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**EXECUTIVE SUMMARY OF THE FINAL REPORT**

**of the Observation Mission of Snap Elections**

**of the National Assembly of the Republic of Armenia**

**on December 9, 2018**

"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]](#footnote-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.

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]](#footnote-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.**

# **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](http://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, statements[[3]](#footnote-3) and press releases[[4]](#footnote-4) issues 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.

1. Observers of the "Akantes" observation mission was comprised of observers defined by the RA Electoral Code as well as mass media representatives. [↑](#footnote-ref-1)
2. The recommendations are presented in more detail at the end of the report in “Recommendations” section. [↑](#footnote-ref-2)
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> [↑](#footnote-ref-3)
4. "Akanates" Observation Mission, *Press Release,* December 10 2018, 11:00AM, <https://transparency.am/en/news/view/2581> [↑](#footnote-ref-4)