



## Comparative Study of Principles and Requirements Related to the Electoral Oversight Body and the Process Governing the Announcement of Election Results

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### Abstract

Currently, the right to self-determination and political participation of the populace through elections is recognized as a fundamental right in numerous political systems, and it is regarded as a crucial component of the social and political life of those societies. Elections are an important and eloquent tool in the direction of operationalizing the political participation of citizens and determining their political destiny, and several assumptions must be considered in this regard. One of the most significant of these cases is the institution supervising the elections and the principles supervising its formation and operation, which ultimately leads to the announcement of the election results by this institution or its approval. In the meantime, governments and political systems, according to their political and legal conditions, principles, and ideology, determine an institution to monitor the election process, which, of course, grants it a wide range of powers. However, with this existence, from an existential point of view, is the formation of the monitoring institution from the requirements of democratic political systems to protect the rights of the nation. Another point is that the supervisory body as well as the stage of announcing the results in elections around the world have requirements and principles that create the conditions for their formation. In this article, in the beginning, the same principles were extracted and explained for the body supervising the elections as well as the process of announcing the results, and in the next stage, a comparative study was also conducted in this regard by studying cases in other countries with democratic elections. The monitoring body and the process of announcing the results were examined in the following two sections, and its principles and requirements were extracted. Principles such as legality, sovereignty, transparency, neutrality, and independence were discussed. The legality of the supervisory institution includes a kind of legal-rational legitimacy; in this sense, not only legitimacy is



something that is measured by common sense; rather, the relevant laws and the government and its institutions have officially recognized that thing. About the principle of “Sovereignty” as well it should be noted that this concept is due to the establishment of an institution of supreme sovereignty in a government, in the sense that the formation and continuity of an institution in a government have been made possible by the text of the law approved by the government and have become a factor in creating public authority for the said institution. Another principle was transparency, the deliberate disclosure of information for the benefit of citizens, as an important indicator in contemporary democratic governments. The principle of impartiality also states that the decisions of a person, organization, or institution must be based on objective criteria and not based on bias, prejudice, or preferring the benefit of one person or group over another for personal and unfair reasons. At the end of the first part of the article, the principle of independence was discussed. The concept of “independence” in its nature means non-dependence and freedom of action “in oneself.” It should be said about the independence of a supervisory institution that an institution has an independence that no agent or part of the political structure can influence it due to financial, political, military-security, and moral pressures. In the meantime, some international lawsuits were examined, and the importance of the issue of the legality of the supervisory body in other countries was also verified.

In the second part of this research, the principles and requirements of the results announcement process were investigated, explained, and verified in a comparative study. In this section, the principle of “accountability” was raised and expressed. The philosophy of this principle is that the citizens of a country should be aware of the bases and reasons for the decisions taken by the electoral institutions. “Being documented and justified” was another principle that was examined, and it was explained that the implementation of this principle will be a guarantee for the rule of law because it makes it possible for people to have criteria for evaluating public decisions and applying these decisions to the law. Also, the principle of “confidentiality and preservation of dignity in the announcement of results” was examined as an important principle, where the lack of this principle can be a cause of anxiety in the public mind and harm the dignity of the election candidate. The principle of “litigation” also states that candidates, in case of rejection or failure to qualify, can legally protest this decision to the competent authorities and even the supervisory body itself. The principle of “announcement of results in writing” was one of the other principles that were emphasized and paid attention to by mentioning the cases related to election lawsuits as well as related regulations in other countries.

In Iran, with the victory of the Islamic Revolution, the Guardian Council performs its duties as a supervisory body. On the other hand, this institution, along with the Ministry of Interior, is also responsible for announcing the results. In matters of governance and legality, in all types of elections, including the presidency, the Islamic Council, and the Council of Leadership Experts, the Guardian Council has inherent legal authority to exercise supervision and decision-making and is also responsible for handling complaints. From the point of view of the independence and impartiality of this institution, the Guardian Council needs appropriate administrative structures and



organizations to fulfill its duties and powers, and this depends on the independence of the vote in its internal and organizational affairs, as well as the impartiality of its members and agents in the matter of elections. The Guardian Council in Iran, the Constitutional Council in France, the Special Election Council in Japan, etc. are all used to understand the concept of the supervisory body in various countries and governments. In the meantime, we can conclude that the nature of these institutions is the same, but they have different powers or components from each other; however, the important conclusion is that due to the same nature of these institutions, the existence of such an institution is to enable and protect the right to self-determination and the political participation of citizens during the elections, both in the role of “voter” and in the role of “elect,” is essential and fundamental.

**Keywords:** Keywords: eligibility verification, principles and requirements, result announcement, elections, oversight body.



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