

Շրագրային համագործակցության կառուցակարգ  
Հայաստանի, Ադրբեջանի, Վրաստանի, Սերբիայի Հանրապետության, Ուկրաինայի և Բելառուսի համար

Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

Funded  
by the European Union  
and the Council of Europe



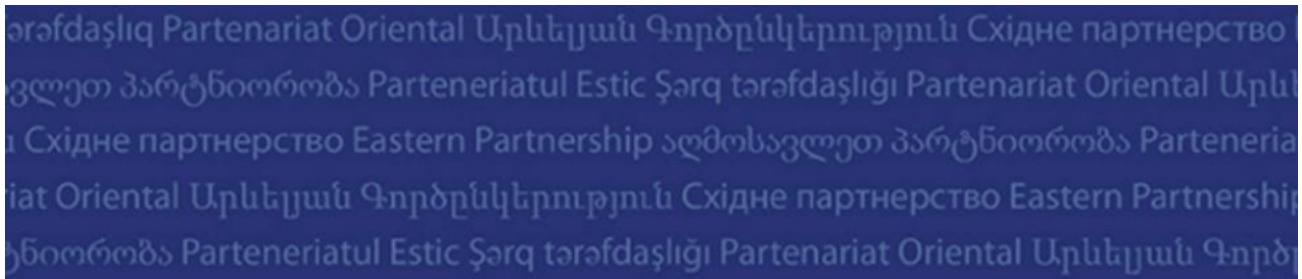
Implemented  
by the Council of Europe



Sigrid Rausing Trust

# City Council Elections in Vanadzor and Gyumri October 2, 2016

## Final Report (Concise Version)



Vanadzor 2016





Ծրագրային համագործակցության կառուցակարգ  
Հայաստանի, Ադրբեջանի, Կրաստանի, Մոլդովայի Հանրապետության, Ուկրաինայի և Բելառուսի համար

Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

Funded  
by the European Union  
and the Council of Europe



COUNCIL OF EUROPE



Implemented  
by the Council of Europe



Sigrid Rausing Trust

# City Council Elections in Vanadzor and Gyumri October 2, 2016

## Final Report (Concise Version)

<http://eap-pcf-eu.coe.int>

Vanadzor 2016



Ապրտուն կանանց համայնքային խորհուրդ ԳԿ



The observation mission was carried out with the financial assistance of the Council of Europe, Sigrid Rausing Trust Foundation and Norwegian Helsinki Committee.

The report was produced with the financial assistance of the European Union and Council of Europe. The views expressed herein can in no way be taken to represent the official opinions of the funding organisations.

All rights reserved.

*The project on enhancing capacities of domestic observer organisations is one of the components of “Long-term assistance to electoral stakeholders in Armenia” Project funded within European Union and Council of Europe Programmatic Co-operation Framework in the Eastern Partnership Countries for 2015-2017.*

The analysis of election results presented in the report was revised based on the public discussion of the report.

# Contents

Introduction .....	6
Legislative changes regarding local elections in Vanadzor and Gyumri.....	7
Pre-election Campaign .....	10
Voting .....	11
Voting Preparation .....	11
Situation around the Polling Stations .....	12
Situation in the Polling Stations.....	14
Analysis of election results .....	16
Organizations involved in the Observation Mission .....	22

## Introduction

On October 2, 2016, there were local elections held in 377 communities. The New Electoral Code adopted by the RA National Assembly in May 25, 2016, stipulated a system for forming the local government in the cities of Vanadzor and Gyumri. According to the new system, residents of Vanadzor and Gyumri would directly vote only for a proportional city council, which in its turn would vote in a mayor. Each party/party alliance list would be led by their proposed candidate for the city head.

Within the framework of “Capacity development of domestic observers” component of “Long-term assistance to electoral stakeholders in Armenia” program by the Council of Europe and the European Union, Helsinki Citizens’ Assembly-Vanadzor (HCA Vanadzor), Union of Informed Citizens, Martuni Women’s Community Council, Goris Press Club, and Helsinki Committee of Armenia observed polling stations in Vanadzor (34 polling stations) and Gyumri (46 polling stations) with 200 observers. HCA Vanadzor also conducted pre-election campaign observation in these cities.

The partner organizations submitted reports and inquiries to the 30 and 34 TECs as well as Bazum and Taron departments of Vanadzor Police and Mush Department of Gyumri Police.

## Legislative changes regarding local elections in Vanadzor and Gyumri

Several fundamental Constitutional amendments were adopted as a result of the December 6, 2015 referendum. Armenia switched from a semi-presidential system to a parliamentary system and the new amendments stipulated that elections to the local government could be direct or indirect. Constitutional amendments were followed by amendments in electoral legislation. The new Electoral Code adopted on May 25, 2016 stipulated changes for forming local government in Vanadzor and Gyumri. According to the new Electoral Code (EC), elections to the city councils in Vanadzor and Gyumri are held on a proportional basis (similar to Yerevan). Thus only parties and party alliance can be nominated for the elections.<sup>1</sup> Article 113 of the EC limits the maximum number of non-partisan candidates in each party list to 30%. The number of council members in Vanadzor and Gyumri increased from 21 to 33.

Article 141 stipulates proportional distribution of mandates among parties and party alliance that have crossed the threshold of 6 and 8 percents respectively. The threshold for entering the Parliament for parties and party alliances is 5 and 7 percent respectively. Mayors of Vanadzor and Gyumri are elected by the members of the city council.

If any of the political parties (party alliances) receives more than 40 per cent of the seats but not the absolute majority, the absolute majority of the seats shall be provided to that political party (party alliance) and the office of the Mayor is given to the person leading the party list. If 2 political parties (party alliances) receive more than 40 per cent of the seats but not the absolute majority, the absolute majority of the seats shall be provided to the political party (party alliance) having received the highest number of mandates. The remaining mandates shall be distributed among the electoral lists of other political parties (party alliances) having obtained the right to participate in the distribution of mandates.

This mechanism of distribution of mandates, in fact, allows one political power, to receive over 10 percent bonus votes and up to 4 percent bonus votes in parliamentary elections. This system that shatters the balance of votes cast by voters is incompatible with

---

<sup>1</sup> 2016 Electoral Code, Articles 124 and 129

the spirit and letter of democracy. Moreover, such a drastic disruption between popular vote and mandate distribution does not have any reasonable justification.

If the 2011 EC allowed those who had 40% of popular vote to receive majority in the first phase of mandate allocation, the 2016 EC provides this opportunity after the distribution of remaining mandates.

According to the joint opinion by the Venice Commission and the OSCE/ODIHR, introduction of the majority bonus and the higher threshold for local elections and the current difficulties with establishing parties at the local level, would reduce political diversity and affect coalition building negatively. It was recommended to introduce the possibility of forming coalitions instead of establishing a majority bonus to a single party. In general, the Venice Commission and OSCE/ODIHR did not think that the logic of having absolute or stable majority at the local level was justified and argued that a better correlation between the voters' will and the election results could reinforce the voters' trust at the local level and improve accountability:<sup>2</sup>

The calls for necessity of political diversity and proper reflection of voters' will in the elections at both local and national levels were not in any way reflected in the amendments to the new Electoral Code:

Point 8, Article 141 of the EC stipulates that neither sex can be represented by over 70% in the party list. The 2011 EC prescribed a maximum of 80%. Unlike the 2011 EC, the new Code prescribes guarantees for representation of both sexes in the elected Parliament and city councils of Vanadzor, Gyumri, and Yerevan. Thus, if as a result of waiver of one candidate the number of representatives of any sex in the given faction falls below and results in less than 25 per cent, it shall be given to the next candidate of less represented sex in the electoral list of that political party (party alliance), if any. Where there is no other candidate in the electoral list, the mandate shall remain vacant.<sup>3</sup> The transitional provisions of Electoral Code, however, stipulate that until 2021 the maximum representation of either sex in the party or party alliance list shall not exceed 75%, and the number of

---

<sup>2</sup> Հնարական օրենսգրքի նախագծի վերաբերյալ համատեղ կարծիք, վենետիկի հանձնաժողով և ԵԱՀԿ/ԺՀՄԻԳ, [http://www.venice.coe.int/webforms/documents/default.aspx?pdfid=CDL-AD\(2016\)019-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdfid=CDL-AD(2016)019-e)

<sup>3</sup> 2016 Electoral Code, Articles 130 and 141



representatives of one sex shall not fall below 20% in each faction elected into the city council.

According to the Article 144 of the new electoral Code on transitional and final provisions, the elections to the October 2016 Vanadzor and Gyumri city councils would be held under the proportional system prescribed by the new Code, while the voting and the election results would be summarized in accordance with the regulations of the 2011 EC prescribed for the election of the City Council of Yerevan. In this regard, it is clear that the TEC decisions about Vanadzor and Gyumri election results contradict the legislation and are invalid as the provisions of the New Electoral Code were used for summarizing the results. This will be detailed in the chapter on analysis of election results.

## Pre-election Campaign

There were 8 parties running for the October 2, 2016 elections in Vanadzor and 10 parties and 1 party alliance in Gyumri. The parties running in Vanadzor were the Prosperous Armenia Party (PAP), the Bright Armenia Party (BAP), the Consolidation Party (CP), the Armenian National Congress Party (ANCP), the Armenian Revolutionary Federation Party (ARFP), the Republican Party of Armenia (RPA), the Armenian Renaissance Party (ARP), and the Civil Contract Party (CCP).

The parties running in Gyumri were the “Alliance” Centrist Progressive Party (ACPP), the “Balasanyan” Alliance (the Republican Party of Armenia and the Christian Democratic Party of Armenia) (Balasanyan), the Prosperous Armenia Party (PAP), the Alliance of Like-minded Liberals (GALA) Party, the Gyumri’s Spirit Party (GSP), the Businessman Party (BP), the Consolidation Party (CP), Armenian National Congress Party (ANCP), the Armenian Revolutionary Federation Party (ARFP), the Armenian Renaissance Party (ARP), and the Civil Contract Party (CCP).

Party lists in Gyumri were comprised of a total of 422 candidates and a total of 325 candidates in Vanadzor. Most candidates in Gyumri were nominated by the “Balasanyan” Alliance (99 candidates) and the Armenian Renaissance Party (90 candidates) and in Vanadzor most candidates were nominated by the Armenian Renaissance Party (70 candidates) and the Republican Party of Armenia (68 candidates).

The pre-election campaign period for these local elections was September 9-30, 2016. The general conclusion of campaign monitoring was that the elections were unprecedentedly competitive and the pre-election campaign involved harsh mutual criticism and negative campaign. Members of the ruling coalition, the Republican Party of Armenia, the Armenian Revolutionary Federation, and the “Balasanyan” Alliance had more access to campaign advertisements and use of public areas for campaign meetings, especially in terms of organizing meetings at institutions under regional and community administration. Nominated parties did not enjoy equal conditions for conducting their campaigns, in both cities the Republican Party of Armenia had clear privileges (the Republican Party of Armenia was a part of “Balasanyan” Alliance in Gyumri).

## **Voting**

### **Voting Preparation**

Observers observed the morning session of the Precinct electoral commissions in Gyumri and Vanadzor assessing the preparation for voting, furnishing and amenities of the polling stations, organization of the commissions' work.

While only few of the polling stations were located on the second floor or basement of the building, observers found that 68% of observed polling stations in Vanadzor and 62% of observed polling stations in Gyumri were inaccessible due to absence of a ramp. Moreover, the fitness of the ramps that were in place was not assessed. It should also be noted that 4 of the inaccessible polling stations were located in inclusive public schools.

According to the Central Electoral Commission, all polling stations were equipped with magnifying glasses for people with visual impairments. Observation showed that 7 of the 34 observed polling stations in Vanadzor and 3 of the observed 46 polling stations in Gyumri lacked these glasses. Of those polling stations, 34/76 received a magnifying glass on at 10:30 a.m.

In general observers found that 2 polling stations in Vanadzor and 10 polling stations in Gyumri did not have sufficient room for ensuring the due process of voting. 3 polling stations in Gyumri did not have all three signatures of commission members on the back of the ballot papers as required by the law. 2 polling stations in Vanadzor and 3 polling stations in Gyumri experienced some issues with opening the polling station for voting.

## Situation around the Polling Stations

The comparison of information collected by observers shows that in Gyumri city during the first four hours of voting, activities aimed at attracting voters toward any political party occurred around 15% of observed polling stations (7 polling stations), during the second four hours those cases occurred around 17% of polling stations (8 polling stations), and during the last four hours they occurred around 6% of polling stations (3 polling stations). In Vanadzor, during the first four hours of voting, activities aimed at attracting voters toward any political party occurred around 15% of observed polling stations (5 polling stations), during the second four hours those cases occurred around 12% of polling stations (4 polling stations), and during the last four hours around none of the polling stations such cases were noticed. During the first eight hours of the voting persuasions and other oral campaigning was conducted around 3 polling stations (9 percent)

In Gyumri, voters' transportation by vehicles in the morning was noticed near 15% of observed polling stations (7 polling stations), in the afternoon, such cases were seen near 24% percent of polling stations (11 polling stations), and in the evening these cases were recorded near 17% percent of polling stations (8 polling stations). In Vanadzor, during the first four hours of voting, voters' transportation by vehicles was noticed near 24% of observed polling stations (8 polling stations), during the second four hours of voting such cases were seen near 26% percent of polling stations (9 polling stations), and during the last four hours of voting those cases were noticed near 12% percent of polling stations (4 polling stations).

In Gyumri, during the first eight hours of voting, overcrowding was observed within the territory of 50 meters radius of 22% of polling stations (10 polling stations), and during the last four hours overcrowdings were noticed near 12 polling stations (26%). In Vanadzor, during the first four hours of voting, overcrowdings were noticed within the territory of 50 meters radius of 29% of polling stations (10 polling stations), during the second four hours overcrowdings were noticed near 32% of polling stations (11 polling stations), and during the third four hours such cases were seen near 18% of polling stations (6 polling stations).

In Gyumri, during the first four hours of voting car congestions were noticed within the territory of 50 meters radius of 17% of observed polling stations (8 polling stations),

during the second four hours such cases were noticed near 15% of polling stations (7 polling stations), and during the third four hours car congestions were noticed near 22% of polling stations (10 polling stations). In Vanadzor during the first four hours of voting car congestions were noticed within the territory of 50 meters radius of 15% of polling stations (5 polling stations), during the second four hours such cases were noticed near 18% of polling stations (6 polling stations), and during the third four hours such cases were seen near 6% of polling stations (2 polling stations).

In Gyumri, during the first four hours of voting cases of fighting/arguments were recorded near 9% of observed polling stations (4 polling stations), during the second four hours such cases were noticed near 17% of polling stations (8 polling stations), and during the third four hours such cases were seen again around 9% of observed polling stations (4 polling stations).

In Vanadzor during the first eight hours of voting cases of fighting/arguments were recorded near 9% of observed polling stations (3 polling stations), and during the third four hours such cases were noticed near 6% of observed polling stations (2 polling stations).

## Situation in the Polling Stations

The 2011 EC does not restrict an eligible person's entry into the polling station as well as allows for their removal only in case of arrest or detention. Hindering of an eligible person's entrance into a polling station was recorded by observers in two polling stations of Gyumri (34/33 and 34/59). No such cases were recorded in Vanadzor.

In Gyumri, proxies were removed from 34/48 and 34/59 polling stations. It should be noted that there were a number of cases recorded by observers, when the PEC chairman, abusing his/her authority, made an internal agreement with the campaign headquarters of the Republican Party and demanded to replace a proxy, thus preventing the possibility of taking lawful actions against the violations allegedly made by the proxy in question. A media representative was removed from the 34/82 polling station of Gyumri, because proxies doubted whether the person was really a journalist, they started a loud argument and removed him/her from the polling station. This action can in no way be considered justified or lawful. In the city of Vanadzor, a proxy was removed from 30/58 polling station.

In Gyumri city, during the first four hours of voting, there were problems with voters' lists in 33% of observed polling stations (15 polling stations), during the second four hours, such problems were recorded in 37% of polling stations (17 polling stations), and during the last four hours, there were problems with voters' lists in 26% of polling stations (12 polling stations).

In Vanadzor city, during the first four hours of voting, there were problems with voters' lists in 38% of observed polling stations (13 polling stations), during the second four hours such problems were recorded again in 38% of polling stations (13 polling stations), and during the last four hours problems with voters' lists have been in 29% of polling stations (10 polling stations).

In Gyumri city, campaign materials or activities were noticed inside 34/56, 34/67, 34/48, 34/59 and 34/65 polling stations, in the morning and in the afternoon. In Vanadzor city, campaign materials or activities were noticed inside 30/01, 30/07 and 30/49 polling stations, only in the evening. In 30/01 polling stations the proxy of the Armenian Renaissance party conducted negative campaign against the Armenian National Congress

and other parties. A voter entered the 30/07 polling station with the Republican Party booklets.

In Gyumri, during the first four hours of voting, violations were not entered in the register in 17% of polling stations (8 polling stations), during the second four hours, they were not entered in 11% of polling stations (5 polling stations), and during the last four hours, violations were not registered in 13% of polling stations (6 polling stations). In the morning, not all violations were entered in the register in the 11% of observed polling stations (5 polling stations), in the afternoon, not all violations were registered in 9% of polling stations (4 polling stations), and in the evening, not all of them were registered in 5% of polling stations (2 polling stations).

In Vanadzor, during the first four hours of voting, violations were not entered in the register in 1 polling stations, during the second four hours, they were not entered in 15% of polling stations (5 polling stations), and during the last four hours, violations were not registered in 6% of polling stations (2 polling stations). In the morning, not all violations were entered in the register in the 21% of observed polling stations (7 polling stations), in the afternoon not all of them were registered in 9% of polling stations (3 polling stations), and in the evening, not all of them were registered in 1 polling station.

According to the information provided by the observers, cases of fighting/arguments occurred in correspondingly 25 (54%) and 15 (56%) of polling stations observed in Gyumri and Vanadzor: between proxies of different political parties, between PEC members/ media representatives/ observers and proxies, different PEC members, between PEC chairman and media representative, etc.

During the voting in Gyumri violations of observers' rights were recorded in 34/20, 34/48 and 34/56 polling stations. In Vanadzor violations of observers' rights occurred in 30/15, 30/16 and 30/53 polling stations.

## Analysis of election results

Despite of the seemingly higher competition and interest, voter turnout was smaller during October 2<sup>nd</sup>, 2016 elections compared to the previous elections. According to the preliminary information published by the CEC of RA, 41189 voters participated in the elections, and according to the final results, 41278 voters turned out to vote, i.e. 42,75% of eligible voters. On September 9<sup>th</sup>, 2012, 44540 voters participated in the elections (46.28%).

In Gyumri, voter turnout was almost the same as previous during the previous elections. According to the preliminary information published by the CEC of RA, 46902 voters participated in the elections, and according to the final results, 45670 voters turned out to vote, thus the 36,25% of voters. On September 9<sup>th</sup>, 2012, 46093 voters participated in the elections (36.68%).

The 3<sup>rd</sup> part of 144<sup>th</sup> article of the Electoral Code adopted in 2016 stipulates:

*“The voting for the elections of councils of elders called in Gyumri and Vanadzor communities before 1 September 2017 shall be organized and held, as well as the election results shall be summarized in accordance with the regulations of the Electoral Code of 26 May 2011 prescribed for the election of the Council of Elders of Yerevan.”*

According to the 4<sup>th</sup> part of 165<sup>th</sup> article (Summarization of the Voting Results and the Election Results) of 2011 Electoral Code:

*4. Mandates of members of the Yerevan Council of Aldermen shall be distributed among the electoral lists of political parties or alliances of political parties in proportion to the number of “for” votes cast in favor of each of them. The number of mandates available to each electoral list shall be calculated in the following manner: the number of “for” votes cast in favor of each electoral list shall be multiplied by the number of mandates available for the electoral lists; the product shall be divided by the total number of “for” votes cast in favor of the electoral lists participating in the distribution of mandates, then integers shall be distinguished, which shall be the number of mandates available to the electoral list of each political party or alliance of political parties.*

*Where, as a result of the distribution of mandates by the procedure prescribed by this Part, any of the political parties or alliances of political parties receives more than 40*



*percent of the seats, but not the absolute majority, then such political party or alliance of political parties shall be granted the absolute majority of the seats. Where two political parties or alliances of political parties receive more than 40 percent of the seats, but not the absolute majority, the political party or alliance of political parties that received the greatest number of mandates shall be granted the absolute majority of seats. The remaining mandates shall be distributed among the electoral lists of other political parties or alliances of political parties that acquired the right to participate in the distribution of mandates.*

*5. The remaining mandates shall be distributed among the electoral lists in the order of the magnitudes of the remainders, with the principle of one mandate to each. In case the remainders are equal, the contested mandate shall be given to the electoral list that has received the highest number of “for” votes, and in case of a tie, the matter shall be settled by drawing lots.*

The 2016 Electoral Code stipulates:

4. Mandates of the members of the council of elders shall be distributed among the electoral lists of political parties (alliances of political parties) in proportion with the number of ballot papers cast in favor of each of them. The number of mandates available for each electoral list shall be calculated as follows: the number of ballot papers with affirmative vote cast in favor of each electoral list shall be multiplied by the number of mandates available for electoral lists, the product shall be divided by the total number of ballot papers with affirmative vote cast in favor of the electoral lists participating in the distribution of mandates, and the whole numbers shall be parted which shall be the numbers of mandates available for the electoral list of each political party (alliance of political parties).

The remaining mandates shall be distributed among electoral lists by the sequence of value of remainders, by the principle of one mandate to each. In case the values of remainders are equal, the contested mandate shall be given to the electoral list with the highest number of ballot papers with affirmative vote cast in favor, whereas in the event of a tie the mandate shall be given by drawing of lots.

5. Where, as a result of the distribution of mandates as prescribed by part 3 of this Article, any of the political parties (alliances of political parties) receives more than 40 per cent of the seats but not the absolute majority, the absolute majority of the seats shall be

provided to that political party (alliance of political parties). Where 2 political parties (alliance of political parties) receive more than 40 per cent of the seats but not the absolute majority, the absolute majority of the seats shall be provided to the political party (alliance of political parties) having received the highest number of mandates. The remaining mandates shall be distributed among the electoral lists of other political parties (alliances of political parties) having obtained the right to participate in the distribution of mandates.

Thus, the 2011 Electoral Code prescribes allocation of bonus mandates for the parties receiving 40% and more in the popular vote and the 2016 Electoral Code prescribes such a privilege for the party that obtains 40% of mandates after the allocation of the remaining mandates.

As the 2016 Electoral Code stipulates that the results of October 2<sup>nd</sup>, 2016 elections held in Vanadzor and Gyumri cities must have been summarized according to the 2011 Electoral Code<sup>4</sup>, hence in the city of Vanadzor City Council mandates had to be distributed the following way:

	PAP	BAP	CP	ANCP	ARFP	RPA	ARP	CCP
<b>Vote</b>	2872	10899	984	551	2522	14889	5286	1617
<b>Percent</b>	7.2%	27.5%	2.5%	1.4%	6.4%	37.6%	13.3%	4.1%
<b>Preliminary distribution</b>	$\frac{2.60}{2}$	$\frac{9.86}{9}$	0	0	$\frac{2.28}{2}$	$\frac{13.47}{13}$	$\frac{4.78}{4}$	0
<b>Final mandates</b>	3	10	0	0	2	13	5	0

According to the October 9<sup>th</sup>, 2016 decisions of 30 and 34 Territorial Electoral Commissions, the results of City Council elections were summarized by the regulations of 141<sup>st</sup> article of 2016 Electoral Code without any justification. Moreover, provisions of the given article were applied arbitrarily and incompletely.

According to the decision<sup>5</sup> of 30 Territorial Electoral Commission, the mandates of Vanadzor City Council were distributed as set out in the table above, because none of the parties received 40% or more after the distribution of mandates. Nevertheless, if the transitional articles of the 2016 Electoral Code were ignored and the results were

<sup>4</sup> This has also been mentioned by advocate Makar Yeghiazaryan who represents PAP interests in the RA Administrative Court, and these facts presented in the lawsuit application of GALA political party where not addressed in any way in the court decision

<sup>5</sup> By the way, the venue of TEC decision was noted Vanadzor, and venue of the protocol regarding the election of City Council was noted Yerevan.

summarized according to the regulations of 141<sup>st</sup> article of the new Electoral Code, the lower ratio of representation of both sexes prescribed by the transitional articles should have been ignored as well and Point 8 of Article 141 had to be applied as well, which states:

*8. The mandate of a member of council of elders — who has waived the mandate or who has been elected and whose powers have been early terminated — shall be given to the next candidate in sequence of the electoral list of that political party (alliance of political parties) upon a protocol of the Central Electoral Commission, within a 1-week period after notifying the Commission, and where as a result of it, the number of representatives of any sex in the given faction falls below and results in less than 25 per cent, it shall be given to the next candidate of less represented sex in the electoral list of that political party (alliance of political parties), if any. Where there is no other candidate in the electoral list, the mandate shall remain vacant.*

Hence the requirement of the provision of 141<sup>st</sup> article regarding the gender representation of City Council members was not followed.

	PAP		BAP		ARFP		RPA		ARP	
<b>Total number of mandates</b>	3		10		2		13		5	
<b>Gender</b>	M	F	M	F	M	F	M	F	M	F
<b>Defined distribution</b>	2(67%)	1(33%)	7(70%)	3(30%)	1(50%)	1(50%)	9(69%)	4(31%)	3(60%)	2(40%)
<b>Actual distribution</b>	2(67%)	1(33%)	8(80%)	2(20%)	1(50%)	1(50%)	10(77%)	3(23%)	4(80%)	1(20%)

According to the logic of 2011 Electoral Code, the mandates of Gyumri City Council had to be distributed the following way:

	ACPP	Balasanyan	PAP	GALA	GSP	BP	CP	ANCP	ARFP	ARP	CCP
<b>Vote</b>	774	14987	9344	4517	2475	556	2489	471	2313	4578	638
<b>Percent</b>	1.8%	34.8%	21.7%	10.5%	5.7%	1.3%	5.8%	1.1%	5.4%	10.6%	1.5%
<b>Preliminary distribution</b>	0	$\frac{14.80}{14}$	$\frac{9.22}{9}$	$\frac{4.46}{4}$	0	0	0	0	0	$\frac{4.52}{4}$	0
<b>Final mandates</b>	0	-	-	-	0	0	0	0	0	-	0

Considering that by the preliminary distribution the numbers of votes (14987) multiplied by the total number of mandates (33) and divided by the total number of votes cast in favor of parties participating in the distribution of mandates equals to 14,

“Balasanyan” alliance had to receive 14 mandates, namely the 42% percent of total mandates. As 42% is sufficient to be given the majority of mandates, “Balasanyan” Alliance, which in fact received fewer votes, would receive the majority of mandates. The absolute number and the regulations for distribution of additional mandates are controversial.

Following the regulations of new Electoral Code, 34 Territorial Electoral Commission after the controversial distribution of the mentioned additional mandates concluded that “Balasanyan” alliance received more than 40% of mandates (45%) and accordingly redistributed the mandates, allocating to “Balasanyan” alliance 17 mandates. The additional 2 mandates were deducted from PAP and ARP. Thus Gyumri City Council mandates were distributed the following way.

	ACPP	Balasanyan	PAP	GALA	GSP	BP	CP	ANCP	ARFP	ARP	CCP
<b>Vote</b>	774	14987	9344	4517	2475	556	2489	471	2313	4578	638
<b>Percent</b>	1.8%	34.8%	21.7%	10.5%	5.7%	1.3%	5.8%	1.1%	5.4%	10.6%	1.5%
<b>Preliminary distribution</b>	0	15	9	4	0	0	0	0	0	5	0
<b>Final mandates</b>	0	17	8	4	0	0	0	0	0	4	0

As a result, Samvel Balasanyan, the first candidate in the list of the Alliance which received the support of only 12% of Gyumri city voters (125983), automatically became the Mayor of Gyumri.

While TEC 34 based its decision on Article 141 of the new Electoral Code it again did not comply with the requirement of the same article regarding gender representation, accordingly:

	Balasanyan		PAP		GALA		ARP	
<b>Total number of mandates</b>	17		8		4		4	
<b>Gender</b>	M	F	M	F	M	F	M	F
<b>Defined distribution</b>	12(71%)	5(29%)	6(75%)	2(25%)	3(75%)	1(25%)	3(75%)	1(25%)
<b>Actual distribution</b>	13(76%)	4(24%)	6(75%)	2(25%)	3(75%)	1(25%)	3(75%)	1(25%)

It should be noted that the results of Community Mayor and Community Council elections held in the other 375 communities on the same day were summarized according to

143 and 144 articles of RA 2011 Electoral Code respectively, as the 2016 electoral Code required.<sup>6</sup> The arbitrary and selective application of the new provisions by 30 and 34 Territorial Electoral Commissions does not have any justification and contradict to the principle of legal certainty. These decisions that are based on articles which have not been yet enforced must be declared void, and the local self-government bodies formed by the given decisions must be declared not legitimate.

---

<sup>6</sup> TEC decisions, <http://www.elections.am/tec-decisions/>

## Organizations involved in the Observation Mission

The observation of October 2<sup>nd</sup>, 2016 elections of Vanadzor and Gyumri self-government bodies was implemented within the framework of “Capacity development of domestic observers” component, which is a part of “Long-term assistance to electoral stakeholders in Armenia” program. The program is funded within European Union and Council of Europe Programmatic Co-operation Framework in the Eastern Partnership Countries for 2015-2017.

The observation mission was carried out by Helsinki Citizens’ Assembly-Vanadzor (HCA Vanadzor), Union of Informed Citizens, Helsinki Committee of Armenia, Martuni Women’s Community Council and Goris Press Club.

Helsinki Citizens’ Assembly-Vanadzor Tel: (+374 322) 4 22 68; Fax: (+374 322) 4 12 36, Web site: <a href="http://www.hcav.am">www.hcav.am</a> , Email: <a href="mailto:hcav@hcav.am">hcav@hcav.am</a>
Union of Informed Citizens Tel: (+374 41) 355042 Web site: <a href="http://uicarmenia.org/">http://uicarmenia.org/</a> , Email: <a href="mailto:uicarmenia@gmail.com">uicarmenia@gmail.com</a>
Helsinki Committee of Armenia Tel: (+374 10) 56 14 57; Fax: (+374 10) 56 03 72, Web site: <a href="http://armhels.com/">http://armhels.com/</a> , Email: <a href="mailto:info@armhels.com">info@armhels.com</a>
Martuni Women’s Community Council Tel: (+374 262) 4 18 67; Fax: (+374 262) 4 43 00, Web site: <a href="http://mwccngo.blogspot.am/">http://mwccngo.blogspot.am/</a> , Email: <a href="mailto:kananc@arminco.com">kananc@arminco.com</a>
Goris Press Club Tel: (+374 284) 2 07 31 Web site: <a href="http://gorispress.am/">http://gorispress.am/</a> , Email: <a href="mailto:gorispressclub@gmail.com">gorispressclub@gmail.com</a>

Միազրային համագործակցության կառուցվածք  
Հայաստանի, Ադրբեջանի, Կրաստանի, Սլովակիայի Հանրապետության, Ուկրաինայի և Բելառուսի համար

Programmatic Cooperation Framework for  
Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus

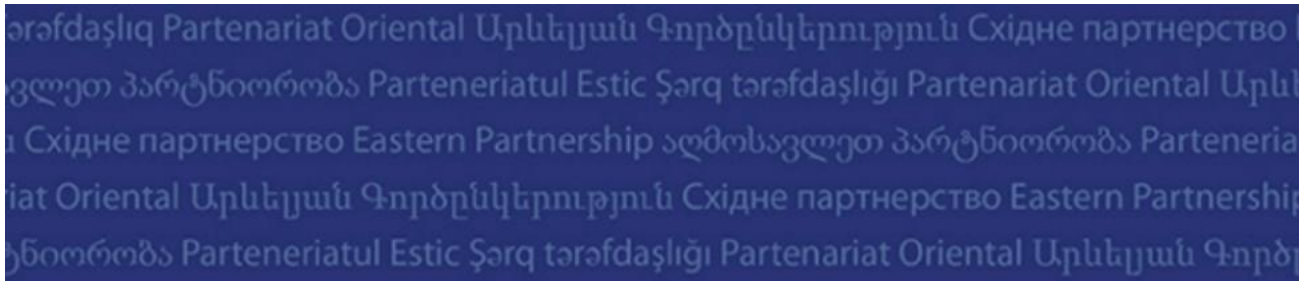
Funded  
by the European Union  
and the Council of Europe



Implemented  
by the Council of Europe



# Sigrud Rausing Trust



<http://eap-pcf-eu.coe.int>

