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FINAL REPORT

of the Observation Mission of Snap Elections
of the National Assembly of the Republic of Armenia
on December 9, 2018

YEREVAN 2019



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Responsibility for the content of this report belongs to the "Akanates" observation mission and its member organizations and does not reflect the viewpoints of donors.

About the Observation Mission

"Akanates" Observation Mission was established by Transparency International Anticorruption Center (TIAC) and Journalists' Club "Asparez" (JCA) NGO as well as "Restart" Civic Initiative. The mission partner is the Law Development and Protection Foundation.

The goal of "Akanates" is to promote free and fair elections, integrity of electoral processes and public oversight over these processes.

"Akanates" operates independently, respecting the principle of impartiality and refraining from any action that can be interpreted as support, campaign or counter-campaign for or against any party (party alliance) and candidate participating in elections.

"Akanates" was founded in August 2018. That same year it carried out short-term observation mission of the Yerevan City Council elections on 23 September, as well as long-term and short-term observation of snap elections of the National Assembly of the Republic of Armenia on December 9.

"Akanates" observation mission expresses gratitude to the long-term and short-term observers, regional coordinators, lawyers and operators involved in the election observation processes, for their active participation and dedicated work which made possible the effective and quality operation of the observation initiative.

"Akanates" also expresses gratitude to election Commissions, political parties (party alliances), candidates running in the elections and members of their electoral offices, non-governmental organizations, media and citizens who have cooperated with the mission and supported throughout the observation process.

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ABBREVIATIONS

ARF	Armenian Revolutionary Federation
BA	"Bright Armenia" party
CD	"Citizen's Decision" Social-Democratic Party
CEC	Central Election Commission
CIS	Commonwealth of Independent States
CPRP	"Christian-People's Renaissance" Party
JCA	Journalists' Club "Asparez"
MM	Mass media
MSPA	"My step" Party Alliance
NGO	Non-governmental organization
NPP	National Progress Party
OAS	Oversights and Audit Service
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Cooperation of Europe
OYP	Orinats Yerkir (Rule of Law) Party
PACE	Parliamentary Assembly of the Council of Europe
PAP	Prosperous Armenia Party
RA	Republic of Armenia
RPA	Republican Party of Armenia
STPP	"Sasna Tsrer" Pan-Armenian Party
TIAC	Transparency International Anticorruption Center
WPA	"We" Party Alliance

EXECUTIVE SUMMARY

"Akanates" ("Eyewitness") observation mission conducted long-term and short-term observation mission of snap elections of the National Assembly of the Republic of Armenia on December 9, 2018 to ensure comprehensive and coordinated information collection on the elections. The mission assessed the compliance of pre-election, Election Day and post-election processes to the RA electoral legislation and international standards, as well as the possible risks of processes from the point of view of holding free, transparent and competitive elections.

From November 5 to December 23, 2018, 35 long-term observers of "Akanates" observation mission monitored pre- and post-election processes within the service areas of all 38 Territorial Election Commissions of the Republic.

For the short-term observation, for the first time in Armenia the sample-based observation (SBO) methodology was applied, which allowed to have the general picture on elections at the Republic level through collection of data from selected polling stations. On the Election Day, "Akanates" conducted observation in 300 polling stations throughout the Republic of Armenia (15% of the total), with involvement of 575 observers.¹ Besides that, 52 groups of mobile observers were operating on the Election Day, who visited 552 polling stations, observing the situation inside and outside of stations, as well as surrounding areas of campaign offices of political parties and party alliances. Video recording and broadcasting devices of 500 polling stations within the service areas of 13 territorial elections commissions were monitored during different hours of the day by a group of volunteers from the Diaspora.

During the vote counting phase, 35 observers were monitoring 36 Territorial Election Commissions, particularly the processes of receiving sacks from polling stations, vote tabulation and scanning of signed voter lists.

During the post-election period, long-term observers studied the work of Territorial Election Commissions, the process of recounts of the results and electoral complaints examination. In addition, they have performed physical checks of voter lists through visiting addresses of concern.

Based on critical violations recorded in the electoral process, in total, 26 complaints were submitted to territorial election commission, 20 complaints – to CEC, 16 appeals to the Administrative Court of RA, complaints to Courts of Appeal and Cassation for 4 cases, 4 written and oral crime reports to the Special Investigation Service and Police. A part of complaints is still in process.

The overall assessment of the "Akanates" observation mission on 2018 snap elections of the National Assembly of RA is presented below.

¹ Observers of the "Akanates" observation mission was comprised of observers defined by the RA Electoral Code as well as mass media representatives.

Pre-election Phase

The pre-election phase of December 9, 2018 snap parliamentary elections, in general, passed in free, competitive and peaceful election campaign environment, which essentially differed from the same period of previous national elections.

The work of election commissions was mainly in compliance with the procedures set by the RA Electoral Code. The Central Election Commission (CEC) generally operated effectively and properly fulfilled its obligations under the law. During the sessions of the CEC there had been practically no discussions, and all decisions were made unanimously. Activities of this institution were fairly transparent and public, however there were some issues related to data accessibility that were hindering public oversight. Training of Precinct Election Commissions by CEC trainers was of sufficiently good quality, however, there were organizational issues that significantly reduced the training efficiency.

No significant issues were recorded in terms of registration of political parties (party alliances). The observers' accreditation process was to the highest extent imperfect and created additional complications both for CEC and observation missions. There were no appropriate procedures in place to check activities of accredited organizations, which would enable them to get engaged in "fake" and politically biased observation missions. Accreditation process of observers from foreign non-governmental and international organizations includes risks associated with wide spectrum of discretion.

The composition and activities of Territorial Election Commissions generally corresponded to the requirements prescribed by law. Nevertheless, activities of these Commissions are extremely inadequate and problematic due to lack of resources and tools required for proper work, as well as limited knowledge and practical capacities of Commission members.

Voter lists still do contain controversial and questionable data that jeopardize their accuracy and objectivity. Relevant authorities, in particular the RA Police, still fail to take proper actions to eliminate the deficiencies in the lists.

The pre-election campaign and its timeframe defined by the law are not properly regulated in the legislation, which creates serious risks for competition disbalance and misuse of administrative resources. Political parties'(party alliances') as well as candidates' campaign offices operate in non-transparent manner, which is mainly conditioned with legislative drawbacks and low level of responsibility and accountability by political forces. Pre-election campaigns are not adequately controlled by relevant bodies. The scope of liability for non-compliance with the campaign rules is limited or simply not applied.

The election bribe and "charity" cases recorded during the observation have been of episodic nature, and not widespread, unlike previous national elections. There have been few cases of misuse of administrative resources, however there is no information available on follow-up actions by relevant bodies regarding these cases. The pre-election campaign period was quite strained for all political forces and numerous concerning instances of hate speech episodes were recorded.

Financing of the pre-election campaign by political forces running in the parliamentary elections is generally quite non-transparent and out of oversight. In fact, the sources of asset

and income of political parties are not declared. Candidates' asset and income declarations are not subject to publication by law. The scope of expenditure covered by the pre-election fund's detailed declaration does not fully reflect the major costs incurred during the pre-election campaign. The opening of the pre-election fund by the candidates included in the territorial lists of political parties running in the NA elections is not envisaged by law. The Electoral Code does not regulate third-party financing of pre-election campaign. The political parties (party alliances) in practice do not declare the total amount of expenditures incurred from the fund resources which are not subject to declaration. The law does not define a requirement to declare the names of contributors. The classification of goods and services acquired is not clearly defined for declarations. There is no proper oversight over the financing of pre-election campaign and integrity of expenses, and the responsibility prescribed by the law is not adequate.

Appeals and complaints lodged in the pre-election period were, in general, properly processed by the CEC.

Election Day

The Election Day passed smoothly, commission members mostly maintained adherence to the electoral procedures. There were some critical violations during the voting phase, but, unlike previous years, and particularly in the 2017 parliamentary elections, violations were not widespread and did not have a system nature. They were mainly fragmentary and in many cases were conditioned by personal initiative of participants of the electoral process, due to insufficient knowledge of procedures and lack of practical skills.

Voting preparation stage was mostly balanced and corresponded to established procedures, with a few exceptions. Observers did not encounter any problems with entering polling stations.

A common and serious problem is that half of the polling stations were not accessible for voters with physical disabilities. There were still identified issues related to voting room furnishing. No essential issues were recorded in relation to technical devices.

At the preparatory stage, precinct commissions mainly operated in the presence of quorum, except for several polling stations. The majority of observed polling stations opened in time.

The voting in the entire country was generally peaceful and consistent with the law. Instances of threat and intimidation were recorded in 3 polling stations. As a whole, no issues were recorded in terms of exercising rights by persons entitled to be present at the polling station. Commissions mostly followed the rules of lottery and shift. A number of cases were identified where there was a signature against the voter's name. No serious issues were identified with voter identification. The secrecy of vote was largely respected, although a number of cases were registered when voters themselves disclosed their ballot or voted in a group of their family members. In several polling stations, voter direction cases were identified - mainly by the proxies of political parties (party alliances) running in the election. In the majority of polling stations procedures for assisting voters were observed. In polling stations, except for a few episodes, no instances of unauthorized persons' presence were identified. Presence of unauthorized persons was noticed in a very few polling stations. Majority of polling stations were closed in time.

The processes of summarizing voting results were largely in line with the legal requirements. In most of the polling stations, summarizing and counting procedures went smoothly. In the majority of instances, participants in the final summarizing phase were supplied with an excerpt from the protocol on voting results and a reference on participation, with a few exceptions. The presence of unauthorized persons was observed only in some polling stations.

Observations by mobile observers also showed that in the majority the voting process was mostly smooth and corresponded to the legal requirements. Episodes of violations identified referred to crowding of vehicles and people, illegal campaign, directed voting, and threats.

The work of the Precinct Election Commissions was in general positively assessed by observers, yet a number of issues were noticed. In most of polling stations, no crowding of people or vehicles or public order violations was detected, and whenever such instances were identified they were appropriately counteracted by the police.

During the observations of all voting stages throughout the Election Day, the observers of "Akanates" observation mission identified 63 instances of critical violations in 50 polling stations that could affect the election results.

Video recording and broadcasting devices installed in polling stations operated without interruption in most of the cases.

Post-election Phase

The work of Territorial Election Commissions in general was assessed as satisfactory, with the exception of the appeal process. The receipt of ballot papers from polling stations and the tabulation process mainly went smoothly and steadily, however some issues were recorded in the Commission. The scanning of signed voter lists was mostly normal. The recount of voting results generally went according to the law, with a few exceptions.

Appeal

In the pre-election period, applications submitted by "Akanates" observation mission were mainly well processed by CEC. Complaints regarding Election Day processes were not properly examined by Territorial Election Commissions and CEC. In total, 26 applications were submitted to Territorial Election Commissions, 20 application-complaints to the CEC, 16 claims to the RA Administrative Court, whose verdicts in relation to 4 cases were appealed to higher instance courts, 2 written crime reports were made to the Special Investigation Service of RA and 2 verbal reports were made to the RA Police.

Election Commissions did not consider observer organizations having the legal standing to submit an application, although some actions were taken based on separate violations.

Recommendations

Based on the analysis of issues revealed throughout the observation of the December 9 2018 snap parliamentary elections, "Akanates" observation mission recommends revision of

electoral legislation, as well as the practices and approaches to the organization and conduct of elections, aiming to:

- ensure full transparency and accessibility of election processes and their related data on the CEC website;
- develop technical and other conditions of Territorial Election Commissions, as well as capacities to ensure professionalism, transparency and efficiency;
- take steps to improve the quality of work of Precinct Commissions, as well as their responsibility towards the public;
- make voter lists accurate and more objective, as well as ensure appropriate control in this regard;
- prevent pre-election campaign violations, ensure their adequate oversight and responsibility;
- define the terms of administrative resource and its misuse, as well as clarify the limit of legitimate use and misuse of administrative resources throughout the electoral process, strengthen legislative regulations restricting use of administrative resources and define relevant sanctions;
- eliminate the system of territorial lists of political parties (party alliances) and issues associated with it, declare all expenses related to activities carried out by campaign offices, prevent or regulate third party financing issues;
- simplify the accreditation system for observers, take measures to exclude or invalidate the accreditation of politically biased observation missions, clarify the requirements for accreditation of international organizations or foreign observer organizations;
- revise the regulations restricting rights of observers and mass media representatives defined by the Electoral Code of the Republic of Armenia, limiting the instances whereby they may be removed from polling stations exclusively in case of their politically biased behavior, eliminate discriminatory regulations regarding the quantitative limitations set for observers and media representatives;
- ensure the implementation of the right of commission member, proxy and observer to request recording remarks in the logbook during the whole process on the Election Day as well as within Territorial Election Commissions;
- ensure access to the Election Day video-records at the CEC website at least until the expiry of the deadline for disputing the decision on election results and replace video recording devices by video and audio recording ones;
- define in the law access to justice for observer organizations in the instances of violations of the subjective rights of observers, and on cases of violations of objective electoral rights in electoral processes;
- review appeal deadlines and procedures.²

"Akanates" attaches importance to the inclusiveness in the process of developing the Electoral Code as well as to the elaboration of mechanisms and efforts aimed at ensuring appropriate consideration of all stakeholders' opinions and recommendations to achieve the best solutions.

² The recommendations are presented in more detail at the end of the report in "Recommendations" section.

1. METHODOLOGY

"Akanates" observation mission conducted long-term and short-term observation missions during the December 9, 2018 RA snap parliamentary elections, aiming to ensure comprehensive and coordinated information collection on the elections. The mission assessed the compliance of pre-election, Election Day and post-election processes to the RA electoral legislation and international standards, as well as possible risks of processes from the point of view of holding free, transparent and competitive elections.

"Akanates" ("Eyewitness") Observation Mission's methodology for observing the parliamentary elections in 2018 has been substantially different from the previously used methodology of mission member organizations. Firstly, a long-term observation with more comprehensive content and volume was conducted. Secondly, unlike former practices, when observers were deployed so as to be able to cover the largest possible number of polling stations, this time a sample-based observation (SBO) methodology was applied. This allowed to select fewer polling stations and collect statistically more substantial and representative data and provide high-accuracy assessment of the entire Election Day at nationwide level. Thirdly, complaints and reports were submitted to administrative, judicial and law enforcement bodies related not to electoral violations, but to exercising rights by observers, and/or those which could affect the election results.

1.1 Long-term Observation Mission

During the period between November 5 and December 23, 2018, 35 long-term observers of "Akaates" observation mission monitored pre-election and post-election processes within the territory covered by all 38 Territorial Election Commissions of the country.

During the pre-election period, observers monitored the election administration, compliance of actions by Election Commissions with the timetable set by the CEC, activities of candidates and political parties (party alliances), pre-election campaign, pre-election campaign finance, instances of misuse of administrative resources, pre-election events and general environment. Observers operated on-sites working with Election Commissions, political parties (party alliances) and campaign offices of candidates, civil society organizations, mass media, as well as international observers.

"Akanates" observers had 142 visits to Territorial Election Commissions and observed 48 sessions. There were 503 visits to political parties (party alliances) and candidates' offices and campaign offices, 56 meetings were held with journalists, 106 meetings - with non-governmental organizations (NGO) representatives. Observers participated in 300 pre-election events / meetings and visited more than 300 communities. In addition, there were informal meetings with citizens to evaluate the overall situation and to obtain information on pre-election processes.

During the post-election period, 35 observers monitored the operation of 36 Territorial Election Commissions in their premises, including the processes of vote recounts and electoral complaints. Following the voting, observers conducted checks on voter lists by making visits to addresses of concern.

Data collection was conducted through desk research, online open data analysis, direct observations, official surveys, meetings, interviews, as well as by following media coverage reports. In order to ensure the accuracy and reliability of information received indirectly, they were double-checked using several independent sources.

1.2 Short-term Observation Mission

On the Election Day, "Akanates" conducted observation in the 300 polling stations distributed across the Republic of Armenia (15% of the total), with involvement of 575 observers, 72.5% of which were female.

For short-term observation, the sample-based observation methodology was applied for the first time in Armenia during the national elections, as a result of which the understanding of voting processes observed in the sample polling stations reflects the general picture of the election process in all polling stations throughout the country.

According to the methodology, short-term observers have been deployed in polling stations selected through a representative sampling, and carried out observations during the entire Election Day, by recording their observations through standardized questionnaires and providing regular reports to the Call Center in relation to vote preparation, voting process, closing of polling stations and vote counting. The reports were submitted via SMS or online platform and included only observers' direct monitoring results. In addition to statistical data, the Call Center received also reports on incidents of critical violations.

Along with on-site observation in polling stations, 52 groups of mobile observers operated on the Election Day with two members in each group. Mobile observer groups visited 552 polling stations, monitored the situation inside and outside of campaign offices of political parties and party alliances. Selection of polling stations for visits was done randomly. Mobile groups visited polling stations not included in the methodology sampling, as well as sampled polling stations in case of tension or availability of issues.

Short-term observers of "Akanates" observation mission were accredited at the CEC as observers representing JCA and TIAC non-governmental organizations, as well as media representatives, representing www.asparez.am online newspaper and Asparez weekly.

In addition, "Akanates" observation mission exercised monitoring over the functioning of video recording equipment for live broadcasting at polling stations to provide coverage on the voting process, in order to check the visibility of the voting room and to assess the quality of the video records. At different hours of the Election Day, with involvement of Armenian volunteers in the Diaspora, the operational state of video recording equipment was monitored in 500 polling stations within the area of 13 Territorial Election Commissions.

During the summarizing of voting results, 35 observers monitored the work of 36 Territorial Election Commissions out of 38, in particular, monitoring the process of receiving sacks from polling stations, vote tabulation and scanning of signed voter lists.

On the Election Day, a Call Center was launched, involving 30 operators and 30 lawyers to coordinate the observation mission, provide legal advice and keep record on violations.

During the long-term and short-term observation missions, quantitative and qualitative data collected by observers were analyzed and summarized in the reports, statements³ and press releases⁴ issued by "Akanates" observation mission.

Based on critical violations recorded in the electoral process, appeals and complaints were drafted and filed to administrative authorities, lawsuits were filed to courts and reports were lodged in law-enforcement authorities, some of which are still in the process of investigation.

Up to date information about the observation mission was published on the Facebook page of the "Akanates" observation mission, as well as on the member organizations' websites and/or Facebook pages.

³ "Akanates" Observation Mission, *Preliminary Statement*, November 22, 2018 <https://transparency.am/files/news/1543234535-0-373819.pdf>, *Statement on "False" Observation Missions*, November 26, 2018 <https://transparency.am/en/news/view/2558>, *Interim Report*, December 7, 2018 <https://transparency.am/files/publications/1545323664-0-741866.pdf>

⁴ "Akanates" Observation Mission, *Press Release*, December 10 2018, 11:00AM, <https://transparency.am/en/news/view/2581>

2. OBSERVATION FINDINGS

The following are the findings of "Akanates" observation mission related to the work of Election Commissions, pre-election campaign, Election Day and post-election processes as well as the analysis of the issues identified.

2.1 Work of Election Commissions

The work of the Election Commissions was mainly compliant with the procedures set by the RA Electoral Code.

2.1.1 Central Election Commission

CEC generally operated effectively and properly fulfilled its obligations under the law.

From November 2 up to December 8, 2018, it convened 13 sessions, most of which were dedicated to discussing issues related to the organization and holding of snap parliamentary elections, and relevant decisions were made in connection to the above. In general, the organizational activities were carried out according to the timetable prescribed by law.

During the period from December 9, 2018 to January 16, 2017, 7 CEC sessions on snap parliamentary elections were held. Main issues discussed and decisions made related to the processes of summarizing vote results and petitions filed by Territorial Election Commissions and complaints by observation missions. Details on complaints are described in the relevant section.

2.1.1.1 Decision-Making

During CEC sessions, in fact, there have been no discussions and all decisions were made unanimously, largely guided by the positions expressed by the Chairman of the Commission or reporting Commission member. During the period of observation, no other cases were reported on raising conceptual questions by Commission members to the reporting Commission member, as well as making recommendations and expressing reservations on draft decisions. It is noteworthy that similar issues were also observed during previous parliamentary elections.

2.1.1.2 Transparency of Information

The CEC activities are fairly transparent and public, but there are some issues with access to information that hinder public oversight.

As required by the RA Electoral Code,⁵ the CEC decisions were made available on the Commission's official website within the period after the session till the end of the next dat. The CEC, on its own initiative, conducts live broadcasts of sessions. Study of separate sessions showed that they are not always broadcast simultaneously, and their video recordings are posted on the CEC website only after sessions.

⁵ RA Electoral Code, Article 8, Part 2

Despite that overall principle of transparency was maintained, however observation of the CEC activities revealed some shortcomings. In particular, on November 9, 2018, the CEC convened a session and adopted two decisions on organizing the procurement process and defining cost estimates for the preparation and conduct of elections (CEC allocation - AMD 898,228,994 million, Territorial Election Commissions - AMD 139,811,390 million, Precinct Election Commissions- AMD 1,669,103,780 million). There is no information on convening these sessions, or any decision from these sessions or video recordings of these sessions available on the CEC website.

The CEC has published the asset and income declarations of the candidates included in the electoral lists of political parties, although there is no legislative requirement to post them on the website. The latter can be regarded as a positive step but not a sustainable practice.

The CEC did not disclose full declarations on contributions made to pre-election funds of political parties (party alliances) and their use, including the names, objectives and funds allocated by contributors. The publication of these documents is not envisaged by the RA Electoral Code and it is necessary to visit the CEC Oversight and Audit Service to be able to get acquainted with them.

A major part of the information published on the CEC website is presented in PDF format (e.g. composition of precinct electoral Commissions, voter turnout per polling station, asset and income declarations, etc.), which does not allow the computer "to read" (machine-readable data/format) analyze the data thus complicating public oversight.

2.1.1.3 Training of Precinct Election Commission Members

Training of Precinct Election Commissions by CEC trainers was of sufficiently good quality, however, there were organizational issues that significantly reduced the training efficiency.

During the period from November 25 to December 7, the CEC conducted specialized training sessions for all of Precinct Commission members, some of which were monitored by the "Akanates" observers.

In general, observers positively assessed the quality of CEC trainers and training delivery. However, in some cases some organizational issues as well as issues related to training efficiency were observed. Some of training participants were notified of the training day on the date of its occurrence. Certain Precinct Election Commission members skipped the training as there was no compulsory requirement to be present. There were cases when participants joined the training significantly late or left the training before it finished, nevertheless the training was marked as passed. Trainers were not sufficiently strict and demanding towards participants.

In some cases, the audience was sufficiently big, yet, in spite of the quality of the training, there were issues with the perception of the material. Training sessions lasted 3.5-4 hours without breaks, which affected their effectiveness. Taking into account the strict electoral processes defined by the RA legislation, the time allocated for the training sessions was apparently not enough to adequately train new Commission members.

The overall impression was that the level of knowledge and preparedness of participants was quite low. Members with relevant background experience had a considerable advantage.

2.1.1.4 Registration of Parties (Party Alliances) and Candidates

No significant issues were observed in terms of registration of political parties (party alliances).

11 political parties and alliances of parties ran in the elections: the ruling Republican Party of Armenia (RPA), "Citizen's Decision" Social Democratic Party of Armenia (CD), the Armenian Revolutionary Federation (ARF), the "My Step" Party Alliance (MSPA), Bright Armenia Party (BA), "Christian-People's Renaissance" Party (CPRP), "We" Party Alliance (WAP), OYP (Rule of Law) Party, "Sasna Tsrer" Pan-Armenian Party (STPP) and "Prosperous Armenia" Party (PAP).

The CEC provided 48 hours for the OYP, the STPP and PAP to ensure completeness of the documents submitted for registration of candidates which were incomplete upon submission. Only the registration of one candidate for the Rule of Law party was denied due to failure to submit the required documents within the deadline.

The number of candidates in the territorial lists of political parties (party alliances) was determined by the CEC to comprise 7-15 people. 41 candidates submitted requests for self-withdrawal, 38 out of which were satisfied, and three were denied due to candidate's absence at the session (in the absence of a notarized application). The registration of one candidate was annulled due to the latter's decease.

2.1.1.5 Registration of Observation Missions

The observer accreditation process is to the highest extent imperfect and creates additional complications for the CEC and observation missions.

According to the RA Electoral Code, observation organizations carry out their mission after accrediting their observers to the CEC,⁶ whereby applications for accreditation or making amendments/additions to the list of accredited observers should be submitted no later than 15 days in advance of the Election Day,⁷ and the CEC hands over certificates to observers within 12 days after receiving the application.⁸ Accreditation documents shall be submitted to the CEC in paper form with the signature of the head of the organization implementing observation mission and carrying organization's seal.

The current process of observer accreditation creates considerable inconvenience for organizations implementing observer missions as well as for the CEC. Observers' final involvement or dismissal issues are resolved several days before the Election Day, so organizations have to submit inflated lists to the CEC, so as ensure backup resources for the observation mission, and these lists are published in the CEC website as official data. Additionally, some observation coalition missions are accredited by several organizations in order to carry out efficient observation mission by means of two observers and due to the

⁶ RA Electoral Code, Article 31, Part 1

⁷ Ibid., Article 31, Part 2

⁸ Ibid., Article 31, Part 3

impossibility of making last minute changes, same persons are being accredited by several organizations, which is not checked by the CEC and again inflates the lists.

On the other hand, as the CEC is unable to complete tens of thousands of observation certificates by hand due to heavy work overload, the certificates issued by CEC to observer organizations based on their requested quantity of observers, are provided to them in blank format, without filling in the names and surnames of the observers. This practice, on the one hand, creates additional burden for observer organizations to independently fill in data a few days prior to the Election Day, and, on the other hand, may give rise to abusive practices by these organizations and add names of persons not included in the accreditation lists. This also does not undergo any checking procedure, therefore may be identified only when these "observers" are actively involved in election violations which are subsequently disclosed.

In addition to the above, it should be noted that the lack of oversight over observer lists poses a risk that the same person can be included in lists of different election observation missions or media representatives' lists, and at the same time act as a proxy and be included in Election Commissions.

2.1.1.6 Accreditation of "Fake" Observers

There are no appropriate procedures in place to check activities of the accredited organizations, which enables them to engage in "fake" and politically biased observation missions.

According to the RA Electoral Code, RA non-governmental organizations have the right to observe the elections, if their statutory objectives, within at least one year preceding the Election Day, have included issues related to protection of democracy and human rights and providing they do not support the candidates or political parties running in elections.⁹ The CEC rejects an application for accreditation of observers if the statutory goals of the organization do not meet the above-mentioned requirements of the Electoral Code or if the application has been filed in violation of the timeframe established by law or the submitted documents do not comply with the requirements of the legislation or the application does not contain any indication about the adoption of the code of conduct of organization's observers or an indication of their training.¹⁰

22 local NGOs (about 17,800 observers) were registered on the CEC website to monitor the parliamentary elections. The United Leaders' Chamber and Abovyan Student Council have filed highest quantities - each for about 5,400 observers.¹¹ The monitoring revealed that these NGOs were associated with the PAP. Particularly, the head of the United Leaders' Chamber is Liana Manukyan, who is the secretary of the Prosperous Armenia Party (PAP) parliamentary faction. And Abovyan Student Council is chaired by Venera Gyulinyan, who is included in PAP proportional lists and territorial lists of electoral district N10. These non-governmental organizations have actively and publicly supported PAP, which is prohibited by the Electoral Code for the organizations carrying out observation missions.¹² Obviously, the CEC does not

⁹ RA Electoral Code, Article 30, Part 1, point 2

¹⁰ Ibid., Article 31, Part 4

¹¹ CEC, *List of Local Non-governmental Organizations Conducting Observation of 2018 Snap Parliamentary Elections*, <https://res.elections.am/images/doc/dit09.12.18.pdf>

¹² RA Electoral Code, Article 30, Part 1

properly check the activities of the NGOs conducting the observation mission and does not take into consideration the violations of the RA Electoral Code, despite numerous alerts.¹³

It should be noted that earlier, before November 24, 2018, the CEC received accreditation applications and included in the list of accredited observation missions three other organizations which were supporting PAP: "Pan-Armenian Youth Association", "Iravazor" and "Balanced Development" community development NGOs, each with 5,400 observers. The latter's application was rejected on the basis of the alarm made by investigative journalists, as it turned out that its operations were suspended a year ago and false documents were submitted to the CEC, on which a note was sent to the prosecutor's office. The data of the "Iravazor" and "Balanced Development" community development NGOs were removed from the CEC website within 2 days without a public decision or justification.¹⁴

The study of the RA Electoral Code shows that there is a contradiction in the code: the observer organizations are required not to support political parties or candidates running in the elections; on the other hand, the failure to comply with this requirement by an observer organization is not stipulated as a ground for rejection.¹⁵ The Electoral Code does not envisage grounds and procedure for depriving an organization's observer of his/her right to carry out an observation mission after he/she has been detected in possible campaign or support for any candidate or party running in the election.

2.1.1.7 International Observer Accreditation

Accreditation process of observers from foreign non-governmental and international organizations includes risks associated with wide spectrum of discretion.

During the snap parliamentary elections of December 9, 2018, the CEC accredited 8 international organizations and foreign non-governmental organizations, including the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the Parliamentary Assembly of the Council of Europe (PACE), the CIS Inter-parliamentary Assembly, OSCE Parliamentary Assembly, European Parliament, SILBA (Support for Liberty and Democracy Initiative) and ENEMO (European Network of Monitoring Organizations).

It should be noted that ENEMO filed an application to the Central Election Commission to observe the April 2, 2017 parliamentary elections but was denied without proper reasoning. In other words, in the light of the same legislation, the Central Election Commission (CEC) has adopted controversial decisions in 2017 and 2018. Without any discussion over the lack of political will by the Armenian leadership during previous elections to ensure the legitimate elections with proper control, it may be stated that the Electoral Code of the Republic of Armenia has gaps and there is a lack of properly stipulated standard requirements for the international organization or foreign observer organization to meet, nor there are established

¹³ Hetq, *Liquidated NGO, MP Candidate NGO, and other pro-Tsarukyan organizations have filed for observation missions*, November 24, 2018, <https://hetq.am/en/article/98491>, "Akanates" observation mission, *Statement on "Fake" Observational Missions*, November 26, 2018, <https://transparency.am/en/news/view/2558>

¹⁴ "Abovyan Student Council" NGO was included in the list of organizations conducting observation mission published by the CEC later than the alert was received.

¹⁵ RA Electoral Code, Article 30, Part 1, point 2

grounds and procedures for rejecting their applications to be invited to exercise an observation mission (should such application be submitted).

2.1.2 Territorial Election Commissions

Thirteen constituencies were formed during the RA National Assembly elections of which - 4 in Yerevan, and 9 in the marzes. Thirty-eight Election Commissions were operating, of which 10 in Yerevan and 28 in the marzes.

During 48 sessions of all Election Commissions investigated by long-term observers, organizational issues were discussed, and a number of decisions were made as envisaged by the RA Electoral Code, according to the timetable set by the CEC.

2.1.2.1 Composition and Activities of Commissions

The composition and activities of Territorial Election Commissions generally corresponded to the requirements prescribed by law.

The composition of Territorial Election Commissions was¹⁶ largely preserved and did not include persons who, according to law, are entitled to act in the capacity of Election Commission members. Nevertheless, there were recorded facts that Commission members had previously demonstrated unethical behavior, although they were not duly processed. In particular, the Chairperson of Territorial Election Commission N8 (Shengavit) in Yerevan, Norik Yeranyan, obstructed a journalist's activities by using physical force at the polling station N 8/05 on September 23, 2018, on the day of Yerevan City Council snap elections.¹⁷

The behavior and attitudes of Commission members towards "Akanates" observation mission, in general, can be described as friendly and cooperative. Although sometimes with delay, the Commissions mainly provided observers with the information requested regarding the sessions and the records thereof. The Territorial Election Commission N9 (Kentron - Nork Marash) was an exception, whereby the Commission Chairperson Yeghishe Terteryan and the secretary were reluctant to interact with the observer and obstructed his/her work.¹⁸

2.1.2.2 Resources and Capacities

Activities of Territorial Election Commissions are extremely insufficient and problematic due to lack of resources and tools required for proper work, as well as limited knowledge and practical capacities of Commission members.

Unlike the CEC for which adequate conditions have been created for its proper functioning and efficiency, the Territorial Election Commissions are in a highly disadvantageous situation. In addition to building inconveniences which are acknowledged by CEC representatives

¹⁶ According to the RA Electoral Code, Territorial Election Commissions are permanent bodies that have 7 members appointed by the CEC for a period of 6 years.

¹⁷ Committee for Protection of the Freedom of Speech, *Statement* (September 24 2018, Yerevan), <http://khosq.am/2018/09/24/%d5%b0%d5%a1%d5%b5%d5%bf%d5%a1%d6%80%d5%a1%d6%80%d5%b8%d6%82%d5%a9%d5%b5%d5%b8%d6%82%d5%b6-30>

¹⁸ Yeghishe Terteryan is known to have rudely rejected to provide information about Commission members to a candidate running in 2005 local self-governing body's election campaign, See Vahagn Hovakimyan, *State secret. Who are TEC members?*, Haykakan Zhamanak (September 19 2018, Yerevan), <http://armtimes.com/hy/article/144578>

themselves, these Commissions are deprived of modern technical conditions and facilities that would enable more effective and transparent work and substantially enhance more professional and decent operational environment for Commission members.

Territorial Election Commissions do not have electronic communications and websites, phone calls often go unanswered, which create obstacles to the exercise of public oversight over their activities. Observers often had to physically visit relevant offices to get information on sessions of these Commissions or to receive protocols of sessions. The most of decisions made during sessions were not publicized and could be obtained only based on a request made in accordance with the Freedom of Information Act. Appeals and complaints addressed to Territorial Election Commissions can be submitted exclusively by hand, through persons authorized by observation organizations.

Due to insufficient importance attached to technical capacities, Commission members often lack basic computer skills. For the nationwide elections the CEC has to involve so-called "operators" who often participate in the work of the Commission without a distinctive mark. In addition, there is a practice when Chairpersons of the Territorial Election Commissions, at their own discretion, involve additional volunteers, who are present at Commission's sessions, although they are unauthorized.

2.2 Voter Lists

Voter lists still do contain controversial and questionable data that jeopardize assumptions on their accuracy and objectivity. The competent authorities, in particular the RA Police, do not take proper actions to eliminate deficiencies in the lists.

RA population in Armenia's population register is 2,969,200, which is 24,700 less than the number registered in April 2, 2017 election, but the number of voters (2,574,916) is more by 10,582. Hundreds of voters' addresses are missing in the voter lists. The number of elderly voters, including those over the age of 100 (117 voters) and over the age of 110 (3 voters), is quite high.¹⁹ There are many addresses where a few dozen voters are registered.

The "Akanates" observation mission conducted check-up visits to the questionable addresses after the Election Day to clarify voter lists. The target comprised mainly two groups - 15-25 voters in urban communities where fraudulent registrations were more likely and addresses with 50 and more voters where the number of voters was unaccountably high.

In total, mission observers visited 589 addresses with 15-25 voters in Yerevan, as well as in urban communities of Ararat, Armavir, Gegharkunik, Kotayk, Lori, Shirak and Syunik marzes.

The address check-ups identified the following:

- During the visits 14 addresses (2.4% of checked addresses) could not be found. In some cases, even the street residents/neighbors could not recognize their addresses and/or voters. It was not possible to identify whether these addresses are authentic at all.

¹⁹ For more see TIAC, *Electronic Monitoring of Electoral Numbers of Snap Parliamentary Elections - 2018* (Yerevan, 2019)

- In 45 households (7.6% of checked addresses) it turned out that their members and/or owners did not recognize other people registered at their address.
- The information on registered voters at 12 addresses (2% of checked addresses) was different from the number of voter lists. Particularly, there were significant differences in 4 households in Masis town of Ararat province (the difference was 9-11 voters from the voter list published). The number of such addresses is likely to be higher, but it was not possible to clarify due to the absence of residents or household members in that address and for other reasons.
- In 101 households (17% of checked addresses), there were one or more voters residing overseas on a temporary or permanent basis.
- There were also cases when the members of the household refused to discuss the information on registered voters at their address, which caused doubts about artificial/forced registration as well as in terms of participation of these voters in the voter registration processes.
- At approximately 30 addresses (around 5% of checked addresses), there were several houses or apartments that have been developed as expansions to the existing household, as a result of unauthorized construction, and/or inadequate address designation management by municipalities. Further adjustments have not been made to further distinguish and clarify these addresses.
- There were recorded 4 cases of deceased individuals and 1 case of conscript soldier on the voter lists.

Voter lists included 54 addresses (mostly in Yerevan), counting 50 and more voters, of which 13 were checked. Checks were carried out in Yerevan, as well as in Gyumri, Vagharshapat (Echmiadzin) and Gavar towns.

The main findings of the checks can be summarized as follows:

- 5 of the addresses are institutions such as orphanages, nursing homes, churches (Echmiadzin), nursery, etc., which are not differentiated in any way.
- In a few cases large numbers of houses/households have been identified under one address. For example, in Hatsarat district (425 registered voters) or Artsvakar district (registered number of voters - 66) in Gavar community of Gegharkunik province.
- In a number of cases, addresses were not complete (street only was indicated) and contain mostly location-specific data such as the Karmir Blur Station 5 (51 registered voters) or the Kanaker district tunnel (242 registered voters) in Yerevan, which were not possible to identify.
- An instance was identified in Erebuni administrative district of Yerevan, when a multi-apartment building with two entrances was found to have 88 registered voters.

Studies, physical checks of voter lists and findings indicate that for many years the RA Police Passport and Visa Department has not taken sufficient measures to clarify voter lists and dispel citizens' doubts about their accuracy.

2.3 Pre-election Period

The pre-electoral stage of the December 9, 2018 snap parliamentary elections, in general, proceeded in conditions of a free, competitive and peaceful election campaign, which essentially differed from the same period of national elections of previous years.

2.3.1 Pre-election Campaign Period

Pre-election campaign and the timeframes established by law are not properly regulated in legislation, which creates serious risks for competition imbalance and misuse of administrative resources.

Period of the pre-election campaign is the period prescribed by the RA Electoral Code, during which the rules prescribed by this Code on making use of public resources, conducting election campaign and ensuring financial transparency are in place for the purpose of ensuring equal opportunities for political parties and candidates running in elections.²⁰ It begins on the 7th day following the deadline for the registration of the electoral lists of political parties running in elections and of the candidates and ends one day before the Election Day. However, the predetermined period of the pre-election campaign does not restrict the campaign activities during another period not prohibited by this Code.²¹

The absence of such restrictions actually allows political parties (party alliances) and candidates running in the elections to engage in campaigning prior to the official launch of the campaign period unrestrictedly and without proper supervision. This option is applied to different extent by different political forces: on the one hand those political forces who do not have access to sufficient funding, or who value principles of fairness, vs. on the other hand - those political forces who have unlimited access to financial resources and follow these rules set by the RA legislation. This actually aggravates existing inequalities and distorts competition.

As a result of the highly flexible and insufficient regulation of election campaign period, political parties (party alliances) and candidates appear in unequal competition where most of benefits belong to those forces who make use of this legislative gap. Additional concerns exist over the misuse of administrative resources outside the pre-election campaign period.

The pre-election campaign period for the 2018 snap parliamentary elections launched on November 26, 2018, lasted 13 days and ended on the day before the Election Day, on December 7, at 12:00 am. In fact, the pre-election campaign started earlier for some political forces. Particularly, on November 19, the acting Prime Minister Nikol Pashinyan actually carried out pre-election campaign for the MSPA in some parts of his speech during the opening ceremony of the high school building in Martuni and during the city's 190th anniversary celebrations.²²

²⁰ RA Electoral Code, Article 19

²¹ Ibid., Article 19, Part 1

²² Interim Report of observation mission for the RA snap parliamentary elections on December 9, 2018 "Akanates" observation mission, December 7, 2018, page 20, <https://transparency.am/files/publications/1545323664-0-741866.pdf>

2.3.2 Activity and Transparency of the Campaign Offices

Political parties (party alliances) as well as candidates' campaign offices operated in a non-transparent manner, which is mainly conditioned by legislative shortcomings and lack of responsibility and accountability of political forces.

According to the RA Electoral Code, the campaign offices of political parties (party alliances) running in the elections cannot be located in buildings occupied by state and local self-governing bodies (except where the campaign offices occupy the territory not belonging to these bodies), nor they can be located in buildings of public educational institutions, as well as in premises where Election Commissions are functioning.²³ The deployment of campaign offices observed, was in compliance with the restrictions imposed by the Code.

The "Akanates" observation mission had requested political parties (party alliances) running in the snap parliamentary elections of the 2018 to provide reports on financial resources, their sources and expenditures, as well as reports on the use of property for the period from January 1 to November 2018. In the case of newly established political parties, the timetable and locations of campaign events by the party (party alliance) were requested, covering the period since the date of their establishment up to December.

Responses were received from only three political forces and, in some cases, they were incomplete. Thus:

- BAP submitted its financial resources declaration, including the balance of the bank account, income generated from membership fees, and state funding, as well as information on real estate rental and the provincial campaign schedules.
- "We" Alliance presented the timetable of the pre-election campaign and the addresses of the offices, declaration on funds received to the pre-election fund and their use submitted to CEC, campaign offices rental during pre-election period, employee remuneration and transportation expenses, and party funds declarations. According to the latter, the Free Democrats Party had no funds received or disbursed during the period from January to November 2018 and "Republic" party received budget allocation.
- The CD Social Democratic Party of Armenia has presented data on pre-election expenditures, including transportation costs and information that all participants of campaign offices were involved on a voluntary basis, and the offices were located in the offices of the party's territorial bodies for which no rent fee was paid. No rent fee was paid for offices outside the territorial offices either.

The other political parties (party alliances) did not respond to the query.

Pre-election staffs were generally cautious in their interaction with observers and mostly avoided or refused to give information on the headquarter areas, number of staff, staff and volunteers.

²³ RA Electoral Code, Article 19, Part 4

2.3.3 Pre-election Campaign Procedure

Campaign rules are not followed properly and the pre-election campaign is not adequately controlled by relevant bodies.

10 days before the start of the pre-election campaign, community leaders allocate free places to post campaign materials in communities. Promotional materials visible to the public can be posted in special designated places for that purpose ..., upon the consent of individuals, on their owned buildings or structures (except public and community-owned buildings, public schools, multi-apartment or subdivided buildings, public catering or commercial objects), vehicles (excluding public transport and taxi) or inside them, and so on.²⁴

The dissemination of campaign materials is prohibited in the territories not defined by the law, and in case of non-compliance with the pre-election campaign requirements, failure by candidates, political parties (party alliances) to eliminate the violation as per the Election Commission's decision within the time limits established therein causes administrative liability²⁵. Campaign printed materials should include information on the customer, publishing organization, and number of copies. The dissemination of campaign materials printed with missing requisites as defined by law causes administrative liability.²⁶

The CEC ensures the oversight over the preservation of pre-election campaign regulations. In case of violation it applies to relevant authorities to prevent the violation or warns candidate and political party running in elections to eliminate the violation (consequences of violation) within not more than 3 days.²⁷ Territorial election commission is in charge of oversight over the preservation of requirements of the Electoral code within its geographical area.²⁸ Within the framework of delegated powers, head of community, if necessary, with the support by the Police removes posters, printed campaign and other materials posted with violation of defined regulations.²⁹

During the pre-election campaign, nearly all political forces and their candidates have completely ignored the rules for disseminating campaign material. In addition to the uncontrollable scale of illegal actions, this practice obstructed the principle of equal opportunities, providing more active visual campaign for forces who were engaged in infringements of law, and resulting in unfavorable situation for law-abiding actors, who chose to follow their principles. The rules for campaigning were not properly monitored by competent authorities and no measures were taken to eliminate violations, hence failing to ensure proper competition.

According to the "Akanates" findings, campaign materials were posted on unauthorized and prohibited places, on multi-apartment buildings, shopping and food facilities, community facilities, taxi services, pillars, speedometers, trees and washing ropes. There were also printed materials that did not contain data on the number of copies, printing company and the customer. Numerous violations by PAP, the MSPA, and ARF of the campaign rules were

²⁴ RA Electoral Code, Article 21, Part 2

²⁵ RA Code on Administrative Violations, Article 40.12

²⁶ Ibid., Article 40.1

²⁷ RA Electoral Code, Article 19

²⁸ Ibid., Article 52

²⁹ Ibid., Article 21

recorded by the observers both in case of candidates nominated by common party lists and by those nominated by territorial lists.

In relation to some of recorded episodes, "Akanates" submitted a request to CEC on undertaking preventive actions as well as measures to eliminate the violations. In response, the CEC issued a statement to political parties and party alliances running in the elections, as well as local self-government bodies calling to take measures to eliminate violations. The CEC also sent letters to the Yerevan mayor and governors/marzpets, inviting their attention to the issue and requesting relevant structures to issue appropriate instructions. Nonetheless, neither the law nor the CEC's calls resulted in any changes of methods in political parties' campaigning processes, and local self-government bodies mainly failed to undertake adequate measures.

In addition to the violation of the requirements prescribed by the law related to posting campaign materials, instances of violating the rules of conducting campaign events were also recorded. Particularly, on December 1, the CPRP organized an event in the area serviced by the Territorial Election Commission N 27, namely in Charentsavan Art School at 12:40 pm, although according to the decision of the local self-governing body, the school hall was to be provided free of charge to political forces only after 6:00 pm.³⁰

Long-term observers generally were free to conduct their observation, and one case of obstruction was recorded. Particularly, on November 28, 2018, Mariam Tsatryan, a candidate from the MSPA territorial list in the area serviced by Territorial Election Commission N35, held a campaign in the Agarak Copper and Molybdenum Combine where "Akanates" observer's entry was banned. The observer noticed that the candidate was using the company's car and found out that the candidate's uncle occupied a high position in the Combine. Though the Agarak Copper and Molybdenum Combine is a private area where campaigning is not prohibited by the law, in this case it utilizes a public resource - the subsoil, therefore by serving the interests of one candidate, creates unequal conditions for competitors.

2.3.4 Election Bribes and "Charity"

The election bribe and "charity" cases recorded during the observation have been of episodic nature, and not widespread, unlike previous national elections.

According to the RA legislation, offering or taking bribe to/from voters, violation of the ban on charity during the elections, or obstruction of the voter's right of free exercise of their will, are considered a criminal offense.³¹

A number of cases are known when executive authorities in their meetings with citizens urged them to abstain from taking bribes and making their choice according to their own conscience and will. Nevertheless, 10 cases of electoral bribes and "charity" were registered during the long-term observation. They were mainly articulated in the form of promises to carry out construction works in the community, or to provide free services, and to grant privileges in case of voting for a particular party (party alliance) or candidate. Such cases were identified

³⁰ RA Electoral Code, Article 19

³¹ RA Criminal Code, Article 154.2

in Lori, Shirak, Gegharkunik and Aragatsotn marzes. Campaigns accompanied by promises were mainly carried out by the MSA and, in some cases, in favor of RPA.

2.3.5 Misuse of Administrative Resource

There have been few cases of misuse of administrative resources, but there is no information on follow-up actions by relevant authorities.

The term "administrative resource" is not defined by the Armenian legislation. According to internationally accepted standards, the administrative resource comprises the legal, human, financial, material and non-material resources administered by political officials and other public servants, and their use in the election period creates unequal competition conditions in favor of specific political force or candidate and may affect election results.

During the pre-election period, several cases of misuse of administrative resources were registered, including prior to the campaign official launch, during an unregulated period. The recorded violations mainly relate to the participation of public servants in pre-election campaigns, at unauthorized hours, campaigning, transferring campaign participants to the place of campaign event, as well as engaging students of educational institutions in campaigning activities. There were also instances of intimidation in public and private companies, exerting pressure to vote for a particular party (party alliance) or candidate.³²

In addition, some political parties have made statements on the intimidation exerted on them. Particularly, the STPP Secretariat issued a statement according to which the National Security Service and the Police of the Republic of Armenia, in several cities of RA, particularly in Gyumri, Martuni, Vanadzor, Ijevan, tried to disrupt party members' meetings with citizens and persecuted party members.³³

The Republican Party of Armenia (RPA) issued a statement that in Echmiadzin the RPA was allocated a stand by drawing held by the CEC, and the entity possessing it refused to make it available. In this regard, the Prosecutor General's Office issued a statement on criminal incident, but the said body failed to take appropriate action in due time.

On December 4, 2018 member of the "Yelk" faction Vahan Arsenyan, who is also a member of the Precinct Election Commission N 8/9, was actively involved in the pre-election campaign of the MSPA in the area served by Territorial Election Commission (Shengavit) N 8, and "Akanates" filed an application with the CEC on this case.

In addition to separate episodes, the number and distribution of misuse of administrative resources were considerably smaller and less in extent as compared to the 2017 parliamentary elections.

The observation showed that there was no proper, uniform, and full perception of the administrative resource within society and among public officials. Some officials were

³² "Akanates" observation mission, *Interim Report of the Observation Mission* (Yerevan, December 7 2018), <https://transparency.am/files/publications/1545323664-0-741866.pdf>

³³ Nune Arevshatyan, "Some forces are scared that Sasna Tsrer is highly probable to appear in NA", Gevorg Safaryan, Aravot (Yerevan, November 1 2018), <https://www.aravot.am/2018/11/01/990813/?fbclid=IwAR2pRER3MxDhBdBKWWhCOoS2Pa4dkg8z2EYDAojTicbSazLbjpuKkaJcZ9kY>

genuinely surprised to learn that their actions represented abuse of the administrative resource.

2.3.6 Hate Speech

The pre-election campaign period was quite strained for all political forces and numerous alarming instances of hate speech episodes were recorded.

Public attention was mainly focused on counter-campaigning and mutual accusations by and between the MSPA and RPA, leaving aside the political parties' pre-election programs and discussions around them. Basically, during pre-election events and meetings of these two political parties, as well as their supporters' posts in social networks, expressions were used with insulting and threatening context.

There were cases during the pre-election period when sexual minorities were targeted, aiming to win over some electorate. These were mainly manifested in the speeches and statements of candidates included in the RPA territorial lists, promoting hatred towards sexual, religious and other groups.³⁴ Such campaign unequivocally violates the provisions of Article 10 of the European Convention on Human Rights, Articles 19 and 20 of the Covenant on Civil and Political Rights and tends to cultivate hatred and violence against minorities.

In statements made by the MSPA, in particular, some of the threatening speeches made by the Prime Minister of the Republic of Armenia, which, although were clearly addressed to corrupt individuals, could be interpreted as misuse of administrative resource given the Prime Minister's leverage and superiority over law enforcement authorities.

In addition to the above issues, it should be noted that the pre-election campaign of the 2018 early parliamentary elections was marked with an unprecedented live broadcast of debate of the leaders on candidates' lists of the contesting political parties, which, certainly, was a remarkable milestone Armenia's political life.

More detailed information on the election campaign is available on the Facebook page of the initiative³⁵ and on the TIAC website.³⁶

2.3.7 Financing of Pre-election Campaign

Financing of the pre-election campaign carried out by political forces running in the parliamentary elections was generally quite non-transparent and uncontrollable.

³⁴ Eduard Sharmazanov, Armlur, November 13, 2018, <https://www.youtube.com/watch?v=thRgg0OuLNs&t=7s>, 3:40m onwards, Menua Harutyunyan, <https://www.facebook.com/1448029655493046/videos/124380358455188>, 0:20m onwards

³⁵ "Akanates" observation mission, <https://www.facebook.com/akanatesditor>

³⁶ "Akanates" observation mission, *Interim Report of the Observation Mission* (Yerevan, December 7 2018) <https://transparency.am/files/publications/1545323664-0-741866.pdf>

2.3.7.1 Asset and Income Declarations

In fact, sources of asset and income of political parties (party alliances) are not declared. Candidates' asset and income declarations are not subject to publication by the law.

According to the RA Electoral Code, political parties (party alliances) shall submit to the CEC a declaration on asset and income of the party (political parties included in the party alliance) within 5 days after the deadline for registration to participate in the elections.³⁷ The declaration shall indicate the composition of the property as of the 1st day of the month when documents are submitted for registration in the CEC, as well as the income received during 12 calendar months preceding the deadline for submitting documents for registration. Within three days after submission of declarations by political parties (in case of party alliances - by political parties included in them), they shall be posted on the Commission's website.

In the declarations submitted by the political parties, as per the procedure envisaged by the CEC decision, information shall be presented regarding vehicles and real estate, high-value asset exceeding 8 million AMD or equivalent valuables, cash, equity, share and income, not listed in the section designated for vehicles and real estate. The Income section shall also include the name of the taxpayer, the location (in the case of an individual - the latter's surname, name and patronymic, place of residence).³⁸

Studies show that the majority of the political parties running in the 2018 parliamentary elections have incomplete asset and income declarations for the previous 12 months, in particular, the names of donors were not disclosed.³⁹ Only "Arakelutyun" (Mission) party disclosed donation, with an indication of the donor. Other sources of income were disclosed by the RPA and ARF political parties. Other political parties did not disclose any donations or other income.⁴⁰ It should be noted that the RA legislation does not envisage any consequences for their inadequate completion.

According to the RA Electoral Code, within 5 days after the deadline for registration to participate in the elections, candidates are required to submit a declaration of their asset and income to the relevant election Commission.⁴¹ Copies of candidates' declarations, based on a written application, are provided to proxies, mass media representatives and observers,⁴² but are not publicly disclosed.

It should be additionally noted that candidates holding political, discretionary, autonomous and administrative positions during the election period declare their asset and income in other formats and timeframe. Double declarations submitted by them during different time periods create unnecessary confusion. It is not supervised by the state structure thus making the public oversight formal and impossible.

³⁷ RA Electoral Code, Article 8, Part 5

³⁸ CEC, Decision N 24-N dated June 17, 2016, https://res.elections.am/images/dec/16.24_N.pdf

³⁹ <https://www.elections.am/parliamentary>, *Information on December 9, 2018 Snap Parliamentary Elections*

⁴⁰ It is also noteworthy that parties are required to submit a report on their financial assets and income according to Article 27 of the RA Law on Political Parties,⁴⁰ with annual periodicity, and in significantly broader content, which is defined by the RA Government's 2017 Decree N 403 of April 20, 2017. Study of declaration which were still available as of 2018 December on <http://www.azdarar.am>, website, shows that declarations of parties are sometimes incomplete.

⁴¹ RA Electoral Code, Article 8, Part 5

⁴² *Ibid.*, Article 8, Part 6

2.3.7.2 Expenses to be Included in the Pre-Election Fund Declaration

The scope of expenditure covered by the pre-election fund's detailed declaration does not fully reflect the major costs incurred during the pre-election campaign. The opening of the pre-election fund by the candidates included in the territorial lists of political parties running in the NA elections is not envisaged by law. The Electoral Code does not regulate the third-party financing of the pre-election campaign.

According to the RA Electoral Code, political parties (party alliances) running in the National Assembly elections should have established a pre-election fund (for financial receipts and disbursements) for funding of election campaigns within 7 days after the registration with the CEC.⁴³ Only resources out of the pre-election fund can be used for funding pre-election campaigning via mass media, for rental of halls, areas with the purpose of organizing pre-election sessions and meetings with voters, (except for campaign offices), for development (installation) of campaign poster, printed campaign and other materials, for the preparation costs of all types of campaign materials (including printed materials) to be distributed to voters.⁴⁴ This list includes a major part of campaign expenses but is not exhaustive. In fact, the rest can be funded from both fund and non-fund resources.

Campaign offices are important and costly items of an election process, and their rental costs and employee's remuneration expenses may turn out to be rather large-scale. Particularly, during the snap parliamentary elections in 2018, long-term observers of "Akanates" observation mission recorded about 600 offices of political parties (party alliances) and candidates throughout the entire territory of Armenia in which about 1,400 employees were involved.

Apart from the rental and remuneration costs for campaign office activities, other costs, in particular: rentals for various purposes (e.g. open-air or in-house concerts/shows), online, specifically social media advertising costs, transport and utility costs, representative and related costs are not subject to declaration and therefore are out of the control scope.

The political parties (party alliances), who were running in the 2018 parliamentary elections, were also actively campaigning by using their social media networks as well as using paid network advertising services. These costs, however, were not included in the declarations with the permission of the COS, because of the lack of mechanisms to control social media.⁴⁵ "Akanates" observation mission recommended the CEC to make an official request to Facebook for information about ads ordered at least from political parties and candidates' official pages justifying this request by the public and state interest. Despite the positive response from the CEC, that action was not performed.

It should be noted that in the declaration of pre-election funds of political parties (party alliances) running in the snap parliamentary elections of the Republic of Armenia in 2018, only the "Rule of Law" and the CD Social Democratic Party of Armenia included the total amount of expenditures incurred from the Fund resources as well as the total amount of expenditures

⁴³ RA Electoral Code, Article 26, Part 1

⁴⁴ Ibid., Article 27, Part 1

⁴⁵ Ani Hovhannisyan, *Political Powers Concealed Some Campaign Expenses with CEC Permission*, Hetq (Yerevan, December 18 2018), <https://hetq.am/hy/article/99363>

not subject to declaration, in the amount of AMD 2,500,000 (space rental) and AMD 370,900 respectively.

The law does not envisage opening of the pre-election fund by candidates included in territorial lists of political parties running in the parliamentary elections, although the candidates included in the territorial lists sometimes carry out a large-scale campaign. It is worth mentioning that, based on the peculiarity of the electoral system, the campaign carried out by the candidates substantially serves their respective party (party alliance). That is to say, a major component of the campaigning for political forces is left out both from state and public oversight, causing serious risks from the point of view of misuse of administrative resources.

A third party financing can be considered the campaign by mass media whose real owners are people connected with political parties (party alliances) and/or candidates, or which are directly or indirectly funded by political parties (party alliances) and candidates. Although the RA Law on TV and Radio prescribes transparency of income sources of TV and Radio companies, it is not properly implemented and no sanctions defined by the law are applied.⁴⁶ The issue of mass media ownership and financing was raised in several OSCE/ODIHR reports recommending to take actions to ensure media transparency.⁴⁷

The Electoral Code does not regulate the third-party financing of the pre-election campaign. In other words, any legal entity or individual may fund the election campaign without contributing to the fund or directly associating with the party (party alliance) and candidate,⁴⁸ which was specifically observed during the 2017 snap parliamentary elections.⁴⁹

2.3.7.3 Declaration of Pre-Election Fund Income and Expenses

The political parties (party alliances) in practice do not declare the total amount of expenditure incurred from the fund resources which is not subject to declaration. The names of the donors, purpose and amounts of the transfer are not declared, which is conditioned by the imperfection of the law. Declarations do not clearly define classification of goods and services acquired.

According to the RA Electoral Code, candidates, political parties (party alliances) running in the elections submit declarations on their contributions to the pre-election fund and on their use to the CEC OAS, accompanied by the documents certifying the payments made.⁵⁰ Declaration on contributions made to pre-election funds and use of resources therefrom, in accordance with the CEC decision should include the chronology of the contributions made to the pre-election fund, the amount of contribution,⁵¹ the costs incurred for each service, property and commodity purchased in accordance with the Electoral Code, the timeframe for their execution, data of documents evidencing expenses made, and amount balance in the fund.

⁴⁶ RA Law on TV and Radio, Article 20 and 58

⁴⁷ OSCE/ODIHR, *Election Observation Mission Final Report. Presidential Election 2 April 2017* (Warsaw, 10 July 2017), <https://www.osce.org/odihr/328226?download=true>, OSCE/ODIHR, *Constitutional Referendum Expert Team Final Report. 6 December 2015* (Warsaw, 5 February 2016), <https://www.osce.org/odihr/elections/220656?download=true>

⁴⁸ OSCE, *Handbook for the Observation of Campaign Finance*, Warsaw, 2015, p. 20

⁴⁹ Samvel Martirosyan, "Use of Facebook advertising in pre-election campaign", media.am (Yerevan, March 6, 2017), <https://media.am/armenian-elections-and-facebook-use>

⁵⁰ RA Electoral Code, Article 28

⁵¹ CEC Resolution N 125-N of November 9, 2016, https://res.elections.am/images/dec/16.125_N.pdf

The Electoral Code regulates gratuitous donations made in the form of services and commodities, particularly noting that the goods and services to be paid from the funds of the pre-election fund, if they are provided on a gratuitous basis or for less than market value or are acquired prior to forming a pre-election fund, are included in the pre-election fund expenses by their market value.⁵² An expenditure made prior to the pre-election period, on November 23, was mentioned only in the RPA declaration.

During the 2018 parliamentary elections, the declarations submitted by pre-election funds, political parties (party alliances) were mainly completed in accordance with the established procedure, however the classification of goods and services acquired was not clearly stated. For example, many political parties have payments made for "political advertising" or "advertising service", and it is difficult to clearly identify to which of relevant services established by the Electoral Code these payments belong, specifically whether they are for paid airtime or printed materials. According to the same logic, in the Service and Product section of the Declaration some political parties have mentioned only the names of the service providers/individual entrepreneurs, and it is not always possible to understand to what particular service it refers.

The political parties (party alliances) in practice do not declare the total amount of expenditure incurred from the fund resources which are not subject to declaration. The names of the donors, the purpose and the amounts of the transfer are not declared either, which is conditioned by the imperfection of the law. Instead, OAS offers to make visits on-site and get familiarized with the documentation.

The above mentioned gaps create barriers for public oversight over pre-election fund's revenues and costs.

2.3.7.4 Oversight and Audit

There is no proper control over the financing of pre-election campaigns and the legitimacy of expenses, and the liability prescribed by law is not adequate.

Oversight over the contributions, expenditures and calculation of pre-election funds, as well as the current financial activities of the political parties is exercised by the OAS, which, according to the Electoral Code, operates independently of Election Commissions (although considered part of the CEC) and is not accountable to them.⁵³ In addition to reports submitted by political parties, banks, in which special accounts of temporary election funds are opened, also provide current information to the OAS. The OAS summarizes the data, makes a summary statement and places it on the CEC website.⁵⁴

During 2018 snap parliamentary elections, as a result of comparing statements received by the Central Bank with declarations by subjects, as well as the documents confirming the payments made and the contracts executed, the OAS stated that the submitted declarations on the use of the resources available in pre-election funds by all subjects correspond to the regulations stipulated in the Electoral Code⁵⁵ and no violations were identified in declarations

⁵² RA Electoral Code, Article 27, Part 2

⁵³ Ibid., Article 29

⁵⁴ Ibid., Article 26, Part 7

⁵⁵ CEC OAS, *Conclusion* (December 7 2018), <https://res.elections.am/images/audit/conclusion09.12.18m1.pdf>

submitted by all political parties (party alliances) regarding the use of resources available in pre-election fund.⁵⁶

The RA Electoral Code limits the scope of the OAS to audit activities, namely - comparison of expenses mentioned in declarations and their contractual bases, as well as verification of the compliance of the Fund's receipts and disbursements with the Electoral Code requirements. Thus, election finance issues, politics-business ties, conflict of interests, financial transparency failure, wrong information, etc., remain outside of narrower, technical oversight.

Thus, for example, according to the "Hetq" investigation, some candidates making donations to pre-election funds of political parties running in snap parliamentary elections in 2018, donated more funds than they had reflected in their declarations which questions their legitimacy.⁵⁷ According to another publication, some candidates did not declare their businesses.⁵⁸ These discrepancies were not in any way reflected in the OAS Summary Conclusion- Report.⁵⁹

2.3.8 Appeal Procedure

During the pre-election period CEC received 25 applications in total, including applications requesting clarifications and information, as well as recommendations. "Akanates" submitted 4 complaints, which, in general, were processed by CEC in sufficient manner.

Appeal was lodged with CEC in relation to violations of campaign posters' placement rules, requesting to take measures to prevent and eliminate violations. In response, CEC addressed the parties (party alliances) running in elections, as well as to the local self-government bodies, urging them to take measures to eliminate violations. The CEC also sent letters to the Yerevan mayor and governors/marzpets, inviting their attention to the issue and requesting the relevant structures to issue appropriate instructions.

Besides, 3 similar appeals and complaints on violations of election campaigning rules were submitted to the CEC and Territorial Election Commissions. They refer to posting campaign posters in public transport by a candidate nominated by the party's territorial list, campaigning by the community servant during working hours and participation of a member of Precinct Election Commission in the pre-election campaign.

On December 8, 2018, the Central Election Commission (CEC) convened a session concerning the participation of a member of Precinct Election Commission N 8/9 in the election campaign. The CEC affirmed the fact that the Commission member committed violation and issued a decision for N 8 Territorial Election Commission to consider snap termination on the Commission member's powers and applying to the administrative court for imposing administrative liability. Related to the other two applications, CEC did not initiate administrative proceedings: according to CEC Chairperson T.Mukuchyan, the issues were promptly resolved.

⁵⁶ CEC OAS, *Conclusion* (December 15 2018), <https://res.elections.am/images/audit/conclusion09.12.18m2.pdf>

⁵⁷ Ani Hovhannisyanyan, Amalya Margaryan, Samson Martirosyan, "Who are the Funders of the Winners Pre-Election Campaign?", *Hetq* (Yerevan, December 13, 2018), <https://hetq.am/hy/article/99237>

⁵⁸ Vahe Sarukhanyan, "Some PAP Businessmen Candidates Have Not Declared Their Businesses," *Hetq* (Yerevan, December 7, 2018), <https://hetq.am/hy/article/98850>

⁵⁹ CEC OAS, *Conclusion* (December 15 2018), <https://res.elections.am/images/audit/conclusion09.12.18m2.pdf>

2.4 Voting

The Election Day passed smoothly, Commission members mostly adhered to the electoral procedures. There were some critical violations during the voting stage, but, unlike previous years, and particularly 2017 parliamentary elections, violations were not widespread and did not have a systematic nature. They were mainly fragmentary and in many cases were conditioned by personal initiative of the participants in electoral process (e.g, election Commission members, proxies, observers, etc.), due to insufficient knowledge of the procedures or lack of practical skills.

As per the observer's assessment, the voting has proceeded in an overall peaceful atmosphere. Some tension was observed in about 1/5 of polling stations. Gatherings of people and vehicles were registered only in several polling stations.

2.4.1 Voting Preparation

Voting preparation stage was mostly balanced and corresponded to the established procedures, with a few exceptions. Observers did not encounter any problems with access to the polling stations.

2.4.1.1 Access to Polling Stations

A common and serious problem was that polling stations were not accessible for voters with physical disabilities.

According to the requirements of the RA Electoral Code, local self-government bodies should undertake the necessary measures in polling stations to ensure appropriate accessibility for voters with disabilities to enable them to exercise their electoral rights.⁶⁰

Meanwhile, 47.33% of polling stations in the country are still difficult to access for people with at least severe mobility problems, which is due to the lack of wheelchair ramps.

2.4.1.2 Voting Room Furnishing

There were still identified issues related to voting room furnishing.

According to the Electoral Code, the voting room space should be as large as possible and allow Precinct Election Commission members, as well as persons eligible to be present in the voting room, to monitor the technical device, the ballot box and voting booths with the condition that the voting secrecy is not violated.⁶¹ As a result of observing the parliamentary elections, polling stations furnishing in 96.67% of cases was compliant with the legislation requirements.

Furnishing related issues were recorded in 10 polling stations (3.33% of polling stations observed). Although these issues were mostly resolved after observer's recommendations, it can be concluded that Territorial and Precinct Election Commissions were not always

⁶⁰ RA Electoral Code, Article 17

⁶¹ Ibid., Article 57, Part 2

competent in the area of legal requirements and failed to ensure proper furnishing of the voting room in advance (for example, the day before the Election Day).⁶²

2.4.1.3 Safe

Several cases were recorded when the safe was open.

According to the RA Electoral Code, ballot papers, envelopes, self-adhesive stamps and seals are kept in a safe located in the voting room,⁶³ which, according to the CEC resolution, must be closed, glued and signed by at least the Chairperson and the secretary of the Commission.⁶⁴

According to observations, the safe was open in 2% of polling stations.

2.4.1.4 Functioning of Technical Devices

No essential issues were recorded in relation to technical devices.

Observers recorded instances when the number of voters printed out through the technical device differed from the number of voters in the voter lists posted on the polling station's wall. This issue was recorded at 5.33% of the observed polling stations and was mostly conditioned with failure by precinct commissions.

It should be noted that only the data of voters in the given electoral district is uploaded to the technical device, however, the data comparison is performed only inside the polling station. Such limited oversight does not exclude the possibility of repeated voting within the same electoral district or between different electoral districts.

2.4.1.5 Legitimacy of Precinct Commission Session

At the preparatory stage, the Precinct Election Commissions mainly operated in the presence of quorum, except for several polling stations.

According to the Article 46 of the RA Electoral Code, the session of the Election Commission is legitimate if more than half of the Commission members are present at the session. As of 8:00 am, the minimum number of Commission members should be at least 5 in polling stations with no more than 1,000 voters and at least 7 in polling stations with more than 1,000 voters.

There were cases in 8 polling stations, i.e. in 2.67% of polling stations observed where Commission started its work without quorum.

2.4.1.6 Presence of Unauthorized Persons

During the preparatory phase one case of presence of unauthorized persons was recorded.

⁶² Meanwhile, this function according to Article 17 of the RA Electoral Code is primarily derived from the mandate of the community chief.

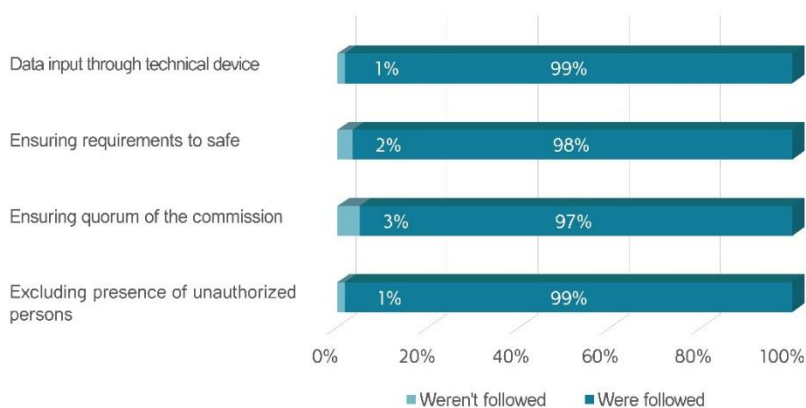
⁶³ RA Electoral Code, Article 34

⁶⁴ CEC Resolution N38 - N dated June 17, 2016, <https://res.elections.am/images/dec/16.34-N.pdf>

The Electoral Code states that during parliamentary elections, at least two proxies from each party running in the elections may be present at the session of the Election Commission and during the voting.⁶⁵

At the stage of preparation for the snap parliamentary elections, observers recorded one case of presence of unauthorized persons in the polling station, whereby three proxies from the same party were present in the polling station, which was soon resolved.

Chart 1. Issues observed during the vote preparation



2.4.1.7 Opening of Polling Station for Voting

The majority of observed polling stations opened on time.

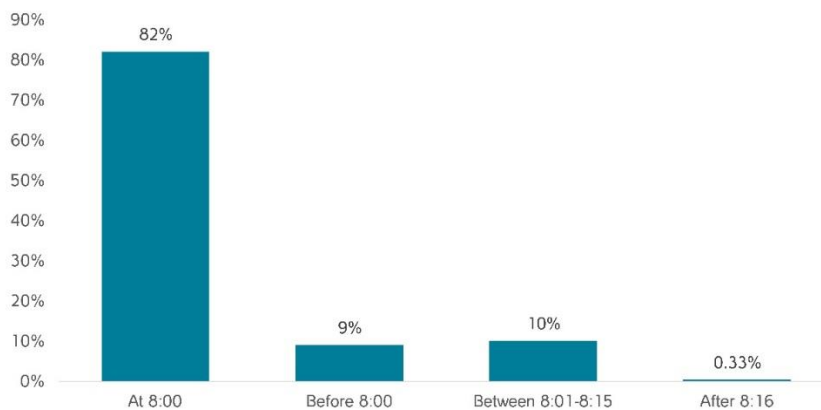
At 8:00 am after the completion of the voting preparation stage, the Chairperson of the Precinct Election Commission announces the beginning of the voting and allows voters to enter the voting room.⁶⁶

82% of the polling stations opened on time, 9% - earlier than 8:00 am, 10% - up to 15 minutes later, and 0.33% - after 8:16 am.

⁶⁵ RA Electoral Code, Article 34

⁶⁶ Ibid., Article 65

Chart 2. Opening of polling stations according to time



2.4.2 Voting Process

The voting process in the entire country was generally peaceful and consistent with the law.

2.4.2.1 Violence, Threat or Intimidation

In difference to previous elections, the attitude of precinct election commissions towards observers was mostly positive.

During the voting, observers were subject to intimidation and threats in polling stations N 15/33, 17/49, 33/22, respectively, in Taronik (Armavir), Aparan (Aragatsotn) and Meghrashen (Shirak) communities. They were mainly conditioned with not cooperative attitude by the Precinct Commission towards the concerns voiced by observers. In 2 of the above instances, the Commission rejected the observer's request to register his/her remark in the logbook.

2.4.2.2 Obstruction of Rights of Persons Entitled to be Present at the Polling Station

As a whole, no issues were recorded in terms of exercising rights by persons entitled to be present at the polling station. Such cases were observed in 2.67% of polling stations.

2.4.2.3 Adherence to Requirements of Lottery and Shifts

For 90% of polling stations observed, the Precinct Commissions followed the rules of lottery and shifts.

2.4.2.4 Availability of Signature next the Voter's Name

A number of cases were identified where there was a signature next to voter's name in the voter list. Particularly, in 17% of polling stations there was a signature of another person next to the name of 1-3 voters.

Although there are regulations for such cases, in 1.33% of polling stations, 1-3 voters were banned from voting as a result of a signature available against their names thus violating the electoral right of individual defined by the Constitution of RA.⁶⁷

2.4.2.5 Voter Registration

No serious issues were identified with voter identification.

In a considerable part of polling station names of some voters were not included in lists of technical devices of polling station which could be resulted inaccuracies in voter lists, as well as visiting wrong polling stations by voters. In 24.33% of the polling stations, 1-3 such instances were recorded, in 4.33% - 4-10 instances, and in 1% - more than 11 instances.

2.4.2.6 Ensuring the Secrecy of Vote

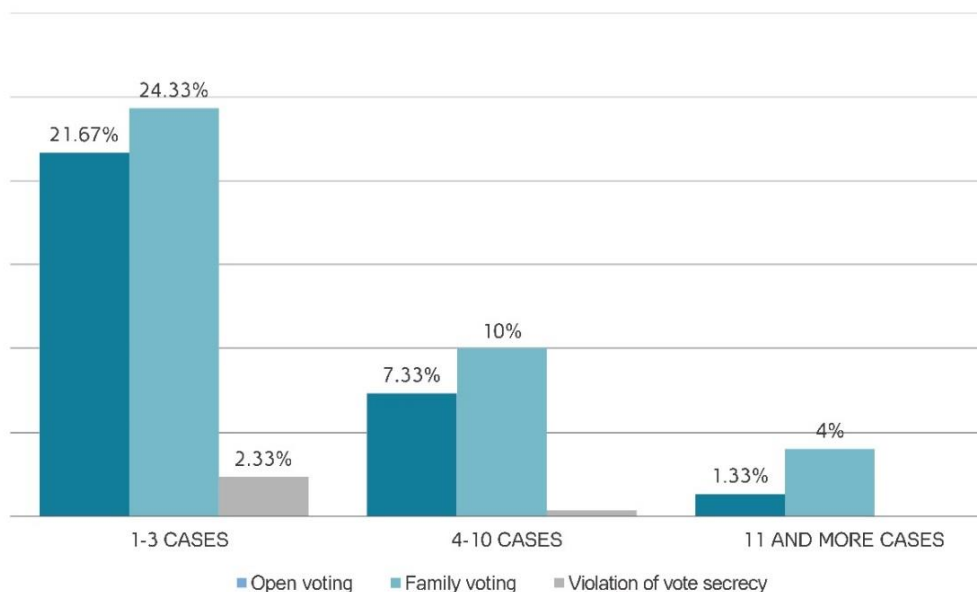
The secrecy of vote was largely respected, although a number of instances were recorded when voters themselves disclosed their ballots or voted with family members.

In 21.67% of polling stations 1-3 instances of open voting were detected, in 7.33% - 4-10 instances, and in 1.67% - more than 11 cases, all by the voter's initiative, which can be conditioned with the low level of legal consciousness. In 3.33% - instances of secrecy violations by another person were recorded.

It is quite common in Armenia to vote with a family, which, as a rule, is not adequately addressed or prevented by Commission members. In 24.33% of polling stations there were 1-3 recorded instances of voting with families, in 10% - 4-10 instances and in 4% - 11 and more instances.

⁶⁷ RA Constitution, Article 48

Chart 3. Number of polling stations according to violation of vote secrecy



2.4.2.7 Directed Voting

In several polling stations, cases of directed voting were identified - mainly by the proxies of political parties (party alliances) running in the election.

Up to 10 instances of directed voting were observed in 5.33% of polling stations, of which 1-3 instances were registered in 4% of polling stations and 4-10 instances in 1.33% of polling stations.

2.4.2.8 Adherence to the Procedure of Assisting Voters

In the majority of polling stations procedures for voter assistance were followed.

Violations of procedures for assisting voters were recorded in 4.66% of polling stations, of which 1-3 instances were registered in 4% of polling stations and more than 4 instances in 0.66%.

2.4.2.9 Presence of Unauthorized Persons

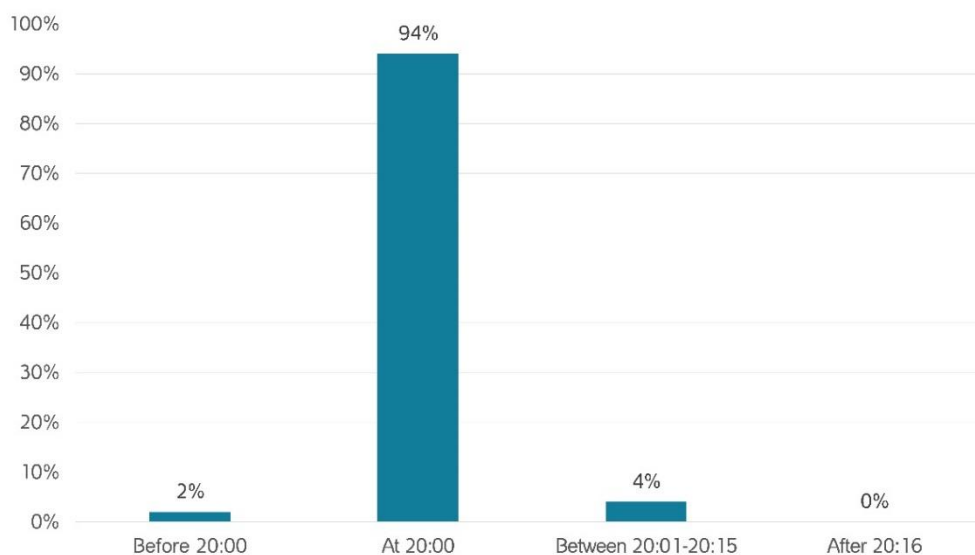
During the voting, the presence of unauthorized persons was recorded at a few polling stations - 4.67% of observed stations.

2.4.2.10 Polling Station Closure

The most of polling stations were closed in time.

94% of the polling stations were closed in time, 4% were closed late, and 2% were closed early.

Chart 4. Closure of polling stations according to time



2.4.3 Summarizing Vote Results

The processes of summarizing voting results were largely in line with the legal requirements.

2.4.3.1 Summarizing and Counting Procedure

In most of polling stations, summarizing and counting procedures went smoothly.

In 97.33% of polling stations, the summarizing procedures were conducted without violations and in 2.67% violations were observed.

In 94 % of polling stations, the counting procedures were conducted without violations and in 6% violations were observed.

2.4.3.2 Provision of Documents

In the majority of instances, participants in the final summarizing phase were provided with an excerpt from the protocol of voting results and a reference on participation, with a few exceptions.

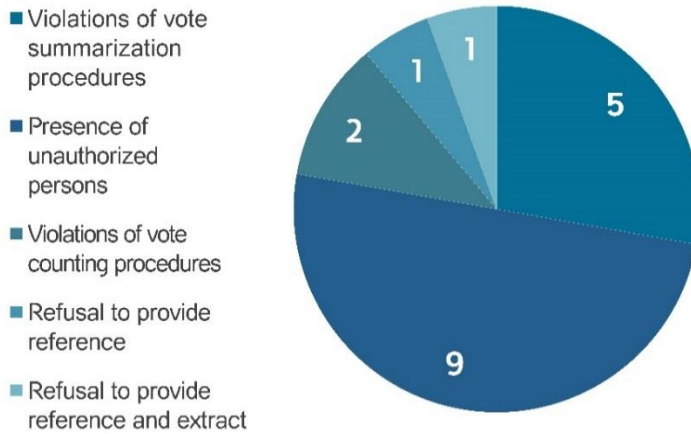
In 95% of polling stations, participants in the results summarizing stage were provided with an excerpt from the protocol and a reference on participation, and in 2 instances they were denied provision of abovementioned documents.

2.4.3.3 Presence of Unauthorized Persons

The presence of unauthorized persons was observed only in several polling stations.

In 0.67% of the polling stations unauthorized persons were present at the summarizing and counting process.

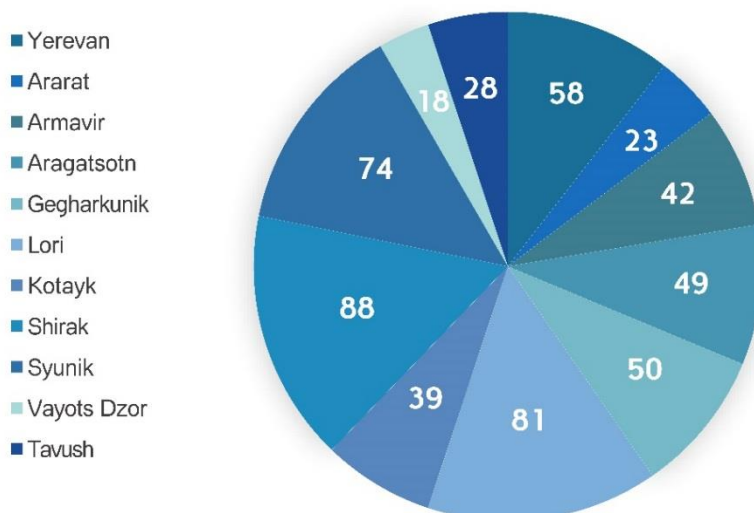
Chart 5. Issues occurred during the vote counting process



2.4.4 Mobile Observation

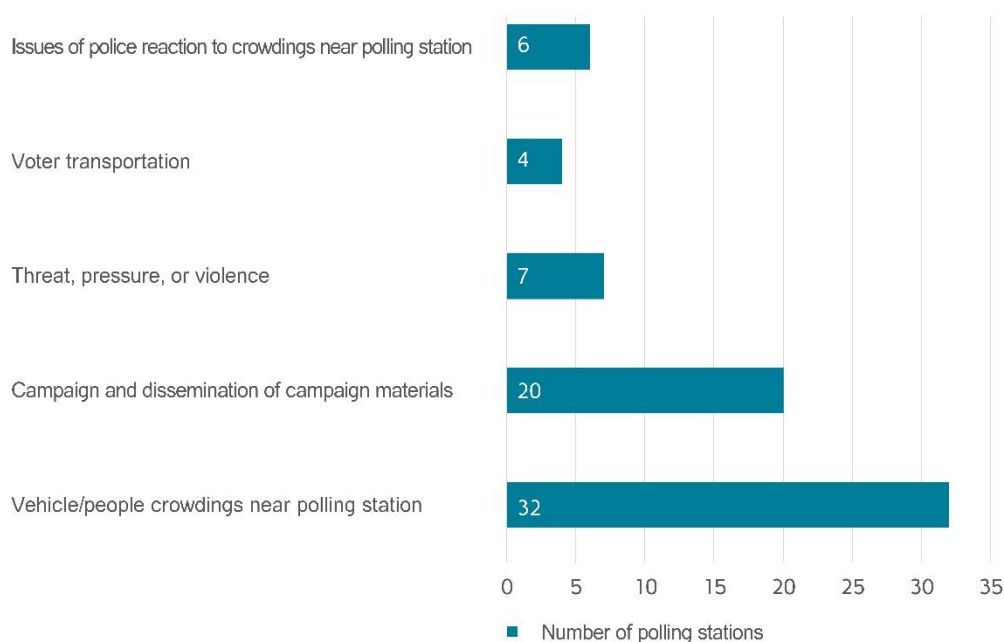
Mobile observers' records also evidenced that the voting process went on smoothly and corresponded to the requirements defined by the law. Episodes of violations identified refer to crowding of vehicles and people, illegal campaign, directed voting and threats.

Chart 6. Number of visit by mobile observers according to marzes



Within the range of 50 meters surrounding polling stations, mobile observers identified instances of public or vehicle gatherings in 32 polling stations; instances of campaign or counter-campaign or distributing campaign materials as well as movement of vehicles with campaign materials were recorded in 20 polling stations; instances of intimidation, terrorizing, using foul language, threats or physical violence, were recorded in 7 polling stations etc. Appeals and complaints have been drafted for these instances and lodged in relevant authorities.

Chart 7. Issues registered by mobile observers near polling stations according to types



Campaign offices of political parties (party alliances) did not record instances of election bribe, suspicious crowding and/or polling station entries.

It is worth mentioning that data on polling station visits by observers were not included in the statistics of the sample-based observation.

2.4.5 Work of Precinct Election Commissions

The work of Precinct Election Commissions was in general positively assessed by observers, yet a number of issues were noted.

According to observations made by both stationed and mobile observers, in the majority of polling stations the Chairpersons of Precinct Election Commissions properly followed the procedures set by the Electoral Code. Procedures were not followed at all or were followed insufficiently, particularly in Kotayk (8 polling stations), Aragatsotn (5 polling stations) and Armavir (4 polling stations) marzes.

In the majority of instances, Commission Chairpersons resolved the most of issues on spot, however, in a few cases the Chairperson did not take adequate measures. In several polling stations, Chairperson's responsibilities were mainly executed by another Commission member or sometimes even by a proxy.

In nearly half of the polling stations observed, not all Commission members were properly performing their duties. There was also an impression that many of them do not have sufficient understanding of their own functions.

The attitude of the Precinct Election Commissions towards observers was mainly positive or neutral. Negative attitude was recorded only in a few number of polling stations.

In general, observations carried out by observer organizations over the years show that Precinct Commission members, representing different political parties (party alliances), are more inclined to serve to the benefit of their respective organizations, or political interests of their appointees, and hence, their readiness to serve the public is not obvious, which is manifested in the quality of Commissions' work and the level of responsibility imposed on these Commission members.

2.4.6 Police Reaction to Violations

In the most of polling stations, no cases of crowding of people or vehicles or public order violations were detected, and whenever such instances were identified they were appropriately counteracted by the police.

According to the RA Electoral Code, crowding in the area adjacent to the polling station with the range of up to 50 meters, and accumulation of vehicles in the area adjacent to the polling station entrance are prohibited on the Election Day. The public order was maintained by police officers assigned to polling stations, regardless of Election Commission's request.⁶⁸

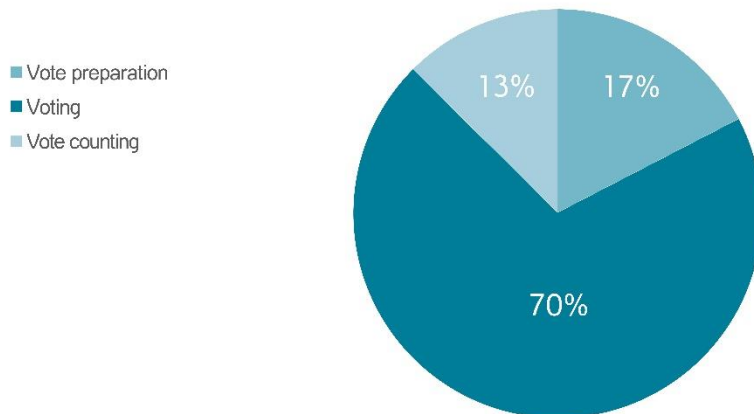
Public or vehicle crowding cases were observed at 1/3 of the polling stations, but they were adequately resolved by the police. The police mainly counteracted to crowding cases, public order violations, and appeals made by Chairperson. This practice demonstrated by the police was essentially different from the practice recorded in previous years' elections.

2.4.7 Critical Violations

During the observation of all voting stages throughout the Election Day, observers of "Akanates" observation mission identified 63 instances of violations in 50 polling stations that could affect the election results.

⁶⁸ RA Electoral Code, Article 22, Part 3

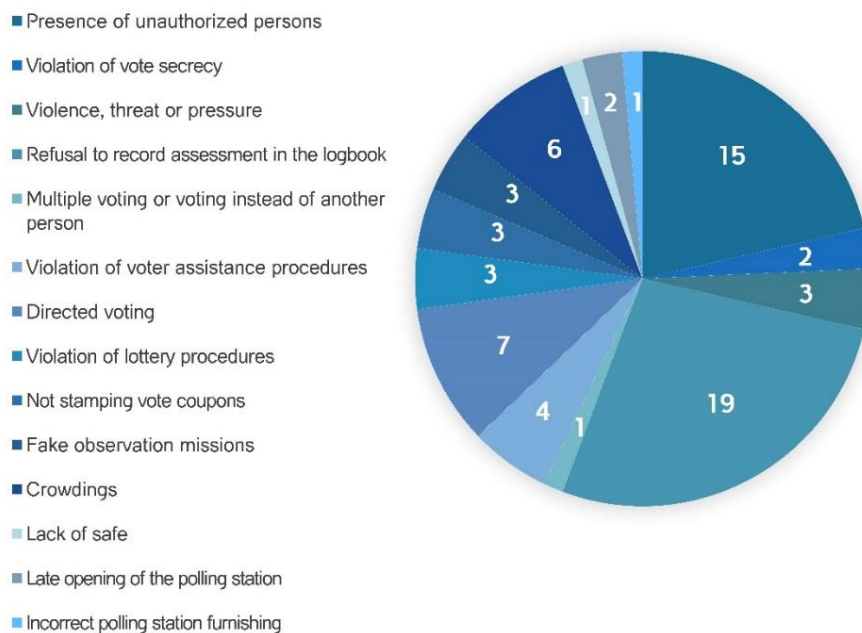
Chart 8. Critical incidents according to stages of voting



11 registered violations which occurred during the voting preparation stage, mainly referred to the inadequate furnishing of polling stations (3 instances) and 1 instance - to the presence of unauthorized persons in the polling station. In both cases, the Precinct Election Commission had rejected observer's request to record observer's remark in the logbook to reflect the violation.

44 critical violations were recorded by observers during the voting stage: these included presence of unauthorized persons at polling station (13 instances), directed voting (7 instances), violations of voter assistance procedures (4 instances), violence, threats or intimidation (3 instances), violations of vote secrecy (2 instances), and multiple voting or voting instead of others (1 instance). In thirteen cases, the Commission refused to register observer's remarks on the violation.

Chart 9. Critical incidents during the voting according to types

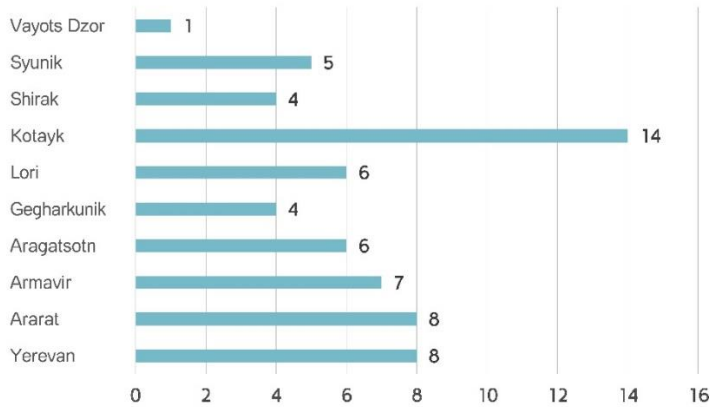


In the process of summarizing the voting results, 8 critical violations were recorded by observers, of which in 5 instances the Precinct Commission rejected observer's request to record observer's remarks in the logbook.

In terms of types of violations, main instances identified refer to the rejection of the observer's request to record the remark in the logbook (20 instances) and the presence of unauthorized persons in polling stations (15 instances).

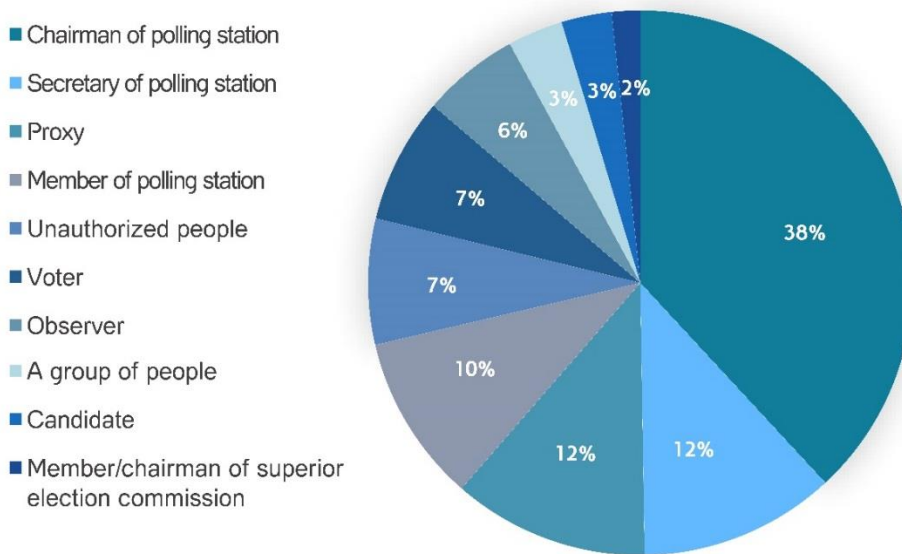
In terms of geography, the largest number of violations were recorded in Kotayk marz (14 violations), and no critical violations were recorded in Tavush marz. A small number of violations were recorded in Vayots Dzor (1), Gegharkunik (4) and Shirak (4) marzes.

Chart 10. Critical incidents according to marzes



Summarizing and analyzing major violations and issues identified per violators, it should be noted that the Chairperson, Secretary and Precinct Election Commission members are the first places, which can be explained with the low level of knowledge, professionalism and accountability on electoral procedures.

Chart 11. Analysis of critical incidents according to violators



A description of critical violations observed by "Akanates" observation mission is provided in the Appendix.

2.4.7 Election Day Broadcasting

Video recording and broadcasting devices installed in polling stations were operating without interruption in the most of cases.

According to the RA Electoral Code, during the parliamentary elections the CEC authorized a specialized organization selected through a tender to carry out video recording of the voting process and of the voting process summarization at all polling stations and perform live online broadcasting, with relevant links available on the CEC website.⁶⁹ At RA snap parliamentary elections, Ucom was broadcasting directly from 1500 polling stations.

Monitoring of the live broadcast of the voting process showed that video recording devices without any interruption. No violations of voting secrecy were recorded in the polling stations observed. Only in one polling station - N 7/60, the ballot box was not visible to the camera.

The recorded problems were mainly of technical nature: either the cameras did not work at the time of the observation, or the numbers of the polling stations had been incorrectly stated on the website. After informing the CEC about the camera malfunction in 5 polling stations (1% of polling stations observed), live broadcasting there was restored, while the camera in one polling station continued to remain non-functional.

2.5 Post-election Processes

The work of the Territorial Election Commissions in general was assessed as satisfactory, except for the appeal process.

2.5.1 Receipt of Voting Items and Data Tabulation

The receipt of ballot papers from the polling stations and the tabulation process mainly went smoothly and steadily, but some issues were recorded in the Commission.

In parallel to the session on summarizing voting results at polling stations, from 8:00 pm to dawn, the "Akanats" observation mission observed the work of 36 Territorial Election Commissions. No instances were recorded in terms of observers' access, or instances of violence, intimidation or threats towards observers, except one instance where the observer was not allowed to attend the session of the Precinct Commission at the N31 Territorial Election Commission.

All Territorial Election Commissions observed on December 10 as of 08:00 am had already received voting materials and sacks from all polling stations in their service areas.

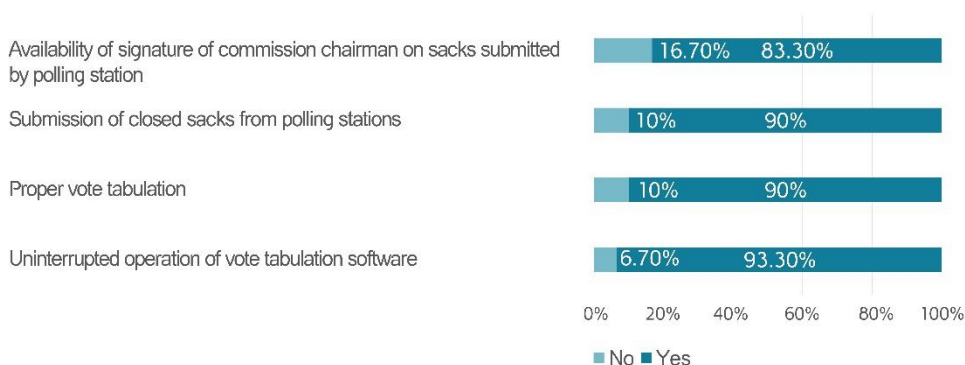
In three of the Territorial Election Commissions (1, 4 and 21), the sacks submitted by polling stations were not closed, and in 5 Territorial Commissions (1, 3, 4, 5 and 12) they were submitted without the signature of the Chairperson of the Precinct Election Commission.

Based on the data received from polling stations, the tabulation process of the voting results was properly implemented in the majority of the Commissions observed. Issues were identified in 3 Territorial Commissions. In two Territorial Commissions, the data entry software functioning was disrupted. In one, Territorial Election Commission N 24 a delay was recorded in the software-based tabulation process and publication of tabulation results with 3-hour periodicity by the Territorial Election Commission.

⁶⁹ RA Electoral Code, Article 8, Part 11.1

In 6 of Territorial Commissions (N 3, 4, 5, 6, 8, 27), the Commission made adjustments to the protocols of Precinct Commissions, which is illegal. Corrections mainly related to their incorrect completion, in particular - to arithmetical errors. Changes in the baseline data were not recorded by the observers.

Chart 12. Issues observed at territorial election commissions



On December 10, by 12:00 pm, all Territorial Election Commissions, with the exception of the Territorial Commission N 15, had finished checking the authenticity and arithmetic errors in protocols of voting results from all polling stations.

As of December 10, 8:00 pm, all Territorial Election Commissions submitted to the CEC each one copy of the protocols on voting results for their respective service areas, except for the Territorial Election Commission N 33.

On December 10, at 12:00 pm, the CEC summarized the preliminary voting results and drafted a protocol which was validated by the signature of all CEC members. None of the CEC members had an objection or special opinion on the protocol.

Two major violations were recorded in the Territorial Election Commissions.

- In the Territorial Election Commission N 4 it was identified that the logbook of N 4/22 Precinct Election Commission was not submitted as an attachment to the sack. The Commission Chairperson had to open the sack to ensure that the logbook was inside the sack, which is violation of the RA Electoral Code.⁷⁰ The Chairperson of the territorial commission had to open the sack to make sure that the logbook is in the sack.
- In Territorial Election Commission N 31 it was identified that the N 31/56 Precinct Election Commission protocol was incorrectly filled, and the figures reflected in the protocols and logbook did not fully comply with each other. The Chairperson of the Territorial Election Commission has made an arbitral decision to summon Precinct Election Commission members to an extraordinary session in a separate room with the participation of one of the Territorial Commission members, to perform a recount the voting results. The observer's access to the extraordinary session was banned. It

⁷⁰ RA Electoral Code, Article 71, Part 9

is worth mentioning that activities of the Chairperson of the territorial commission and precinct electoral commission to initiate a recount of vote results and banning observer's access to the extraordinary session were illegitimate.

2.5.2 Scanning of Signed Voter Lists

The scanning of signed voter lists was mostly normal.

On December 10, starting from 12:00 pm, all the Territorial Commissions started the scanning of signed voter lists. The scanning process start was delayed in the Territorial Commissions No 8 and 20. On December 11, by 12:00 pm, the scanning process was finished and the voter lists were officially published on the CEC website. Lists Territorial commission No 26 were submitted to CEC and published with delay.

2.5.3 Recount

The recount of voting results generally went according to the law, with a few exceptions.

In 8 territorial election commissions (8, 9, 16, 21, 23, 34, 35, 38) 13 applications on recount of voting results in polling stations were submitted, 12 out of which – by candidates involved in territorial lists of BAP, PAP and ARF and 1 by ARF proxy. Recount sessions were monitored by observers.

In case of recounting voting results, the period allocated for recount to a single polling station may not exceed 4 hours.⁷¹ In the case of a large number of applications filed for recount, the applications are examined by the Commission in accordance with the sequence established by the RA Electoral Code.⁷²

According to observations, the period allocated by the legislation for the recount of the voting results was exceeded in the Territorial Commissions No 8, 14, 22 and 33, and the sequence of examining applications was violated in one Commission.

Issues with the access to copies of recount protocols on request of persons entitled to be present at the session, were recorded in the Territorial Election Commissions No 33 and No 22. Instances of obstructions to the work of persons entitled to be present at the Commission sessions who were taking photo and video records of the recounting process, were recorded in Territorial Commissions 14 and 22.

2.5.4. Appeal Procedure

Complaints on Election Day processes were not properly examined by Territorial Election Commissions and the CEC.

During the post-election period “Akanates” submitted, in total:

⁷¹ RA Electoral Code, Article 50, Part 12

⁷² Ibid., Article 50, Part 12

- 26 appeals to Territorial Election Commissions and 16 appeals-complaints - to the CEC,
- 16 claims to the RA Administrative Court: the latter's verdicts on 4 cases were appealed to higher instance courts,
- 2 written crime reports to the Special Investigation Service of RA and 2 verbal reports to RA Police.

Election Commissions did not recognize observer organizations' legal standing to submit application, although some response was received, and some actions were taken based on reported violations.

2.5.4.1 Appeals Filed with Administrative Authorities

“Akanates” submitted appeals and complaints on violations of electoral procedures recorded by observers, as well as violations of the rights of observers and media representatives to 26 Territorial Election Commissions (6 in Yerevan, 20 in Marzes). Critical violations recorded at polling stations in the relevant areas serviced by Commissions were grouped and filed in the appeals and complaints.

Based on the submitted appeals and complaints, 26 Territorial Election Commissions made decisions to reject initiation of the proceedings.⁷³ At the same time, 10 Territorial Election Commissions filed petition to the CEC to revoke the qualification certificates for representation in the Election Commission for the Chairpersons and secretaries of Precinct Election Commissions (14 persons in total), based on facts of violation of the RA Electoral Code requirements committed by them.

In addition, the Territorial Election Commission N 10 recorded the instance of an administrative violation,⁷⁴ whereby the Chairperson of N 10/12 Precinct Election Commission had not closed the sack containing election documents and resolved to apply to the administrative court claiming imposition of administrative liability.

In addition to the above-mentioned 26 appeals and complaints lodged against actions (inaction) of the Precinct Election Commissions, two appeals and complaints were filed with CEC against the actions of the Territorial Election Commissions 4 and 31 on violations recorded during the Election Day. It should be noted that following confidential extraordinary session summoned by the N 31 Precinct Election Commission in connection with incorrect completion of the protocol by the Chairperson of Precinct Election Commission N 31/56, the CEC resolved to revoke all Precinct Election Commission members qualification certificates for their eligibility to be represented in election Commission. However, CEC failed to take any action against Territorial Election Commission which was the initiator of the extraordinary session not established by law.

In general, observer organizations were not treated by the Territorial Election Commissions as having legal standing to submit an application, on the grounds that they do not have any rights prescribed under the RA Electoral Code other than accreditation to carry out an observation mission. Although decisions made reflected to some extent the violations

⁷³ In only one case, the Territorial Election Commission N 31 reacted to the appeal by a written response.

⁷⁴ RA Code on Administrative violations, Article 404

recorded in complaints, however they were either denied by the results of one-sided administrative proceedings (e.g, based on the written explanatory note by the responsible Commission member), or were not examined in essence, referring to decisions made in connection with other proceedings not referred to the administrative proceeding in question (in particular, based on the results of the study of existing records). It should be noted that persons who spotted these violations, were not included in the decision-making process, which contradicts the objectivity and multilateral approach requirement for administrative proceedings prescribed by the Law "On Administration Framework and Administrative Proceedings".⁷⁵

"Akanates" filed complaints to CEC against 14 decisions made by Territorial Election Commissions, one of which was examined before the summarization of the election results, and the rest were considered on January 16, 2019. Late examination of complaints was conditioned with the timelines required for Territorial Election Commissions to make decisions as defined by the Electoral Code of RA. This excludes any opportunity of examination of these complaints by the CEC prior the summarization of vote results. In regard to these appeals and complaints, the CEC issued resolutions on rejecting them on grounds of similarity with decisions of Territorial Election Commissions. Moreover, the CEC did not address the facts and arguments calling for recognition of legal standing of observer organizations in relation to court rulings regarding the violation of the observers' subjective rights thus violation the requirement of the reasoning of administrative act.

2.5.4.2 Appeals to Court Instances

Appeals were filed to RA Administrative Court against 4 of the CEC resolutions.

10 claims were lodged with the RA Administrative Court on the ground of failure to complete the Election Commission logbook in the manner prescribed,⁷⁶ and one claim, based on the presence of unauthorized person at polling station without eligibility to be present in the voting room.⁷⁷ Another 1 claim was filed with the same court against the actions of N 20 Territorial Election Commission, which were manifested by obstruction of observer's free movement and video recording process and summoning the latter of the Territorial Election Commission. The admissibility of claim for processing was denied by the Administrative Court's verdict with the rationale that the claimants should have addressed the obstruction of observer's rights to mandatory consideration by the CEC and only afterwards it should have resulted in a claim to the RA Administrative Court for the protection of their rights. According to the observation mission, this rationale is a result of arbitrary interpretation of the RA Electoral Code,⁷⁸ therefore the ruling of the Administrative Court was appealed to the Court of Administrative Appeals.

2.5.4.3 Reports to the Law Enforcement Authorities

Two written reports on crime have been submitted to the Special Investigative Service and another 2 verbal reports were made to the RA Police. The reports were related to the instances of directed voting/controlled voting process, obstruction of mass media representatives to

⁷⁵ RA Law on "Administration Framework and Administrative Proceedings", Article 37

⁷⁶ RA Code on Administrative Violations, Article 40.6

⁷⁷ Ibid., Article 40.15, part 1

⁷⁸ RA Electoral Code, Article 48, Part 1

exercise their powers. Based on the reports, rulings were made to reject initiation of criminal case, which were appealed in accordance with the law.

2.5.4.4 Issues Raised

In the appeal process, "Akanates" observation mission raised a number of issues which create obstacles to public oversight organizations. Specifically:

- According to the RA Electoral Code, if an observer finds that there has been a violation of the voting procedure envisaged by the Electoral Code, he/she has the right to require that his/her remark be registered in the logbook of the Precinct Election Commission. In practice, this provision is interpreted narrowly by Territorial and Central Election Commissions, as pertaining only to the period from 08:00 am to 8:00 pm of the Election Day, but not extending it to the voting preparation and summarizing stages. While Precinct Election Commissions frequently ensure an observer's remark record in the logbook, this approach of superior administrative authorities may lead to omission of major violations, such as Commission sessions held in the absence of the majority of Precinct Election Commission members, or falsifications in ballot papers' counts at the stage of summarizing results.
- Neither in the law enforcement practice of Territorial Election Commissions nor in that of CEC, the legal standing of the observer organizations is recognized in submitting appeals and complaints in relation to violations of their rights derived from the status of the observer. The latter, assuming responsibility for their observers, do not have the right to defend their violated rights in neither administrative bodies nor in the court. Meanwhile, in all instances whereby an observer representing an observer organization encounters obstruction of his/her deriving from his/her status, this means that the right of his/her accrediting organization are violated as well, as the latter may not be positioned to carry out observation mission if the observer at polling station is deprived of the opportunity to exercise his/her rights prescribed by law. Even though in judicial practice there are cases in the court practice whereby the administrative court has recognized the legal standing of an organization which has accredited observers whose subjective rights have been violated, yet there is still no uniform legal position in place.
- In law enforcement practice, the Election Commissions do not recognize the legal standing of observers and observer organizations to challenge violations of the rights to an impartial practice. Meanwhile, the Electoral Code of Armenia defines that everyone may appeal against the decision of the Election Commission, its action (inaction), if they find that their subjective electoral right defined by the Electoral Code have been or may have been violated.⁷⁹ Violations identified during the elections may have a direct impact on the designation of ballot cast by each voter and hence the right of every citizen to fully exercise their voting right. The legal standing of non-governmental organizations in terms of issues of public interest is directly derived from the legal positions expressed in the RA Constitutional Court resolution.⁸⁰ It should be emphasized that empowerment of citizens, observers and observer organizations to challenge decisions and actions of Election Commissions, non-legitimate activities

⁷⁹ RA Electoral Code, Article 48, Part 3

⁸⁰ RA Constitutional Court, Resolution SDR-906, September 6, 2010
<http://concourt.am/armenian/decisions/common/2010/pdf/sdv-906.pdf>

during the pre-election campaign, as well as the election results were repeatedly recommended to Armenia by the OSCE / ODIHR and the Council of Europe Venice Commission.⁸¹

- Thus, according to RA Electoral Code, Territorial Election Commissions and CEC respond to the applications received, within the period starting from the Election Day until 6:00 pm of two days prior to the deadline for summarizing the results, and in cases defined by the Electoral Code, make decisions on them before summarizing election results. As for parliamentary elections, whereas in case with Territorial Election Commissions - 1 day prior to the deadline established for summarizing election results.⁸² At the same time, by virtue of this provision, the CEC is actually deprived of the option to consider appeals and complaints filed against decisions made by Territorial Election Commissions until the election results have been summarized, because the CEC is obliged to consider appeals and complaints prior to summarization of election results only to the extent they have been provided by hand no later than by 6:00 pm of 2 days preceding the established deadline, whereas Territorial Election Commission is eligible to make a decision after this deadline as well.⁸³

The mentioned legal framework and established deadlines apparently indicate that the entire system of appeals throughout the electoral process is ineffective, extremely formal, as well as indicates the lack of any effective remedies in place, as in the said circumstances the purpose of appealing against the decisions of the Territorial Election Commission is completely deprived of rationale in the absence of means to evaluate the impact of violations on election results. In practice, Territorial Election Commissions in the majority of instances make decision on the final date of the deadline for applying to the CEC,⁸⁴ or sometimes on the following day.

- By the amendments made to the Code of Administrative Proceedings and Administrative Violations on September 7, 2018, the NGOs carrying out an observation missions were empowered to lodge appeals of administrative liability against specific election violations. At the same time, the RA Law "On State Duty" does not provide for exemption from payment of state duty in these cases, which is a considerable financial burden for observer organizations who demonstrate a consistent approach to the penalization of infringements recorded throughout the election process. Empowerment of observer organizations to appeal to the court pursues the purpose of ensuring public oversight over the legitimacy of the elections, hence the prescribed financial burden is not lawful.

⁸¹ Venice Commission, Code of Good Practice in Electoral Matters Guidelines and Explanatory Report (Strasbourg, 25 October 2018), [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev-e), Venice Commission and OSCE/ODIHR, Second Joint Opinion on the Electoral Code (Strasbourg, Warsaw, 17 October 2016), [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)019-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)019-e), Venice Commission and OSCE/ODIHR, Joint Opinion on the Draft Electoral Code as of 18 April 2016 (Strasbourg, Warsaw, 13 June 2016), [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)031-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)031-e), OSCE/ODIHR, Election Observation Mission Final Report. Presidential Election 18 February 2013 (Warsaw, 8 May 2013), <https://www.osce.org/odihr/elections/101314?download=true>

⁸² RA Electoral Code, Article 48, Part 7

⁸³ Ibid., Article 48, Part 7

⁸⁴ In the context of deadline for CEC to consider the appeal prior to summarizing the results

3. RECOMMENDATIONS

In order to improve the democracy, transparency and fairness of electoral processes, the following improvements are required in the RA electoral legislation as well as in the adopted practice and approaches to the organization and conduct of elections.

3.1 Improving the Quality of Work of Election Commissions

Central Election Commission

1. The format of the "open data" publication as well as live broadcast of sessions on the CEC official website should be stipulated as a requirement by legal framework.

Territorial Election Commissions

2. Criteria and procedures should be envisaged in terms of formation of Election Commissions, to prevent involvement of persons who have previously demonstrated unlawful behavior.
3. It is necessary to take measures to enhance transparency of Territorial Election Commissions work, for example by means of posting on the CEC website relevant section the TEC sessions timetable, agendas, protocols, video records and resolutions, as well as declarations of asset and income of candidates running in the local self-government elections.
4. Territorial Election Commissions should have an online grievance system and/or an e-mail address to accept applications and complaints executed by electronic signature.
5. Territorial Commissions should undergo regular training, providing professional development and forming appropriate motivation to act professionally.

Precinct Election Commissions

6. It is necessary to improve the processes and the methodology of recruitment, selection and training of the Precinct Commission members.
7. It is necessary to reconsider the mechanism of formation of Precinct Election Commissions on party basis, by replacing it with a public-service system-based mechanism, which will ensure more qualified, unbiased and responsible work of Commission members.

3.2 Voter Lists

8. It is necessary to take measures to correct and enhance the integrity of voter register and lists, by revising mechanisms of their formation. Possible solutions may include: temporary exclusion from voter lists of citizens with expired validity passports and/or voter pre-registration 3-6 months before the elections.
9. There is an urgent necessity to finalize clarification of voter addresses, including: segregating multiple households registered at the same address and allocating unique addresses to voters without address. Clarification of addresses and citizens re-registration processes should be carried out at the expense of state or community budgets.
10. Technical devices for voters' registration should be integrated into a single online system, to track voter turnout throughout the entire Republic of Armenia, or otherwise provide for real time comparison of voter names and exclusion of multiple voting.

3.3 Pre-Election Period

3.3.1 Pre-Election Campaign

11. It is necessary to clarify the term of the pre-election campaign and the period of the pre-election campaign. It should be ensured that the campaigning rules for political parties (party alliances) and candidates, including restrictions on the use of administrative resources, extend to longer period than the officially established pre-election campaign timeline, to ensure equal access to public resources.
12. It is necessary to set mechanisms for proper control over campaign rules as well as to take effective measures to prevent and eliminate violations of campaign rules.
13. It is necessary to clarify and strengthen the liability for infringement of pre-election campaign rules envisaged by law, as well as to empower and provide instruments to relevant authorities (such as Election Commissions, local self-governance authorities, etc.) to effectively penalize political parties (party coalitions) for infringements of election campaign procedures and rules.
14. Responsibility for removing campaign materials posted on the walls after the Election Day should be assigned to the political parties (party alliances) running in the elections.

3.3.2 Administrative Resource

15. Electoral legislation should define the terms of administrative resource and its abuse, as well as clarify the limit of legitimate use and misuse of administrative resources throughout the electoral process.
16. It is necessary to set more stringent legislative regulations limiting the use of administrative resources and to establish adequate sanctions - up to the invalidation of the registration of the relevant political party or the candidate.
17. It is necessary to introduce and implement appropriate training programs/resource materials aimed at raising awareness among public servants regarding the administrative resource and the risks inherent to its abuse.

3.3.3 Campaign Financing

18. It is necessary to abandon the electoral system with territorial lists of political parties (party alliances), which will make financing more transparent, limit the misuse of administrative resources, and reduce the potential influence of business and criminal authorities on electoral processes.
19. Expenses incurred by political parties (party alliances) in relation to social media advertising should be included in the Declaration and compare them with the information obtained through the official inquiries made to authorities managing the respective social networks.
20. In funds declarations, within the expenditures items the requirement for separation/classification of goods and services should be clarified.⁸⁵

⁸⁵ OSCE/ODIHR, *Handbook for the Observation of Campaign Finance*, (Warsaw, 2015), page 41, <https://www.osce.org/odihr/elections/135516?download=true>, OSCE/ODIHR and Venice Commission, *Guidelines on Political Party Regulation* (Venice, 15-16 October 2010), paragraph 200, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)024-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)024-e)

21. It is necessary to provide adequate control and liability mechanisms for third party funding.⁸⁶
22. It is necessary to undertake actions to ensure publicity and proper oversight over financial sources and real owners of mass media.
23. The framework of OAS competencies should be revised, through providing OAS proper resources and tool to comprehensively supervise finance activities of political parties, including incomes and expenditures of pre-election funds of political parties (party alliances), accuracy of data included in declarations and their compliance with requirements of the RA legislation. It is also necessary to consider the relevance of defining additional guarantees to ensure more effective and independent operation of OAS.

3.3.4 Accreditation of Observers and Other Participants

24. It is necessary to improve and simplify the observer accreditation system, which will improve the efficiency of the process and reduce the cost both for observation missions and for the CEC perspective. The capacities of state-of-the art information exchange and communication technologies should be effectively utilized.⁸⁷
25. There is a need to expand the list of grounds for rejecting an observer's accreditation request by ensuring that a non-governmental organization that publicly supports any "fake" or political force is not included in the list of observer organizations. It is also necessary to envisage mechanisms for revision and revocation of accreditation for such organizations and certificates of observers after the accreditation has taken place.
26. It is necessary to clarify the requirements for international organizations or foreign observer organizations, in particular, the grounds for rejecting the applications or not sending invitations in the case when they have submitted an application to carry out observation mission.

3.4 Election Day

3.4.1 Expanding Empowerment of Observers and Media Representatives

27. It is necessary to reconsider the non-legitimate regulations limiting the rights of observers and mass media as defined by the RA Electoral Code, including the application of a digital restrictions.

⁸⁶ Laws governing third-party funding are effective in other countries such as in the United Kingdom and Canada. In the UK, any third party involved in any campaign which plans to spend more than £ 20,000, is obliged to register with the Central Election Commission, submit financial declarations and disclose its funding source. At the same time, limitations on campaign funding also extend to third parties. In Canada, any third party intending to spend more than \$ 500 during the pre-election campaign should register with the Election Commission and submit a declaration of expenses.

⁸⁷ For example, an online e-accreditation system can be introduced, which, in addition to solving the aforementioned issues, will coordinate and identify coincidences in structures of observation missions, mass media representatives, Precinct Election Commissions and perhaps also proxies. In this way, observer nomenclature certificates can be automatically generated by the system and printed by observers or observation organizations, thereby eliminating the burden on CEC in terms of completing thousands of certificates by hand. Should this instrument be introduced, the deadline for accreditation could be extended up to the day preceding the Election Day, with an opportunity for organizations to make their own changes in their lists. By introducing additional QR codes and training of the Commission members, the latter may be enabled to personally verify the authenticity of CEC accreditation certificates.

28. The possibility of removing observers from polling stations by precinct electoral commissions should be limited exclusively to the instances where they explicitly demonstrate politically biased behavior.⁸⁸
29. For mass media, the discriminatory privileges for media outlets carrying out on-site broadcasting should be eliminated. It is also necessary to eliminate the digital restriction for mass media representatives.

3.4.2 Improvement of the Voting Process

30. It is necessary to undertake steps to ensure that voters with physical disabilities participate in the voting by preparing specifically accessible polling stations.
31. In the case of violation of the procedure established by the legislation, the right of the Commission member, proxy and observer to make a record in the logbook⁸⁹ should be extended to cover not only on the voting procedure but also the voting preparation and result summarization stages.
32. In case of violation of the law, Commission members, proxies and observers should be empowered to request their remarks to be recorded in the logbook and introduce a logbook maintenance practice in the Territorial Election Commissions as well.
33. It is necessary to ensure free access to the Election Day video-recordings at the CEC website for a certain period, at least until the expiry of the deadline for challenging election results, to ensure further investigations. Moreover, video recordings should contain the number of polling station and time, as well be available for download. It is desirable to replace silent video surveillance with cameras having voice recording capabilities that will include the number of the polling station and record the timing chronology.

3.5 Post-election Processes

34. The RA Electoral Code should acknowledge the legal standing of observer organizations in cases of violations of observers subjective rights deriving from their status, which will help to protect the violated rights of the observer who has been recruited, accredited and trained by the organization and acting on the organizations behalf.
35. Observers and observer organizations should be entitled to appeal against decisions, actions or inactions of Election Commissions in relation to violations of the objective electoral right, as well as dispute the outcome of the voting results in a polling station.
36. It is necessary to revise the legal regulation on the timing and procedure established by the RA Electoral Code for appealing and for decision-making by Election Commissions⁹⁰ and to ensure that the CEC should review the appeals lodged against the resolutions of the Territorial Election Commissions prior to the summarization of the election results.
37. It is necessary to revise deadlines and formats of the application-complaint, considering the option of electronic filing of complaints, as well as to revise the list of required documents, and deadlines for finalization of the elections and summarizing the results,

⁸⁸ Hindering the implementation of electoral right, work of electoral commissions or competencies of people participating in election leads to responsibility prescribed by the Article 149 of the RA Criminal Code.

⁸⁹ RA Electoral Code, Article 67, Part 14

⁹⁰ Thus, according to RA Electoral Code Article 48 Part 7, the Territorial and Central Election Commissions respond to the applications received during the period starting from the Election Day until 6:00 pm of two days prior to the deadline for summarizing the results, and in the cases defined by the Electoral Code, make resolutions on them before summarizing the election results. In the cases of Yerevan Council of Elders and Parliamentary elections, it is envisaged that the resolutions of the Territorial Election Commission will be made one day before the deadline for summarization of the election results.

which will allow sufficient time for adequate investigation and resolution for election disputes.

38. It is necessary to eliminate the requirement for state duty payment for the organizations carrying out public oversight of election processes.

4. AFTERWORD

The "Akanates" observation mission is hopeful that the issues identified in the course of the election observation and solutions recommended in relation these issues will be on the agenda for discussion in the Armenian government and the RA National Assembly, as well as among observer NGOs and other expert circles.

The scope and diversity of issues raised in this report suggests that there is a need to elaborate a new Electoral Code, based on the positive regulations stipulated in the current Code.

"Akanates" points out the importance of the new Electoral Code to be elaborated with representative involvement of all stakeholders and based on outcomes of subject-specific discussion with stakeholders.

ANNEX 1. CRITICAL VIOLATIONS RECORDED

r/n	Community, Marz	Polling station	Violation description	Appeal
1.	Hrazdan, Kotayk	26/10	The polling station was closed, and the observer was not allowed to enter the polling station, with an argumentation that the Commission Chairperson had not yet arrived. The precinct election Commission Chairperson arrived at 7:11 am, and only after that the polling station opened.	Territorial Election Commission CEC
2.	Teghenik, Kotayk	27/35	As of 7:00 am, the polling station was closed and only one Commission member was present. The polling station was disconnected from power supply since the previous day. Owing to measures taken by the Chairperson, the power supply was restored, as a result of which session started at 7:50 am and the voting process started on 8:05 am.	Territorial Election Commission, CEC
3.	Lori, Metsavan	25/15	As at 7:23 am only 2 policemen and 2 observers were present at the polling station. The Commission Chairperson arrived at 7:45 am, after which the Commission session started. As a result, the polling station opened for voting at 8:16 am.	Territorial Election Commission
4.	Masis, Ararat	11/1	Arriving at the polling station at 6:58 am, the observer found that the safe was already open. Due to the queue, the observer was registered in the logbook at 07:01 am. The Commission Chairperson was informed that the preparatory session for the voting should start at 7:00 am.	Territorial Election Commission
5.	Getazat, Ararat	11/21	In the polling station from 8:00 to 9:30 am the powers of the secretary of the Precinct Election Commission were exercised by another election Commission member.	Territorial Election Commission

6.	Kapan, Syunik	35/17	At 9:06 am, the observer recorded the crowds in the voting room and within the territory of the polling station at a radius of 50 meters, since a large number of military servants had arrived for voting. The third voting booth was added in the polling station and the normal voting process was resumed at 9:58 am.	Territorial Election Commission
7.	Metsadzor, Aragatsotn	18/58	There was no safe at the polling station as at 7:00 am and the voting items and materials were filled in the ballot box, which was closed and sealed.	Territorial Election Commission CEC
8.	Kapan, Syunik	35/37	At around 11:10 am, a large number of military servants arrived at the polling station, causing crowds both inside the polling station, and within the radius of 50 meters. In addition, a military serviceman in the rank of major was present at the voting room and stated that he is person in charge for the military servicemen.	Territorial Election Commission CEC
9.	Masis, Ararat	11/7	At the preparation stage for voting, the requirement to conduct the drawing of the Election Commission members based on the alphabetical order was not maintained by the Commission Chairperson.	Territorial Election Commission
10.	Balahovit, Kotayk	29/31	At the beginning of the voting, the voting coupons were not sealed with a personal seal by the Election Commission member, and only some time later the coupons started to be sealed.	Territorial Election Commission CEC

11.	Taronik, Armavir	15/33	At the polling station, the observer witnessed gatherings (17 people). The Commission Chairperson tried to convey to the people entering the polling stations with restricting look and gestures that the latter need to leave the room. The Commission Chairperson refused to register the violation pertaining to gatherings. By 1:00 pm, gatherings were perpetually increasing and decreasing, however the Commission Chairperson repeatedly refused to take action to prevent gatherings. The Chairperson accused the observer of obstructing the election process by his actions. The Commission Chairperson manifested an explicitly aggressive attitude towards the observer. He later said, "I will see you later".	Territorial Election Commission CEC
12.	Chambarak, Gegharkunik	20/23	The observer noticed crowds in the vicinity of the polling station that were settled by the police officers and within the polling station - by the Commission Chairperson following the observer's recommendation.	Territorial Election Commission
13.	Norabats, Ararat	11/38	By the time of arrival of mobile group, there were crowds of voters and vehicles at the station and surrounding areas. The Commission Chairperson prevented the flow of voters into the polling station, letting the voters in by queue. However, the accumulation of cars had not been eliminated within a radius of 50m from the area adjacent to the station.	Territorial Election Commission
14.	Darakert, Ararat	11/26	In the vicinity and inside the station mobile observers group recorded gathering, and explicit campaign going on outside. The Commission Chairperson supervised the entrance to the polling station, letting the voters in by queue. Observers addressed the Commission Chairperson by offering to seek police assistance in order to solve the issue related to gatherings outside as well. Due to the police actions the crowds were dismissed.	Territorial Election Commission
15.	Dsegh, Lori	24/20	From the start of the voting until about 2:30 to 3:00 pm, Hamlet Kocharyan, a member of the United Leaders' Chamber NGO, was present at the precinct as an observer, carrying an observer badge. At around 3:00 pm, H. Kocharyan left the polling station and after returning	Territorial Election Commission

			he informed that he was a proxy of the Prosperous Armenia Party. When other observers told him that the same person could not act as an observer and a proxy at the same time, H. Kocharyan showed two certificates and stated that he possessed both certificates, so he was eligible. As a result, the situation became tense and a quarrel broke out, and H. Kocharyan left the polling station.	
16.	Apaga, Armavir	14/27	One of the voting booths was placed near the stairs leading to the second floor. The observer tried to learn the reason for this manner of installing the voting booth from the Commission Chairperson and the latter explained that the polling station had to be visible to cameras installed inside the station, and there was no other option than installing the voting booth in this manner. He also mentioned that the above circumstance was agreed with the CEC, as there is an agreement that none of those present at the polling station have the right to use the staircases while there are voters in the voting booth.	Territorial Election Commission
17.	Alaverdi, Lori	24/34	The Election Commission member was absent from the polling station for several hours. The Commission Chairperson refused to register an observer's remarks in the logbook.	Territorial Election Commission Administrative Court

18.	Shenik, Armavir	16/57	The observer questioned whether Gor Minasyan who was present at the polling station, was indeed an observer representing the "Abovyan Student Council" NGO and asked to check that information. When the lawyer performed a double-check on the information on the CEC official website, it was found out that there was no accreditation in the name of Gor Minasyan in the observer's capacity representing the mentioned organization.	Territorial Election Commission CEC
19.	Meghri, Syunik	35/73	During the period from when the voting was launched and up to 6:30 pm, the Commission members had not placed personal seals on voting coupons.	Territorial Election Commission CEC
20.	Malatia-Sebastia, Yerevan	7/51	Starting from 1:00 pm, election Commission members failed to abide by the regulation on performance of their respective functions as defined by means of lot drawing between of Commission members. They were regularly engaged in different tasks covering each other, moved in and out of the polling station. It was also recorded that one of the election Commission members had been searching for another member's personal seal all way around the room, while performing certain functions of another Commission member. The observer requested the Commission Chairperson that his/her remark on the violation be registered in the logbook, which was rejected by the Chairperson.	Territorial Election Commission Administrative Court
21.	Kentron, Yerevan	9/8	At around 7:20 pm the observer approached another observer and asked which organization he was representing. The latter replied that he was representing PAP. The record in the register revealed that the person was an observer of the United Leaders' Chamber NGO.	Territorial Election Commission CEC

22.	Meghri, Syunik	35/73	34 out of the voting coupons printed during the day had not been sealed.	Territorial Election Commission CEC
23.	Lernamerdz, Armavir	15/50	As of 07:00 am, five election Commission members were present, and the drawing was carried out with that composition of Commission members, while the Commission Chairperson attended the drawing instead of the absent election Commission member.	Territorial Election Commission CEC
24.	Nubarashen, Yerevan	10/53	Three proxies were present at the polling station from the Prosperous Armenia Party (PAP) with relevant badges. All three of them were registered by the Commission Secretary.	Territorial Election Commission CEC
25.	Kasakh, Kotayk	27/41	The voting room furniture at the polling station did not provide the secrecy of voting. Particularly, voting booths were located in front of the stairs, and there were open doors and windows that were closed with stands. The observer's request to record election violation in the logbook was rejected by the Chairperson and the Secretary of the Commission.	Territorial Election Commission CEC
26.	Malatia-Sebastia, Yerevan	7/44	One of the polling booths had been installed so that people move around to the other rooms, which posed a direct threat to violation of the voter's secrecy. The Commission Chairperson noted that the issue had been discussed with the representative of the CEC, who had informed that the current situation did not involve any violation of the legislation requirements. At around 09:00 am, the back of the polling booth was closed with a curtain, which actually eliminated the violation.	Territorial Election Commission
27.	Hrazdan, Kotayk	26/10	The polling booths in the polling station were placed in front of the windows, which although covered closed with a blindfold, were still transparent. By the instructions of the Commission Chairperson, an	Territorial Election Commission CEC

			<p>attempt was made to close the windows with a cover, however this did not help restoring secrecy.</p> <p>The observer's request to record election violation in the logbook was rejected by the Chairperson and the Secretary of the Commission.</p>	
28.	Gyumri, Shirak	31/52	<p>Two voters, father and son, arrived at polling station together at around 2:25 pm. The son was accompanying his disabled father. The son had voted earlier, in the same polling station, before the visit in question. The son approached the specialist, presented a passport, and the device showed an attempt of duplicated registration.</p> <p>The Commission Chairperson invited a police officer who had summoned the young man out of the polling station and the disabled person voted on his own.</p>	Territorial Election Commission
29.	Charentsavan, Kotayk	27/28	<p>An elderly woman (voter) was sitting outside with a paper slip in her hands. The observer learned that before entering the voting room, the woman had looked into the folded paper folded in the corridor and entered the voting room. In the polling booth, she had read the paper and only after that she voted. The police officers were informed about the incident.</p>	Territorial Election Commission CEC
30.	Armavir, Armavir	16/6	<p>The backyard of the voting booth, which was a school corridor, was closed with a tissue. The tissue was being periodically opened and several people had stepped in and out. Identities of violators are unknown.</p>	Territorial Election Commission CEC

31.	Kasakh, Kotayk	27/41	<p>At 08.40 am, the observer noticed that a mother and a son were together inside the polling booth. He drew the Commission Chairperson's attention to the violation.</p> <p>Only after the observer's recommendation, the son was registered as assisting person (after voting had taken place).</p> <p>The Commission Chairperson was offered to register violation in the logbook, which was rejected by the Chairperson.</p>	Territorial Election Commission CEC Administrative Court
32.	Shengavit, Yerevan	8/51	<p>At approximately 10:35 am, one person helped two voters to ballot with the permission of the Commission Chairperson.</p>	Territorial Election Commission
33.	Malishka, Vayots Dzor	36/30	<p>The MSPA proxy twice assisted voters inside the polling booths.</p>	Territorial Election Commission
34.	Aparan, Aragatsotn	17/49	<p>The MSPA proxy took the MSA ballot paper at 11:45 am making a mark on the second page of the ballot, and placed it in the envelope, and then called his mother to the ballot box, put the self-adhesive stamp on the ballot and handed the ballot envelope to the latter for entering it into the ballot box.</p> <p>The Commission Chairperson, who had witnessed the violation, did not take any action to prevent it. The observer's request to record violation in the logbook was rejected by the Chairperson and the Secretary of the Commission. The Commission Chairperson even threatened the observer saying that he would not let that incident pass.</p>	Territorial Election Commission CEC Administrative Court
35.	Mayakovsky, Kotayk	29/41	<p>In the polling station's courtyard, an MSPA proxy was meeting the voters and directing them in whose favor to cast their ballots.</p>	Territorial Election Commission CEC
36.	Araks (Armavir city), Armavir	16/24	<p>The Prosperous Armenia Party (PAP) proxy monitored the voting process and routinely walked in and out of the polling station.</p> <p>The Chairperson refused to register an observer's remark on the violation.</p>	Territorial Election Commission CEC Police / SIS: Administrative Court

37.	Arinj, Kotayk	29/29	A white Toyota Camry, with the number plate 01GG101, three times transported several voters to the polling station.	Territorial Election Commission CEC Police / SIS:
38.	Meghrashen, Shirak	33/22	At around 1:00 pm, an election Commission member distributing ballot papers directed a citizen assisting the voter with the phrase "you know, number 12". In addition, some of the voters approached the proxy of the MSPA, who was the village mayor. Election Commission members demonstrated explicitly hostile attitude towards the observer, which was manifested by negative words in his address ("What are you here for?", "What a shame on you, you are from Artik, as we are").	Territorial Election Commission CEC

39.	Hrazdan, Kotayk	26/10	<p>From 1:00 pm, the PAP had been engaged in explicit direction of voters in the polling station. Particularly, election Commission member Armine Gevorgyan representing Tsarukyan fraction and a proxy representing Prosperous Armenia Party, Garik Mnatsakanyan, were regularly moving in and out. The Commission Chairperson was also a representative of the PAP, and one of the observers, Seyran Vanik Adamyan, was present as an observer of United Leaders' Chamber NGO, and apparently supporting PAP. Particularly, he talked with the Commission Chairperson, helped with taking out documents, ballot papers from the safe box and directed the voters to the polling booths.</p> <p>The proxy of the Prosperous Armenia Party (PAP) had delivered people to the polling station several times (three instances identified).</p> <p>On 2:00 pm the observer made a statement to police officer guarding the polling station regarding violation of the electoral order, based on which the police officer issued a protocol (the protocol is photo captured).</p>	Territorial Election Commission CEC
40.	Aparan, Aragatsotn	17/49	<p>Individuals who were in close contact with the MSPA proxy, regularly routed elderly voters to the polling station and directed them by saying "You know who you should vote for, don't you?".</p> <p>The Commission Chairperson was notified about the violation, but no required action has been taken. Moreover, a request was made to register the violation in the logbook of the Precinct Election Commission, which was declined by the Commission Chairperson and secretary.</p>	Territorial Election Commission CEC

41.	Ani, Shirak	33/51	<p>At around 7:45pm, the observer noticed an unauthorized person who had exercised his voting right an hour before. The Commission Chairperson said that the person was invited to the polling station from outside, to help another voter. A person was allowed to help another person to vote.</p> <p>The selection of the given individual as an assistant to this person was not coincidental, as the person had been around the polling station until the end of its closure, and even after having exercised his voting right, had accompanied another 2 voters into the polling station</p>	Territorial Commission CEC	Election
42.	Artashat, Ararat	12/10	<p>During the period from 09:10-09:30 am, three proxies from MSPA were present at the polling station simultaneously.</p>	Territorial Commission CEC	Election
43.	Artashat, Ararat	12/3	<p>The voter stayed in the polling station after voting and took about ten minutes to sit there. The observer noted that he had an observer certificate and was an observer of the United Leaders' Chamber NGO, whereas another registered observer from that organization was present. The observer informed the Commission Chairperson accordingly, and the person was summoned out of the station by the Commission Chairperson.</p> <p>Later, the same person returned and produced a PAP proxy badge, after which he was registered as a proxy.</p>	Territorial Commission CEC	Election
44.	Dsegh, Lori	24/20	<p>Two people were present at the polling station, who did not have certificates. At the request of the Commission Chairperson they were summoned out of the polling station.</p>	Territorial Commission	Election

45.	Karmir Gyugh, Gegharkunik	19/26	At around 10:20 am, the observer noticed that an outsider was present at the polling station whom he resembled to the mayor of Karmir Gyugh. It turned out that the latter was not a proxy and was summoned out of the polling station.	Territorial Election Commission
46.	Urtsadzor, Ararat	13/41	<p>During the period from 09:00 to 09:30 am another person regularly made a way in and out of the polling station. The person at first entered the polling station without a badge, subsequently, he carried a badge, however it was not visible being worn under the coat. In response to the question of the observer, the latter represented himself as a proxy of the Yelk alliance of political parties. The observer examined the logbook and identified that the proxy was not registered in the given precinct, of which he notified the Commission Chairperson and requested the person to leave the polling station.</p> <p>The observer had been regularly advising the Secretary to record the incident, however this request was regularly rejected by the secretary.</p>	Territorial Election Commission CEC
47.	Akhtala, Lori	24/54	PAP candidate Gevorg Melkonyan visited the polling station and talked with proxies. The latter left the polling station only after the request by the Commission Chairperson.	Territorial Election Commission
48.	Kapan, Syunik	35/37	An MSA candidate Anna Grigoryan visited the polling station 37 at 11:45 am to check on the process of elections by inquiry to the election Commission members, and then left.	Territorial Election Commission CEC

49.	Geghamavan, Gegharkunik	20/16	<p>At around 2:15 pm, a person outside the polling station was inside the polling station, who represented himself as a proxy but did not have a certificate. The observer addressed the incident to the Commission Chairperson who found out that the latter was not a registered proxy and invited him out.</p> <p>Then the same person entered again and tried to register as a proxy of the ARF. An election Commission member informed that ARF proxies had already been registered, after which the person left.</p>	Territorial Election Commission
50.	Mayakovsky, Kotayk	29/41	<p>A person without a certificate was present at the polling station. The Commission's attention was drawn to this circumstance. The person without a badge represented himself as someone controlling the area and left the polling station.</p> <p>At 5:23 pm the mobile observer spotted the above-mentioned person at the polling station as a PAP proxy.</p>	Territorial Election Commission CEC
51.	Lernamerdz, Armavir	15/50	<p>The Committee member suspended the lottery procedure for maintaining the list and asked for replacement of the Commission member providing ballot papers and ballot envelopes. The Commission Chairperson permitted the replacement, however no relevant record has been made in the logbook.</p> <p>The Commission Chairperson was notified about the violation, but no required action was taken. The observer submitted a request for recording the in the logbook of the Precinct Election Commission, but the request was rejected.</p> <p>The second amendment to the Commission member's functions was not recorded in the logbook either. The observer made a repeated request to register violation, which was again rejected by the Commission Chairperson.</p>	Territorial Election Commission CEC

			<p>As a result of multiple requests by the observer on registering his remark in the logbook, the Commission Chairperson contacted the CEC by phone, and was instructed of his obligation to register an observer's remark.</p> <p>Nevertheless, the requirement to register the observer's remark was fulfilled only after 7:00 pm.</p>	
52.	Gavar, Gegharkunik	19/20	<p>At around 11:25 am, three observers from the "Institute for Legal Culture Development" NGO entered the polling station, after which the Commission Chairperson proposed them to leave, allowing only one representative to stay in. All observers left the polling station. The Commission Chairperson was offered to register violation in the logbook, which was rejected by the Chairperson.</p>	Territorial Election Commission
53.	Akunq, Kotayk	28/12	<p>The ballot papers were not provided to voters according to the sequence. He requested the Commission Chairperson that his remark of the violation be recorded in the registry, which was rejected.</p>	Territorial Election Commission CEC Administrative Court

54.	Hrazdan, Kotayk	26/10	<p>At 1:20 pm a voter (adult) left the voting booth with all the ballots in his hands. The Commission members asked him to return to the voting booth and mark his ballot in secrecy. The voter, in front of everyone present, separated the ballot paper N 4 from the ballot box and put it in the envelope.</p> <p>The observer requested the Chairperson and the secretary to register the violation in the register, but the request was rejected.</p>	Territorial Election Commission CEC Administrative Court
55.	Aragatsavan, Aragatsotn	18/31	<p>An unauthorized person was periodically present for a long while (for about two hours) at the polling station. He was permanently located near the polling booth and directed the voters. The observer informed the Commission Chairperson, but the issue was not resolved. The person, however, did not leave the polling station. After a while, the person left, but returned, and a dispute arose between the unauthorized person and some of the proxies. The duty police officers were present, the Commission Chairperson tried to solve the issue. The Commission Chairperson repeatedly warned the person that he could not continue to stay there but after leaving for a short period of time, he returned. After all, the person was summoned out of the polling station.</p> <p>The MSPA proxy has stated that he had filed a request to make a record in the logbook, however the Chairperson had waived the request.</p>	Territorial Election Commission CEC Police / SIS: Administrative Court

56.	Ajapnyak, Yerevan	6/15	While summarizing the voting results, before counting of voter signatures as registered in the voter lists, the Commission had printed a reference on the voters who participated in the election. During this period several times they called the CEC and asked to publish the number of participated voters. The Precinct Commission Chairperson published the information contained in the reference, according to which the number of voters was 1007. Then signatures available in the list were counted, which made up 1006. The Commission also calculated the number of used stamps coinciding with the reference number 1007.	Territorial Election Commission
57.	Ajapnyak, Yerevan	6/29	When summarizing of the voting results, before collecting seals of Precinct Election Commission members, as well as calculating the voter lists, a reference on the number of voters who participated in the election was reproduced from the technical device. The observer offered to make a record in the logbook, which was partly made, stating that the reference was printed prior to collecting the seals, but it was not mentioned that the signatures were also counted with delay.	Territorial Election Commission
58.	Hrazdan, Kotayk	26/10	The Commission counted ballot papers and votes cast for the political parties and candidates, and the secretary wrote them on pieces of paper instead of registering the data in the logbook.	Territorial Election Commission CEC
59.	Ohanavan, Aragatsotn	17/22	At the voting results summarizing session, proxies took part in the counting of ballot papers by personally sorting ballot papers by political parties (party alliances). After the intervention of the observer, the Commission Chairperson eliminated the violation. An observer's request to record observer remark in the logbook was rejected.	Territorial Election Commission CEC
60.	Geghanist, Shirak	33/17	After summarizing of voting results, at around 10:00 pm, the observer requested to be provided with the excerpt of the voting results protocol. The request was rejected by the Chairperson of the Precinct Election	Territorial Election Commission CEC

			Commission on the grounds that there were no copies of the excerpts provided to the polling station. The observer requested the Commission Chairperson to register the incident in the register, but the request was rejected.	
61.	Ohanavan, Aragatsothn	17/22	The secretary of the Precinct Commission and Commission members obstructed the observer's activities, in particular, by not allowing to video-record the process of summarizing voting results. Following the telephone conversation with the lawyer of the observation mission with the Chairperson, the observer was allowed to make a video recording of the summarizing session.	Territorial Election Commission CEC
62.	Arabkir, Yerevan	4/28	From around 11:30 pm to 12:00 am, an observer from United Leaders' Chamber NGO entered the polling station and stayed there for some time without registering, after which he left.	Territorial Election Commission
63.	Alaverdi, Lori	24/34	During the counting of ballots, at around 10:00 pm, a dispute emerged between the Commission Chairperson and MSPA proxy, over the invalidity of a ballot. The observer requested the Commission Chairperson to register the incident in the register, but the request was rejected.	Territorial Election Commission



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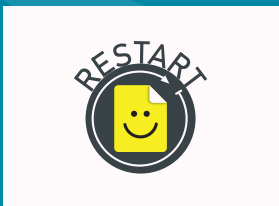


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