, by viewing them on a projection screen, summary sheet or in the election procedure log), and photograph the vote counting notes, numerical indicators of the vote counting report and the screen on which the vote counting results are entered, insofar as necessary to ascertain the correspondence referred to in this Sub-paragraph;

9.14. ascertain the results of the counting of votes immediately after they have been approved by the polling station commission;

9.15. affix their own seal to packages containing election materials after the counting of votes or sign such packages.

10. An observer has the following duties:

10.1. to become acquainted with the laws and regulations governing the election process;

10.2. when commencing the performance of observer duties (for example, at a polling station, at a place where registration envelopes are sorted, etc.), to present a personal identification document, an authorisation or another document certifying the rights and duties arising from their position (for example, an official identification card, employee identification card, etc.), as well as any other necessary permits (for example, a permit to visit a place of imprisonment);

10.3. to wear the observer identification card in a visible place and return it to the polling station commission upon completion of observation at the relevant polling station;

10.4. to observe voting and the counting of votes in order to ascertain their compliance with the requirements of laws and regulations;

10.5. to comply with the instructions of the chairperson of the polling station commission;

10.6. to treat voters and their right to make a free choice, as well as members of the polling station commission and the performance of their duties, with respect;

10.7. to observe the principle of secret ballot and the right of voters to privacy. In order to respect the right of other persons to protection of their personal data, information obtained by an observer through access to personal data shall be used only for the performance of observer duties;

10.8. not to influence the choice of voters, express political views or campaign;

10.9. to immediately inform the chairperson of the polling station commission if errors or possible infringements in the work of the polling station commission are noticed;

10.10. not to carry out additional processing of personal data, i.e. data processing which does not arise from the official duties of persons involved in the election process or does not comply with the

requirements of laws and regulations governing the election process, including the collection, storage, transmission and transfer of data, irrespective of the form and means of processing.

III. Observation Procedure

11. Observers shall act on the basis of the rights and duties laid down in laws and regulations. Their assessments shall be based on accurate information, distinguishing subjective factors from objective evidence.
12. Observers shall monitor whether voting and the actions of the polling station commission comply with election laws and the instructions of the Central Election Commission, including the sealing of ballot boxes, checking of documents at the entrance, registration of voters, issuing of election materials, secrecy of voting, insertion of ballot envelopes into ballot boxes, counting of votes and other activities related to the election process.
13. The polling station commission shall designate a place for observers to remain. During the counting of votes, it is recommended that one side of a vote counting table be left free for observers.
14. Observers shall remain at such a distance from members of the polling station commission and voters as not to interfere with voting and the counting of votes. A distance of at least an arm's length is recommended. Observers shall not obstruct the flow of voters.
15. Observers shall not disturb the polling station commission and voters by loud behaviour. Observers may converse quietly.
16. An observer may freely leave the polling station, each time returning the observer identification card to the polling station commission in accordance with Sub-paragraph 10.3 of this Instruction. In order to observe the counting of votes, the observer shall arrive before the counting begins. During the counting of votes, the polling station shall be closed. An observer may temporarily leave the premises where votes are being counted but shall not leave the building in which the counting of votes takes place. If an observer leaves the polling station during the counting of votes, they shall not be readmitted.
17. The polling station commission shall not provide observers with transport for mobile voting or voting at the location of the voter.
18. If an observer has evidence that significant infringements of the election process may have occurred, such as vote buying or falsification of votes, the observer shall apply to the State Police or the State Security Service and inform the chairperson of the polling station commission thereof.
19. If an observer fails to comply with the procedures laid down in this Instruction, the chairperson of the polling station commission has the right to remove the observer from the polling station and, where necessary, request police assistance.

IV. Filming and Photography at a Polling Station and at the Location of a Voter

20. Observers may film and photograph at a polling station after informing the chairperson of the polling station commission, provided that this does not interfere with the work of the polling station commission and the principles of secret ballot and personal data protection, as well as the prohibition on additional processing of personal data, are observed.
21. Observers may film or photograph persons if the person has given unambiguous consent to the processing of their personal data by means of photography or filming.

22. An observer who collects personal data of other persons by means of photography or filming shall be regarded as a data controller and shall fully comply with the requirements of laws and regulations governing lawful data processing. When performing observer duties, such processing shall not be considered processing for purely personal or household purposes.

23. Observers who observe the course of voting at the location of a voter may film or photograph only if the voter has been informed of their rights and has given unambiguous consent.

24. Before taking photographs or making video recordings at the place of residence of a voter, the observer shall inform the voter about:

24.1. the purpose and legal basis of the processing, the data controller and its contact details;

24.2. the recipient of the data, the use of the data obtained and the intended duration of processing;

24.3. the right to access, rectify or erase personal data, restrict or object to its processing, and the right to data portability.

25. In hospitals, care homes, social assistance centres and places of imprisonment, taking photographs and making video recordings of the voting process and voters is prohibited.

V. Final Provision

26. Central Election Commission Instruction No. 4 of 10 February 2025 “Instruction on Observation of Elections and Referendums” is repealed.

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