

FINAL REPORT ON THE MAY 30, 1999 PARLIAMENTARY ELECTIONS IN ARMENIA

INTRODUCTION

The National Democratic Institute for International Affairs (NDI) sent an international election delegation to observe the May 30, 1999 parliamentary elections in Armenia. The delegation met with Armenian political leaders, government officials, electoral committee officials, domestic election monitors, international election monitors, and other members of the international community. On May 28 and 29, NDI deployed nine teams of observers to six regions across the country and observed more than 100 polling stations and several regional election commissions. The NDI delegation issued a preliminary statement about the elections at a press conference in Yerevan on June 1.

Since that date, NDI has been monitoring post-election processes. This final report on the May 30 parliamentary elections in Armenia summarizes NDI's assessment of the entire election process and offers recommendations to improve future elections.

NDI is a nonprofit, nongovernmental organization, based in Washington, which has organized more than 40 international election observer delegations around the world. The Institute has maintained an office in Yerevan, Armenia since 1995, and conducted a wide range of democracy-building activities with Armenian political and civic groups. Through its local office, NDI has monitored the political developments around several Armenian elections including 1995 parliamentary elections, 1996 presidential elections, and 1998 extraordinary presidential elections.

SUMMARY

On May 30, Armenians elected a new National Assembly composed of 131-members. Seventy-five deputies were elected through majoritarian (single-mandate) voting and 56 deputies were chosen through proportional (party-list) voting. Six parties and blocs cleared the 5% threshold required to win seats decided by party-list voting. The Unity bloc received 29 seats; the Communist Party eight seats; the Right and Accord bloc six seats; the Armenian Revolutionary Federation five seats; Legal State four seats; and the National Democratic Union four seats. Of the 75 single mandate seats, 27 went to the Unity bloc, three to the Armenian Revolutionary Federation, two to Legal State, two to the National Democratic Union, one to the Communist Party, one to the Right and Accord bloc, one to the former-ruling Armenian National Movement, and one to "Mission." Thirty-seven seats were won by candidates with no party label, but many of whom are affiliated with a specific party or bloc. These results include three single-mandate elections that were invalidated by the regional elections commissions (RECs) and the Constitutional Court and re-run.

The May 30 elections were conducted under a new electoral code adopted on February 5, 1999, and amended on March 23, 1999. The Code improved the electoral framework in several respects and responded to some of the recommendations made by the international community

concerning past elections. Among the improvements were provisions recognizing the right of nonpartisan Armenian nongovernmental organizations to monitor the election process, provisions for party and candidate proxies (observers) and nonpartisan election monitors to receive copies of the election-day protocols (tallysheets) that contained the polling station vote counts, elimination of one of the intermediate levels of election administration (Community Election Commissions) and provisions prohibiting the addition of persons to supplemental voter lists on election day unless they first obtained a court certificate (which were aimed at eliminating illegal voting). The Code also required that new voter lists to be compiled by local government leaders and posted 40 days prior to the election.

Armenian authorities, the parliament, political parties, and civic groups took commendable steps to improve the electoral process. NDI witnessed a peaceful campaign, a generally fair counting process at the precinct level, and relatively balanced media coverage. Political parties freely exercised their rights to assembly and expression during the campaign. Although election-day administration was uneven, many electoral officials and domestic monitors worked hard and for long hours during the election period. These factors demonstrate that Armenia has the capacity to organize and conduct free and fair elections.

Unfortunately, both political parties and so-called “independent” candidates throughout the country manipulated some reform provisions embodied in the new Election Code. Party-affiliated and independent candidates, frequently local strongmen with political and business ties, demonstrated powerful influences over political processes and distorted both the authority of the national government and the Election Code. Political trading for seats on precinct electoral commissions was widespread. Electoral officials and national and regional party leaders alike noted that this practice was aimed at controlling election administration for partisan purposes, undermining the will of the electorate. In numerous instances, candidates and parties sponsored observers who intimidated voters and disrupted voting inside the polling stations. Inadequate enforcement of election code requirements regarding voter lists resulted in near chaos at numerous polling stations and in the apparent disenfranchisement of large numbers of voters.

The new Election Code was also poorly implemented by local election officials and law enforcement authorities which undermined efforts to institute improvements at the polling sites. Inadequate voter lists, biased electoral committees, and Election Code violations were widely charged by political parties across the spectrum as tainting the overall election process. NDI observers believe that despite significant attempts to improve the process, the elections failed to meet the international standards and obligations which Armenia accepted for organizing genuinely democratic elections, particularly those standards concerning the right and opportunity to vote.

POLITICAL PARTIES AND BLOCS

Armenia's current political system maintains many of the traditions and practices of the former Soviet Union. The Armenian economy still is largely state controlled, and proximity to power determines economic advantage in Armenia's social hierarchy. A disproportionate amount of power rests with a few senior government officials. Rule of law and an independent judiciary have not been fully established. Political parties are weak and divided.

The politicization of Armenia's security forces over the years has been uncommonly pronounced and overt. The same security structures that helped President Levon Ter-Petrossian to win his re-election in 1996 and crackdown on opposition forces after the election further demonstrated political influence in 1998 by forcing the resignation of Levon Ter-Petrossian and supporting the election of Robert Kocharian as president in March 1998. Following the election, Defense Minister Vazgen Sarkissian's Yerkrpah Union of Nagorno-Karabagh war veterans was developed into a political force. The membership of Yerkrpah, later to become the "Republican Party of Armenia," grew to include a network of government officials, a near-majority of parliamentarians formerly associated with Levon Ter-Petrossian's party, close allies of the Defense Minister, and local government leaders and entrepreneurs.

At the end of 1998, Vazgen Sarkissian's Republican Party formed a coalition called the "Unity bloc" with the Armenian Peoples' Party chaired by former Communist Party First Secretary Karen Demerchian. The Unity bloc currently possesses a near-majority in the parliament. Vazgen Sarkissian and Karen Demerchian (who opposed Robert Kocharian in last year's snap presidential election) now serve as Armenia's Prime Minister and Chairman of the National Assembly, respectively.

Several other blocs and parties have either direct or indirect connections to top government officials and security ministers. The Right and Accord bloc is a right-wing coalition supported by Nagorno-Karabagh's Defense Minister Samvel Babayan that was created shortly before the May election. The Rule of Law party, with six seats in the Assembly, is a new party widely believed to be sponsored by Minister of National Security Serge Sarkissian.

The creation of these government-linked political parties served to further fracture an already weak and divided political party system in Armenia. Loosely based around government structures, these parties benefit from strong funding and a built-in network of supporters of government security forces and civil servants.

Two clear opposition groups will be represented in the new parliament. The larger of the two, the Communist Party of Armenia, holds a total of nine seats in the parliament. The National Democratic Union is chaired by Vazgen Manukian who previously has served as Armenia's Prime Minister ('90-'92) and Defense Minister ('92-'93).

ELECTION PROCESS

Past Armenian elections have failed to meet international standards. The 1995 parliamentary elections were marred by fraud, producing an overwhelmingly pro-government and constitutionally weak National Assembly. A flawed presidential election in 1996 ultimately undermined the legitimacy of President Levon Ter-Petrossian's second term. This contributed to events that led to his early departure from office. The snap election held in March 1998 to replace him also was criticized widely for failing to meet even minimum standards.

During the May 1999 parliamentary polls, NDI's international election delegation observed many polling stations that were well-organized and where the vote count was conducted properly. The delegation also witnessed fraudulent practices, failures in the election administration and legal violations. This section highlights those areas that NDI feels played an influential role in the conduct of the May 1999 elections.

Pre-election campaigning. During the campaign period, no parties were excluded from participating in the process and very few instances of violence were reported by parties and candidates. A small group of parties boycotted the elections.

Violations of the Election Code occurred with regard to the role of government officials and use of government resources in the campaign period. In a few instances observed by international monitors, local authorities organized campaign meetings between candidates and voters and ordered public employees to participate in Unity bloc rallies. Cases of Unity candidates using government resources (e.g., cars and buildings) for campaign purposes in violation of the Election Code were also witnessed by monitors representing NDI and the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

The campaign period was unusually languid for a parliamentary election. Campaign activity by both parties and candidates was sparse, and it was difficult to detect issue-based platforms, ideology or pro-government/opposition affiliation in the campaigns. More troubling was the admission by party representatives across the spectrum that they were buying and selling electoral committee seats during the pre-election period for large sums of money. The fact that political parties devoted valuable resources toward controlling election administration, rather than communicating with voters, points to an unhealthy trend in the political process and the need for further electoral and political reform.

Media. NDI shares the assessment expressed in a report issued by the European Institute for the Media, which concludes that there were no major violations of the Election Code with regard to media activity. While minor violations occurred, they were not significant enough to have a serious impact on the overall coverage of the campaign. The general performance of the media in covering the election was more balanced than in previous Armenian elections.

Voter lists. There is wide consensus among election officials, government officials, political parties, candidates and observers that the quality of the voter lists in these elections was grossly inadequate. In

past elections, the use of supplemental lists to compensate for the inaccuracies of outdated voter lists was a source of election fraud. The new Election Code's elimination of supplemental lists, its provisions to update existing lists and the assistance provided to the government by the United Nations Development Programme's (UNDP) to computerize the voter rolls were intended to address this major problem. Unfortunately, these measures failed to produce the desired results.

One major shortcoming of the new voter registration process was that for the first time, the burden was placed on the voters to verify the accuracy and request corrections of the lists. There was insufficient voter education about the new procedures. Many voters either were unaware of the need to check voter lists or assumed that their names would be recorded if they had voted in past elections. In many polling stations, neither the preliminary voter lists nor the final lists were posted in accordance with the Election Code. In some polling sites, lists were revised up until election day and posted shortly before the opening of the polls.

There are credible allegations that some of the local government leaders elected to the new parliament purposely manipulated the final lists for partisan purposes. Many voters with whom NDI spoke felt that their names were left off the final lists purposely because they were known to support candidates not favored by the government. Voters whose names were not on the final list were allowed to appeal to the courts for a certificate enabling them to vote on supplemental lists. Many prospective voters did not bother to attempt to get a certificate or left the courts because they were overcrowded.

The extent of the problems with voter lists in the May 30 elections led to the disenfranchisement of thousands of voters -- various Armenian political party and media sources estimate between 100,000 and 200,000 voters. In Yerevan, for example, NDI monitors were informed by voters and partisan and nonpartisan monitors that entire apartment blocks were omitted from the lists. In some polling sites, NDI monitors counted as many as 20 percent of the voters used a court order to cast their ballots. In addition, voter lists contained large numbers of duplicate entries, names of deceased persons, names of refugees prohibited from voting, and Armenians living permanently outside the country, all of which the UNDP and reliable local sources estimate at over three-quarters of a million people out of a total of approximately 2.2 million registered voters. These inaccuracies created confusion on election day as well as opportunities for illegal voting.

Electoral Committees: The 13-member Central Election Commission (CEC) was named on April 26, 1999, succeeding the former 20-member CEC that had already passed several decrees governing the May 30 election. Three of the 13 members were appointed to the CEC by the government, five by factions represented in the parliament, and the remaining five members by each of the first five nonparliamentary parties to submit over 30,000 signatures.

The unusually high number of signatures collected by recently formed parties prompted allegations that several new groups perceived to have close ties to government officials had used copies of signed government documents in compiling their submissions. The CEC stated that verification of all signatures was impossible, and the remaining committee members were appointed amidst allegations that the CEC was packed with government supporters who, in turn, elected a government supporter as

chairman of the committee. While it is not possible to verify whether improper signatures were used, the controversy illustrates a lack of confidence in the manner that electoral procedures were implemented.

Controversy continued at the regional level, as party representation on regional electoral committees mirrored the composition of the CEC. The government appointees ultimately chaired regional election committees in 10 of 11 districts. At the precinct level, many committee members, including committee chairmen, were replaced as late as four days before the election. One Yerevan REC member estimated that several hundred changes had been made in Yerevan precinct committees; NDI observers counted as many as 41 changes out of a total of 169 precinct electoral committee members in one district. Throughout the country, such replacements were widely attributed to the selling and trading among parties of seats on precinct electoral committees (PECs). Representatives of political parties across the spectrum admitted to NDI observers engaging in this practice.

The bartering of electoral committee seats, while not expressly illegal in the new Election Code, contravenes the spirit of promoting impartial election administration. The Code allows parties to replace their election committee members at anytime and without notice. Parties from across the spectrum took advantage of this loophole to obtain committee seats in areas where their key candidates were running. The trading of seats to gain partisan control of an election commission opens a real possibility for electoral manipulation as election commissions administer the balloting and counting process and prepare precinct protocols that summarize the results. Some candidates withdrew from single-mandate races maintaining that the trading of seats had predetermined the outcome.

Intimidation. The Electoral Code prohibited groups from gathering within 50 meters of polling stations. This prohibition was aimed at preventing bribery and threatening behavior by so-called “neighborhood guys.” There were serious problems in implementing this provision. In fact, few observers witnessed polling stations where there were not such groups on the immediate premises, sometimes openly instructing voters how to vote and escorting them in and out of polling sites. Some individuals identified themselves as supporters and security forces of local leaders running for office.

In addition, NDI observers found large numbers of candidate and party proxies inside the polling sites. Some had proper identification; others claimed to be “independent observers” not affiliated with nonpartisan election monitoring organizations or the media. Many of these so-called “independent observers,” as well as authorized candidate and party proxies in some cases, were connected to and working with the groups of “neighborhood guys.” Some “independent observers” entered and left the polls frequently and acted as though they had a special authority over polling officials.

Voting. Election-day procedures were not followed uniformly by precinct electoral committees. In many polling sites, voting took place in a peaceful and orderly manner. In other precincts, overcrowding and confusion, the presence of unauthorized persons, and in some cases intimidation caused unrest and inhibited the efforts of voters to cast ballots. In precincts where procedures were not followed and conduct of the voting was poorly controlled, there were election violations such as

illegal voting, ballot box stuffing and improper handling of ballots. Many precinct committees complained that they did not receive the proper number of ballots or the materials to properly seal the ballots for delivery to the REC.

Confusion over procedures for distinguishing citizenship created disorder on election day in areas with refugee populations. This problem is complicated because new Armenian passports have not been issued to the entire population and because of the “propiska” system is used to establish proof of residence. Despite the fact that the legal framework for Armenia’s elections prohibits refugee voting, refugees who were listed on voter lists in some areas were allowed to vote. In other areas, the Code was properly enforced but created unrest among refugees who did not understand why they were registered as voters on the lists yet not allowed to vote.

Military voting. The Election Code provides little guidance for procedures of military voting. Provisions require that military personnel vote in civilian precincts (unless none can be identified within 50 kilometers of the military base). Military voters must enter the precincts unarmed and of their own volition, not in a marching line. The Code is silent on the access of military personnel to voter education and campaign information, leave for conscripts to vote, and mobile ballot boxes which in any event were not used in the 1999 parliamentary elections as they were in past elections.

In the weeks leading up to the election, the CEC and Ministry of Defense worked with the international community to develop more specific procedures for transporting conscripts to polling sites and allowing leave to vote. Both the Election Code and these recommendations, however, were not properly implemented. In contravention of the Code, NDI observers witnessed military voters marched up to and, in some cases, into civilian polling sites in lines under the supervision of superior officers. In some cases, soldiers were not given the option to decline to vote. At one polling site, conscripts with whom NDI observers spoke complained that they had no knowledge about the candidates running in the election. There were also a few reports of conscripts being instructed how to vote.

Vote tabulation process. Generally, the precinct vote counts were conducted fairly but slowly due to complex counting procedures for summarization of results. A decree of the Central Election Commission required the completion of numerous protocols to record the summarization of results and inaccuracies in the balloting. While the new procedure may have been intended to increase the transparency of the vote tabulation process, it was poorly understood by precinct committee members and required entering much of the same information on numerous forms. As a result, many precinct committees did not complete all protocols or did not complete them in the prescribed manner. The new procedure also made providing handwritten copies of protocols to domestic and international monitors a laborious and time-consuming task. NDI witnessed serious violations of the Code during the counting process, including failure to remove unauthorized persons from polling sites and failure to post protocols at the precincts.

At the RECs, missing precinct protocols delayed the consolidation process. Some PEC chairs were requested to leave the REC and return later with completed protocols signed by the PEC

members as prescribed by law. On numerous occasions, NDI observers witnessed electoral committee members writing and stamping new protocols or changing protocols at the REC.

Delays and alterations were notably evident at the Yerevan REC, which was responsible for reviewing and recording the results of more than 300 polling sites. As precinct electoral officials arrived with results, the REC building quickly became so overcrowded that police were required to restore and maintain order. With support from the CEC, the Yerevan REC established two separate rooms for processing results. While this expedited the processing, it made it difficult for observers to monitor effectively. In general, there was a great deal of confusion at the RECs observed by NDI. Guidelines and procedures were often not followed.

At the CEC, the vote consolidation process was slow, fueling public doubts of the transparency and integrity of the overall process. Partial, preliminary results were publicized after the time frame allotted by the Election Code. Incomplete party-list results were of particular concern as four parties were close to the 5 percent threshold required to win seats. Also absent were results from several key single-mandate districts and figures on nationwide turnout and vote inaccuracies. Final election results were made available by the CEC on June 3 in the form of a computer database. The information contained in the database, however, was also incomplete and largely inaccurate when compared to protocols from subordinate election commissions. Official final results were not publicized until June 4, five days after the conclusion of voting.

POST-ELECTION PROCESS

Electoral Complaints and Appeals Process. The legal framework (including the Constitution, Electoral Code, Civil Legal Proceedings Code and Law on the Constitutional Court) provides for filing complaints and appeals concerning each step of the election process. Persons lodging an election-related grievance by an election commission can file with a higher election commission or with the court. Decisions or actions of higher election commissions can be appealed to the court. Appeals of decisions concerning party or candidate registration go to the Review Court or to the Court of Cassation, while challenges to electoral results go to the Constitutional Court. Specific deadlines are provided for filing, decisions and appeals.

In the pre-election period, rulings by the CEC and the courts on appeals concerning party registration and most candidate registration favored the appellant. In at least two cases, the court in Yerevan ruled against the CEC on how it formed election constituencies, and the CEC withdrew a regulation that had been challenged before a court ruling was rendered. On election day, the courts were flooded with over 22,000 people who filed claims for certificates to vote.

Ten cases were filed with the Constitutional Court challenging election results. Nine cases challenged single-mandate election results in Yerevan, Armavir, Shirak, and Koytaik districts, and one case was filed contesting the proportional results of the election. The Court invalidated the results in two constituencies, and affirmed the decision of a REC to invalidate an election. It reversed another REC's decision to invalidate an election based on an investigation of a complaint by the candidate

initially proclaimed as the winner. In this case, the Constitutional Court authorized an investigation by the Prosecutor's office which found fewer vote inaccuracies than those claimed by the REC and concluded that this margin of error would not have affected the outcome of the election. Based on the findings of the Prosecutor, the Court upheld the original election results.

The two cases resulting in the Court's invalidation of election results highlight many of the typical problems that were observed during the election. In district 56 in Koytaik, the REC reported no vote inaccuracies, while a court investigation found 56, a total that exceeded the vote margin separating the top two candidates. Violations at the precinct level cited in the investigation included the replacement of a PEC chairman with the brother of a candidate in the election. That same precinct did not post voter lists until the night before the election and did not finish its count until 1:00pm on May 31, 17 hours after the deadline.

The election in Shirak's district 63 was invalidated as the REC had recorded no inaccuracies in the voting despite inaccuracies listed on precinct protocols that exceeded the margin of victory. The REC secretary admitted that the decision to declare Communist candidate Marzpetuni Markarian's victory was taken under threats of violence from more than 300 of Markarian's supporters who surrounded the REC building. As in the case of the Koytaik district, the Court ordered that the election be run again.

One unsuccessful court challenge came from Edward Yegorian, chair of the Democratic Fatherland party, who charged that the number of inaccuracies recorded for party-list balloting, coupled with the huge number of errors found in the voter lists, compromised the results of proportional voting. Requests by Mr. Yegorian to investigate voter lists and their impact on the election results resulted in the Court's rebuke of the Central Election Commission for not properly overseeing community leaders in preparation of the voter lists. An investigation was not conducted. The Court noted that the Electoral Code provided very little guidance on invalidating proportional results and upheld the results because the number of disenfranchised voters could not be accurately documented.

While the electoral complaints and appeals process was not monitored in detail by domestic or international observers, and while the courts in Armenia have not established a reputation for independence and effectiveness, the process appeared to function better than in past elections. Based on NDI's observations, all cases brought to the Constitutional Court against election results were heard. The Court's rulings, however, appear to have been narrowly based on quantifiable and, relatively speaking, more easily verifiable factors such as the discrepancy between the margin of victory and the number of vote inaccuracies. The impact of other election violations, which can be highly significant but difficult to quantify (such as intimidation, conduct of electoral committees, and improper voter lists) were apparently not major factors in the Court's review.

The investigations and prosecutions of election violations are handled by local prosecutors' offices and monitored by two members of the Prosecutor General's office. While some investigations are still underway, most cases (at least 28) have been dismissed by prosecutors. To date, only two individuals have been arrested in an election-related criminal assault case. Given the numerous Election

Code violations observed by international and domestic observers, the lack of punitive action raises concerns. Unless violations of the Code are vigorously and promptly prosecuted, and perpetrators punished appropriately, violations will continue with a cover of impunity, and public confidence in the election process will be undermined or diminished.

Re-votes. Re-votes were organized in Lori district 53 on June 20 and in Shirak district 63 and Koytaik district 56 on July 11. The contests were held between the top two candidates who received the most votes. This included Vahram Gyulzadian (independent) and Vahan Grigorian (Unity) in district 53, Samvel Balasarian (independent) and Marzpetuni Markarian (Communist Party) and Aghassi Simonian (independent) in district 63, and Aram Haroutounian (independent) in district 56. Again, serious election violations took place of the same type witnessed during the May 30 election, orchestrated by one or both of the top two candidates. The conduct of the re-votes was as flawed as the original balloting. In the end, the July 11 re-votes ordered by the Court both resulted in victory for independent candidates who originally lost in the May 30 vote and who filed complaints to the Constitutional Court.

In all three re-votes, groups of “neighborhood guys” worked actively inside and outside the polling stations to influence the vote. Supporters of candidates worked with proxies and election committee members to determine which voters on the lists had not yet voted. One individual informed NDI monitors that it was his job to ensure that people were transported from their homes to the polls to vote for a certain candidate. In addition, large numbers of precinct committees members had been replaced, and military voting took place under supervision of officers.

Four by-elections have been held to date to replace local government leaders elected to the parliament. In three of the four cases, the elections were uncontested, with the deputy of the former leader as the sole candidate. In the fourth case, a race between Artsun Khachatrian and Ashot Aghababian, both affiliated with Prime Minister Vazgen Sarkissian’s Republican Party, erupted in at least three instances of violence. At one polling station, at least six people were injured, as supporters of Aghababian allegedly fired guns into the precinct. A witness to the event reported that Aghababian, a well-known local strongman, was at the scene shouting that “the Prime Minister stands by me.” Two others were hospitalized after being beaten and stabbed by alleged supporters of Aghababian. Eleven persons were arrested in connection with the incidents, all of whom work as security officials at a stadium owned by Aghababian. Aghababian himself was arrested for questioning, but released.

ANALYSIS AND RECOMMENDATIONS

The National Democratic Institute for International Affairs works to strengthen and expand democracy worldwide by providing practical assistance to civic and political leaders advancing democratic values, practices and institutions. In Armenia, NDI seeks to assist the efforts of civic and political leaders, parliamentarians, and government and election officials to create political and electoral processes that are accountable and responsive. In its preliminary statement of June 1, NDI offered

seven recommendations to improve future elections. The following recommendations complement those offered earlier:

Electoral Code Revision: There appears to be general agreement among Armenian political and civic leaders that the Electoral Code requires a number of further changes. Some of the topics most frequently mentioned include: the composition of election commissions and terms for replacing members; procedures for voter registration and the system for producing and maintaining voter lists; penalties and enforcement mechanisms for attempting to bribe or intimidate voters, proxies and election officials; procedures for military voting; transparency and simplification of tabulation and verification of election results; and the post-election grievance and adjudication process. Reaching the broadest possible agreement on the legal framework for elections will require enacting measures that go beyond the minimum provisions needed to meet international standards.

Impartial and Effective Electoral Administration: It is important that election authorities be impartial and effective and that they are *perceived* to be so by the electoral contestants and the public. To accomplish this, careful attention is required to the method for appointing the election commissions, their actual composition, their training, the resources provided to accomplish their tasks, and the transparency of their operations.

Composition of Election Commissions. Other methods of selecting members of election commissions in order to ensure greater impartiality and effectiveness should be considered. Broad agreement among the political competitors concerning the composition of election commissions is desirable. Appointing government and political party representatives to a manageably-sized commission, in numbers that ensures a balance of political interests, is a common method used to compose electoral bodies. Members then may act on behalf of their party, using political negotiation to achieve impartial action, or seek to act independently. Political climate and history determine which approach is better to achieve impartiality and effectiveness in a particular country.

Another method used often to compose election commissions is to have each member approved by a super-majority vote of parliament, that is a majority large enough to ensure that a variety of political party interests must accept each member of the CEC. The chair of the CEC is often confirmed in this manner. In this method, some countries allow CEC members to be political party activists, and in others CEC members must be persons of high regard, who are not activists of any political party. There are other models, but each works to ensure that election administration at the top, selects impartial and effective intermediate electoral commission members (RECs) and that they act properly to do the same for the polling stations.

Constituting the Committees. Committees at all levels need more time to organize and systematize the entire process. Election commissions should be formed and polling sites designated to begin work well in advance of regular elections. It is particularly important that the Central Election Committee administers the whole process. Reconstituting election committees too close to the election day invites confusion in the administration of the election process.

No changes in the composition of electoral committees at any level should be allowed within 30 days of the election unless appropriate cause is shown (such as illness or violation of the Election Code). In the case of illness, the request to withdraw from the committee should come from the committee member and not at the request of the party which appointed the member. If a committee member is proven guilty of violating the Code, changes should be made by higher electoral bodies or the courts. Because three absences from committee meetings can be grounds for dismissal, the times of all electoral committee meetings must be posted publically with reasonable advance notice, so that committee members and domestic observers are informed of the meeting times. The Electoral Code should be amended to make exchanging and bartering of seats on electoral committees illegal.

In addition, the Electoral Code provides that if a REC does not select a chairman at its first meeting, the government must appoint a chair from among the REC members. The REC should be given a greater opportunity to select their chair, perhaps two meetings, with the second to be called within five days of the first meeting. If unsuccessful, the CEC should vote to select a chair.

Preparation and Assignment of Responsibilities. Better human resources, financial resources, a more extended preparation calendar, and materials (scissors, glue, paper for sealing ballots) as well as thorough training on electoral legislation and procedures will contribute to the effectiveness of committee members and the conduct of voting, counting, and tabulation process. In addition, a permanent staff for the CEC, composed of well-trained people of high integrity, should be considered to improve the capacity of the CEC in training and preparation of subordinate electoral bodies and in overseeing the preparation of voter lists, voter education and other activities that are best conducted on a continuous basis. The CEC should also consider creating verification teams to conduct spot checks of the preparation of voter lists and review the conduct of electoral committees at lower levels.

Registration of Voters: There is widespread agreement that the Armenian government will need to develop an adequate system for updating voter lists, including an enumeration of eligible voters or another voter registration effort, as well as a system for maintaining them to remove deceased and emigrated voters and add new voters each year. Voter registration seeks to fulfill a dual function of enabling eligible voters to exercise their right to vote and to prevent illegal voting. Requiring that eligible citizens take affirmative steps to inspect preliminary voter list and make claims for corrections is a common practice in democratic election processes. However, once such a process is adopted, critical measures are necessary to ensure that it is understood and implemented properly.

With local government elections on the immediate horizon, a temporary solution is required until a longer-term solution can be reached. In the interim, perhaps a list of citizens who voted in the parliamentary elections could be compiled and used as a basis for forming the new lists. If not, then current lists will require thorough review and revision to remove duplicate names and names of those who are deceased or permanently living outside of Armenia. It may be possible to compare lists of refugees with voter lists to delete refugee names. A clear procedure for proving citizenship and distinguishing between citizens and refugees also must be established.

Verification process of voter lists. Copies of the draft voter lists should be posted publically, well in advance of election day (perhaps 30 or more days). Copies also should be given upon request to the political parties and nonpartisan election monitoring groups for verification and other appropriate monitoring activities. A well-publicized period should be designated to process corrections to the draft lists. Parties and nonpartisan monitors, as well as individual prospective voters, should be allowed to file claims for corrections. Verification of citizenship should be made part of the correction process to create accurate lists. Specific time-periods should be provided for filing claims, conducting hearings, making decisions and reviewing appeals. Voters who make claims should be given a receipt or other record that they made a claim, and the claims period should be of sufficient duration to allow ample opportunity for citizens to file a claim within a reasonable time.

In order to ensure convenient access to the preliminary lists and the claims process, if at all possible, polling stations should be used for these steps, rather than municipal buildings. Voters know the location of their polling stations, which are located usually close to their homes. Wherever draft lists are posted and claims filed, final lists should be posted at polling stations at least two weeks before election day, and prospective voters should be allowed to apply during that time, up to and including election day, for court certificates allowing them to vote. A complete public record should be kept of each certificate issued by the court, and each certificate should be numbered. All certificates should be collected at the polling station, recorded and later reconciled with court records, to be sure that no illegal or counterfeit certificates are used and that no certificate is used more than once.

Political party and candidate proxies, as well as domestic nonpartisan election monitors and news media, should be allowed to witness each step of the preparation of voter lists, including court proceedings to issue voter certificates. Stringent steps will be required to prevent unauthorized persons (so called “neighborhood guys”) from interfering in the process.

Responsibility for Preparing and Updating Voter Lists. The CEC should be responsible for regulating the entire election process, including the preparation of accurate voter lists. Given allegations that corrections of the preliminary voter lists submitted to local authorities were not incorporated into the final lists, the CEC should be provided with the resources to actively oversee voter list production and respond to complaints filed by parties, voters and nonpartisan election monitors concerning problems at specific locations. Under the Code, local authorities are to follow CEC instructions, but an expedited administrative or judicial enforcement procedure and specific penalties should be provided for malfeasance in producing voter lists.

While computers may be of assistance in the registration process, they are not necessarily the automatic solution to electoral problems and should not be relied upon exclusively. Any and all computer data should be reviewed carefully by the electoral committees, political parties and nonpartisan monitors.

The magnitude of inaccuracies in the voter lists indicates that new, accurate voter lists cannot be prepared only during the official pre-election period. A continuous registration process, under active

and adequate supervision of the CEC, political parties and domestic monitors could be implemented to maintain accurate voter lists.

Voter Education. With local elections on the horizon, the problems with the voter lists should be addressed immediately. Widespread voter education is essential well in advance of elections about how, when and where to inspect draft lists and how, when and where to seek corrections. This is all the more important, given the change from Armenia's prior system – where voters did not have to check preliminary lists, because persons not on a list were almost automatically added to supplemental lists. Widespread voter education is also all the more important, given the level of disenfranchisement in the last elections. The negative effects on voters of disenfranchisement has to be overcome by convincing the electorate that the problem definitely will be corrected.

Proxies, Nonpartisan Monitors and Unauthorized Persons: Political party and candidate proxies and nonpartisan Armenian election monitors should be provided access to every step of the election process, including the production and distribution of ballots and the tabulation of all election results as they are aggregated and verified. The provision for this in the Electoral Code was one of the most significant improvements over past Armenian elections.

Unauthorized Persons. On election day, and during other sensitive processes (such as in ballot distribution and production of voter lists), election officials, proxies, nonpartisan monitors and accredited news media representatives should be required to show identification and, at least on election day and during the tabulation of results, wear badges provided by the CEC. Individuals who are not accredited by the CEC should not receive badges or other credentials from election commissions at any level. Unauthorized persons should be prohibited from being present at any part of the election process, especially in or around polling stations during the voting and counting. The Code and/or regulations should clearly specify that the prohibition of unauthorized persons in polling stations and at other sensitive election processes applies to members of the security forces, ministries, even electricians and other building and maintenance workers, unless they are specifically invited to be present by the election commission to conduct particular appropriate tasks.

Electoral committees, law enforcement, and domestic monitors need to take steps to prevent “neighborhood guys” from influencing voters outside of polling sites. The distance around polling stations and voter registration stations from which gathering of groups is prohibited should be greatly increased (perhaps three- or six-fold to 150-300 meters) in order to prevent bribery and intimidation of prospective voters. The Electoral Code should be amended to specify that it shall be the duty of the chair of the PEC or voter registration station to check periodically to be sure that such groups have not gathered and that it is the duty of the chair and police to enforce the prohibition, or a substantial fine will apply to the chair and/or the police who do not enforce the prohibition. PEC chairs could record these checks and their times in a protocol, while police could file a special report on this that is open to inspection by election monitors.

Preventing Intimidation by Proxies and Nonpartisan Monitors. Parties, candidates and accredited nonpartisan election monitoring groups should adopt a code of conduct to govern the actions during the

election process of their proxies or monitors. The codes should clarify the rights and responsibilities of proxies and nonpartisan monitors and should emphasize that they may not attempt to intimidate or bring undue influence upon other proxies, monitors, voters or election officials.

Military Voting: While the right of military personnel to vote extends the franchise to a relatively large number of citizens, it creates the potential that these persons may feel that military discipline restricts their right to vote freely for parties and candidates of their choice. Given the age and circumstances of most military personnel, it is necessary to take steps to ensure their exercise of a free choice at the ballot box. A number of steps should be taken to address the problem of potential undue influence being felt by conscripts when they vote.

Voter education programs should be designed specifically for military personnel that stress that soldiers are free to exercise their personal choice when they vote. Special attention should be devoted to ensuring that prospective military voters receive sufficient accurate information to distinguish between the parties and candidates in order to make an informed choice at the ballot box. Military voter education would also address ballot secrecy and the importance of voting in a democratic system. The Central Election Commission and/or nonpartisan domestic monitoring groups could be made responsible for organizing military voter education at bases. The President and the top members of the Defense Ministry, who have showed interest in these matters, should be sure that clear and timely orders are issued on each aspect of military voting.

On election day, the prohibition on marching conscripts to vote in military lines should be strictly enforced, and orders should provide more detail to better ensure free military voting. Military personnel should be transported, if necessary, to an area near but not in front of polling stations, so that there is a clear break between the military organization of the conscripts and the free exercise of the right and opportunity to vote. Military personnel should be given sufficient leave to vote or not vote according to their own choice. Officers should not enter the grounds of polling stations or go inside a polling station, except to vote themselves, and they should remain at a sufficient distance from the polling station so that conscripts do not feel influenced to vote or for whom to vote.

It may be possible and advantageous to spread the assignment of military voters over a larger number of polling stations. This would make organizing voting of conscripts easier, better ensure confidence in the secrecy of their ballots, and dilute the impact of military voters on the results in particular election districts.

It should be noted that the concentration of military voters in certain localities can have a determinative effect on electoral results in local elections and in single-mandate parliamentary districts. This raises the possibility that local non-military voters could be inhibited from determining their representatives. In some countries, this problem is resolved by allowing military personnel to vote for national offices, such as for president and for party-list balloting. Some other countries deny the right to vote to military personnel all together. Such policy considerations should be considered in election law reform.

Access to Polling Stations. In past Armenian elections, voting booths have been located on ground floors of buildings. In the May 30th elections, a significant number of polling sites visited by NDI observers were on higher floors which made access to the polling stations difficult for older voters and those with physical challenges and disabilities. Such persons should be assigned to ground floor polling stations wherever possible, and assistance should be otherwise made available to ensure that they can exercise their right to vote.

Consolidation of Votes and Posting of Results. To help improve the efficiency of the counting process, vote tabulation processes need to be simplified and more clearly defined in the Election Code. The protocol forms should be simplified to one form so that precinct electoral committees can complete them quickly and with less confusion. Also, decreasing the number of voters per precinct would help to decrease the ballot counting time as well as the burden on precinct electoral officials. At the conclusion of the count, precinct electoral committees should immediately post results at the polling station in addition to providing copies of protocols with the results to all partisan and nonpartisan observers, as provided by the Electoral Code. The role of the RECs in the consolidation process needs to be better defined in the Code, and steps need to be taken to ensure better transparency in the vote consolidation process as ballots are transferred between the various levels of electoral committees.

Electoral Complaints: Further steps are necessary to more clearly define which bodies have jurisdiction over specific types of complaints. The Electoral Code should clarify what types of information are required for filing complaints and the level of proof necessary to prevail, as well as the timing and responsibilities of election commissions and courts when considering a complaint. The Code should provide specific penalties and should refer to the relevant sections of the civil and criminal codes that may apply. In addition, while attention to due process and equal protection of the law is essential, more clarity is needed concerning the relationship of criminal investigations and prosecutions and electoral offences. The prosecutors and the courts, for example, might be required to report publically on the disposition of election-related allegations and offences.

Political Dialogue: It will be important for the new National Assembly and the government to join with civic leaders and interested citizens to open avenues to public participation in political and governmental processes. While open political and governmental processes benefit the development of public policy as a whole, the benefits would be particularly important in formulating the rules for open and fair electoral competition.

REFLECTIONS AND CONCLUSION

Armenia's troubled electoral history has inhibited the country's economic and political development. While the 1998 extraordinary presidential election made few initial improvements over fraudulent elections in 1995 and 1996, the seriousness and the extent of the electoral abuses caused the international community to conclude that Armenia failed to meet even minimum international standards and its commitments to holding democratic elections. Efforts to improve the process for the 1999 parliamentary elections demonstrates that there are government officials, as well as political party and

civic leaders who are committed to developing a democratic election process and advance reforms. They do not yet appear to be the most influential actors.

It is unfortunate that the improvements in the Election Code were undermined by administrative irregularities and manipulations of the system by those at the national and local levels who ignored these advances and lacked respect for the will of the electorate. The May 30th elections again did not meet Armenia's commitments and international standards for genuine democratic elections and did not succeed in breaking from the problems of previous polls.

The failure to break from past electoral problems was not caused by a lack of capacity to organize genuine elections. Rather, it reflects a lack of political will at certain levels. If additional reforms are not adopted, and corrective actions are not taken, public confidence in the country's political system will continue to erode. Under such circumstances, government may find it more difficult to garner the support needed to make difficult policy decisions.

While flawed, the May 30th elections produced a wider representation of political forces than the previous National Assembly. A spectrum of nine political parties make up just over two-thirds of parliament, and there are a number of independent members. The National Assembly therefore could provide a forum for dialogue and action to advance political and electoral reform. If the parliamentary process is carried out in an open exchange and with citizen input, it may be possible to mobilize the civic sector in the reform process as well and raise public confidence.

Local elections, to be held later in 1999, offer the chance for the parliament, government, political parties and civic groups to address effectively the problems that have been manifest in the political and electoral processes. Gaps in the legal framework could be closed, electoral administration could correct the voter lists and implement the legal framework consistently, political parties and candidates could demonstrate that they too are prepared to respect the law and the electoral rights of each other, and nonpartisan election monitors could observe the process and help the electorate regain confidence in the system.

Over the four years of its involvement in Armenia, NDI has developed a deep and abiding appreciation for the efforts of those committed to advancing democratic values, practices, and institutions in the country. The Institute, like others in the international community, will continue to work with Armenian governmental, political and civic leaders who are striving to realize Armenia's democratic potential.