

“It’s Your Choice” NGO

Report on Observation Mission during Presidential Elections on February 18, 2013

Preliminary Announcement

February 20, 2013

Introduction

On the Election Day IYC monitors observed RA presidential elections in 1400 polling stations. Observations were carried out both in Yerevan and in all the other cities and large communities.

The activities of election commissions, legitimacy of ballot counting process, atmosphere in polling stations, right of voters for free will expression were subjects for observation.

According to observations, in the majority of polling stations ballot counting process proceeded in a peaceful environment and according to the law. Voters were given the opportunity to exercise their right for free will expression and voting consciously.

In majority of polling stations members of election commissions, proxies and monitors were given the opportunity to exercise their rights and duties stipulated by law. Ballot counting process was free from mass violations, pressure on free will of voters, attempts of persecution and harassment against proxies and election monitors, inappropriate interference of the police and other violations recorded during the previous elections.

In select polling stations, our monitors registered inaccuracies and shortcomings related to voter lists, concerns about ink of stamps, presence of unauthorized people at the polling stations, violation of election procedures, cases of intolerance against proxies and monitors, isolated cases of illegal voting, cases of violation of confidentiality of voting, attempts to vote instead of others, attempt of ballot stuffing in one of the polling stations, as well as certain inaccuracies connected with the location of polling stations.

The above mentioned inaccuracies and violations were not widely spread and according to CEC couldn’t have influence on election results.

In our pre-election report we mentioned the positive tendency related to election campaign, i.e. free campaign environment, meetings of candidates and voters, which proceeded without any obstacles, equal opportunity for candidates to use the allocated air time freely, transparent activities of CEC. Most of these positive tendencies were ongoing at E-Day.

We have also mentioned that three main political parties made a decision not to take part in the elections, which significantly reduced the competitive atmosphere and resulted in inactiveness of their electorates. Irrespective of this fact, some of the candidates consider these elections competitive, probably explaining it by their participation in the elections.

Pre-election campaign and election process give grounds to believe that the Republic of Armenia is able to conduct competitive elections according to international standards, if the registered shortcomings are seriously taken into account and are assessed accordingly during next elections.

Violations of Election Procedures

IYC monitors registered a few cases of election violations, which, however, were not widely spread and according to our assessments could not have significant influence on election results. There were a few minor technical issues and issues arisen as a result of disorganized activities of TEC members.

For Example,

- At 2/08 polling station of Nor Nork, Yerevan, the key of the safe was broken, as a result of which the voting process was interrupted at about 1:00 p.m. The voting restarted half an hour later.

- At 40/46 polling station of Tavush, the distribution of duties among TEC members was not decided by lot, which is a violation of Election Code. (*See Appendix 1*)

Influence on Free Will of Voters

IYC monitors reported cases of gatherings outside polling stations, bussing of voters to the polling stations and directing them. Cases of presence of unauthorized people at the polling stations, propaganda among voters and directing free will of voters were registered as well.

For Example,

- At polling stations 6/01, 6/02, 6/08, 6/09, 6/10, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/27, 6/28, 6/29, 6/30, 7/31, 9/29, 9/30, 9/31 of Ajapnyak the neighborhood authorities brought people, especially elder ones to polling stations by cars and directed them for who they should vote.
- Cars with license plates 15 LO 999 and 03 OS 754 brought voters to the polling station 5/21. The cars were parked 50 meters away from the polling station which is forbidden by law.
- Hakob Hakobyan, a NA deputy member of RPA faction, was present at a few polling stations of Tavush region (e.g. polling stations 41/24, 41/26, 41/28, 41/31). On the one hand this can be regarded as an inappropriate interference of unauthorized people in election process and on the other hand it can be regarded as a campaign activity. (*See Appendix 2*)

Cases of Illegal Voting

Cases of illegal voting recorded by IYC monitors mainly referred to cases of voting instead of others and that of violations of confidentiality of voting. In our opinion this kind of election violations shatter voters' trust to election processes.

For example,

- At polling station 17/05, Ararat at about 2:30 p.m. a few dozens of young men made an attempt to stuff the ballot box. The attempt failed.
- At polling station 34/35 a large number of voters asked to help them to vote which seemed doubtful for IYC monitor. According to the monitor, the majority of voters were able to vote on their own.
- At polling station 37/11 an attempt of double voting was made. TEC member, responsible for the ballot box allowed the voter to vote without checking the stamp in his passport. The proxy and IYC monitor finding out that the voter already has the stamp in his passport informed the policeman at the polling station about the violation. (*See Appendix 3*)

Proxy Right Abuse

IYC monitors reported cases of abuse of rights of proxies which are mainly interpreted as attempts to influence the will of voters and interference in the activities of TEC members. This created some tension at some polling stations.

For Example,

- At polling station 40/01, Tavush region, one of the proxies entered the ballot booth and personally interfering in the voting process, voted for the candidates he wanted. The voter complained to the head of TEC. The latter, according to the law, considered this ballot invalid and gave a new one to the voter.
- At polling station 5/21, Hovhannes Hovhannisyanyan, one of S.Sargsyan's proxies accompanied the voters to the polling station and directed them for whom they should vote. He stopped this when one of TEC members made a remark. (*See Appendix 4*)

Inconvenient Locations of Polling Stations

As a result of the monitoring of the previous parliamentary and presidential elections IYC has widely talked about the importance of appropriately determining the locations of the polling stations to avoid such problems as violations of voting confidentiality, voter gatherings, restrictions of voting opportunities for disabled people. IYC observers have currently mentioned in the present report a number of examples of inconvenient locations of the polling stations. (*See Appendix 6*)

Appendix 1. Violations of Election Procedures

- Around 18:45 the electricity of the polling stations 9/32, 9/33, 9/34, located in Ajapnyak administrative center of Yerevan, was switched off. During that period there were a lot of voters at the polling stations. This created a confusion and the voting procedure failed because of the darkness. It was impossible to regulate the voting procedure with the light of a few candles that TEC provided. IYC observers did not have the opportunity to monitor the activities of the commissions in the darkness. The new voters' entrance to the polling station at that period was not regulated either. Serious complaints were remarked among the voters. This uncontrollable situation lasted for 18-20 minutes.

- At the polling station 38/18 in the course of the whole voting procedure the TEC members left the polling station in pairs for 30 minutes. Therefore the TEC did not properly carry out its duties.

- At the polling station 34/03 in Gyumri the sample of the stamp was not posted for the voters when the polling station opened. This is a violation of law. The stamp was posted much later.

- At the polling station 34/24 in Gyumri the TEC often delayed the voting process reasoning that they need to continuously refresh the fast drying ink and test it. The voters were obliged to wait for a long time. The voting procedure was often being delayed.

- At the polling station 34/35 a voter claimed that he has lost the envelope. Later the envelope was found next to the ballot box.

Appendix 2. Cases of Influence on Free Will Expression of Voters

- At the polling stations 5/34, 5/35 the neighborhood authorities bussed the voters to the polling stations and directed them in groups to vote.

- At the entrance of the polling station 38/11 an unknown person directed the flow of voters and regulated their entrance to the polling station to cast their ballot.

- At the entrance of the polling station 38/14 the representative of an institution, holding the list of his employees, controlled the voters' entrance to the polling station.

- Voter gatherings were recorded at the polling stations 5/21, 13/32, 22/15, 25/28, 34/35.

- At the polling station 41/25 in Tavush region, after 10:50 gatherings of over 25 voters was registered.

- At the polling station 25/28 in Tshaghkadzor cases of voters' queues were recorded

- At the polling station 5/26 voter Zoya Abrahamyan complained that members of RPA headquarters, situated next to the polling station, directed the voters, including herself, to vote for accordingly.

- A group of people gathered in the radius of 50m from the polling stations 5/34, 5/35 conducted campaign, directing the voters.

- In Tavush region voters were bussed to the polling station 41/25 and directed by certain groups of people to vote.

- In Gyumri continuous bus gatherings were remarked in the neighboring area around the polling station 34/27. Those busses were continuously used for bringing voters to the polling station.

- In Tavush region within the radius of 50 m from the polling station 40/46 massive gatherings of people and busses were remarked.

- At the polling stations 13/08, 13/07 of Erebuni district massive bus gatherings were recorded. The voters were bussed in large groups to these polling stations.

- At the neighboring areas of the polling stations 37/01, 37/03, 37/09, 38/21 in Syunik region RPA representatives carried out campaigns directing the voters to vote accordingly. Within the radius of 50 m from these polling stations bus gatherings were recorded.

- At the polling station 37/03 the RPA representative conducted campaign continuously going in and out of the polling station.

Presence of unauthorized persons at the polling stations

- At the polling station 4/10 unauthorized long presence of RA police officer was recorded. Even after IYC observer's remark the police officer did not leave the polling station.

- At the polling station 5/21 unauthorized representatives of RPA were constantly going in and out of the polling station, interfering into the voting process with their conversation and presence. Only after IYC observer's address to RA police officers the latter took steps of dismissing the unauthorized people from the polling station.

- At the polling station 38/17 in Syunik region the soldiers voted at the presence a number of commanders, who were going in and out of the polling station. According to IYC's evaluations the commanders' unauthorized presence at the polling station is a case of influence on the free will expression of voters.

Other cases

- In Yeghegnadzor the TEC members, observing that the voter's flow to the polling station is small, started to call and persuade the voters registered in the lists of the given polling station to come to vote. On the E-day this action is not included in the TEC duties. In our opinion this is a procedure implemented.

- Serzh Sargsyan's big campaign banner was posted 20m from the polling station 37/13 in Sisian.

- At the polling station 13/32 the same person twice provided assistance to voters unable to vote by themselves, which is banned by Article 65, term 4 of Election Code.

Appendix 3. Cases of Illegal Voting

Violation of voting confidentiality

- At polling station 38/11 of Syunik the attempt of a married couple to vote in the same boot, was prevented by IYC observer.

- At polling station 17/01 two people tried to vote in the same boot simultaneously.

- At polling station 14/23 of Aparan the attempt of two people to vote simultaneously was prevented by head of TEC

- At polling station 14/21 two people tried to help an old woman to vote at the same time

- At polling station 38/11 of Syunik region, one of the voters without folding the ballot and putting it in the envelope and demonstrating his voting result approached the TEC member responsible for the ballot box.

- At polling station 35/36 the citizen placed the ballot in the envelope not in the boot, but while coming out of it, which made it possible for the others to see his voting result.

- At polling station 33/69 an old woman and an old man tried to vote in the same boot, which created a confusion

- At polling station 34/35 the attempt of old married couple to vote in the same boot was prevented by the head of TEC.

- At polling stations 34/2, 34/03 the voting boots were located near large, visible windows, thus the provision 3 of Article 56 of Election Code was violated, according to which the voting boots should be placed at least 1 m away from each another, in such a way that the voter while voting, has his back to the wall and his face to the commission. Thus an opportunity to violate the voting confidentiality was created.

Cases or attempts of voting instead of others

- At polling station 9/02 in Yerevan an unknown person tried to vote with somebody else's passport. After the TEC member tried to check the identity of the person once again the unknown person immediately left the polling station.

- At polling station 8/16 the husband voted instead of his wife.

Cases of double voting

- At polling station 9/01 an attempt of double voting was made. Finding out the stamp in the passport the relevant member of TEC prevented the attempt of illegal voting. The violator immediately left the polling station.

Appendix 4. Proxy Right Abuse

- Three of S.Sargsyan's proxies were present at the polling station 38/07 at the same time. One of them was making noted in his voters' register.
- In Artashat, three of S.Sargsyan's proxies were present at the polling station 17/01 at the same time.
- At polling station 17/03 of Artashat, S.Sargsyan's proxies controlled the situation.
- A few of S.Sargsyan's proxies were present at polling station 37/07 at the same time. The situation was later improved.
- At polling stations 33/68, 33/69 monitors of "Democratic Academia" NGO didn't not have any documents certifying their rights of monitors, which is a violation of Election Code. Disregarding this term of the law, TEC allowed them to be present at the polling station.
- At polling station 34/27 proxies were present at the polling station without the corresponding certificates. It is a violation of Article 44, term 8 of Election Code.
- At polling station 34/35 one of the proxies didn't have the corresponding certificate.
- At polling station 5/21 a certain Hovhannes introduced himself as a proxy and was present at the polling station for a while. He was dismissed by TEC members after they found out that he didn't have the corresponding qualification certificate.
- At polling station 35/28, one of the proxies helped the citizen to vote, which is forbidden by Article 35, term 4 of Election Code.
- At polling station 38/18, RPA representative registered the voters in his register by noting who voted and who didn't.

Appendix 5. Violation of Rights of Proxies and Monitors

- At polling station 17/04 of Artashat, head of TEC impeded one of the observers to take a photo. After the observer's explanation the head of TEC let him act in the framework of his liabilities.
- At polling station 40/46 of Tavush, TEC members were not allowed to register their assessments in TEC register.

Appendix 6. Inconveniences of Polling Stations

- Polling station 38/21 was very small and inconvenient to organize the voting appropriately.
- Polling stations 34/02 and 34/03 located at University of Gyumri were separated from each other only by chairs and tables, which created certain inconvenience and confusion among voters. During previous two elections polling station 34/03 was located at arts collage of Gyumri and voters were not informed about change of location of this polling station.

Appendix 7. Inaccuracies in Voter Lists

A few cases were registered when the voter was able to find his/ her name on the voter list.

For example:

- At polling station 2/16 Samvel Sargsyan didn't find his name on the voter list.
- At polling station 38/04 a few cases were registered when the voters couldn't find their names on the list.