



## **It's Your Choice (IYC) NGO Preliminary Statement**

*May 8, 2012*

### **On the results of IYC's monitoring mission during the RA National Assembly elections of May 6, 2012**

#### **Introduction**

4000 volunteers of It's Your Choice NGO monitored the RA National Assembly elections in all 1975 polling-stations of the Republic. On the Election Day IYC observed the activities of the Election Commissions, the legality of voting and ballot counting processes, atmosphere inside polling stations, and protection of voters' right to freely express their will.

On the Election Day of the RA National Assembly It's Your Choice recorded peaceful and balanced atmosphere, proper election procedures were mainly followed.

In a majority of the polling stations observed, voters had an opportunity to express their free will through voting. Election Commission members, proxies and observers mainly performed their duties prescribed by the law. The prevailing majority of Precinct Election Commissions held sessions stipulated by the law and opened the polling stations on time. In polling stations the voting proceeded in an open, free and transparent manner. Not only our observers' reports but also party poll-watchers' and election commission members' opinions testify to that. No significant violations were registered during vote counting.

On the Election Day It's Your Choice recorded certain progress compared with previous elections and emphasized that the atmosphere was generally quiet and balanced and the rules of civilized competition were mainly preserved.

In parallel with the recorded progress mentioned, IYC observed a series of inaccuracies and violations in some polling stations, such as disappearing ink, campaigning outside polling stations, the so called "charity acts", presence of unknown or unauthorized people in polling stations, cases of pressure or attempted pressure on the free will of voters, certain organizational inaccuracies related to voting and ballot counting, some crowded conditions in precincts and some minor scuffles.

Criminal cases were filed as regards to some of the above mentioned electoral violations.

During the pre-election and campaign period IYC recorded unprecedented progress in comparison with the previous elections, although we have voiced several concerns regarding charity acts on behalf of the political parties or party-affiliated charitable organizations, inaccuracies in voter lists, specific cases of campaign impediment, violations of the rules of placement of campaign materials etc.

We would like to avoid stereotyped formulations such as free, fair, transparent or democratic as descriptions that are often used to while assessing elections.

According to IYC, although the pre-election campaign and voting procedures are far from being perfect under the above-mentioned circumstances, they may be described as a dynamic process that brought certain progress.

We are optimistic and do believe that if the government consistently demonstrates political will and address our concerns, as well as the concerns of other domestic and international observers and party proxies, our nation and political parties will have a sufficient potential to record more essential progress during the upcoming presidential elections. This may be conducive to the democratic processes in our country and raise the international reputation of Armenia.

### **Fading Stamp in Voter Passports**

According to the new Election Code the member of Precinct Election Commission allows the voter to cast their ballot after checking whether it is stamped or not. According to provision 5, article 66 of the Election Code the Election Commissions are provided with certain type of substance which should remain visible for 12 hours and then fade. Absence of stamps in voters' passports makes double and multiple voting possible.

Special ink for stamping voters' passports, which should have been visible for 12 hours, faded within 1-2 hours after voting. After this became known, CEC chairman gave respective instructions. CEC provided new ink to select polling stations. However not all the dubious polling stations were provided with ink. Although according to the Election Code proxies are granted with vast liabilities such as sitting besides the commission member responsible for voter lists and following the voting process to safeguard against double voting. Despite this fact the fading ink caused a lot of concerns among the voters, proxies and parties.

We want to believe that this was nothing more than a technical issue. Meanwhile, we voice a concern that this widespread phenomenon in polling stations may affect adversely on voters, disappoint them and question the fairness of election processes (see Appendix 1).

### **Violation of Voting and Vote Counting Procedures**

Various inaccuracies were registered in voting and vote counting procedures which may mainly be attributed to PEC members' insufficient knowledge of Election Code or to their arbitrary decisions. According to the assessment of IYC, violations of voting and vote counting procedures were not widespread in character and could not have a significant impact on election results, although these cases are worrisome and may have certain impact in select polling stations. For example,

In polling station 5/35, from the start of voting till 9.50 a.m., the Election Commission member responsible for stamping the envelopes and ballot box, instead of stamping the voters' envelopes with red ink used the stamp of the Commission to stamp the passports. Over 120 voters have already voted in this particular polling station till 9.50 a.m., and, in fact, their voting results were considered invalid by the PEC.

- In polling stations 6/17 of Ajapnyak community, at 8 a.m. the PEC member demonstratively stamped the envelopes, however he didn't open the lid of the stamp, and simply pretended that he was putting stamps. Thus, the envelopes of 8 voters were thrown into the ballot box without being stamped. Only the 9<sup>th</sup> voter noticed that the envelope was not being stamped. During the vote count these unstamped envelopes were considered invalid by the PEC according to the law.

### **Pressure on Free Will of Voters**

On the E-Day IYC monitors reported select cases of crowded conditions outside polling stations. These groups campaigned in favor of this or that candidate or political party. Also some other groups outside the polling stations explained this as their own initiative to keep track of voter turnout.

One of the cases of the attempted pressure on the free will of voters is as follows:

- In polling station 38/40 in Nerqin Hand community of Syunik marz the military personnel voted in presence of their commander who was sitting next to the TEC president for an extended period of time. From the very beginning of voting of military personnel, from 9.30 a.m. till approximately 6 p.m. the

commander controlled the voting of soldiers under his command which according to IYC is an illegal pressure on voters' free will. The TEC president did not take any measures to dismiss unauthorized person from the polling station. Complaints of proxies, including Prosperous Armenia proxy were not registered in TEC register (see Appendix 3).

### **Violation of Electoral Code**

As a result of the alert calls received by the Police on the Election Day three criminal cases were filed: two cases for attempted pressure on the free will of voters and one for exercising mild physical harm to a police officer.

27 calls were received through the Police hot line about the election process concerning crowded conditions outside polling stations, lack of ballots, impediment of activities of media representatives, attempt of double voting, election bribe, absence of passport data of citizens in voter lists, campaigning outside polling stations and other violations. Necessary measures were taken to verify the accuracy of the received information.

Armen Matevosyan was seized by the Police from the polling station 4/27 (Arabkir, Yerevan). The latter was suspected of distributing election bribes in favor of PAP. The Police had also identified a notepad with voter names as well as 380.000 AMD in cash in a satchel and around 127.000 AMD in his pocket. The identified evidence was sent to the Special Investigation Department which is in charge of investigating criminal cases with the nature of election bribery. Currently, the Special Investigation Department prepares materials for Matevosyan's case.

In Special Investigation Department charges are being prepared for the attempts to distribute election bribes. An RA citizen, whose name is not publicized, testified that he was offered an election bribe by the head of PAP headquarters of the given region to vote for the PAP representative Lyova Khachatryan.

We also observed and reported charity acts or election bribes during pre-election campaign which create unequal conditions for candidates and political parties.

### **Cases and Attempts of Illegal Voting**

IYC observed cases of illegal voting and the breaching of voter confidentiality, multiple voting and voting instead of other citizens. IYC considers the cases of illegal voting as an election violation, which undermine the voters' trust towards the electoral processes.

Here are the main recorded election violations:

#### *Voting instead of other Citizen*

- In the precinct 13/03 a case was observed that 7 RA citizens who were out of the country for a long time, but were in the country on the election day noticed unknown signatures next to their names in the voter lists. This fact identifies an example of voting instead of other citizens.

#### *Double Voting*

- In the precinct 13/24 of Erebuni a case of double voting was attempted. The voter entered the precinct, showed his passport and voted. Later on the same person returned to the precinct with a certificate issued by the Court and attempted to vote again. The voter was given a ballot; however he did not manage to vote, as the incident was observed and reported. The illegal voting was prevented by the authorized people in the PEC (see Appendix 4).

## **Cases of Right Violations of the Proxies and Media Representatives**

As we have already mentioned, in comparison with previous elections the cases of the rights violations of the proxies and media representatives was observed to a minimal extent. Recorded cases can be described as exceptions. However, those cases require proper legal assessment.

The recorded cases are listed below:

- In the precinct 34/25 the reporter from Kentron TV channel has his video camera taken away. The reporter was also kicked out of the precinct. Provision 12 of the EC Article 6 was breached. The cited provision defines the right to video recording of the entire voting process (see Appendix 5).

### **People Involved in the Electoral Processes Abuse their Rights**

There are many cases when people involved in the electoral process, particularly the proxies, abused their rights. This caused arguments and scuffles in the polling stations, and the working process of the election commissions was temporarily interrupted. Those cases either mean that the proxies of some political parties do not have sufficient knowledge about their rights and duties, or are not properly prepared.

Here are the recorded cases:

- In the precinct 3/08 in Kanaker-Zeytun district, at around 10:30 the proxy appointed by Prosperous Armenia reacted negatively to the arrival of the second proxy of the Republican Party, which resulted in a scuffle. The PA proxy Suren Mktrchyan confronted the PEC members and threatened the female observers of the domestic monitoring organization that they will lose their jobs. He also announced that everything should go as per his wish. The identified proxy continuously created disturbances and impeded the efficient electoral working process of the PEC.
- A proxy from Prosperous Armenia proceeded to give ballots to the voters instead of the commission member in the precinct 5/24. The CEC representative who came to the precinct after receiving the alarm call, asked the proxy to leave the precinct (see the Appendix 6).

### **Inconveniencies of the Precinct Centers and the Voting Rooms for the Voting Process and Observation**

According to IYC observations in the polling stations, the voting rooms were inconvenient, narrow, insufficiently illuminated. This caused overcrowdings, and in some cases interfered with the ability to observe the voting process (see Appendix 7).

### **Recommendations**

- To use one color stamp in the next elections.
- To clearly define, stipulate and specify in legal terms, the prohibited acts of campaigning outside precincts on election day.
- To stipulate precise legal terms and definitions that will prohibit political parties or party-affiliated charitable organizations from providing charity benefits in any variation to voters.
- To clearly define the legality of voters' transportation in and out of the polling stations by buses and other means of transportation provided by the candidates or political parties on the election day.
- The authorized bodies must investigate and determine the legality of election-related breaches and violations.
- To raise the qualification level of the precinct election commissions.

- To instruct the authorized bodies to abide by the legislative requirements regarding the proper location of the polling stations in the next elections.
- To follow the recommendations of the IYC to amend the Electoral Code, which would require the CEC to publish the voting results precinct by precinct. This will increase the trust towards the electoral processes of the voters, political parties and candidates.
- To restore the legislative requirement that observers, should not bear responsibility for expressing his/her opinion about the conduct or the outcome of the elections.

**The Appendix provides detailed examples of problems and violations identified by IYC monitors which support the above mentioned issues and recommendations for action to improve future elections**

***Appendix 1. Problems with the Ink for Stamping the Voters' Passports***

Alarm calls were received from various precincts of Yerevan (precinct 7/03, 7/02, 8/19, 1/15, etc. of Avan, Kentron, Malatia-Senasyia, Ajapnyak, Arabkir administrative districts) as well as from Syunik, Tavush, Gegharkunik regions stating that there were problems with fading ink from voters' passports which was a safeguard against possible multiple voting. Alarm calls were made by the IYC observers.

- In the precinct 6/20 the voter having voted once, returned to the precinct and stated that the ink in his passport faded. The PEC refused to report to the senior commission to change the ink of the stamp.

***Appendix 2. Breaching of the Voting and Counting Process***

- The PEC of the precinct 8/23, prior to the voting developed a protocol about the ink of the PEC, and put the ink in the fire-resistant wardrobe instead of giving that to the relevant PEC member. In the precinct 8/23 the ballot envelopes have been stamped by the personal stamp of the PEC member till 12:20, because of his unawareness of law. In the mean time 438 citizens have managed to vote. After recording the fact a protocol has been made. A scuffle occurred about this case and the TEC representatives arrived to the polling station. The right to decide the envelope validity was left on the PEC members. The PEC decided to consider those envelopes valid during the vote counting by only stating about the PEC member's carelessness. In fact, the envelopes which were not legally designed as per the RA EC were considered to be legally designed.
- In the polling stations 41/07, 41/20 the ballot boxes have not been stamped. In response to the note directed to the PEC, the PEC members replied that the boxes had already been closed and that was considered sufficient. Thus, the PEC rudely violated the provision 2 of article 32 of the Electoral Code, according to which the TEC is obliged to close and stamp the ballot box.
- In the precinct 40/05 of Tavush, because of the faded ink in the passports, it was decided to stamp the passports with a usual permanent ink.
- In the precinct 10/23 the stamp was so wet that it was impossible to use. A protocol was developed based on the fact.
- In the polling stations 8/22, 8/23 of Malatia-Sebastia the examples of final protocols of the voting results have not been posted after the vote counting.
- The PEC 8/22 of Malatia-Sebastia during the wrap-up of the voting results found 7 missing ballots. In order to match the figure of the voters and initially counted ballots, the commission has loudly discussed a possible solution of not considering the votes of some of the candidates. The presence of international and domestic monitors prevented the commission members to act in such an illegal way. In the result of double counting, however, the figure of the voters and initially counted ballots matched.

***Appendix 3. Illegal Impact on Voters' Free Will***

- In the polling station 41/16 unauthorized people have accompanied voters to voting booths many times and attempted to influence them who to vote for. This is the violation of the 4<sup>th</sup> provision of the article 65 of the RA Electoral Code. Citizens, who are unable to mark the ballots on their own, have the right to invite another person into the voting booth; the latter may do this only for a single time. Later the situation improved by the Central Electoral Commission.

- In the polling station 5/29 unauthorized people had been accompanying voters and helping them to vote for almost two hours. The situation improved after the RA police had interfered.

- Outside the polling station 38/06 unauthorized people had the voting lists with them and tracked down the voters entering the polling station.
- Outside the polling station 38/04 unauthorized people tracked down and registered the voters who entered the polling station.
- In the polling station 7/29 the voter accompanied her father-in-law to the voting booth and openly hinted whom to vote for. This incident was reported by proxies and prevented.
- More than 15 voters had crowded in the polling station 1/17 of Avan for quite a long time. This happened for two times during the Election Day. The situation improved after the police had interfered.

#### Overcrowding outside the polling stations

- Starting from 8 a.m. the area up to a radius of 50 metres around the polling station 9/31 was crowded and full of cars. However, it is prohibited by the 4th provision of article 21 of the Electoral Code.
- 10-12 voters were brought to the polling station 4/22 by a taxi with 32-07 S license plate. Entering the voting room they inquired about the address of the polling station 4/26.
- Voters were continuously brought by car to the polling stations 6/34, 6/35 of Achapnyak community. Unauthorized people accompanied them and influenced them who to vote for.

#### Pressure on voters' free will

- In the polling station 7/29 the instance was noted when the voter videotaped the ballot. The PEC required the voter to delete the photo. This incident is considered an attempt to violate the secrecy of the vote.

#### Illegal campaigning on the Election Day

- Voters and unauthorized people continuously created crowds in the polling station 1/34 of Nor Nork. Prosperous Armenia party representatives were openly campaigning and loudly chanting the name of the party in the area up to a radius of 50 metres around the polling station.

#### Presence of campaign materials inside polling stations

- The voter entered the polling station 12/21 of Shengavit community with RPA campaign materials (a brochure). The ANC representative made a big stink about it. The PEC developed a protocol on this incident.

### ***Appendix 4. Attempts and Cases and of Illegal Voting***

#### Violation of the secrecy of the vote

- In the polling station 2/08 group voting was reported (two people in the same voting booth)
- In the polling station 3/23 located in school # 147 voting booths were placed at a too close distance from each other (less than 1 meter) and the voting process was easily observed. To IYC observer's remark in regards to this fact the PEC chairman replied that there was no other option because of inconvenience of polling stations. However, according to IYC observer, the voting booths could have been located at the sufficient distance from each other and the Electoral Code could have been followed.
- Inside and outside the polling stations 41/23, 41/03 of Tavush region overcrowding was observed for a long time. The secrecy of the voting was not always ensured as because of overcrowdings the voting process in the voting booths was easily observed.

### Voting instead of others

- In the polling station 4/20 the voter found unknown signature in the voter list in front of his name. This testifies to voting instead of others.
- In the polling station 4/33 the voter found unknown signature in front of his name. The PEC registered this voter's name in the additional voter list without any correspondent documents. The PEC made arbitrary decision and did not follow the Electoral Code (in this case there was no any legal reason to include the voter's name in the additional list).
- In the polling station 1/16 of Avan the voter Lazri Gevorgyan found an unknown signature in front of his name. The PEC revealed the circumstances and alleged that voter Djulik Azatyan signed in front of his name. According to PEC, misunderstanding had taken place; Gevorgyan was allowed to vote.
- In the polling station 6/17 of Achapnyak community voter Gayane Sargsyan (171 Bashindjaghyan str., apt 55) found unauthorized signature in front of her name (at 9:20p.m.) PEC representative, member of Legal State party Knarik Gevorgyan who was responsible for the voter lists, stated that it happened as she had been inattentive; another voter Gayane had voted before and her name was written in the line below. Based on this fact the PEC allowed G. Sargsyan to vote. The proxies had directly participated in decision-making. However, it is not stipulated by the law.

### Other cases

- In the polling station 2/33 during ballot counting 55 ballots were found with similar incomprehensible ticks. Based on it the PEC considered these ballots invalid.

### ***Appendix 5. Cases of Violation of the Rights of Proxies and the Media***

- In the polling station 6/34 of Achapnyak community the PEC chairman, Legal State party representative Vasak Melkonyan and the secretary refused to provide the copies of protocols of final voting results to IYC observer.
- In the polling station 6/35 of Achapnyak community the PEC representatives tried to get rid of the IYC observer and insisted that there was no need to be present during ballot counting. After the counting was done, it took the IYC observer a lot of effort to get the copies of protocols on final voting results.

### ***Appendix 6. Abuse of Rights of Election Stakeholders***

- In the polling station 1/34 the observer from the Panarmenian Youth Association NGO continuously accompanied voters to the voting booth and influenced them who to vote for. A protocol was developed on this case.
- In the polling station 3/8 of Kanaker-Zeytun community a scuffle took place between the proxies.
- In polling station 12/03 the Prosperous Armenia party has much more proxies than it is stipulated by law. According to the Election Code, on the Election Day each party is allowed to have only one proxy in the polling station. The situation improved after the proxies were taken out.
- Two citizens entered the polling station 34/22 on behalf of the RPA. The PEC chairman was not present in the polling station at that moment. The Prosperous Armenia party proxy illegally tried to find out their identity and required correspondent documents. As a result a scuffle took place between them.
- In the polling station 1/04 of Avan community a scuffle was recorded between the proxies of Prosperous Armenia party and Heritage party in regards to authenticity of the voter's passport. The passport was issued in 2007 but looked as new. It seemed strange to the Prosperous Armenia party proxy. But the Heritage party representative did not agree with the latter and an argument took place. As a result the voter was allowed to vote.



### ***Appendix 7. Inconvenience of Polling Stations and Voting Booths***

- In the polling station 7/29 the situation got out of control at about 2p.m. because of incontinence of the polling station and overcrowding. The area of this polling station was 15 sq. meters.
- The polling station 7/02 was too small and the voting booths were not located at sufficient distance from each other (less than 1 metre).
- In the polling station 9/31 the inside of the voting booth was not sufficiently lighted and several voters had to approach the window to see the ballot.