

**THE NATIONAL DEMOCRATIC INSTITUTE FOR  
INTERNATIONAL AFFAIRS (NDI)**

**NDI OBSERVER HANDBOOK**

**FOR THE**

**1999 PARLIAMENTARY ELECTIONS**

**MAY 30, 1999**

## **The 1999 Parliamentary Elections in Armenia**

Thank you for volunteering your time to take part in the National Democratic Institute for International Affairs= International Election Observation Mission to the May 30, 1999, Parliamentary Elections in Armenia. For the first time, Armenia will be electing a full-time, professional parliament - a National Assembly composed of 131 deputies. This parliament will serve for four years. Seventy five deputies will be elected from single mandate districts, representing people from separate communities around the nation. Fifty six deputies will be elected from party lists, representing the entire nation on behalf of their parties. All eligible voters are entitled to one vote on the party list, and one vote for a single mandate candidate. As an International Observer, you will play a vital role in this process.

### **General Principles of Election Monitoring**

While we will be focusing on the conduct of a particular election, governed by the Armenian Election Code, it is also important to keep in mind the universal ideal of a fair and free election process. Voting is the process by which eligible individuals express their political preferences. A thorough analysis of the voting process should attempt to answer two broad questions:

*Was the voting process administered in compliance with the provisions of the election law and international norms, and to what degree did any problems materially affect the outcome of the elections?*

Several principles are relevant to answering these questions.

#### **Principle 1: All eligible individuals must be given a fair opportunity to vote.**

This principle derives from internationally recognized suffrage. When eligible voters are improperly prevented from voting it can be said that they are unfairly disenfranchised and that their fundamental human rights have, therefore, been abridged. Where disenfranchisement occurs on a large scale it may alter the outcome of an election, which raises serious questions about the election's legitimacy. Likewise, when ineligible individuals are allowed to vote or when invalid ballots are counted as valid (through double voting or ballot box stuffing), the election's legitimacy is equally damaged.

In either case, it is important to determine the magnitude of the problems and whether it disproportionately affects a particular class of voters in order to decide if it materially affects an election.

#### **Principle 2: The voting process should protect fundamental freedoms of assembly, association and expression.**

Voting can only be considered to be free if voters perceive that they are uninhibited from casting their vote according to their individual will. Intimidation, bribery and failure to guarantee the secrecy of the vote (either real or perceived) all pose serious threats to a free voting environment. Unequal or arbitrary treatment of voters by responsible government authorities represents another potential violation of the principle.

**Principle 3. Voters should have an adequate understanding of the voting procedures and the significance of expressing their choice.**

## **The Pre-Election Period**

### **The Right to Vote and the Compilation of Voter Lists**

Election systems require criteria and a mechanism for identifying eligible voters and preventing ineligible voters from voting. The mechanism is also used to guarantee the one person, one vote principle by preventing people from voting more than once or from voting in the wrong location. The universal right to participate in government is directly determined by the process through which an individual's right to vote and official registration is determined. It is therefore important to determine if segments of the population are being disenfranchised through unreasonable registration criteria, inadequate voter education about the registration process, failure of procedural due process, or intimidation.

### **The Right to Vote**

Under Article 27 of the Constitution of the Republic of Armenia:

*Citizens of the Republic of Armenia who have attained the age of eighteen years are entitled to participate in the government of the state directly or through their freely elected representatives. Citizens found to be incompetent by a court ruling, or duly convicted of a crime and serving a sentence may not vote or be elected.*

Article 2.1 of the Code states:

*The citizens of the Republic of Armenia who have attained the age of 18 years have the right to vote.*

Article 3 of the Code states:

*Citizens who have the right to vote, regardless of nationality, race, gender, language, religion, political or other conceptions, social origin, property or other status have the right to elect and be elected. Any restriction of the right to vote on the above-mentioned basis is prosecuted by law.*

### **The Compilation of Voter Lists**

According to Armenian law, voter lists are compiled by local community leaders. These lists are to include every citizen registered in a given community who has the right to vote. If a citizen is not registered in any community, he or she must first register and then apply to the local municipal leader no later than five days prior to the election. Voter lists include the citizen's first name, last name, date of birth, and address. The address of the voter is based on his or her official registration. Once completed, the community head submits the voter lists to the Regional Election Committee. All voter lists must be received by RECs at least forty days prior to the election.

Citizens serving in the military of the Republic of Armenia have the right to vote and are included in the voter lists. If the military unit to which the citizen belongs is based within fifty kilometers of the nearest community, that citizen and his or her family is included in the voter list of that community. If the base is further than fifty kilometers from any community, then a special voter list for the soldiers and dependents at that base will be compiled by the base commander.

Voter lists are public documents and are therefore available for scrutiny by all citizens. The community head must post a copy of the voter list for each precinct at the precinct center in a visible place at least forty days prior to the election. In addition to posting a copy of the list, the community head must also post a notice describing the time, place, and procedure for presenting corrections to the lists. A final list of voters is posted no later than four days prior to the election by the Precinct Electoral Commission. Citizens also have the right to a copy of the voter list for a price to be established by the Central Election Commission. The community head must deliver the copy within three days.

**Article 12: *Publicity of the Voter Lists***

1. *Every person can freely get acquainted with the voter lists.*
2. *The head of the institution that administers the territory of the precinct center displays one copy of voter lists at the precinct center in a place visible for everybody, forty days prior to the elections.*
3. *Together with the voter lists, it is mandatory to display a notice, about the dates and place for presentation of applications on the inaccuracies in those lists, and the procedure, dates and conditions for their consideration.*
4. *The Chairman of the Precinct Electoral Commission displays the final version of the voter lists at the precinct center, in a place visible for everybody, four days prior to the elections.*
5. *After the elections, the voter lists stay displayed at the precinct center for at least seven days.*
6. *Every citizen has the right to receive from the community head the photocopies of the voter lists of that particular precinct, for the price established by the Central Election Commission. The community head has to deliver to the citizen the relevant voter lists, within three days.*

Armenian election law provides for the correction of inaccuracies in the voters list. This is a particularly important process as the new election code does not permit the addition of voters to the voter list on election day through a supplemental list unless so ordered by a ruling of the court. All citizens who hope to vote should check the voter list to make certain that they are properly listed.

Each voter has the opportunity to inspect the voter list once posted forty days prior to the election. If inaccuracies are discovered, citizens have the right to appeal to the community head for a correction. As mentioned above, the time, place, and procedure for the correction process must also be posted forty days prior to the election. Citizens have the right to appeal inaccuracies up to five days before the election. **These appeals must be submitted in writing.** Upon receipt of such an appeal the community head must make a determination of the case and inform the applying citizen in writing as to his or her decision **within three days.** Every citizen has the right to appeal the decision of the community head regarding the compilation of the voter list to the court. The court must make a ruling within five days.

**Article 14: *Procedure for the Consideration of Applications about the Inaccuracies in Voter Lists and the Correction of the Lists***

- 1. Every citizen has the right to apply to the community head with the request concerning the inaccuracies in voter lists, for the inclusion or withdrawal from voter lists of himself/herself or other citizens, not later than five days prior to voting. Applications are submitted in writing.*
- 2. The community head, within three days considers applications concerning the inaccuracies in voter lists, makes decisions, and informs the citizens in writing on the results of the consideration of their applications; whenever possible those citizens whose names have been removed from the voter lists, are also informed.*
- 3. Disputes on the inaccuracies in the lists can be appealed to the court. The court is required to examine the complaints within five days. The court is required to examine promptly and to pass judgment, that cannot be appealed, for the complaints submitted five days prior to the elections and on the election day. The Chairman of the Precinct Electoral Commissions based on the court ruling compile an additional voter list, attaching to the copy of the court ruling.*

Community leaders submit final voter lists to Precinct Electoral Committees no later than four days prior to the election. Once submitted, no changes can be made to the voter lists without a ruling from the appropriate court. Precinct Electoral Committees have no right to make any change in the lists without such a ruling.

### ***Article 13: Submission of Voter Lists to Precinct Electoral Commissions***

- 1. Heads of communities, heads of the military units situated at least fifty kilometers away from the nearest settlement submit two copies of voter lists to Chairmen of the Precinct Electoral Commissions, not later than four days prior to the elections and the heads of the institutions having the authority for detention of the citizens B not later than two days prior to the elections.*
- 2. The Precinct Electoral Commissions have no right to make any change B addition or correction B in voter lists, on their own initiative.*

## **Election Day**

There are several general components of the voting process which you should carefully observe; including the environment inside the voting station; the environment outside the voting station; the conduct of the election officials; and the conduct of the voters.

As an observer, you should employ an open and cooperative approach to your work. Upon arrival at the polling site, you should introduce yourself to the election officials, proxies, and other election monitors and find a place from which you can, unobtrusively, observe the proceedings. At the same time, you must be diligent in pursuit of monitoring and recording all relevant events. Therefore you should not easily be dissuaded from seeking access to information.

### **Environment Inside the Voting Station**

#### **Voting Station Location**

Upon arriving at the polling place, you should initially verify that the station is properly identified and located. Renaming and moving stations is one of the ways to disenfranchise

the voters. The voting station should not be located in a place that may intimidate voters, such as a police station or a political party headquarters.

**Article 16.2:** *A precinct center shall be formed at the premises of preschool education, academic, scientific, cultural, sports or other institutions under the subordination of state or local self-governing bodies.*

**Article 16.3:** *A precinct center cannot be formed at the premises of national and local self-governing bodies, military-academic institutions, military units and healthcare institutions. A precinct center can be formed at the military unit located at least 50 kilometers away from the nearest precinct, at the institutions that have the authority for detention of the citizens, as well as at the precincts organized at the diplomatic and consular representations.*

### **Physical Layout of Polling Station**

You should assess the environment inside the voting station. The physical structure of the voting station should guarantee secrecy of the ballot. The voting booths should be structured and positioned so that the voter can cast a ballot in privacy.

The polling station must also be organized so that all those authorized to be present within the polling station can see the entire voting process, from the verification of identification to the casting of the ballot. Therefore, upon arriving at the polling station, make certain that from your designated position you can see the registration tables, the voting booth, the ballot boxes, and both the entrance and exit of the polling station.

**Article 47:** *The Room for Voting*

1. *The voting is held in a room furnished for that purpose on the basis of one room per one precinct.*
2. *The room for voting shall be as spacious building as possible and meet the following requirements:*
  - 1). *Enable the simultaneous normal work of all the members of the electoral commission, proxies, and observers, during all the voting process;*
  - 2). *Enable all the members of the electoral commission, proxies, and observers to have within their sight the voting booths, the ballot box, as well as the entrance and exit of the voting booths, and the area between them and the ballot box.*
3. *The furnishing of the room for voting ends at least 24 hours prior to start of the voting.*

The voting booths in the precincts must guarantee that the voter can cast his or her vote in secret. Furthermore, the Code requires that within the voting booth the election commission must guarantee that a table and pen are present and that the booth has sufficient light. Upon arrival at the polling station on election day, check the voting booths to guarantee that they meet the requirements of the Code. Obviously, there should be no campaign literature inside the voting booth.

**Article 48:** *Voting Booths (Rooms)*

1. *Voting booth (Room B hereinafter, voting booth) shall be furnished in a way, so that the citizens can fill in the ballot papers privately from the persons present at the precinct center.*
2. *A table shall be installed in the voting booth with a pen on it. The voting booth shall have sufficiently lighting.*
3. *Booths are furnished for voting, at least one booth or one room for each 750 voters.*
4. *Voting booths shall be situated in the area between the tables for handing out the ballot papers and the ballot box.*

### **Unauthorized Individuals Within the Polling Station**

Observers should take note of who is present inside the voting station. Only authorized individuals and people in the act of voting should be present inside of a voting station. First, you should determine if any election officials are absent or have been replaced, and the consequence of this development on the voting process. Often, the absence of the official delays voting until the proper officials are present. Second, you should determine which political parties and domestic and international organizations are represented by other observers. Third, you should note whether there are unauthorized people inside the voting station and the effect of their presence.

**Article 54.1:** *The military and the servicemen of the Ministry of Internal Affairs and National Security enter the precinct center not in marching line, unarmed...*

**Article 54.2:** *Apart from the members of the Precinct Election Commission and the voters, candidates=proxies, observers, and the representatives of the mass media and the members of superior electoral commissions can be present at the precinct center.*

**Article 54.3:** *After having voted the voter shall promptly leave the precinct center. While member of the military are allowed to vote, they may not enter the precinct in formation, or while armed. They are not to vote on instruction from their officers.*

Members of the police force and the Ministry of Internal Security are not allowed inside the polling station. Two exceptions to this rule exist.

1. While casting their personal vote; or
2. At the express invitation of the PEC Chairman when their presence is necessary to maintain order.

Once order has been restored, the security officers should depart once again. Carefully monitor the presence of such people as their presence can intimidate voters. Thoroughly document any cases in which the PEC Chairman requests the assistance of law enforcement officers and attempt to determine if there is legitimate cause for their presence.

In addition, make sure that voters leave the precinct center after voting. Voters who do not leave when they are supposed to create confusion and chaos in the voting center, and can be a source of intimidation.

### **Materials**

Finally, examine the availability and positioning of election materials. Election materials - including registration lists, ballots, ballot boxes, seals, tally sheets, voting booths, tables, etc.- should be present in adequate quantities to enable the voting to proceed quickly. Review the ballot to ensure that all parties or candidates are properly listed.

## **Conduct of Election Officials**

Election officials are responsible for administering the voting process in accordance with prescribed laws and regulations. As a monitor of the voting process, you should observe and record the conduct of election officials in order to deter fraud, to help correct inadvertent mistakes, as well as to detect and record actual irregularities.

### **Article 43:** *Powers of the Precinct Election Commissions*

#### *1. The Precinct Electoral Commission*

- 1). controls the means of the state budget allocated to it for the preparation and conduct of elections;*
- 2). organizes the voting, sums up its results at the precinct and submits those results to the Regional Election Commission;*
- 3). settles the issue of disputed ballot papers by a vote;*
- 4). creates conditions for the free conduct of elections at the precinct, ensures the procedure for voting established by this Code;*
- 5). applies to competent state bodies in the event of the violation of this code;*
- 6). implements other powers envisaged by this code;*

#### *2. Precinct Election Commissions operate on the basis of regulations adopted by the Central Election Commission.*

In the process of verifying identification, handing voters their ballots, directing voters to the voting booth, assisting those needing special treatment (i.e., those unable to read, walk, or see) and maintaining order, officials have many opportunities to control the voting environment and influence voters. For these reasons, observers should carefully evaluate whether the officials:

1. understand the prescribed procedures;
2. effectively apply and enforce the procedures;
3. maintain strict impartiality and, when providing assistance, demonstrate appropriate discretion and respect for the secrecy of the vote.
4. establish an orderly environment in which all eligible voters have a reasonable opportunity to vote and feel free from undue influence; and
5. respect the rights of observers and political party representatives.

Voting station officials are also accorded broad authority to make decisions regarding complaints, disputes or challenges. You should monitor the pattern of their responses, if any, and note their willingness to record details of the issue.

At the same time, you should remember that election officials, like you, are human. They too become tired, irritable, and make mistakes. You will be spending a long day with the election committees in your precincts. It makes sense to begin your relationship on a friendly note by introducing yourself and wishing the committee members well. When you see something irregular, approach the committee member and inform him or her that they are not in strict compliance. More often than not, the committee member will thank you for pointing out the mistake.

Remember that election officials are doing a thankless job. You should take these facts into consideration when evaluating the electoral committee's performance. Attempt to distinguish between administrative errors and deliberate fraud.

## Opening the Precinct

At 7:00 a.m. PEC members are required to report to the polling station. At that point the committee members determine who will register voters, distribute ballots, etc. by drawing lots. It is important that these important responsibilities are assigned randomly. Be certain that you report to the polling place before 7:00 a.m. so that you can witness the entire process.

**Article 53.2:** *At 7:00 a.m. on the voting day, the Precinct Election Commission decides at its session, by drawing a lot, as to who will register the citizens (one member per each 1000 voters) and who will allocate the ballot papers (one member per each 1000 voters), two members for overseeing the ballot papers, and two for sealing the ballot papers, as well as decides on the timetable of their shifts. The Chairperson and the Deputy Chairperson of the commission do not participate in the drawing.*

At 8:00 a.m. on election day the Precinct Electoral Committee Chairperson will declare the precinct to be open. He or she will then open the packed seal, allow the proxies and observers to see that the ballot box is empty, and seal the ballot box. It is crucial that you observe that the precinct stamp is in a sealed package at all times prior to this point and that the ballot box is sealed securely. Once these steps are accomplished, the PEC Chair will remove the signed ballots from the committee safe. Be certain that the seals on both the safe and the ballot are undisturbed.

**Article 53.3:** *At 8:00 a.m. on the voting day, the Chairperson of the Precinct Election Commission declares the precinct open, after which in the presence of the commission members (persons entitled to be present at the voting can also be present) he/she opens the packed seal, verifies that the ballot box is empty, closes the ballot box and seals it. Then in the presence of the persons entitled to be present there, he/she opens the safe with the ballot papers and submits the counted ballot papers to the persons responsible for the allocation of the ballot papers, and the voter lists B to the persons responsible for the voter registration, making relevant notes in the registry.*

## The Voting Process

### General Principles

The layout of the voting station and the system by which voters proceed through the steps of voting should be adequate to maintain a process that is orderly and efficient. Although a voting station is a busy environment, a degree of order is necessary to prevent voters and officials from becoming confused and or intimidated. Order tends to reduce the possibility of fraud or mistakes.

In order to ensure an orderly voting process and to prevent overcrowding, the Code states that no more than 15 voters can be allowed into the polling station at any time and that voters, after casting their vote, should immediately leave.

**Article 54.4:** *In order to ensure the normal course of the voting the Chairperson has the*

*right to allow the voters to enter the voting room one by one. Not more than fifteen voters can be present in the voting room simultaneously.*

A good system should also assure that voters do not have to wait so long that they become frustrated and leave the station before they have voted. Thus, it is important that you monitor how efficiently and orderly voters move through the process of entering the voting station; verifying eligibility; receiving ballots; proceeding to the voting booth; casting the ballot in the box; and exiting the polling station. Remember that one of your goals to determine whether inefficient or improper procedures are causing eligible voters to be disenfranchised or are allowing ineligible voters to cast ballots.

### **Identification of the Voter**

The first step in the voting processes involves verifying the eligibility of the prospective voters. In determining eligibility, officials compare the voters' identity card with the registration list to certify that the voter is qualified and is voting at the proper location. ***Acceptable forms of identity include the voters passport, military identification, or Form #9.***

***Article 55.3:*** *Passport, document replacing the passport, the military certificate for the military officers and servicemen, and for the other military B the military document, are the identification documents.*

One common problem for you to monitor occurs when officials improperly reject prospective voters. A second, frequently experienced problem occurs when officials allow ineligible voters to vote. In either case where officials improperly reject or admit a significant number of such voters in the voting process, monitors should request an explanation from the officials and should ask to verify the voters' registration and identification information (or lack thereof).

### **Signing the Voter Registration Book**

According to Armenian election law, after the voters identification has been verified, each voter is required to sign the list of registered voters. The presence of this signature prevents voters for voting more than once. In addition, the number of signatures on the list should equal exactly the total number of ballots in the box when the counting process begins.

Make certain that each voter signs the registration list before receiving a ballot. Since voters are not allowed to vote for family members or friends, each voter should sign the list only once. It is forbidden for electoral committee members to sign the book for voters.

***Article 55.2:*** *The commission member responsible for the registration verifies the identification documents, finds his/her name, family name and the corresponding consecutive number in the voter list, fills in the data of the identification documents in the voter list, and the voter signs in front of the data. In case if the voter cannot sign himself/herself in the voter list, he/she has the right to apply to other citizen's help, with the exception of the members of the commission and proxies.*

### **Supplemental List**

In an important change, the new election law has discarded the concept of the supplemental list of voters. No voter should be added to the voters list on election day unless he or she has an official court order, signed by a judge. Therefore, if a voter's name does not appear on the list of registered voters on election day, and if the voter does not have an official court order, that voter cannot vote. Any violation of this new principle should be treated very seriously and thoroughly documented. Moreover, you should be prepared for potential disputes over this issue. Voters not on the list in the past had been able to vote on supplemental lists in prior elections, and may expect to do so again. Committee members may be under pressure from angry people who will not legally be able to vote.

### **Issuing the Ballot**

Because Deputies to the National Assembly are elected according to two systems, both through party lists and from single-mandate districts, each voter will receive two ballots. The ballots should be clearly distinguishable from each other.

Each voter should be issued only one of each type of ballot. As is mentioned above, voting for family members or friends is forbidden, so there is no reason for a voter to be issued more than one of each ballot.

*Article 56.1: Immediately after the registration, the member of the commission responsible for the allocation of the ballot papers to the voters, presents the ballot paper to the voter.*

### **Validation of the Ballot**

All ballots must be stamped by the PEC in order to be counted as valid. Each ballot should be stamped with the precinct seal prior to the voter entering the voting booth. It is illegal for the ballots to be stamped in advance. Often election committee members will claim that they can speed the voting process by stamping ballots in advance. Once ballots are stamped, however, they are official and can be cast by anyone. Make certain that the PEC is stamping each ballot as it is given to the voter.

*Article 56.2: The member of the commission responsible for the sealing of the ballot papers seals the ballot paper. The seal shall not come out of the limits of the ballot paper.*

### **Completing the Ballot**

A critical step in the voting process occurs when the voter physically indicates his or her preference by marking a ballot in the prescribed manner. According to the new election law, a voter indicates his or her preference by placing a mark in the circle next to the candidate or party for whom he or she wants to vote. On one ballot, the voter will vote for a national party, on the other the voter will select a candidate to represent his or her district. On both ballots the voter will have the option of voting Against all.®

Ballots must be marked in secret, inside the voting booth. Only one voter is allowed inside the voting booth at a time. Even family members must enter the voting booth separately.

*Article 56.3: The voter fills in the ballot in privacy in the voting booth or the room. The*

*presence of any other person in the voting booth or the room during the filling in of the ballot is forbidden.*

Since voting is intended to be secret, you might expect that officials would have minimal involvement during this time. In some cases, however, election officials must intervene when a voter requires assistance in completing his or her ballot. If a voter requires assistance, another voter may provide assistance and join the voter in the ballot booth. Proxies and election officials cannot provide this assistance.

**Article 57.3:** *Citizens, who are unable to fill in the ballot on their own, have the right to invite another person into the voting booth, who shall not be a proxy or a member of electoral commission. Except for the above-mentioned case, the presence of other persons in the voting booth while filling in the ballot is prohibited.*

It is absolutely critical that you determine in these cases if the actions of the election officials might in any way influence the voters actions.

### **Placing the Ballot in the Ballot Box**

Once the ballot has been completed in secrecy, it must be placed in the ballot box. The voter should fold the ballot and show it to the election official responsible for the ballot box. Once the identity of the voter and his/her eligibility to vote has been verified, the ballot is dropped into the box.

**Article 57.4:** *The voter takes the four-folded ballot out of the voting booth or the room, and approaches the commission member responsible for the ballots. The latter verifies the identification document and, making sure of the identity of the voter and his/her being registered in that constituency, opens the ballot box shot enabling the voter to drop the ballot in the ballot box.*

Strict adherence to this portion of the code may be the best protection against one of the most serious election violations - ballot stuffing. Watch this process carefully.

### **Conduct of the Voters**

Another category of activities you should monitor is the conduct of the voters. As discussed earlier, a genuine, meaningful election presumes that voters understand both the voting procedures and the policies of the candidates or the substance of the issue(s) being voted upon. Since a voter's level of comprehension about these two issues affects the amount of time he or she requires to complete the voting process, a low level of understanding may cause serious impediments in the voting process. Therefore, you should try to determine whether voters understand the process for voting and the options from which they may choose. You should also evaluate the degree to which problems in the voting, if any, are the result of inadequate voter education and are the cause of disenfranchisement due to unreasonably long delays or improperly cast ballots.

Often, voters who do not understand the process or their options seek (or are offered) assistance from election officials or others in the voting station. As suggested above, you should monitor the potential problem that arises when election officials or others fail to maintain strict impartiality as they provide the assistance.

Voters' conduct may also be the cause of intimidation during the voting process. Such intimidation typically occurs in the line in which prospective voters wait before entering the station to vote. Proxies should attempt to identify these incidents of intimidation and to determine their effect on other voters.

## **Environment Outside of the Voting Station**

Although you should concentrate on assessing the voting procedures (inside of the voting station), observers should also devote attention to analyzing the environment outside of the voting station.

As noted above, conduct of the voters can be evaluated, in part, outside of the voting station. Obviously, other people may be active in this arena as well, and their activities can have a significant impact on voting. You should look for incidents of undue influence or intimidation outside of the voting station. **In so doing, try to identify the target, the source, the form and the impact of the intimidation.**

These problems, which at a minimum violate the principle of the secrecy of the vote, may be directed at the voters in line or at the election officials inside. Potential sources of intimidation include election officials, political partisans who behave in an overzealous manner, or members of the security forces.

In this environment, intimidation is exhibited in many forms and intensities. One example is the relatively insignificant problem of improper campaigning (e.g., exhibiting posters and T-shirts or shouting slogans in restricted areas). Bribery is another, more serious illustration of the problem. Violence or threats of violence represent intimidation at its most extreme form.

The Code contains a number of articles with which you should be familiar. For instance, election bribes are strictly forbidden by Article 18.5, which was quoted earlier. In addition, the Code specifies that it is illegal for groups to gather within 50 meters of the polling station.

**Article 23.3:** *It is forbidden to assemble in groups on the day of the election in the area surrounding the precinct center, in the radius of 50 meters.*

This article is an important protection against groups of people who may intimidate voters.

As discussed at the end of Chapter One, you should assess the impact of intimidation. Attempt to document relevant events and measure the magnitude of any incident. Important questions to address in your election-day Incident Reports include the following:

1. Did voters disregard the attempted intimidation; were they influenced by it; or were they ultimately prevented from voting?
2. How many voters were affected?
3. What are the identities (or descriptions) and associations of people involved (e.g., the perpetrators, the victims, the witnesses, etc.) in the incident?
4. How was the situation resolved?

## The Counting Process

In Armenia, the votes are counted in the same location where they were cast immediately after voting is terminated. Observers should therefore remain at the site until the count is completed and record the results on a form included in this handbook or, if possible, obtain a copy of the official tally sheet. If the tally sheet in this handbook is used, ask the Precinct Electoral Committee Chairman to stamp the form with the official precinct stamp. This stamp will make your form an official election document.

### General Principles

Your evaluation of the counting process should be based upon the degree to which:

1. ballots are counted accurately, reflecting the choices expressed by the voters;
2. ballots that are ruled invalid are properly identified and, ideally, preserved for review;
3. the results of the count (also called *the returns* ) are transmitted to the appropriate authorities, who tabulate the results accurately and are reported to the political contestants, the election observers and the public as provided by law and in a timely manner; and
4. the processes of counting ballots and transmitting and tabulating results are conducted in a transparent environment such that they are accepted by all competitors and the electorate.

### Closing the Polling Station

According to the Code, the Chairman of the Precinct Electoral Committee is required to close the polling station at 8:00 p.m. Voters already in the polling station are allowed to vote. Voters in line outside of the polling station are not allowed to vote. After the last voter inside the polling station votes, the PEC Chairman closes the ballot box and requests that all voters and others not authorized to monitor the counting process to leave the polling station.

### Counting Unused Ballots, Returned Ballots, Registered Voters, and Voters Receiving Ballots

Once only authorized people are in the polling station, the precinct is closed. Before the ballot box is opened, the committee counts unused ballot papers. When the number of unused ballots has been agreed to, the ballots are packaged and sealed.

Next, the committee counts the ballots that were returned by voters because they were improperly filled out, the total number of voters listed on the voter list, and the total number of voters to whom ballots were distributed based on the number of signatures on the voter list. The ballot box cannot be opened until these three numbers have been obtained.

**Article 60.1:** *The Chairperson of the Precinct Election Commission bans the access of voters to the precinct center at 8:00 p.m., enables the voters at the precinct center to vote, closes the ballot box slot, asks all the persons not entitled to attend the sessions of the Precinct Election Commissions to leave, and closes the precinct center. Upon fulfilling the above-mentioned actions the Precinct Election Commission starts the session for the summing up of the voting results. For that purpose:*

- 1). *unused ballot papers, ballot papers wrongly filled in by the voters and returned are counted, canceled in the procedure established by the Central Election Commission, and sealed;*
- 2). *the total number of voters is counted based on voter lists;*
- 3). *the number of voters, that have received ballot papers, based on the signatures available in the voter list is counted; afterwards the above-mentioned lists are sealed;*
- 4). *the ballot box is opened.*

## Counting The Ballots

The procedure for counting the ballots is clearly defined in the Code. Each ballot is to be removed from the box one at a time, declared valid or void, and if valid it is declared aloud for whom the ballot has been cast. As the process continues, ballots are placed in different stacks. There should be a pile for invalid ballots, against all ballots, and a pile for each candidate or party.

During this time electoral officials are not allowed to have access to pens or pencils with which they could add marks which might invalidate ballots. Also, committee members are not allowed to make any notes during this process.

**Article 60.2:** *The Chairperson of the commission take one ballot out of the ballot box, declares the validity or invalidity of the ballot, and in case of a valid ballot states also who it has been voted for. Upon request he/she shall pass the ballot to the other members of the commission. In case a commission member disagrees with the opinion of the Chairperson, he/she submits an objection. It is put to vote. In the event of the objection, based on the voting results, and in case of no objection, in accordance with his/her statement the Chairperson puts the ballot in the pack of ballots for the particular candidate (party), "against all", or "invalid" ballots, after which takes the next ballot out of the ballot box. This action is repeated for all the ballots available in the ballot box. During the implementation of the assortment of the ballots the members of the commission are banned from making notes, as well as having pens, pencils or other objects for making notes.*

This is a long process and often election officials are tempted to use different procedures in order to save time. It is essential that this counting process be adhered to so as to limit the possibility of counting irregularities and simple mistakes.

Ballots are invalid if the voter has indicated support for more than one candidate or party by making more than one mark on the ballot, or has selected both a candidate or a party and selected against all. Ballots can also be ruled invalid if there are no marks at all, or if there are additional marks. Finally, ballots which have not been stamped and ballots which have not been signed or are not of the approved specimen are also invalid. Any disputes over the validity of ballots is determined by a vote of the election committee.

### **Article 58: Invalid Ballots**

1. *Ballots containing votes for more than one candidate (party), ballots containing notes supporting one candidate (party) and simultaneously in the AI'M AGAINST ALL line, in the case when one candidate (party) is running, and there are notes simultaneously in front of both AI'M FOR and AI'M AGAINST words, ballots without any notes, ballots with unnecessary notes and remarks are deemed invalid.*
2. *Unsealed, unsigned ballots and ballots of not approved specimens are deemed invalid.*
3. *The electoral commission settles the matter of doubtful ballots by vote.*

It is important to watch carefully if ballots are being declared invalid. It is important that the decision to invalidate a ballot is based on the requirements of the Code. Pay close attention to see that the law is being equally applied to all contestants equally.

When the ballot box is empty and all of the ballots have been placed in the appropriate pile, the Chairperson will loudly count the number of ballots, one by one, in each stack. When the total number of ballots in each stack has been determined, the sum of all stacks, less the number of invalid ballots, is equal to the total number of valid ballots.

**Article 60.3:** *After the assortment of all the ballots available in the ballot box the Chairperson, in the presence of the members of the commission, one by one counts the number of invalid ballots, ballots with votes against all, as well as the votes given for each candidate (party). Based on the results, the total number of valid ballots of approved specimen and of votes given for the candidates is counted. The counted and assorted ballots are wrapped and sealed, in the procedure established by the Central Election Commission*

## Compiling Protocols

Once the counting process is complete, the official protocol of results must be compiled. One protocol will consist of two separate parts: a Summary Protocol of Voting Results and a Protocol on the Amount of Inaccuracies. (A Blank copy of this protocol is included.)

**Article 61.1:** *The summary protocol of voting results includes:*

- 1). *the total number of voters according to voter lists;*
- 2). *the number of the registered voters, that have received ballots according to signatures;*
- 3). *the number of ballots allocated to the Precinct Election Commission;*
- 4). *the number of canceled ballots;*
- 5). *the number of valid ballots in the ballot box;*
- 6). *the number of invalid ballots;*
- 7). *the total number of the ballots in the ballot box;*
- 8). *the number of the ballots cast against all candidates (parties);*
- 9). *the number of votes cast for each candidate (party);*
- 10). *the total number of votes cast for candidates (parties).*

The Protocol on the Amount of Inaccuracies measures discrepancies. The size of the discrepancy, if any, will help you to assess if the outcome of the election has in any way been compromised by the overall level of inaccuracies.

As you know, the total number of ballots received by the Precinct Electoral Committee before voting should equal the number of canceled ballots (both unused and returned) plus the number of ballots in the box (cast ballots). If the number of canceled ballots plus cast ballots is greater than the number of ballots received by the committee, than either the committee made an error while counting, or extra ballots made their way into the ballot box. If the number of canceled ballots plus cast ballots is less than the number of ballots received by the committee, than ballots are missing.

A second issue to watch is to certify that the number of signatures on the voter list equals the number of ballots in the box. If there are less signatures than ballots, something is wrong. If there are more signatures than ballots, than either a voter left the polling station with his or her ballots or ballots were removed from the box and hidden during the counting process.

The Protocol on the Amount of the Inaccuracies will be compiled to measure both of these issues.

**Article 60.4:** *Afterwards the Precinct Election Commission, based on the data of the precinct summary protocol, draws up a protocol on the amount of inaccuracies. The commission decides the amount of inaccuracies in the following way:*

- 1). *compares the number of ballot papers given to the Precinct Election Commissions, with the total number of the ballots in the ballot box and the canceled ballots. The difference is noted as the amount of first inaccuracy;*
- 2). *compares the number of signatures in the voter lists with the number of the ballots in the ballot box. The difference in absolute number is noted as the amount of second inaccuracy;*
- 3). *the amount of inaccuracies mentioned in subpoints one and two of this point are added. The total is the amount of inaccuracies at that precinct*

Once both sections of the protocol are completed, it is signed by all of the committee members and stamped with the official precinct stamp. Committee members disagreeing with the information contained in either protocol may make a note next to his or her signature and submit additional comments in written form.

### **Availability of Protocol Copies**

Party proxies and observers are entitled to an official copy of the precinct protocols upon request. In addition, upon the completion of the counting process, a copy of the precinct protocol should be posted in a visible place at the precinct center.

**Article 61.7:** *Upon the request of the proxy of a candidate (party) or an observer they are given copies of the Precinct summary protocol, ratified by the signature of the Chairperson of the commission or the Secretary and the seal of the commission.*

If the electoral officials claim they cannot provide you with a copy of the official protocol due to a lack of copies, complete the blank protocol enclosed in your monitoring materials and ask the Chairperson to stamp and

sign it. Once stamped and signed, your forms have the force of legal election documents.

### **Transporting Protocols and Sealed Ballots to the Regional Electoral Committee**

Once the protocols have been signed and the ballots sealed, they must be transported to the Regional Electoral Committee. The REC will add the results from each single-mandate district to determine who has the most votes. The REC will also add the results from the party list vote for transmission to the Central Election Commission for a final tally.

If possible, you should attempt to accompany the ballots and protocols from the polling station to the REC after the count. By accompanying the ballots, you may deter those who might be inclined to alter the vote totals after leaving the precinct.

### **Issues To Monitor**

Most of the issues that you monitor during the voting also merit scrutiny during the counting. You should pay attention to the *environment inside of the counting station*, the *conduct of the officials*, the *conduct of the party proxies* and the *environment outside of the counting station*. For example, inside of the voting station, you should determine whether the appropriate *arrangement*, *staffing* and *materials* are in place.

When observing the count, observers should be vigilant for the following possible irregularities:

1. violation of the integrity of the ballot box (e.g., broken locks or seals, prematurely opened boxes, etc.);
2. improper counting procedures (e.g., tearing or marking ballots to invalidate them; failing to record valid ballots according to the clearly expressed intention of the voters; adding pre-marked or invalid ballots to the contents of the ballot box; substituting stealing or destroying ballots or entire ballot boxes; etc.)
3. intimidation of counting officials or observers;
4. errors or omissions in computing or completing official tally sheets;
5. improper refusal to allow monitors or others to observe the process or record complaints on the official tally sheet; and
6. failure to report results according to prescribed procedures or time periods.

Once the ballots from individual polling sites are counted, the process of collecting and computing (*tabulating*) results from the various sites begins.