



Open Society Foundations - Armenia

## **Voting Numbers Electronic Monitoring of 2015 Constitutional Referendum**

TIAC

YEREVAN 2016

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## INTRODUCTION

All elections and referenda conducted in Armenia since 1995 were accompanied with the manifestation of serious instances of fraud, political corruption and other types of deficiencies and malpractice. The major reason was the lack of political will on the side of authorities to conduct free and fair elections and referenda. As a result, the public has no trust in the institute of elections and electoral processes and does not believe in the officially announced results. Ultimately, the Armenian society becomes more apathetic and cynical, tolerating wrongdoing, corruption and other negative phenomena. In such situation it becomes very important to monitor and analyze the voting numbers in order to reveal more accurately the picture of fraud and its specific manifestations in each precinct, settlement and marz.

Electronic monitoring of voting numbers at the December 6, 2015 constitutional referendum in Armenia contributed to the prevention of fraud and violations in the future elections and referenda and, by that, could help to restore the trust of the society to the institute of elections. This was the goal of the project, which will be completed by the end of January 2016. Its objectives were to control the accuracy of the process and results of voting in all precincts, analyze possible instances of irregularities and fraud during voting and assess the impact of fraud and irregularities on the outcome of the referendum. The project is funded by the Open Society Foundations - Armenia.

This method of electronic monitoring of voting numbers has been already applied by TIAC during the 2012 National Assembly, 2013 presidential and 2013 Yerevan Council elections.<sup>1</sup> The results of those monitoring efforts were published and currently are available at TIAC website (see <http://elections.transparency.am/>). The mentioned method is based on the comparison of certain, related to each other voting numbers.<sup>2</sup> The basic assumption is that if the electoral procedures have been conducted properly, then the mathematical relationships between those numbers shall have certain ("correct") values or range of values. For example, if the voting procedures have been carried out in a proper manner, then the number of voters, who voted should be equal to the number of ballot papers in the ballot box. If those numbers differ from each other, then one could have serious and legitimate concerns that there could be serious risks on occurrence of irregularities and, even, fraud that took place

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<sup>1</sup> The method is described in detail in the "Voting rights and electoral falsifications" (ISBN-978-9939-53-733-7) book (in Armenian), published in 2010 in Yerevan. Its author, Lyudvig Khachatryan is the head of the monitoring group in this project. The same group also carried out similar electronic monitoring during the mentioned elections. Based on that method, the monitoring group developed and applied a software for the calculation of those relationships.

<sup>2</sup> All voting numbers are official numbers posted by the governmental bodies on their official websites. Those bodies are the Referendum Central Commission (RCC) of the Republic of Armenia, Police of the Republic of Armenia and National Statistical Service of the Republic of Armenia. Among those numbers are permanent population, number of voters, turnout, number of ballot papers in the ballot box, number of envelopes in the ballot box, number of votes casted in favor of party, candidate (or during the referendum – number of "Yes" and "No" votes), duration of voting, etc. All these numbers are calculated for each precinct, settlement, electoral district, marz, as well as for the country, as a whole.

in the electoral processes. These concerns could be verified or refuted by the observation of the voting process in the polling stations.

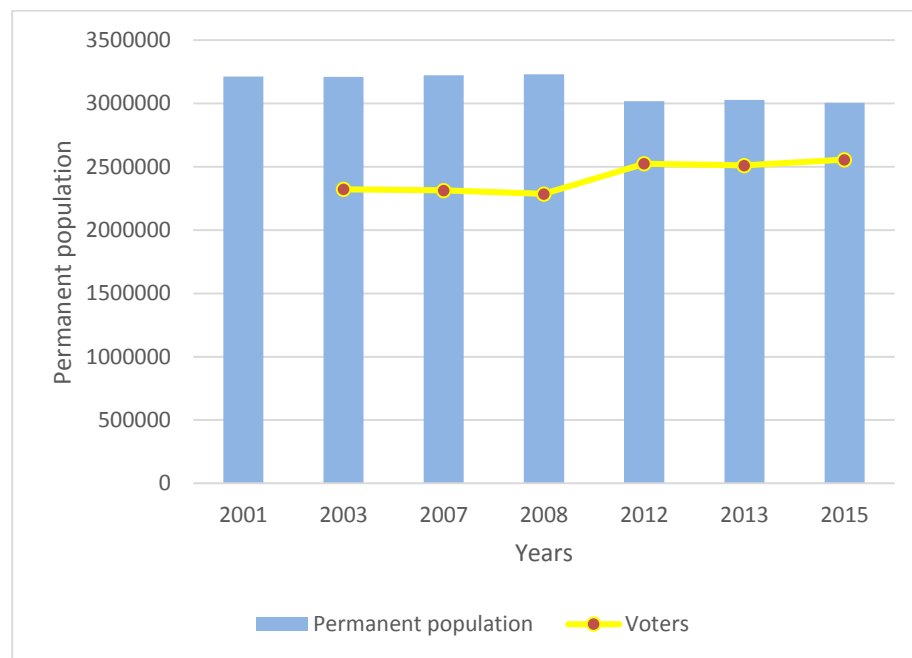
## MAIN FINDINGS

The results of the project are already available at TIAC website (see [http://elections.transparency.am/2015/index.php?am\\_population2001-2015,36](http://elections.transparency.am/2015/index.php?am_population2001-2015,36)). Its main findings are:

### A. Voters lists

- According to the National Statistical Service of the Republic of Armenia, by October 1, 2015, the number of permanent population of Armenia was 3,004,000 (see [http://armstat.am/file/article/bnakch\\_09\\_15.pdf](http://armstat.am/file/article/bnakch_09_15.pdf)). At the same time, according to the voters list provided by the Passports and Visas Department of the Police of the Republic of Armenia (see <http://www.police.am/news/view/hn51221.html>), the total number of voters by December 5, 2015, was 2,550,323. Formally, this means that almost 84.9% of the permanent population of Armenia are voters, which is much larger, than the ratio of inhabitants, who are under 18 years old (and, thus, are not voters), to the permanent population (see Table 1).<sup>3</sup>

- Table 1.



<sup>3</sup> This ratio is equal to about 77% and was calculated based on the numbers from the table on the distribution of the de-jure (permanent) population by age groups, which is taken from “The Demographic Handbook of Armenia, 2015” (see Table 2.6 at p. 45 of the Handbook at [http://armstat.am/file/article/demog\\_2015\\_2.pdf](http://armstat.am/file/article/demog_2015_2.pdf)). It should also be mentioned that the actual ratio of voters to the de-jure population is even less, than 77%, as a) not all inhabitants, who are above 18 years, have voting rights, and, b) more precise ratio could be derived, if there would be the size of the actual, rather, than de-jure (permanent) population, and that number is less, than the number of the de-jure population.

From the clarification of the mentioned department of Police the reason for such inflated ratio, is the fact that the department has no authority to take out from the voters lists the names of those voters, who, when emigrated from Armenia, did not follow the procedures of changing their addresses.<sup>4</sup> Hence, such people are still in the Population Register, based on which the voters lists are formed. In other words, the voters lists contain not only voters, who actually reside in the country, but also most of those, who already emigrated from the country.<sup>5</sup> As the previous electronic monitoring projects, conducted in 2012-2013 (see above), revealed, the same problem existed also during those elections. It is worth mentioning that while comparing the dynamics of the change of the population and numbers of voters from 2001-2003 to 2011-2012 (this comparison is available on the website – see Table 1), one can see that though, according to the 2001 and 2011 censuses, the permanent population of Armenia decreased 194,157 (3,213,011 in 2001 and 3,018,854 in 2011), the number of voters from 2003 to 2012 increased by 202,346 (from 2,322,614 at February 2003 presidential elections to 2,524,960 at May 2012 parliamentary elections). The same mutually excluding each other trends continued after 2012, as well. While the population was decreasing from 2012 to 2015, the number of voters for the same time increased (see Table 1 and Tables 2.a and 2.b below).

		2013		2015		Difference of the Numbers	
		Populaion	Number of Voters	Registered population as of 01/10/2015	Number of Voters in 2015 elections.am	Population	Voters
	Republic of Armeni	3017079	2510887	3004000	2566733	-13079	55846
1	Yerevan	1068306	814812	1076500	845885	8194	31073
2	Aragatsotn	132305	115281	129600	115383	-2705	102
3	Ararat	260787	211320	259400	217788	-1387	6468
4	Armavir	267187	224787	265600	229562	-1587	4775
5	Gegharkunik	234079	184599	231900	187876	-2179	3277
6	Lori	230760	237869	226200	238048	-4560	179
7	Kotayk	254997	232995	254700	235549	-297	2554
8	Shirak	248381	230583	243200	230558	-5181	-25
9	Syunik	141001	105754	139500	109448	-1501	3694
10	VayocDzor	51702	46712	51100	47149	-602	437

<sup>4</sup> Please see, for example, <http://www.police.am/news/view/%D5%B0%D5%BC14115.html>.

<sup>5</sup> It is not excluded also the presence of fictitious names, and the names of deceased, though, so far, because no systematic and regular checks of those lists have been carried out, there is no evidence of such presence.

1	Tavush	127574	106175	126300	109487	-1274	331
1							

Table 2.a

		Population 2011		Permanently registered population as of 01/10/2015	
		Permanently registered	Actual		
	Republic of Armenia	3018854	2871771	3004000	-14854
1	Yerevan	1060138	1054698	1076500	16362
2	Aragatsotn	132925	125539	129600	-3325
3	Ararat	260367	246880	259400	-967
4	Armavir	265770	256639	265600	-170
5	Gegharkunik	235075	211828	231900	-3175
6	Lori	235537	217103	226200	-9337
7	Kotayk	254397	245324	254700	303
8	Shirak	251941	233308	243200	-8741
9	Syunik	141771	119873	139500	-2271
10	VayocDzor	52324	47659	51100	-1224
11	Tavush	128609	112920	126300	-2309

Table 2.b

- The monitoring software enables also to have the population-voters numbers comparisons also by marzes, settlements, electoral districts and precincts. There are one marz and several settlements, where the number of voters is even more than, the permanent population. Those are Lori marz (248,974 voters as of December 4, 2015 and 226,200 permanent population as of October 1, 2015 or voters constitute 105.24% of the population), cities of Gyumri (125,695 voters as of December 4, 2015 and 117,700 permanent population as of October 1, 2015 or voters constitute 106.79% of the population), Vanadzor (96,656 voters as of December 4, 2015 and 82,400 permanent population as of October 1, 2015 or voters constitute 117.3% of the population) and others (Djermuk, Berd, Shamlugh, Agarak, Akhtala, Tashir, Spitak, Stepanavan, Alaverdi, Charentsavan, Hrazdan, Sevan, Gavar, Metcamor, Armavir, Artashat, Talin and Ashtarak).

- Another phenomenon, containing potential risks of violations, is the existence of thousands of addresses, in each of which too many voters are registered. In particular, there were 10,458 addresses, in each of which 10 or more voters were registered. Out of them, there were 13 addresses,

in each of which 100 or more voters were registered.<sup>6</sup> The software enables also to sort such addresses by marzes, settlements, electoral districts and precincts.

- According to the project findings, the number of voters with age 65 and more, according to the results of the monitoring, was equal to 370,278, whereas, according to the official statistical data from the Armenian National Statistical Service, by January 1, 2015, the number of permanent population of age 65 and above was 219,200 (see <http://armstat.am/file/doc/99493598.pdf>).
- Finally, it was revealed that 4,611 voters either did not have addresses or their addresses do not contain information about the number of the apartment or home, in which they were registered.

### **B. Duration(speed) of voting**

In 101 precincts (number of voters participated in those precincts was equal to 168,562) the duration of registration for voting at different time intervals did not exceed 44 seconds<sup>7</sup>, which is the minimum duration of the registration for voting. This duration was calculated using the timing tests carried out during 2012-2013 national elections by the electronic monitoring team members by themselves and based on the several videos of voting filmed by local observers<sup>8</sup> In 7 precincts (13,184 voters participated) this duration did not exceed 30 seconds. Such numbers point to the serious possibility of ballot stuffing.

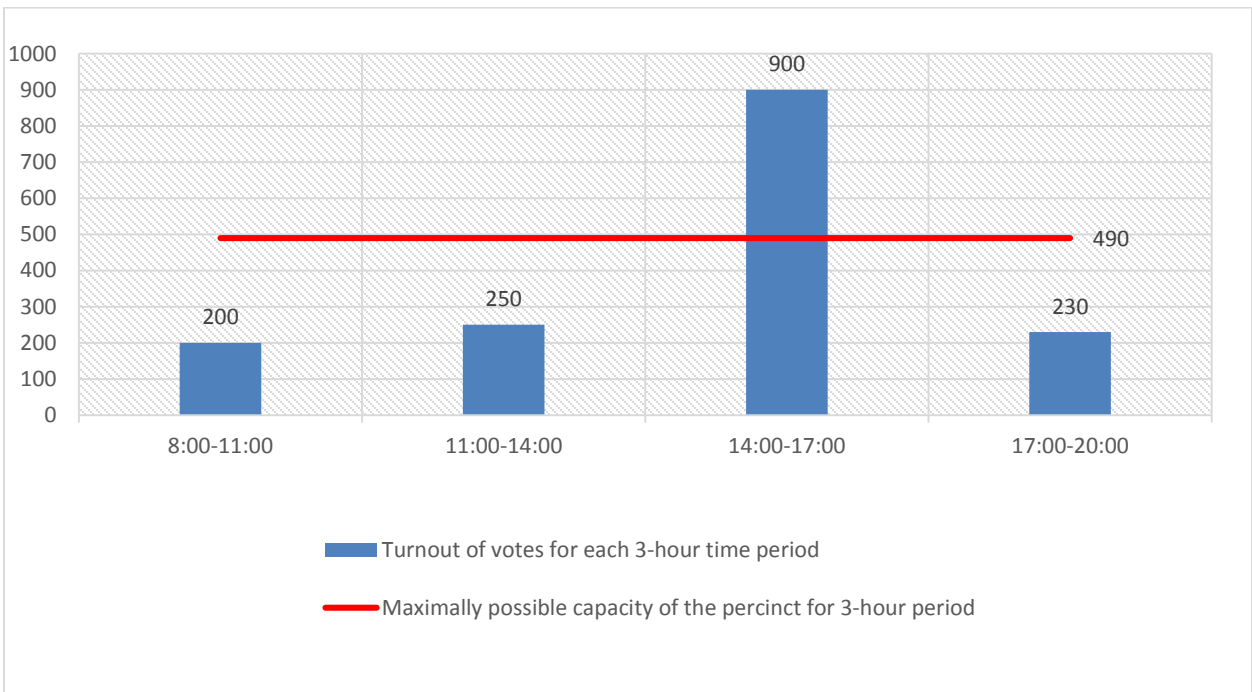
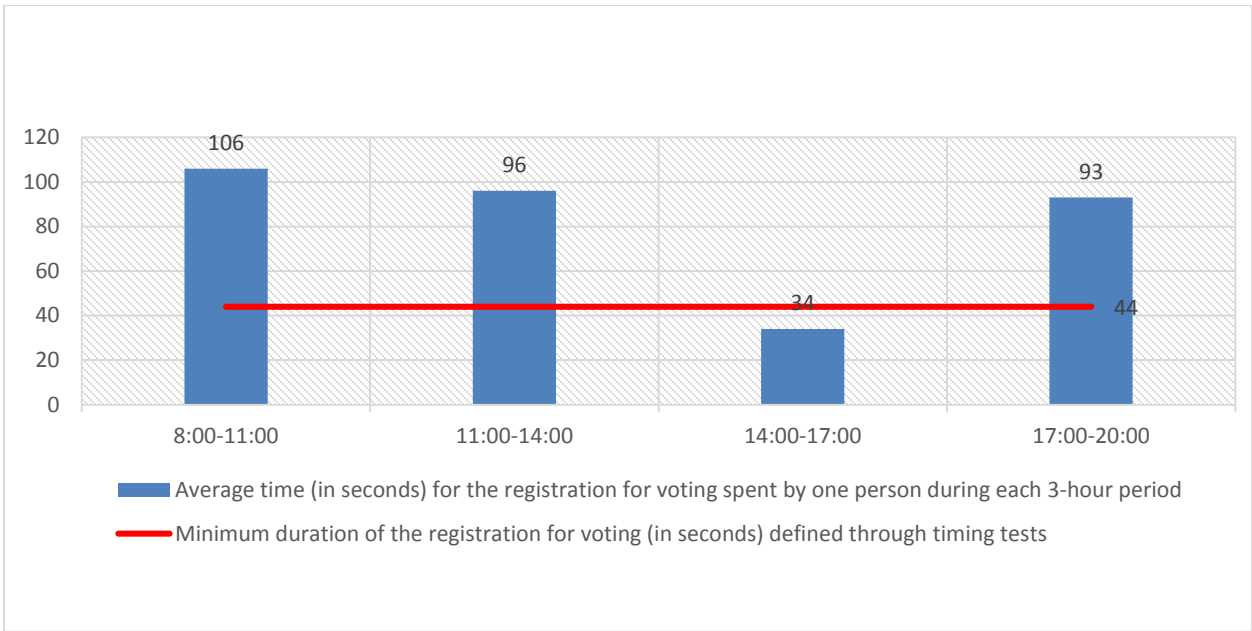
An example of such visualized analysis is brought on Figure 1 for precinct 18/27 (village of Aygavan, Ararat marz).

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<sup>6</sup> In its clarification issued on November 16, 2015 as a response to the author's press conference on the preliminary results of the project (see <http://www.police.am/news/view/uy161115.html>) the Passports and Visas Department of the Police of the Republic of Armenia showed that some of those addresses are addresses of elderly houses, dormitories or a number of homes having the same address. However, the clarification mentioned only a fraction of such addresses. Also, one should check not only those addresses, which were not mentioned in the official clarification, but also those mentioned there.

<sup>7</sup> According to Paragraph 10 of Article 6, during national elections (and according to the Law on Referendum this provision applies to the referenda, as well) on the voting day every 3 hours starting from noon (12:00) until 21:00 the Central Electoral Commission (in the case of referendum – Referendum Central Commission) shall publish the numbers of voters participated at the elections and then post it by those numbers precincts on its website ([www.elections.am](http://www.elections.am)). The duration of voting of one voter for the particular time interval is calculated by dividing the number of voters to the duration of the time interval (3 hours).

<sup>8</sup> See more about the calculation of voting duration in the TIAC publication on the results of the electronic monitoring at 2012 parliamentary, 2013 presidential and 2013 Yerevan Council elections at <http://transparency.am/en/publications/view/87> pp. 4 - 5 and 10-17.





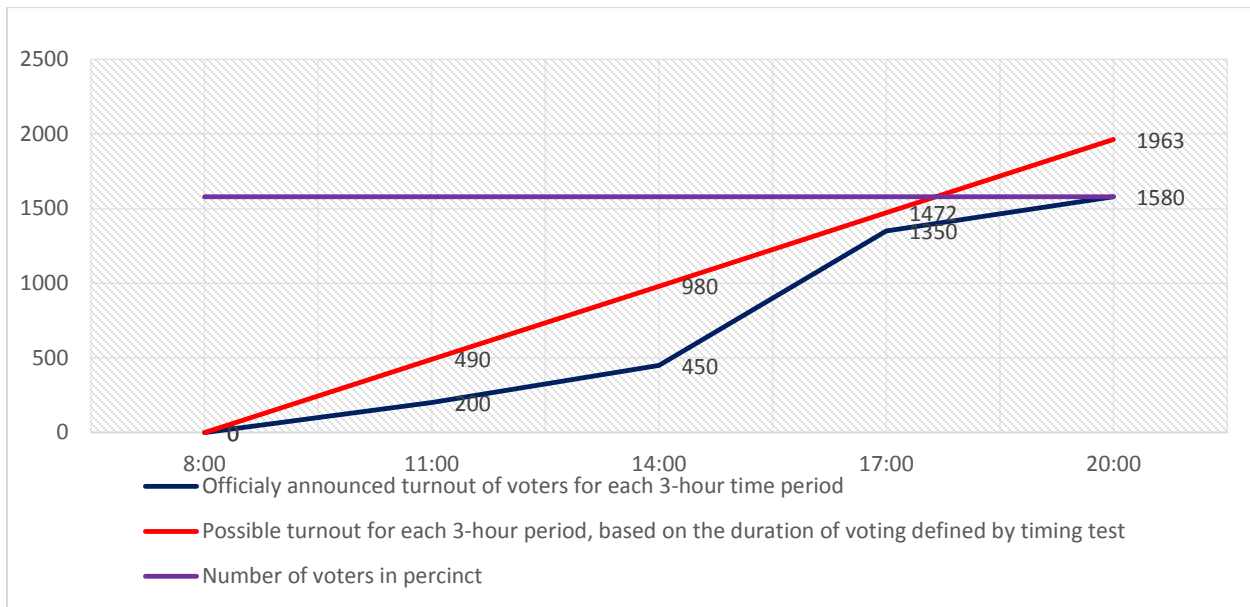


Figure 1.

Moreover, it was revealed that in 6 precincts the number of voters participated in the referendum by an earlier time was bigger, than at a later time (“negative” turnout). It is interesting to mention that in all 6 cases this situation occurred at the end of voting day (8pm), meaning that, according to official data, by 5pm the number of participants was bigger, than by 8pm. The voting numbers for those 6 precincts are brought in Table 3.

Marz	Precinct	N of voters	Turnout, %	Participation 8:00 11:00	Participation 11:00 14:00	Participation 14:00 -17:00	Participation 17:00–20:00
Yerevan	01/22	1813	35.02	116	263	266	-10
Yerevan	11/07	1973	37.52	150	311	341	-62
Yerevan	12/11	1597	34.31	60	150	440	-102
Aragatcotn	14/05	1909	34.21	71	310	299	-27
Kotayq	25/34	734	70.51	100	280	375	-21
Shirak	36/29	412	74.10	38	183	242	-51

Table 3.

Among possible explanations of such “negative” participation could be the fact that the precinct electoral commission, in order to get the desired result, took out ballots with “No” vote, and by that decreased both the number of participants and number of voters, who voted against the proposed constitutional changes.

Thus, in many precincts there were officially recorded such levels of turnout during different 3-hour time intervals that brought to almost or absolutely unbelievable quick voting. Such levels of turnout are both theoretically and practically exceeding the physical capacities of the polling stations. In the most of such precincts the outcome of the voting was in favor of “Yes”.

**C. Results of voting**

- The major finding related to the voting results was the existence of positive correlation between the turnout and outcome of the voting. More precisely, it was revealed that the more was the turnout, the more was the percentage of “Yes” votes (see Tables 4 ).

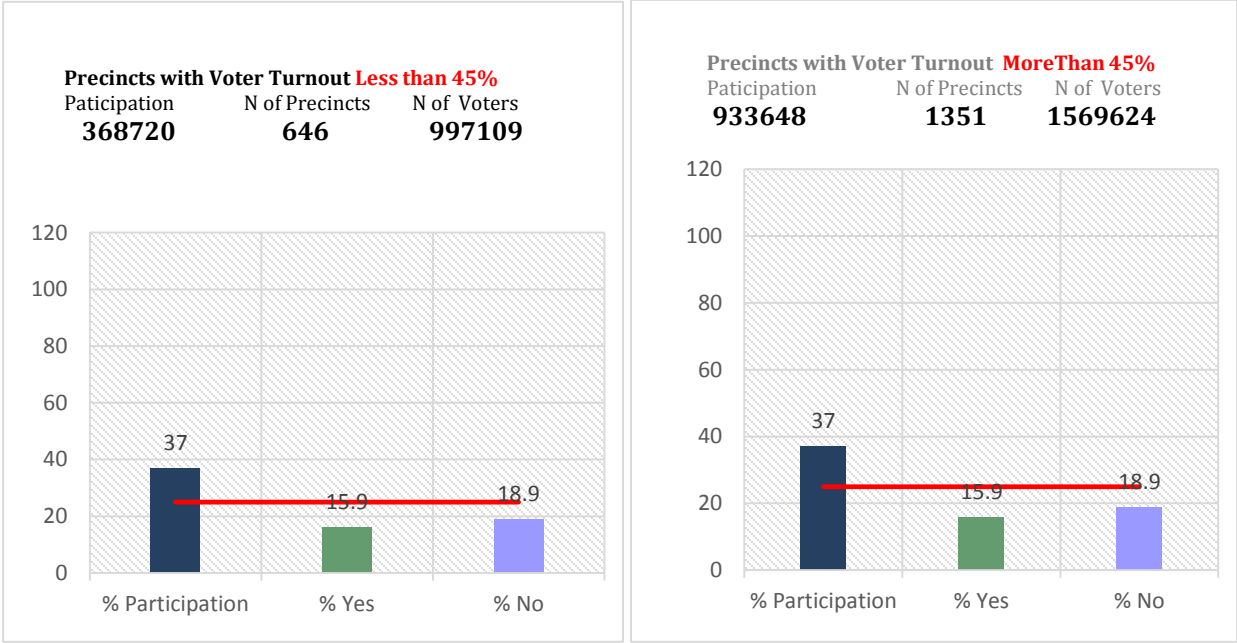


Table 4.a

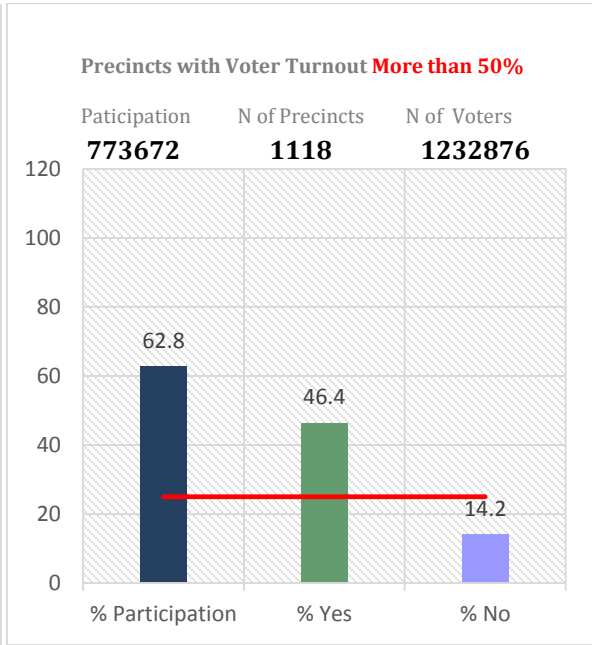
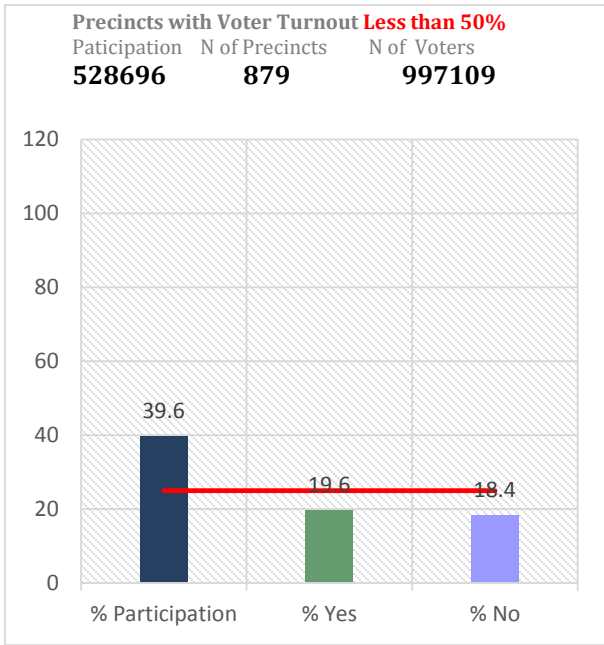


Table 4.b

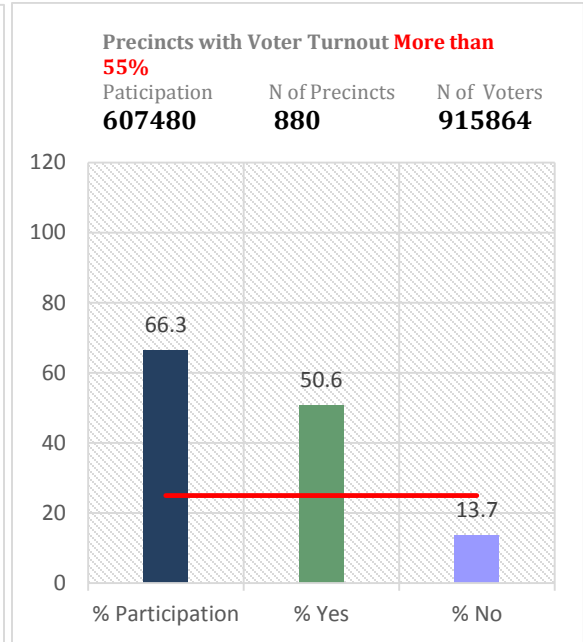
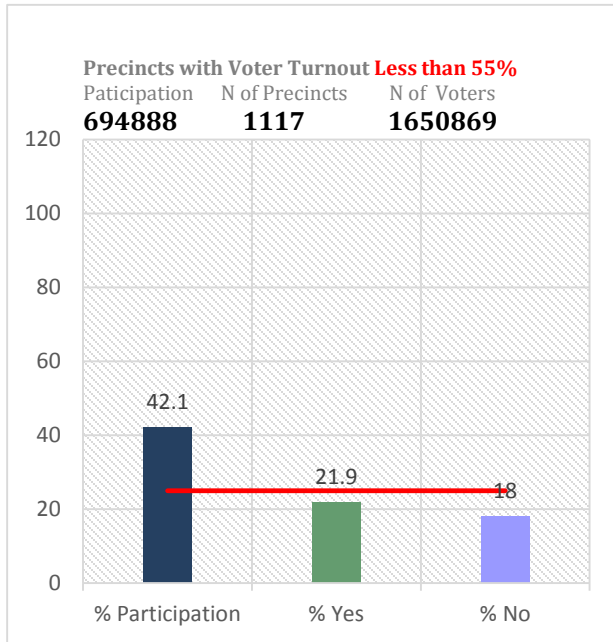


Table 4.c

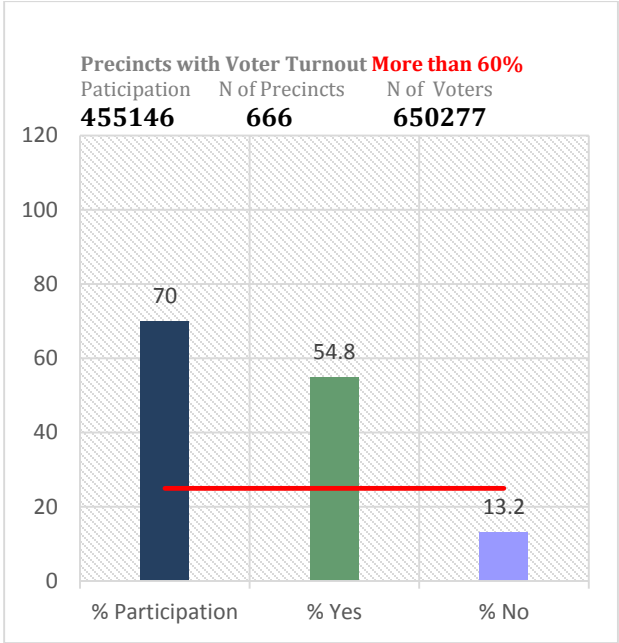
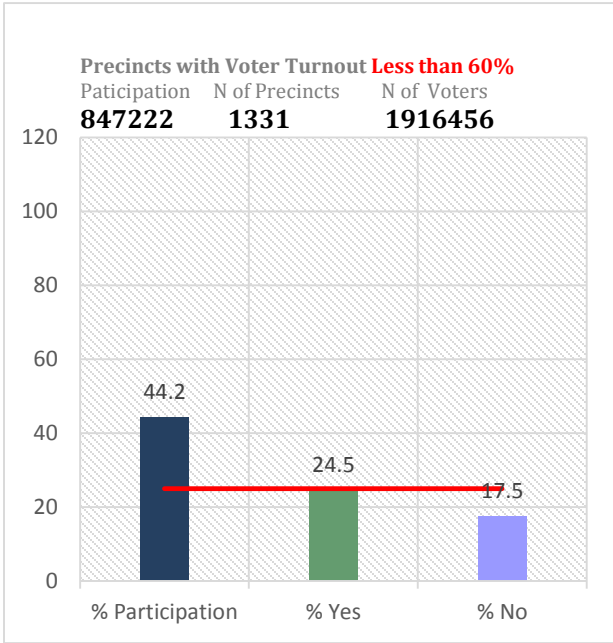


Table 4.d

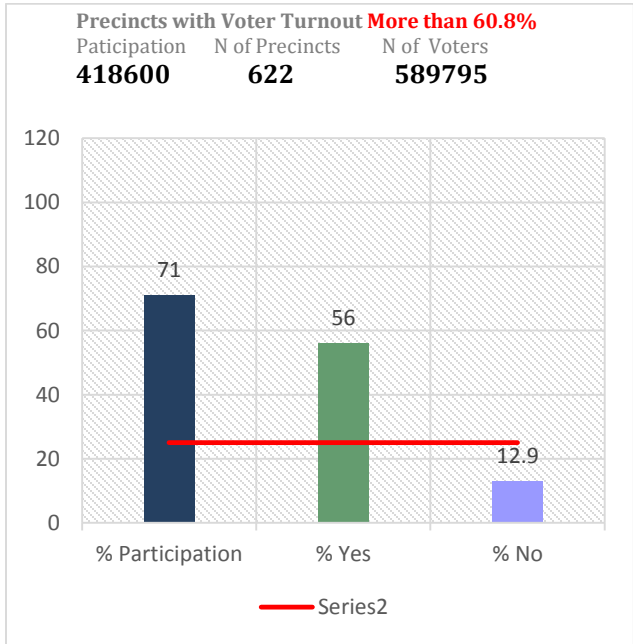
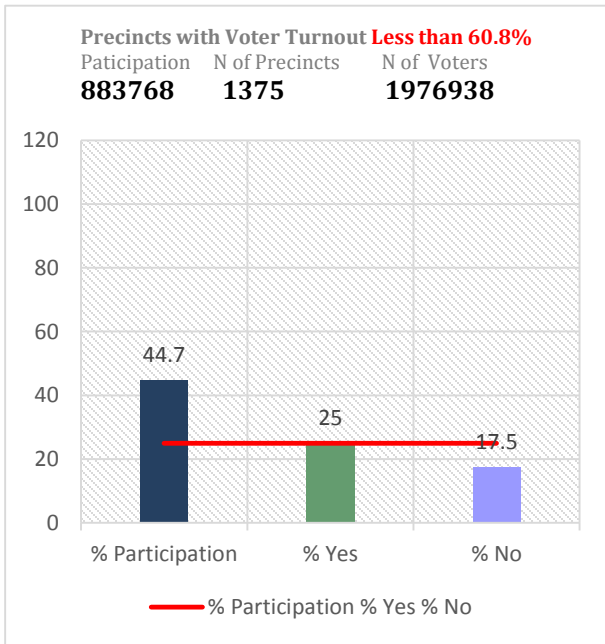


Table 4.e

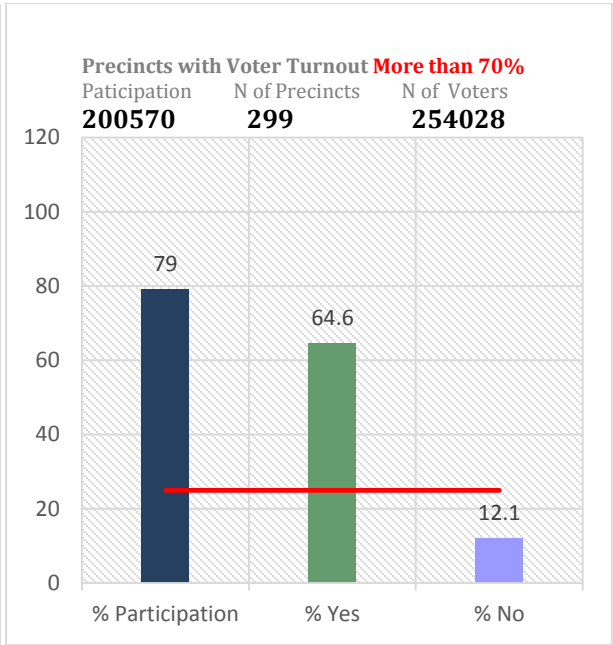
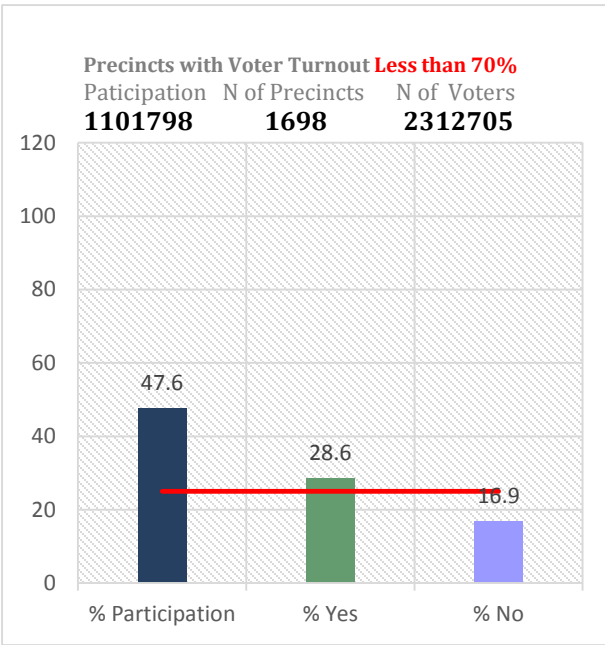


Table 4.f

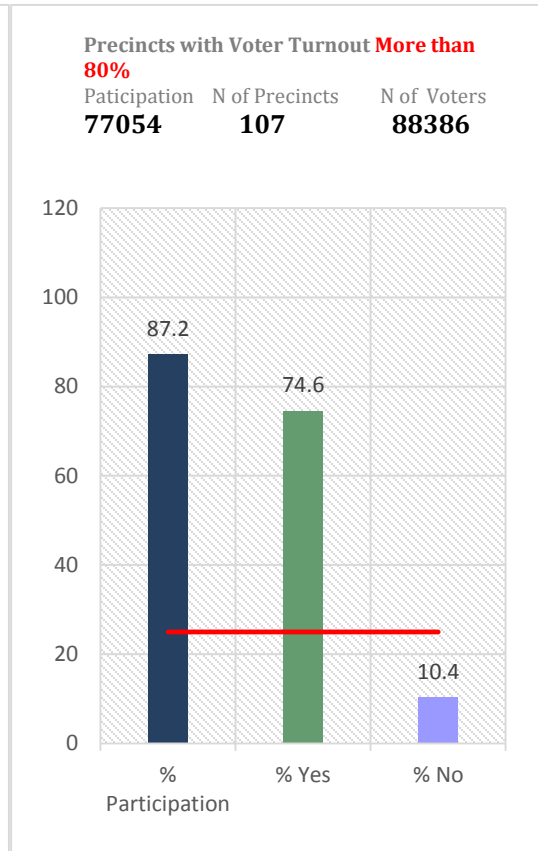
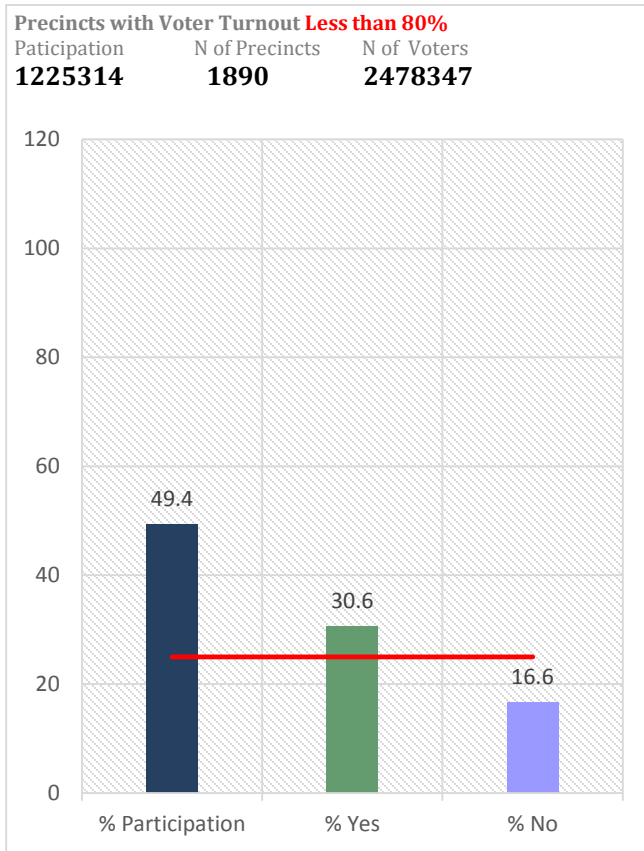


Table 4.g

- In particular, if one takes only the precincts, where the turnout didn't exceed 40% (there were 418 such precincts with 644,220 registered voters), then "Yes" vote received 13.3%, and "No" – 18.6% of the votes from the total number of voters, registered in those precincts.<sup>9</sup>In the case of 45% turnout (646 precincts with 997,109 registered voters) the number of votes casted for "Yes" and "No" were 15.9% and 18.9%, respectively. When one takes only precincts with up to 50% turnout (879 precincts with 1,333,857 registered voters), then "Yes" received 19.0% and "No" – 18.4% of votes. In the case of 55% turnout (1,117 precincts with 1,650,869 registered voters), the distribution of "Yes" and "No" votes was 21.9% and 18%, respectively. Even under 60% turnout (1,331 precincts with 1,916,456 registered voters), "Yes" received 24.5% of votes (lower, than 25% needed for the project to be passed). The mentioned 25% threshold for "Yes" votes was achieved under 60.8% turnout and this positive correlation between the turnout and number of "Yes" votes persisted further. According to the official results of the referendum, the turnout was about 50.7%. 32.2% from the total number of voters (or 63.5% from the number of participants) voted for "Yes" and 16.4% -for "No" (or 32.3% from the number of participants).The remaining 2.1% of votes (from the total number of voters) were declared invalid. As the analysis of the results of "clean" elections in different countries in the world shows, the distribution of turnout and outcomes per precincts should generally have the shape of bell curve centered on the mentioned above numbers. This means that the number of precincts with very high or very low turnout or with very high or very low number of "Yes" or "No" votes should be negligible.

Using the electronic monitoring, it became possible to find out precincts with "abnormal" numbers.<sup>10</sup> In particular, there were 666 precincts with more, than 60% turnout. In 299 precincts the turnout exceeded 70%. In 525 out of 666 precincts with more, than 60% turnout, "Yes" received 70% or more, and only in 9 precincts with more, than 60% turnout, more, than 50% of participants voted for "No" (in the remaining 132 precincts "Yes" won, but with less, than 70% votes). The contrast was even more vivid, when precincts with more, than 70% of turnout were discussed. Here only in 4 out of 299 precincts "No" won. In the remaining 295 precincts "Yes" won with big margin. In 510 precincts "Yes" received more, than 80% of votes and, among them, in 178 precincts "Yes" received more, than 90% of votes. Finally, there were 9 villages with 100% "Yes" vote. These villages were Miraq, Sadunc, Dian, Sorik and Otevan from Aragatcotnmarz, Vardashat (Ararat marz), and Kashuni, Gudemnis and Tanahat from Syunikmarz. If taken by settlements (towns, villages and administrative districts of Yerevan), then the turnout was more, than 60% in 444 (out of 924) settlements. According to official data, in 360 out of those 444 settlements more, than 70% of the participants voted "Yes", and only in 7 villages more than half of the voters cast their votes for "No". In 200 settlements the turnout was more, than 70% and only in 3 of them more, than half of the voters voted for "No". As of marzes and Yerevan, the turnout exceeded 60% only in Ararat (66.5%) and Syunik (61.1%) marzes. At the same time, in a

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<sup>9</sup> According to Paragraph 2 of Article 35 of the Law on Referendum, the proposed project put on the referendum is considered as passed, if more, than 50% of the voters, who participated at the referendum, voted for that project, provided that their number exceeded 25% of the total number of voters.

<sup>10</sup> The mentioned numbers of turnout and outcomes were taken as reference numbers, though, as many observers and analysts argue, both the numbers of turnout and "Yes" votes were exaggerated.

number of marzes more, than 70% of voters, according to official data, voted for “Yes”. Those are Gegharkunik (76.6%), Armavir (72.9%), Syunik (71.6%), Vayots Dzor (78.5%) and, Ararat (77.9%) marzes. It is interesting to mention that though the official data show that “Yes” vote prevailed over “No” vote in all marzes and Yerevan, in Shirak marz and Yerevan the percentage of “Yes” votes to the total number of voters (21.5% and 24.5%, respectively) was less, than 25%, meaning that the referendum failed in those territories (see Footnote 12 for more details).

There were also interesting cases, when the results of two or more precincts located in the same building (usually schools or kindergartens) were different (see [http://elections.transparency.am/2015/index.php?am\\_precincts-repeated-address,55](http://elections.transparency.am/2015/index.php?am_precincts-repeated-address,55)).<sup>11</sup>In total, during the referendum there were 289 precincts located in the same buildings (2-3 precincts in one building). Among the 38 pairs and triplets, when the precincts located in the same building had opposite outcomes (“Yes” won in one precinct, and “No” – in the other(s)) were 01/03 and 01/04 (school N87), 03/01 and 03/02 (kindergarten N161), 04/11 and 04/12 (school N128), 04/13 and 04/14 (school N151), 04/25 and 04/26 (kindergarten N26) and others. Such picture casts serious and legitimate doubts that in the precincts, where the “Yes” vote won with overwhelming majority, ballot stuffing or “sorting” (when ballot papers with “No” votes were put in the pile of “Yes” ballot papers) took place.

- According to the Article 72 of the Electoral Code inaccuracies are a) difference between the total number of ballot papers allocated to the precinct and the sum of unused ballot papers and valid and invalid ballot papers in the ballot box; b) difference between the number of ballot papers in the ballot box and the number of signatures in the voting lists; and c) difference of the number of envelopes in the ballot box and the sum of valid and invalid ballot papers in the ballot box. In addition to these three types of inaccuracies defined by the Electoral Code, there are two additional types of inaccuracies, which are also important, but they are not defined by the Electoral Code. Those are a) difference between the number of ballot papers allocated to the precinct and sum of the unused ballot papers and signatures in the voters lists; and b) difference between the number of the signatures in the voters lists and number of envelopes in the ballot box. Existence of such inaccuracies could point to possible violations during the voting process or vote counting. Voting number inconsistencies (inaccuracies) were detected in 614 precincts, with 931,092 voters, out of which 449,250 voted (see [http://elections.transparency.am/2015/index.php?am\\_vote-error,34](http://elections.transparency.am/2015/index.php?am_vote-error,34)). In 250 out of those 614 precincts the turnout was more, than 70% and in average 82% of the voters, who participated in the referendum, voted “Yes” in those precincts. The biggest total number of inaccuracies was detected in 6/24 precinct, where after the vote counting it appeared that the number of ballot papers allocated to that precinct was by 96 more, than the sum of unused, valid and invalid ballot papers.

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<sup>11</sup> The voters of such pairs or triplets of precincts are from the same neighborhood and it is expected that they have population with almost identical socio-economic characteristics and voting behavior. This should mean that the outcomes of voting in such precincts should differ very little from each other.

## CONCLUSIONS AND RECOMMENDATIONS

Similar to all previous elections and referenda conducted since 1995, this referendum, electoral processes still remain marred with fraud and falsification. The major problems and risks, which were revealed as a result of electronic monitoring of voting numbers at 2012-2013 elections persisted also at the December 6, 2015 constitutional referendum. Among them

- inflated voters lists, as a result of which existence of a large number of addresses with unusually large numbers of voters in each of them (10 or more voters),
- unbelievably quick voting in many precincts during certain time intervals on the voting day and as a consequence – inflated levels of turnout, exceeding the physical capacity of the polling station,
- existence of a direct correlation between the turnout and outcome of the voting, when the more was turnout, the more was the number of voters, voted for “Yes”,
- existence of pairs and triplets of precincts located in the same polling station with opposite outcomes, i.e. when in one precinct the “No” outcome prevailed, whereas in the other(s) – “Yes” outcome.
- large scale of inaccuracies of voting numbers, which point to ballot stuffing, taking the ballot paper out of precinct for “carousele” voting, etc.

The current electoral legislation still has loopholes for committing fraud and falsifications in the electoral processes. It still lacks effective mechanisms to prevent such malpractices. As a result, the electoral legislation contains such legal provisions, which could be used to legitimize the results of unfair and fraudulent elections. One such example of legitimizing indirectly fraud and falsifications during the Election Day is the absence of any legal consequences in the case, when voting numbers inaccuracies occur (see the discussion on the voting number inaccuracies above). Though the Electoral Code (see Article 72) clearly defines the procedure and methods of calculation of the inaccuracies, it does not contain any provisions on legal implications stemming from those inaccuracies. At the same time, occurrence of inaccuracies, as the practice of Armenian elections, as well as elections in other countries show, points to risks of fraud, such as ballot stuffing, ballot sorting, “carousele”, etc.

Thus, the electoral legislation should be improved in such a way that it would be excluded

- existence of inflated voters lists,



- multiple voting and voting instead of other voters,
- discretionary behavior during vote counting,
- limitations over public oversight and observation of the electoral processes,
- practice of ignoring the scale of voting numbers inaccuracies.

At the same time, it is obvious that even a perfect electoral legislation cannot prevent fraud and violations, if there is apathy, fear, lack of trust and disappointment in society and/or the authorities have no political will to conduct free and fair elections. However, it is also true that the better is the legislation, less will be the possibilities to commit fraud and falsifications.

One way of, at least, decreasing the scale of fraud and irregularities during the electoral processes, is to switch to the mixed paper-electronic method of voting with the use of voting machines, which would exclude multiple voting, possibilities to interfere into voting processes or changing the voting results in the protocols.

In any case, only genuine political will on the side of authorities and more active civic position of the citizens would make possible conduct of free and fair elections in the future in Armenia.