

Ծրագրային համագործակցության կառուցակարգ
Հայաստանի, Ադրբեջանի, Վրաստանի, 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



Implemented
by the Council of Europe



Yerevan City Council elections

May 14, 2017

“INDEPENDENT
OBSERVER”
Public Alliance

Final
Report

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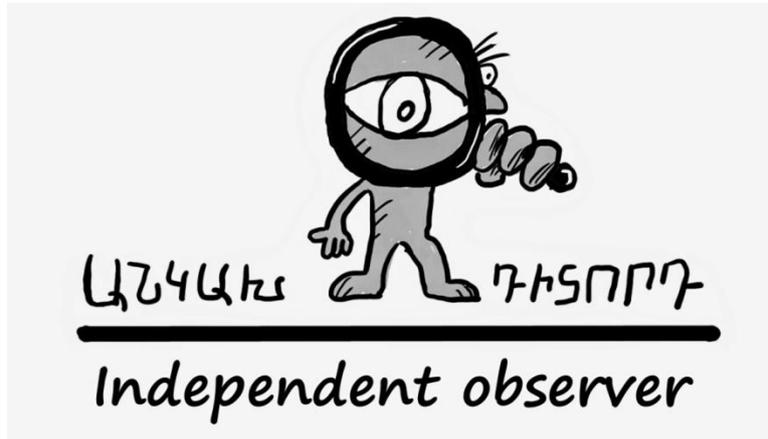
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The views expressed herein can in no way be taken to represent the official opinions of the European Union and Council of Europe.

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Introduction

Yerevan City Council Elections were held on May 14th, 2017.

“Independent Observer” Public Alliance represented by Helsinki Citizens Assembly - Vanadzor and Union of Informed Citizens, observed Yerevan City Council elections within “Enhancing capacities of domestic observer organizations” component of “Long-term Electoral Assistance to Election related Stakeholders of Armenia” Project by the European Union and Council of Europe. Observers accredited from Goris Press Club also participated in the observation.

The report summarizes the results of the observation conducted in 60 polling stations and 10 Territorial election Commissions. The presentation of the working version of the report was held on June 13th and the report was revised based on the comments and recommendations heard during the presentation.

Methodology

During Yerevan City Council elections “Independent Observer” Public Alliance observed 60 polling stations and 10 Territorial election Commissions.

The observation was conducted by a group of around 140 observers based on several monitoring cards. Mainly the same polling stations were chosen, which were observed during the NA elections held on April 2nd, 2017.

On the Voting Day, information on the following was collected with separate monitoring cards:

1. Commission sitting
2. Voter turnout
3. Situation around polling stations as of 2:00 pm, 8:00 pm
4. Situation in polling stations as of 2:00 pm, 8:00 pm
5. Tabulation of results.

At the same time mobile observers observed the campaign offices of candidates and the general situation around polling stations in order to identify cases of controlled voting.

10 observers observed the sitting of the Territorial election Commissions.

A team of 5 lawyers provided legal consulting to the observers, and undertook relevant actions in respect to reports on electoral violations.

Legislative Framework and Political Context

The regulations regarding Yerevan City elections were not subjected to essential changes by the Electoral Code adopted on May 25th, 2016.

The elections of City Council (Council of Elders) are held under proportional electoral system, according to which, political parties and alliances of political parties have the right to be nominated.¹ The 130th article of the new Electoral Code stipulates that the number of non-partisan candidates in the electoral lists of political parties (alliances of political parties) cannot exceed 30 percent of the total number of candidates included in the lists.

According to the Article 141 of the EC, mandates of the City Council members are proportionally distributed among the electoral lists of the political parties that have passed the 6 percent threshold and alliances of political parties that have passed the 8 percent threshold. The 2011 Electoral Code prescribed that if up to 3 political parties (alliances of political parties) run in Yerevan City Council elections, then all parties (alliances of political parties) participate in the distribution of the mandates. The new Electoral Code stipulates, if less than 3 political parties (alliances of political parties) have received at least 6 (8) percent of ballot papers with affirmative vote out of the sum of the total number of ballot papers with affirmative vote and the number of inaccuracies, 3 political parties and alliances of political parties having received the maximum number of ballot papers with affirmative vote participate in the distribution of mandates.

If in Council of Elders elections a political party (alliance 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), and the person leading the proportional list of that political party (alliance of political parties) is elected the Mayor of the City.

If 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

¹ 2016 Electoral Code, Articles 124 and 129

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. In its conclusions regarding the Electoral Code Venice Commission suggested to reduce the minimum threshold to receive mandates and to prescribe an opportunity to form coalitions.²

The 2nd point of the 130 Article of the Electoral Code stipulates that the number of representatives of one sex in a party list cannot exceed 70 percent. The 2011 Electoral Code prescribed 80 percent. Unlike the 2011 Electoral Code, the new Code also stipulates guarantees regarding the representation of two sexes in the RA National Assembly, Councils of Elders of Yerevan, Vanadzor and Gyumri cities after the voting. Accordingly, if as a result of the withdrawal of a candidate, the number of representatives of any sex in the given faction falls below and results in less than 25 percent, 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.³

By the transitional provisions of the new Electoral Code, though, it is stipulated that until the year of 2021 the number of representatives of one sex in the list of a party or alliance of parties must not exceed 75 percent, and as a result of Council of Elders elections the number of representatives of any sex in the given faction must not fall below 20 percent.

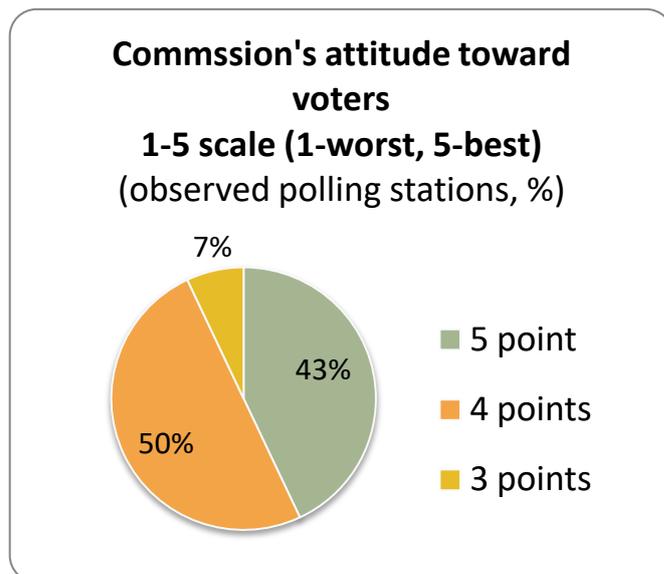
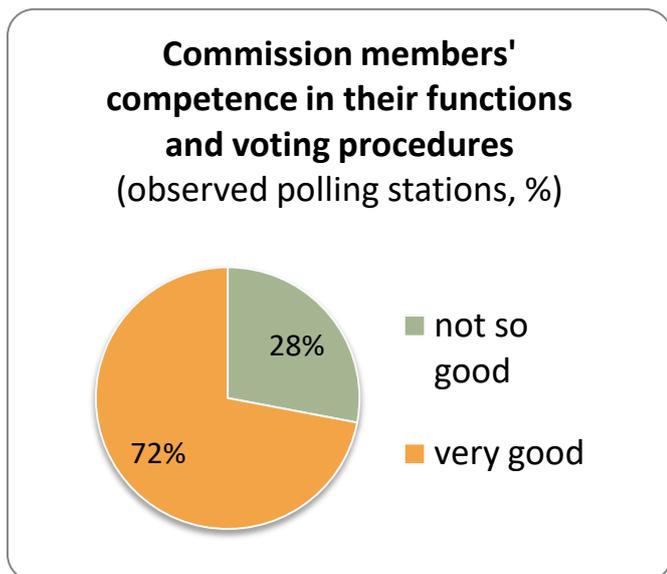
² Armenia - Joint Opinion on the draft electoral code as of 18 April 2016, endorsed by the Council of Democratic Elections at its 55th meeting (Venice, 9 June 2016) and by the Venice Commission at its 107th Plenary session (Venice, 10-11 June 2016), [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2016\)019-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2016)019-e)

³ 2016 Electoral Code, Articles 130 and 141

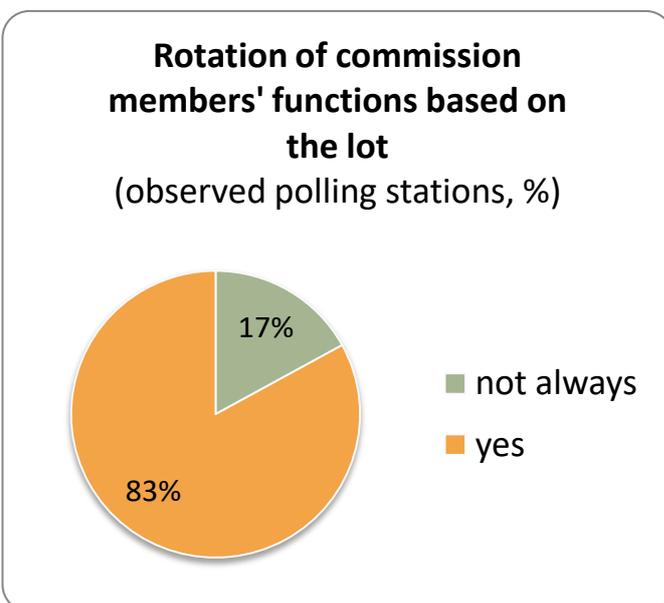
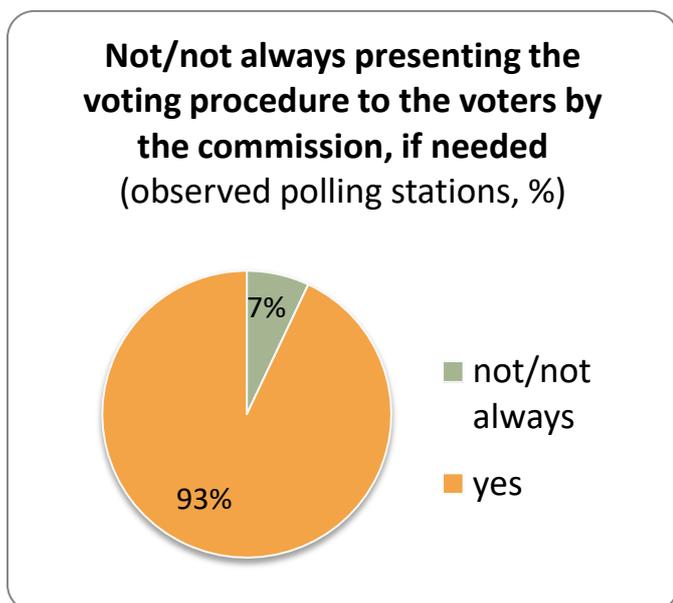
Organization of elections

Election commissions

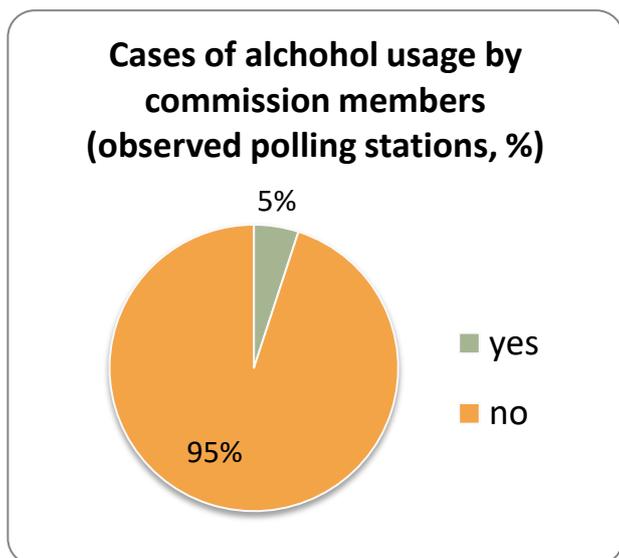
In 72% of 60 polling stations observed by “Independent Observer” Public Alliance observers assessed the commission members to be fully competent in their functions and the attitude toward voters was generally assessed positively.



It should also be noted that in 7% percent of the observed polling stations cases were recorded, when commission members did not present or not always presented the voting procedure to the voters, when needed.



In 5% of observed polling stations cases of use of alcohol by commission members were recorded.



Furnishing and video recording of polling stations

The new Electoral Code prescribed the possibility of video recording the polling stations during the RA National Assembly elections. The RA Central election commission made a decision to have both video recording and electronic registration equipments during May 14th, 2017 Yerevan Council of Elders elections as well.

Accessibility of polling stations

Out of 60 polling stations observed by “Independent Observer” alliance 52 had stairs at the entrance, out of which 20 had a ramp. The inclination of only 6 from the mentioned ramps was below 30°. The entrances of 30 out of 60 observed polling stations were not wide enough to enter with a wheelchair. There were other obstacles at the entrances of 32 out of 60 observed polling stations. By the assessment of the observers it was impossible to freely move in 29 of the polling stations.

Generally, only 11 out of 60 observed polling stations were considered fully accessible by observers. The entrances of 5 out of those were flat, the doors were wide, there were no other obstacles at the entrances of polling stations and it was possible to move in the polling stations with a wheelchair too. And 6 polling stations, although had stairs, but there were proper ramps, the doors were

wide, there were no other obstacles at the entrances of polling stations and it was possible to move in the polling stations with a wheelchair too.

Observers assessed 11 polling stations to be fully inaccessible.

There were Tactile voting devices in 37 of the observed polling stations. There were magnifying glasses in 32 polling stations. There were posters with a big font size in 13 polling stations. In 9 polling stations observers noted that there were no special means to ease the voting of persons with vision or hearing problems. In 02/19 polling station the commission noted that, if needed, they would help the voters with vision or hearing problems, and in 03/31 polling station as a solution it was noted that they would speak loudly with persons with hearing problems.



Observer Artak Davtyan at 01/23 polling station

Candidate Registration

According to the Article 126 of the new RA Electoral Code, any person with the right to vote in the elections of local self-government bodies, including persons not holding citizenship of the Republic of Armenia who have been registered in the given community for at least one year before the voting day, can be elected a member of Yerevan City Council.

Electoral lists

In the voters' lists of the 2017 NA elections the number of voters of Yerevan city was 845 810, out of which 494 590 participated in the voting, and during Yerevan City Council elections 842 147 persons had the right to vote, out

of which 345 158 participated in the voting.

Despite the absence of such legal requirement signed lists of voters that participated in Yerevan City Council elections were also published by the RA Central election commission.

Registration of observation missions

Article 30 of RA Electoral code prescribes that during elections international organizations and those foreign non-governmental organizations the charter goals of which include issues of democracy and protection of human rights and those RA non-governmental organizations the charter goals of which include issues of democracy and protection of human rights for at least one year before the day of calling elections and which do not support candidates or political parties running in elections, have the right to observation mission.

17 local organizations and the Congress of Local and Regional Authorities of Council of Europe were accredited to observe the elections. Regarding at least 4 of the organizations that observed Yerevan City Council elections numerous publications were disseminated, according to which, in polling stations they were explicitly representing the Republican Party of Armenia running in elections. “Independent Observer” alliance touched upon this issue in the report on RA NA elections as well.

Pre-election campaign

Pre-election campaign started on April 21st, 2017.

Nominated parties and party alliances

During May 14th, 2017 Yerevan City Council elections political parties and party alliances submitted their documents for registration from March 30th till April 9th, and the registration by the Central election commission was carried out from April 9th till 14th.

2 political parties and 1 party alliance were nominated for Yerevan City Council elections:

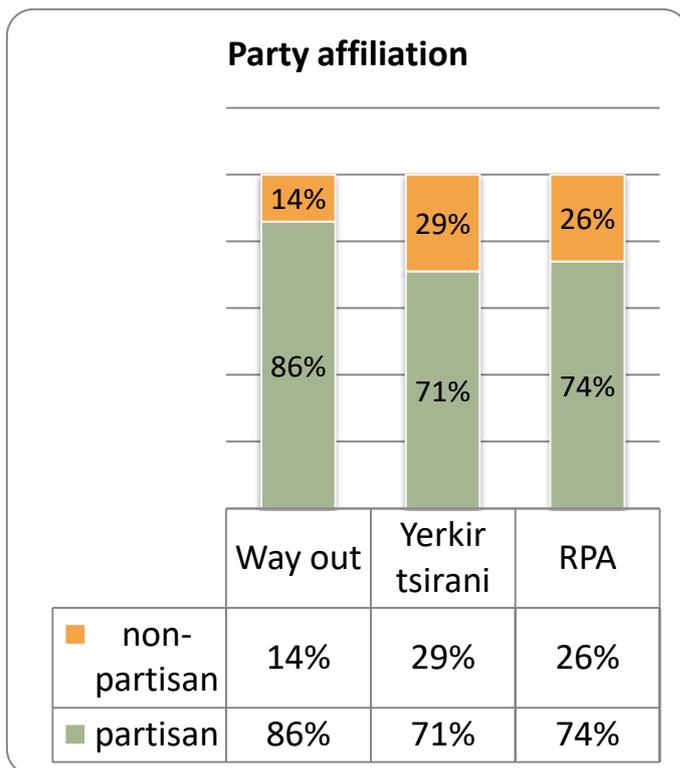
- “Way out” (Yelq) alliance – 63 candidates, 21 out of which women (33%)
- Yerkir Tsirani party – 51 candidates, 29 out of which women (57%)
- Republican Party of Armenia – 195 candidates, 48 out of which women (25%)

A total of 309 candidates were registered.

The RA Central election commission rejected the registration of one candidate nominated by “Yerkir tsirani” party on the basis of failing to submit the necessary documents for registration.

According to the existing statistics in the RA Central election commission decisions, 27 candidates from the Republican party of Armenia and 1 candidate from “Way out” party alliance waived their mandates after the elections.

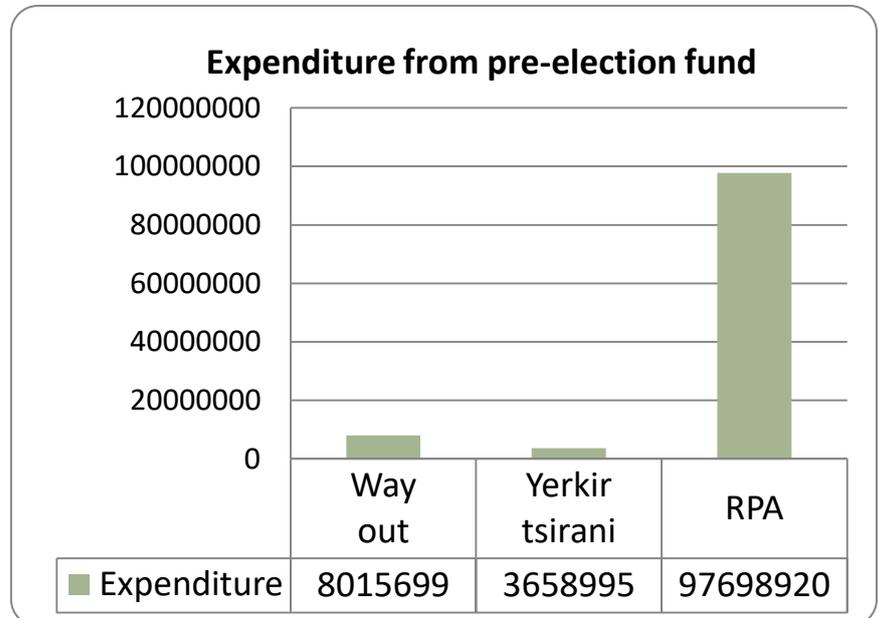
The Electoral Code provides parties and party alliances with the opportunity to include up to 30 percent non-partisan candidates for Yerevan



City Council elections, like for the National Assembly elections. “Yerkir tsirani” party made the most use of that opportunity (29%).

Financial reports and declarations

According to the new Electoral Code in order to finance the pre-election campaign parties are allowed to spend the amount of 100 000-fold of the minimum salary instead of previous 75 000-fold. In terms of declared expenditures, as in the National Assembly elections, the absolute leader was the Republican party of Armenia, the stake of which in all of the declared expenditures of three nominated powers was 89%.



Misuse of administrative resources and vote buying

According to publications, during the pre-election campaign period mainly directors of budgetary institutions, district administrations and the municipality were involved in the misuse of administrative resources.

On May 8th, 2017 “Way out” (Yelq) alliance announced that, in case of their victory, they will provide those socially vulnerable voters with 15000 drams each, who will refuse to receive election bribe. The head of Yerkir Tsirani party and the leader of electoral list of the party in Yerevan City Council elections, Zaruhi Postanjyan argued that the suggestion is criminally prosecutable. The RA Central election commission did not see a violation in promising 15000 drams.

In the evening of May 11th, 2017 “Way out” (Yelq) Alliance disseminated

information that in one of the Republican candidate for the Mayor, incumbent Mayor Taron Margaryan's campaign offices in the Araratyan housing unit of Malatia Sebastia district 20.000 drams election bribe was being distributed. The journalist that witnessed the distribution of election bribe stated that she had seen how citizens received 20.000 drams, a ballot paper voted for N3 (RPA) and something like a coupon. The chairman of RA Central election commission announced that they had received a clarification that the document considered a ballot paper had been a sample, which is a campaign material and can freely be disseminated.⁴ "Yelq" Alliance did not succeed in entering the campaign office, because the owner of territory had closed it and the police had sealed the entrance.

"Yelq" Alliance applied to the RA Central election commission demanding to challenge the registration of the Republican party of Armenia in court taking into consideration the facts regarding vote buying.

On May 12th, 2017 in RPA candidate Taron Margaryan's campaign office in Arabkir the representatives of "Yelq" Alliance noticed queues of people, who supposedly were there to receive election bribe. Hours later in the same place they noticed how a woman threw a sack of documents to the trash bin. The representatives of "Yelq" Alliance took the sack and discovered various documents, lists and even an example of a contract, which was supposedly used for election bribe distribution purposes.

The noted documents also were presented during the investigation of "Yelq" Alliance application by the RA Central election commission. Despite the existing facts the RA Central election commission rejected this application too and sent the materials testifying on vote buying to the Prosecutor's office.

⁴ In CEC chairman's words, only a ballot paper campaign sample was disseminated in the RPA campaign office. Azatutyun Radio station, May, <https://www.azatutyun.am/a/28482365.html>

Voting

As noted, on May 14th, 2017 “Independent observer” public alliance conducted observation mission in 60 polling stations of Yerevan city.

On the voting day information was spread via mass media that in different campaign offices of the Republican party of Armenia election bribe was being disseminated. In one of those campaign offices Liberty radio station journalist Sisak Gabrielyan was attacked.

In another campaign office the leader of Yerkir Tsrirani party list Zaruhi Postanjyan demanded to open the drawers, where, in her conviction, there were lists of persons who received vote bribe. The drawers were not only not opened, but Zaruhi Postanjyan and her daughter, who was with her, were forcibly removed from the campaign office by the police. An attempt was made to apprehend the latter as well. As a result of violence Zaruhi Postanjyan’s daughter got a brain concussion.

Voting preparation

While observing the preparation of the voting, observers also examined the polling station furnishing and accessibility, which is presented in the “The organization of elections” section of the given report.

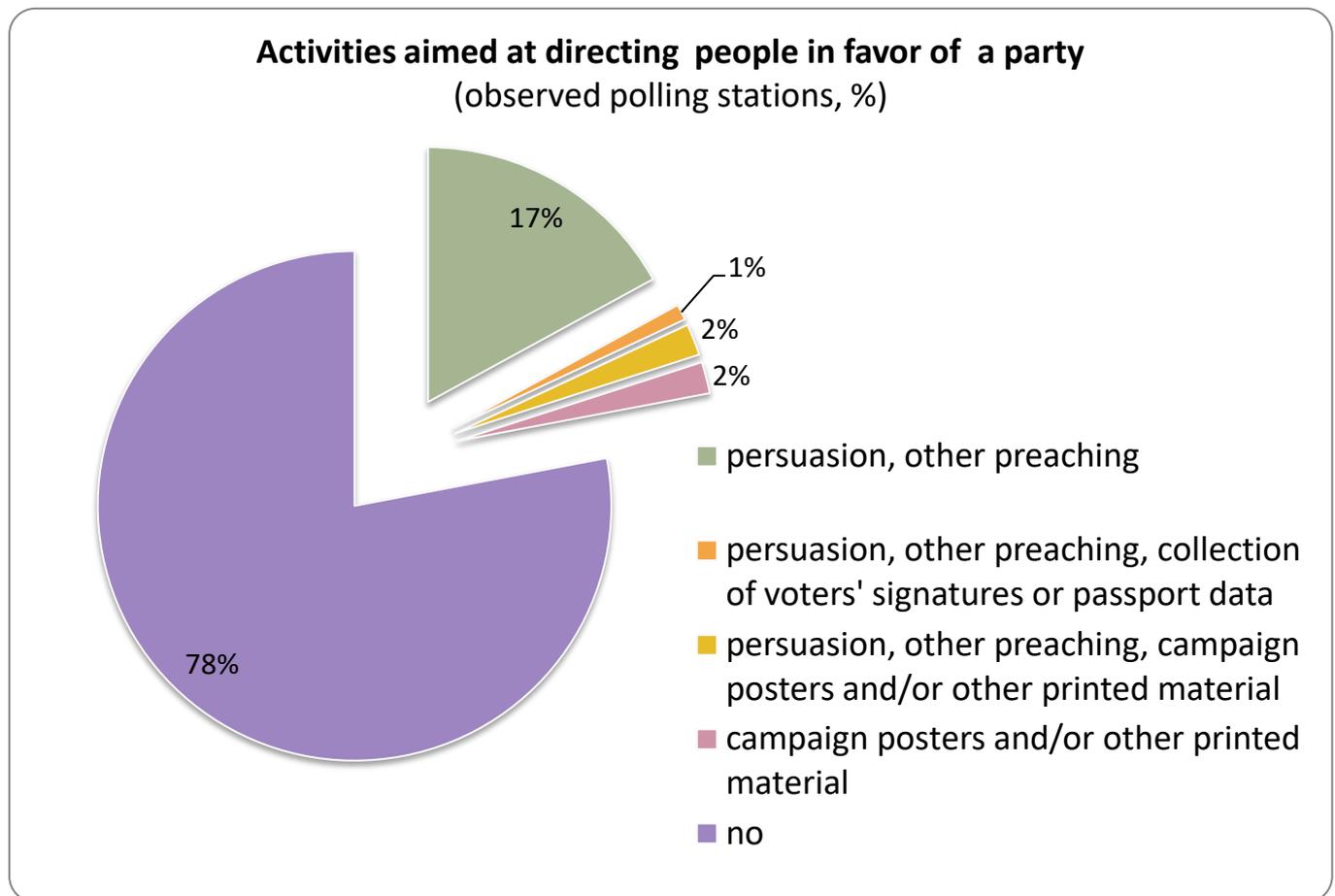
In terms of organization of the voting it should be noted that the functions of commission members were determined by lot in all observed polling stations.

During the commission sitting observers assessed chairperson’s competence in his/her functions negatively only in 2 polling stations.

In general, commission sittings went without violations. Only in 09/02 polling station the chairperson of the commission instructed the observer of “Independent Observer” alliance to sit on a chair saying that that is the place allocated for him, which is prescribed by the CEC. When the observer requested to show the corresponding legal provision, according to which he could only sit on that chair, one of the commission members reminded him that they could remove him by voting.

The situation around polling stations during the voting

Activities aimed at somehow directing the voters were recorded in 22% percent of observed polling stations.



The guidance and exhortation to the voters in favor of a party

- In 9 polling stations were by RPA proxies,
- In 4 polling stations by observers (“Geghama Youth Regional Association”, “The institute of legal culture development”, “Hayq” union), moreover, in favor of RPA,
- Around 2 polling stations RPA candidate Taron Margaryan’s campaign posters were identified; at one polling station the poster was removed, at the other it is unknown.

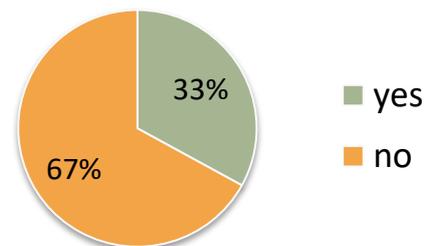
At 05/06 polling station it was noticed how a person was distributing their passports to the voters, and then collecting them back.

Regarding 4 polling stations observers noted about possible distribution of election bribe.

In 06/26 polling station the RPA proxy asked a voter who had already voted: “Is it OK?”, and after a positive reply, he told that person that someone will accompany him, after which a person accompanied the voter out and then returned to the polling station. The RPA proxy knew most of the voters and communicated with them in the polling station.

Around 20 polling station observers noticed cases of people being transferred by minibuses, personal cars or other vehicles. Often the same vehicles transferred people several times. In some cases people taken to polling stations were elderly people, persons with disabilities.

Transferring people to the polling station by minibuses, personal cars or other vehicles
(observed polling stations, %)



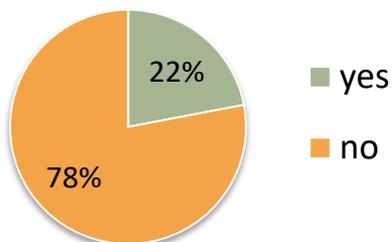
A woman in severe condition was taken to 05/56 polling station, who voted with difficulty, and the observer had the impression that she did not go to vote by her own initiative.

At 07/57 polling station, people complained that they had been transferred to the polling station, but not taken back.

People were transferred to 09/02 polling station by different vehicles. RPA candidate Gurgen Yesayan was there the whole day and organized the transfer of voters.

The transfer of voters to 05/06 polling station was organized by the observer of “Hayq” national conservative youth union.

Argument around the polling station
(observed polling stations, %)



The cases of arguments recorded at 13 polling stations were between proxies, observers, voters, commission members, technical equipment specialists. The reasons of arguments were the cases of transferring voters to polling stations, directing or assisting them, the presence of 2 proxies from one party at a polling station, complains related to videotaping/photographing, etc.

There were campaign offices next to 9 polling stations, 8 out which belonged to the RPA, 1 is unknown.

Around 2 polling stations observers noticed voters exiting the RPA campaign office and entering the polling station or vice versa.

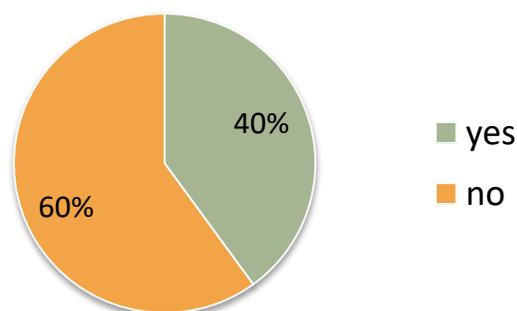
Voters (around 120 people), mainly male, often went to 09/03 polling station from a nearby campaign office.

There was a group of young people at the polling station, who accompanied the voters from the campaign office to the polling station; they assisted some of them after being registered as helpers. The same voters returned to the campaign office from the polling station.

Around 24 polling stations groups of people were noticed, mainly more than 10 people. There were also “neighborhood tough guys” around polling stations, an RPA candidate with friends. A case of “Educational and Cultural bridges” NGO observer directing groups of people at the polling station was recorded as well.

Around 6 polling stations cases were recorded, when some people

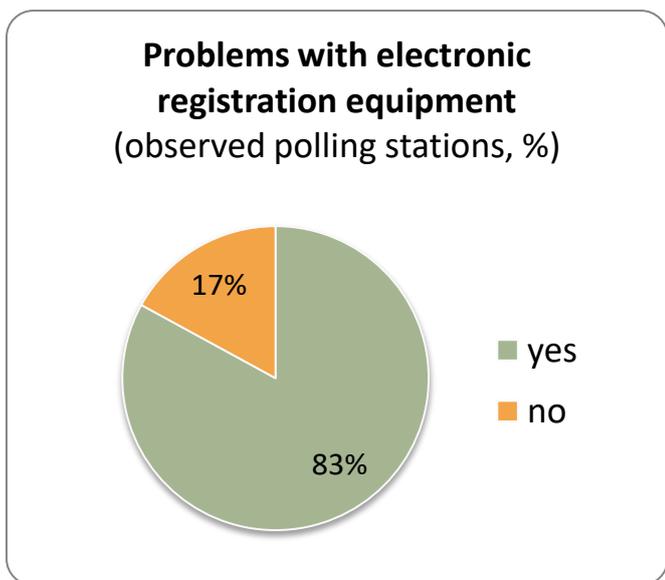
Groupings in the territory of up to 50 metre radius around the polling station
(observed polling stations, %)



directed the voters, periodically accompanied them to the polling station or communicated with them.

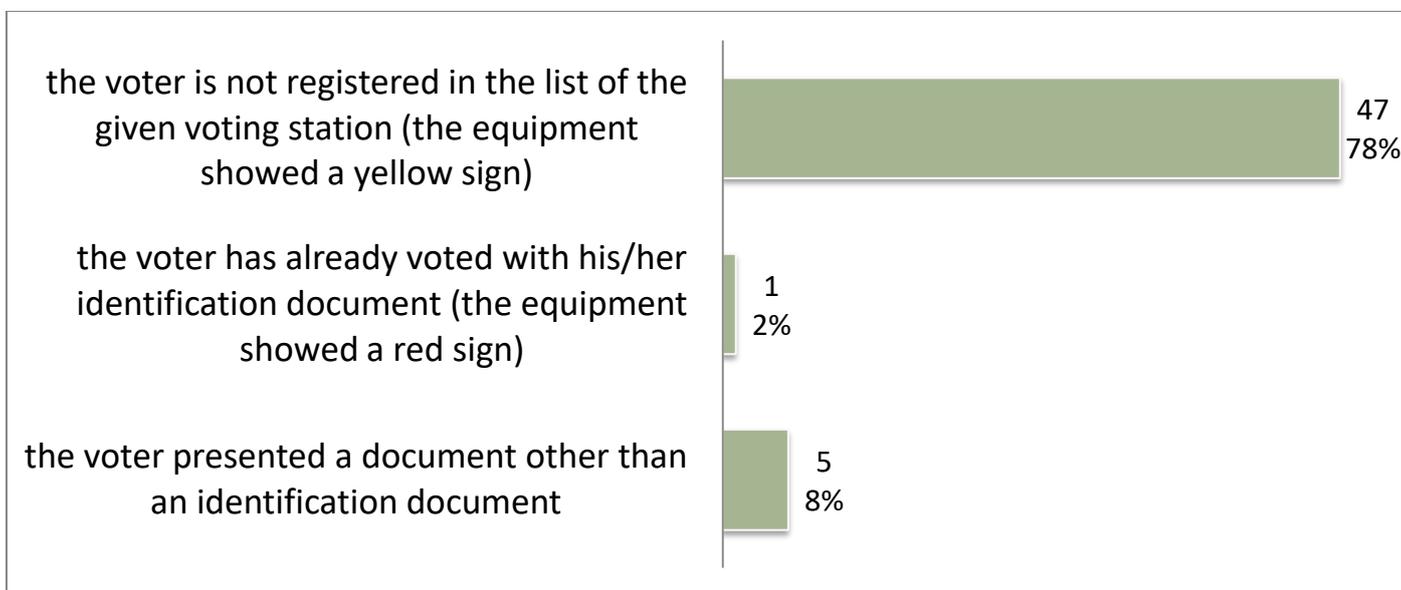
The situation in polling stations during the voting

During the voting the situation presented below was recorded in voting rooms.



Problems with the technical equipment were identified in 50 polling stations. Those problems, as during previous, NA elections, this time also were mainly the following:

- The equipment recognized identification documents with difficulty
- The equipment recognized fingerprints with difficulty
- The equipment showed a yellow sign, but after entering the data by hand, a green sign.



The yellow sign mainly appeared because of not having the right to vote in the given polling station. Voters who entered a wrong polling station or presented another document were being directed to the corresponding polling station or exhorted to present an identification document.

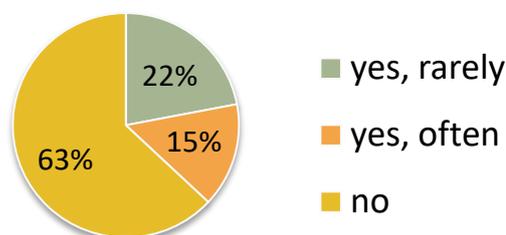
In 2 of the observed polling stations cases were recorded, when a signature was already put before the name of the voter.

Cases of obtaining information regarding not yet voted persons and/or taking actions aimed at calling them to the polling station were noticed in 22 polling stations.

- In 10 polling stations those actions were taken by proxies, out of which
 - 9 from RPA
 - 1 is unknown
- In 8 polling stations chairman/secretary/members of the commission, technical equipment specialist were involved in such actions
- In 7 polling stations such actions were taken by observers (from “Geghama Youth Regional Association”, “Hayq” union of young national conservatives, “Educational and Cultural bridges”)

Obtaining information regarding not yet voted persons and/or taking actions aimed at calling them to the polling station

(observed polling stations, %)



In some polling stations more than one person obtained information regarding not yet voted persons and/or took actions aimed at calling them to the polling station, such as observers, proxies, commission members.

In 02/04 polling station, the observer heard a commission member’s phone talk, when the latter was saying that no voters came from a place and exhorted the interlocutor to oversee that process.

In 07/21 polling station, the secretary of commission approached the voters’ lists, looked through them and reported information via phone.

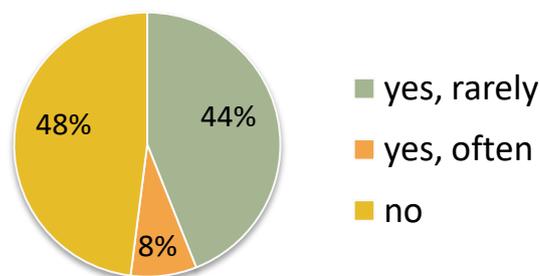
In 05/03 polling station, the RPA proxy received information regarding persons who had not yet voted from the chairman of the commission, who was from RPA too and phoned various people mentioning the following during conversations: “They are not enough, send more”.

In 02/37 polling station, the observer of “Hayq” union of young national conservatives checked the voters’ lists several times, periodically went outside, made phone calls, after which voters went to the polling station. In the same polling station the RPA proxy made phone calls to find out “what happened to some people”.

In 31 polling stations cases/attempts of simultaneously entering the voting booth by more than one person were recorded.

Such cases were mainly by elderly persons, relatives or neighbors. In some cases the other persons who entered the voting booth with the voter, were called back and registered as helpers, in some cases, not.

Cases/attempts of simultaneously entering the voting booth by more than one person
(observed polling stations, %)



In 02/37 polling station, an elderly person went to vote with his grandchild. The latter did not have a passport and was not registered as a helper, nevertheless entered the voting booth with the grandfather. No entry was made to the registration book regarding the violation.

In 09/02 polling station, the residents of an elderly house voted in the same voting booth. Regarding that an entry was made to the registration book.

In 07/21 polling station, relatives entered the voting booth with voters and prompted them to vote for N3 (RPA). After the observer voiced about that those persons were either removed or registered as helpers.

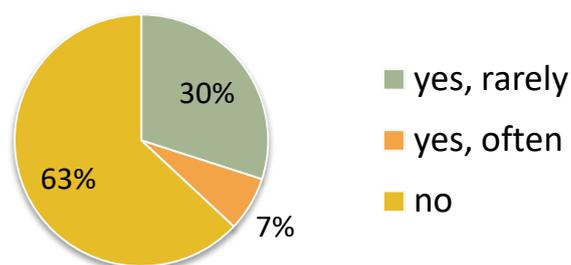
Cases of marking or putting the ballot paper in the envelope outside the voting booth were recorded in 48 of the observed polling stations. These cases were mainly by elderly, persons with vision problems or persons unaware of the voting procedure. In some cases voters explicitly showed who they voted for.

Cases of informing a person who they voted for or simply voicing their vote by the voters were recorded in 22 polling stations.

- In 13 polling stations voters voiced about having vote for the Republican party of Armenia,
- With regard to the other polling stations it is unknown voting for specifically which party was voiced.

Cases of informing a person who they voted for or simply voicing their vote

(observed polling stations, %)



In 02/19 polling station, the commission member offered an elderly voter to provide a helper, nevertheless that person refused saying. “I am going to vote for Mister Taron, what do you want from me?”

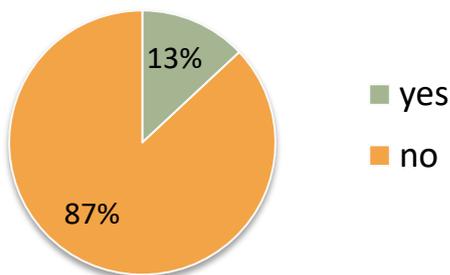
In 07/57 polling station, most of the voters thanked the RPA proxy telling him that that they “had voted”. The latter replied to them: “You can apply with any issue”. The chairman of the commission witnessed those cases, but did not take any measures.

In 08/45 polling station, a person said: “Who does not vote for our Taron, let their hands be paralyzed”. Another voter said: “Well, everyone knows who I am going to vote for, “our people” (the observer had the impression that the person meant RPA). Another voter showed the ballot paper to the secretary of the commission after getting out of the voting booth. At observers’ demand the ballot paper was annulled and a new ballot paper was rendered to the voter.

In 09/03 polling station, voters mainly shouted from behind of the voting booth. «I shall put the V mark before N3, shan't I?»

Promoting a party or directing the voters inside the polling station

(observed polling stations, %)



Cases of promoting a party or directing voters were noticed inside 8 polling stations.

In 06/09 polling station, a voter came out of the voting booth and asked who to vote for. The RPA proxy approached the voter and showed him/her on the ballot paper who to vote for, after which the voter entered the voting booth again.

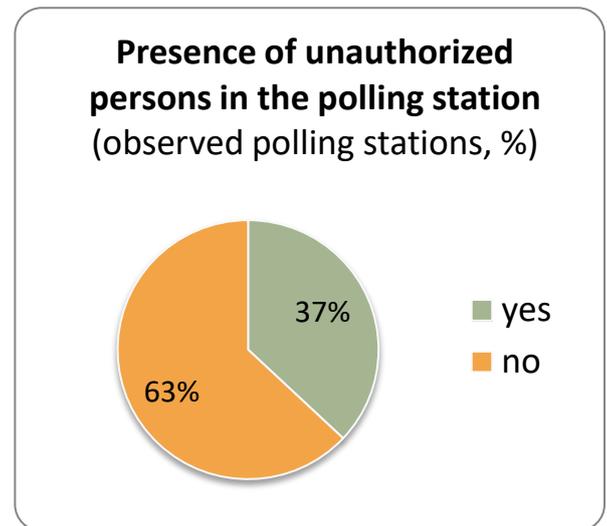
Attempts of taking the ballot paper out of the polling station by the voters were noticed in two polling stations; nevertheless the attempts were prevented by commission members. Ballot papers were discovered in the voting booths of a polling station; the PEC chairman ripped them up and put into his drawer.

Unauthorized persons were noticed in 22 polling stations.

- In 6 polling stations, persons were discovered with observer badges, whose names were not found in the lists of the corresponding organizations posted on the CEC web-site (from “The institute of legal culture development”, “Geghama youth regional association”, “Educational and cultural bridges”)
- In 3 polling stations, there were persons who presented themselves as RPA proxies, but were not wearing badges, some of who, after the observers

voiced about it, left the polling station and returned with a badge (in one case the issue date was missing on the badge).

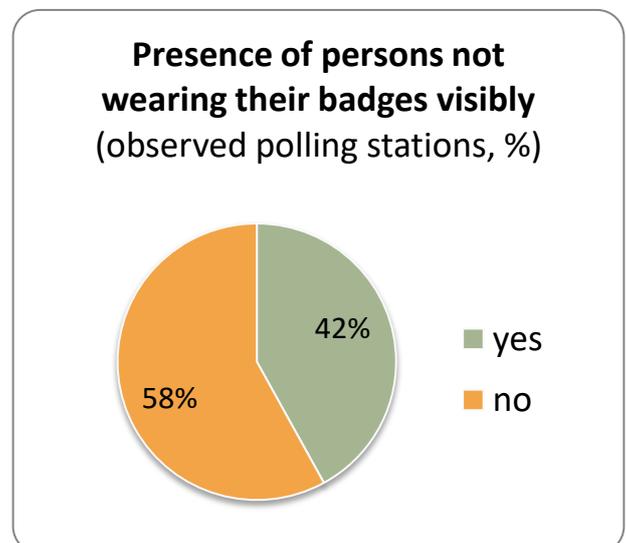
- In 2 polling stations, a second proxy was present from RPA, who left after being told to
- In 1 polling station, 3 observers were present from an organization (“Educational and cultural bridges”)
- In 3 polling stations, candidates for the City Council were present
- In 2 polling stations, there were representatives from district administrations (Head of legal department, Head of district)
- In some polling stations, there were “neighborhood tough guys”, a member of the City Council.



In 25 polling stations, there were persons who did not wear their badges visibly:

- In 11 polling stations they were proxies, 8 from RPA, 3 from “Yelq” Alliance,
- In 9 polling stations they were observers from “Hayq” national conservative youth union, “Caravan– 88”, “Center of regional initiatives and development projects”, “Geghama youth regional association”, “The institute of legal culture development”,
- In 3 polling stations commission members or the chairperson did not wear their badges visibly.

Those persons often explained that they were not wearing their badges because of not having a necessary device. Sometimes they started wearing it after being told to, but in some cases they continued not wearing it.



In 3 polling stations cases were recorded, when voters were being assisted by persons who did not have that right by the law, for example, the observer of “Educational and cultural bridges” organization. Also cases were recorded, when special people were present at the polling station in order the help the voters.

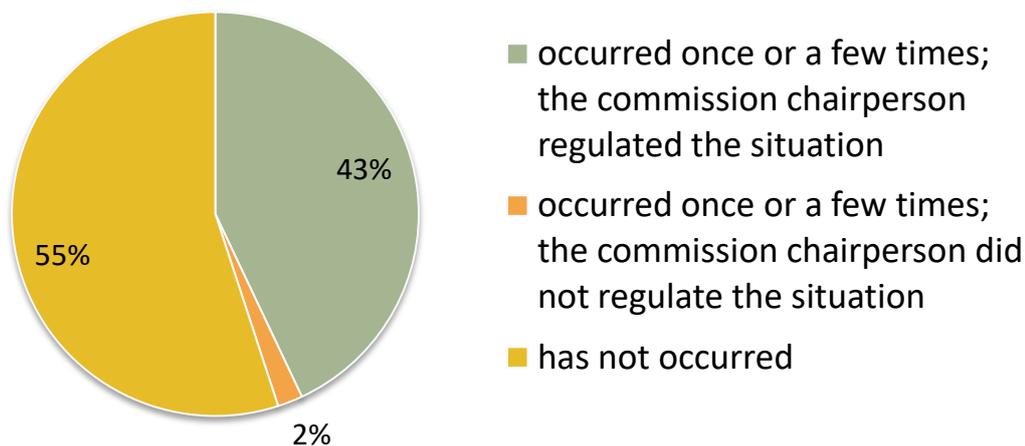
To 09/02 polling station residents of an Elderly home went to vote, nevertheless, the head of Nork Marash administrative district, Vaghinak Mkrtchyan told the chairperson of the commission not to allow them to vote without assistance. In order to help those voters more than 10 persons went to the polling station in advance, even before the voters and before the arrival of the elderly people waited outside in a group.

Outside of the neighboring 09/03 polling station a group of people were constantly present and commission members always applied to them for helping voters and never to the voters in the voting room.

In 07/57 polling station the observer of “Geghama youth regional association” was ordering to help voters in the voting booth, who apparently did not need any help.

In 3 polling stations the data of people helping the voters was not always entered into the registration book.

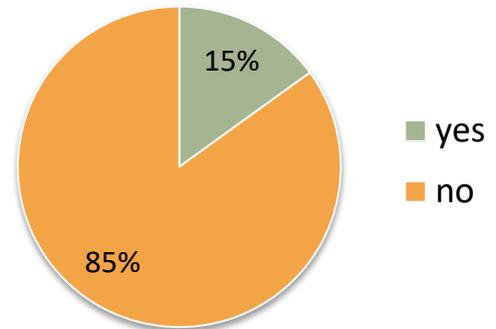
Presence of over 15 voters in the polling station
(observed polling stations, %)



In 9 polling stations cases of giving orders in the polling station by another person or otherwise taking on the PEC chairperson's functions were recorded.

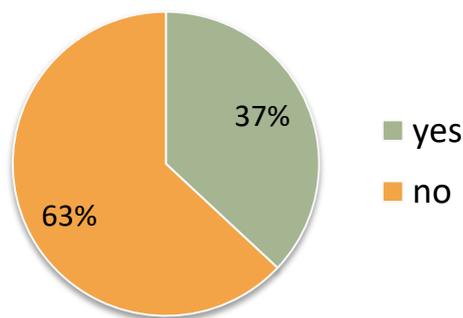
- In 3 polling stations, observers from “Geghama youth regional association”, “Hayq” national conservative youth union behaved so,
- In 2 polling stations, RPA proxies,
- In 2 polling stations, commission members.

Cases of giving orders in the polling station by another person or otherwise taking on the PEC chairperson's functions
(observed polling stations, %)



In 01/10 polling station, the RPA proxy was closely cooperating with the chairperson of the commission and was giving instructions which voters had to be assisted and which did not.

Cases of arguments in the polling station
(observed polling stations, %)

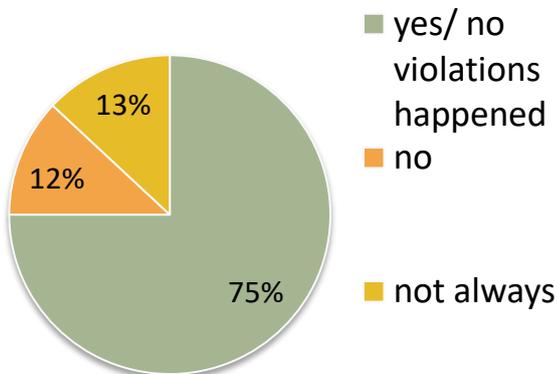


In 22 polling stations, cases of arguments were recorded with the involvement of proxies, observers, commission members, media representatives, voters. Often the reasons for arguments became this or that violation or not making entries into the registration book on those violations.

In 9/03 polling station, an argument occurred between the proxy of “Yelq” Alliance from one side and RPA proxy and “Geghama youth regional association” proxy from the other side for the reason of not wearing the badges visibly by the two.

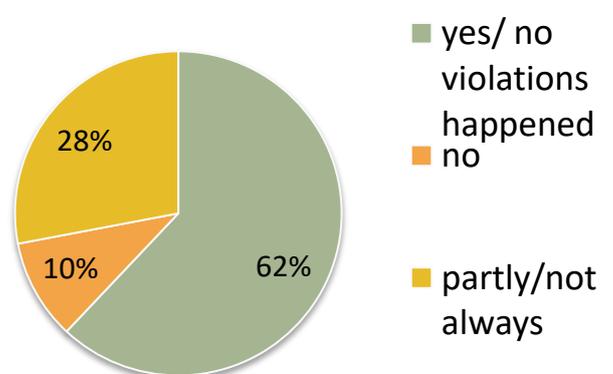
Making entries on violations and assessments in the registration book

(observed polling stations, %)



Taking actions by competent authorities to eliminate violations

(observed polling stations, %)

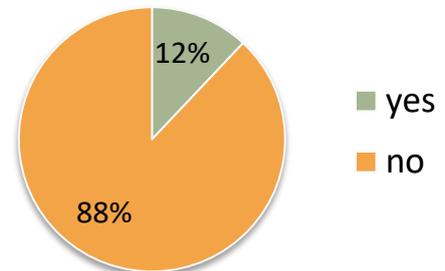


Cases of violating the rights of the observers of “Independent Observer” alliance occurred in 7 polling stations. In particular observers were:

- Hindered from observing the technical equipment, voting booths, etc,
- Not allowed to take pictures/ make videos,
- Denied to make an entry in the registration book of their assessments regarding violations,
- Insulted.

Violations of rights of the observers of "Independent Observer" Alliance

(observed polling stations, %)



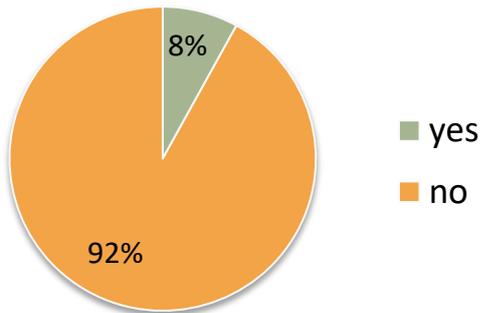
The rights of the observers of “Independent Observer” alliance were mainly violated by commission members, also by an RPA proxy and a “Geghama youth regional association” observer.

In 10/14 polling station, the RPA proxy told the observer not to take photos and not to make notes in the monitoring card, for instance, about the fact that voters were being transferred to the polling station by cars.

In 4 polling stations, police officers, in 1 polling station, an unknown person from outside asked the voter turnout.

Summarizations of voting results

Presence of unauthorized persons during the vote counting
(observed polling stations, %)



In 5 polling stations unauthorized persons were present at the vote counting:

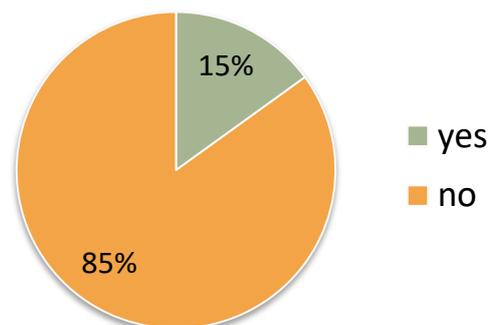
- In 3 polling stations, they were unknown persons
- In 1 polling station, it was a police officer
- In 1 polling station, it was the technical equipment specialist after completing the work with the equipment.

In 03/19 polling station a person not wearing a badge was directly participating in the vote counting. After the “Independent Observer” alliance reported it to the Territorial election commission, an argument started in the polling station, after which that person went outside dragging one of the commission members with him and returned alone, already with a badge.

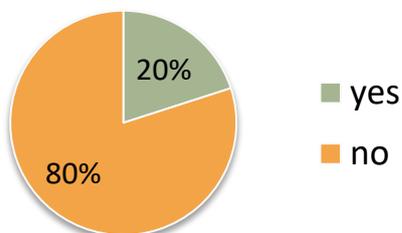
In 9 polling stations, persons not wearing badges visibly were present during the vote counting sitting.

Those persons were RPA and “Yelq” Alliance proxies, an RPA candidate, observers of “The institute of legal culture development”, “Geghama youth regional association” NGOs, etc.

Presence of persons not wearing their badges visibly
(observed polling stations, %)



Cases of starting the sitting of summarization of voting results with a delay or interrupting it
(observed polling stations, %)

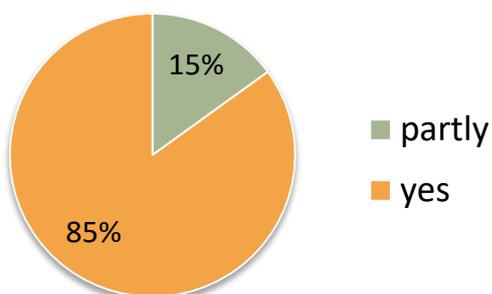


In 12 polling stations, the sitting of summarization of voting results started with a delay or was interrupted mainly for having food.

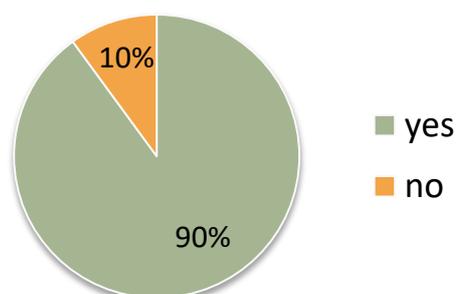
In 2 polling stations, the sittings were interrupted due to incidents.

In 6 polling stations, ballot papers were not counted according to the defined procedure, in particular, ballot papers were taken out of the ballot box also by a commission member, ballot papers were not taken out one by one, the validity or invalidity of ballot papers was not announced.

Commission chairperson's competence in voting results summarization procedure
(observed polling stations, %)

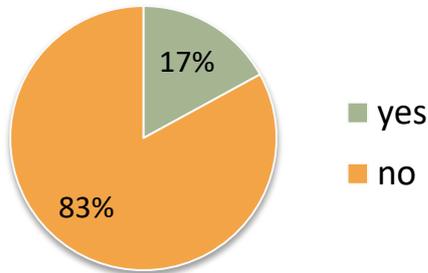


Counting of the ballot papers according to the defined procedure
(observed polling stations, %)



In 07/53 polling station ballot papers were not counted and wrong numbers were written in the protocols, in particular, during the process of taking the ballot papers out of the ballot box, according to the observer's counting, 26 ballot papers were voted for "Yelq" Alliance, 10 ballot papers for "Yerkir tsirani" party, 425 ballot papers for Republican party of Armenia, but in the final protocols the numbers of ballot papers voted in favor of parties were noted correspondingly 10, 3 and 448.

Ballot papers voted for a candidate with a different ink color
(observed polling stations, %)



In 10 polling stations, ballot papers were noticed voted with a different ink color (red, green, yellow).

- Related to 2 polling stations observers informed that during the voting process pens in the voting booth were changed, and because of that all parties had ballot papers V-marked with a different color.

- In 8 polling stations the ballot papers with a different color were all voted for RPA.

In 02/18 polling station, around 20 ballot papers marked with red or green pens were voted for RPA.

In 02/19 polling station, 40 percent of the ballot papers were marked with a different color, all for RPA.

In 06/30 polling station, there were 4 ballot papers voted with green and red pens, all for RPA.

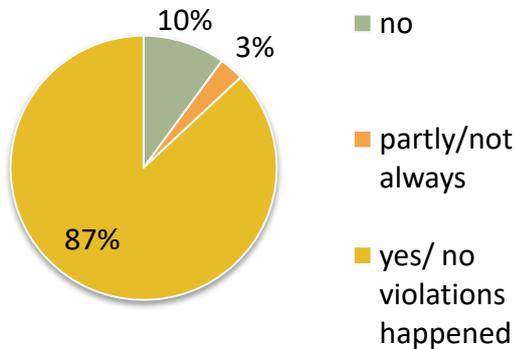
In 08/01 polling station, around 75 percent of RPA ballot papers were voted with a red pen.

- In 6 polling stations, there were envelopes, where 2 ballot papers were found.
- In 3 polling stations RPA proxies directly participated in the process of vote counting.
- In 5 polling stations police officers entered the voting room, asked the number of voters according to the statement of information, asked something from the proxies, etc.

During the process of vote counting 87 percent of the observers noted about the willingness to eliminate the violations or absence of violations.

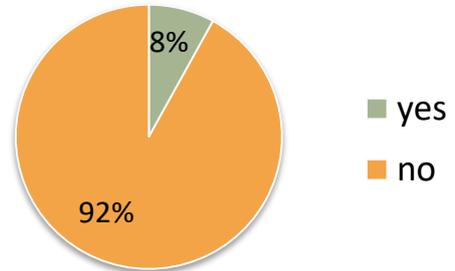
Taking actions by competent authorities to eliminate violations

(observed polling stations, %)



Violations of rights of the observers of "Independent Observer" Alliance

(observed polling stations, %)



In 5 polling stations, the rights of the observers representing “Independent Observer” Alliance were violated, in particular

- pressure was exerted against observers or they were threatened
- they were hindered from taking pictures/ making videos,
- they were denied to have their assessment on violations entered into the registration book,
- they were hindered from entering the polling station
- they were insulted.

After the incident in 03/19 polling station, Daniel Ioannisyan, the Media Representative of “Independent Observer” Alliance, was hindered from entering that polling station for some time, and after entering the polling station it was revealed that 23 ballots in favor of “Yelq” Alliance were put into the stack of the RPA ballots; observers restored the violation. The observers of “Independent Observer” Alliance were subjected to targeted ill-treatment whole day long.

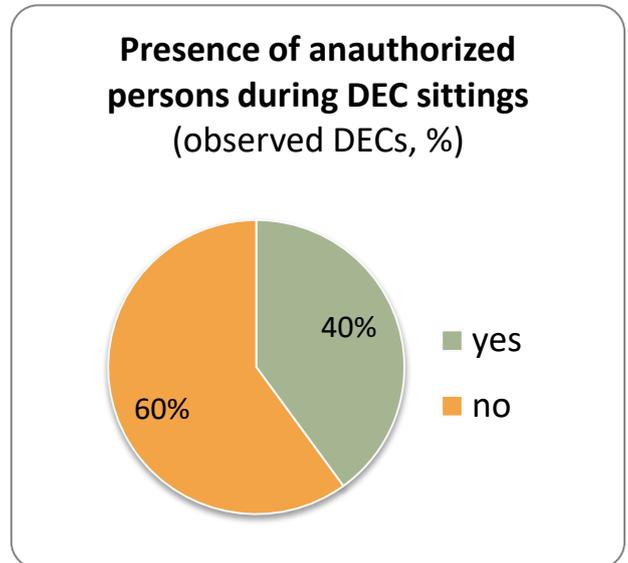
In 07/53 polling station, a representative of “ArmRusInfo” media and an observer from HCA Vanadzor representing the “Independent Observer” Public Alliance were prevented from entering the polling station. The observer being at the polling station was threatened and denied to make an entry into the registration book of his assessment on violations.

Observation of Territorial election Commissions

“Independent Observer” Alliance observed all 10 Territorial election Commissions.

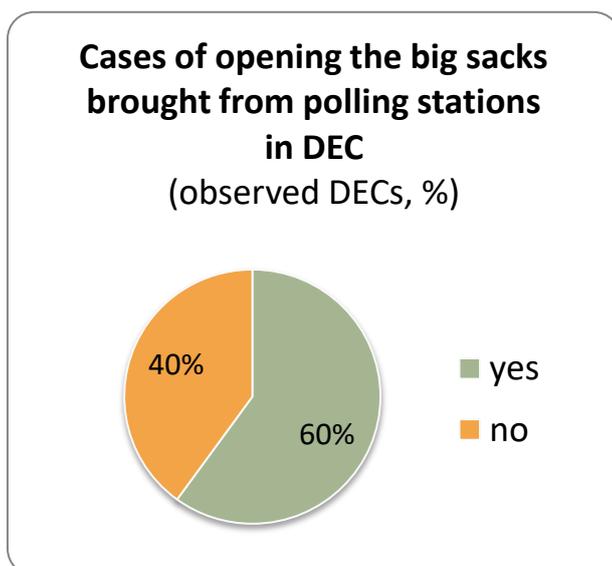
There were observers from “Europe in Law” association in all DEC. No proxies were present in any DEC.

In 4 DECs, unauthorized persons were noticed. In some cases commissions explained that they were performing certain functions, such as IT specialist; they were helping to move the sacks brought from precincts, but those persons were not wearing badges.



In 4 DECs, commission members periodically had phone conversations with some people. In TEC N9 a commission member periodically reported on the phone the voter turnout received from polling stations and the voting results at that point.

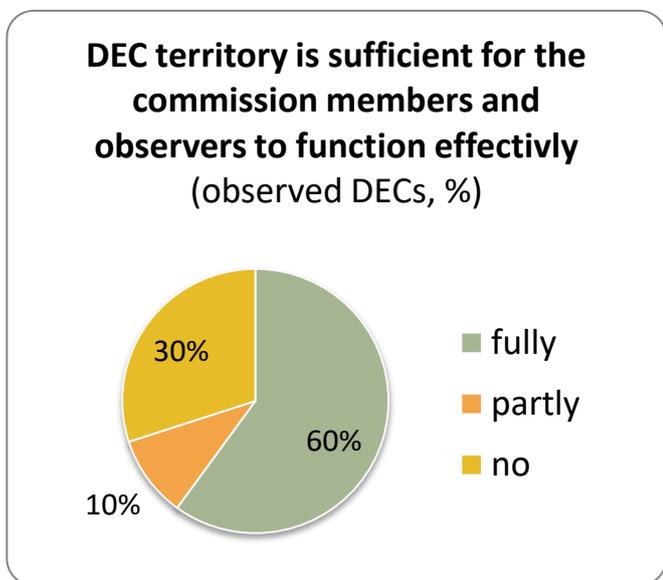
In 3 DECs, cases were recorded, when sacks brought from polling stations were not closed in accordance with the established procedure.



In 6 DECs, the big sacks that arrived from the precincts were opened. In all cases the reason for opening the sacks was that the small sacks with signed voters' lists were put into big sacks at the polling stations, rather than presented separately. In TEC N7, the sack taken from 07/34 polling station was not opened in the presence of all authorized persons. In the same DEC, a window was open in the room of the sacks.

From a number of polling stations protocols arrived at TEC N10 incomplete and were completed there.

In 4 DECAs, there were cases of changing non-baseline data in protocols or filling data in some cells that were left empty.



In 4 DECAs, observers assessed the territory to be insufficient or partially sufficient for the effective functioning of commission members and observers. The main problem was that the work of the commission was performed in different rooms, and all authorized persons did not have the opportunity to participate in the entire process.

In 2 DECAs, the tabulation of voting results was printed only in the end, rather than at least once in a 3-hour period, as it is prescribed by the law.

In 2 DECAs, (N4 and N10) periodically arguments were provoked with the observers of “Independent Observer” Alliance, especially after they voiced about violations. In TEC N4, the observer was not allowed to make a video.

In 7 DECAs, information was received regarding violations occurring in polling stations. TEC members tried to handle the situation mainly through phone calls or by personally going there.

In 3 DECAs, no or partial actions were taken to eliminate the recorded violations.

After the voting day Territorial election commissions applied to the CEC to revoke the qualification certificates of 19 members of 10 Precinct electoral commissions. The basis for the applications was the violation of the provisions of RA Electoral Code by those persons.

Results analysis

Post-election developments

345 065 voters participated in Yerevan City Council elections. Votes and mandates were distributed the following way:

| Party/alliance | Number of ballot papers voted in favor | Percent | Number of received mandates |
|----------------|--|---------|-----------------------------|
| Way out | 70730 | 21,00 % | 14 |
| Yerkir Tsirani | 26107 | 7,75% | 5 |
| RPA | 240 034 | 71,25% | 46 |

“Yerkir Tsirani” party appealed the RA CEC decision on the election results to the Administrative Court. Court rejected the application.

Female representation

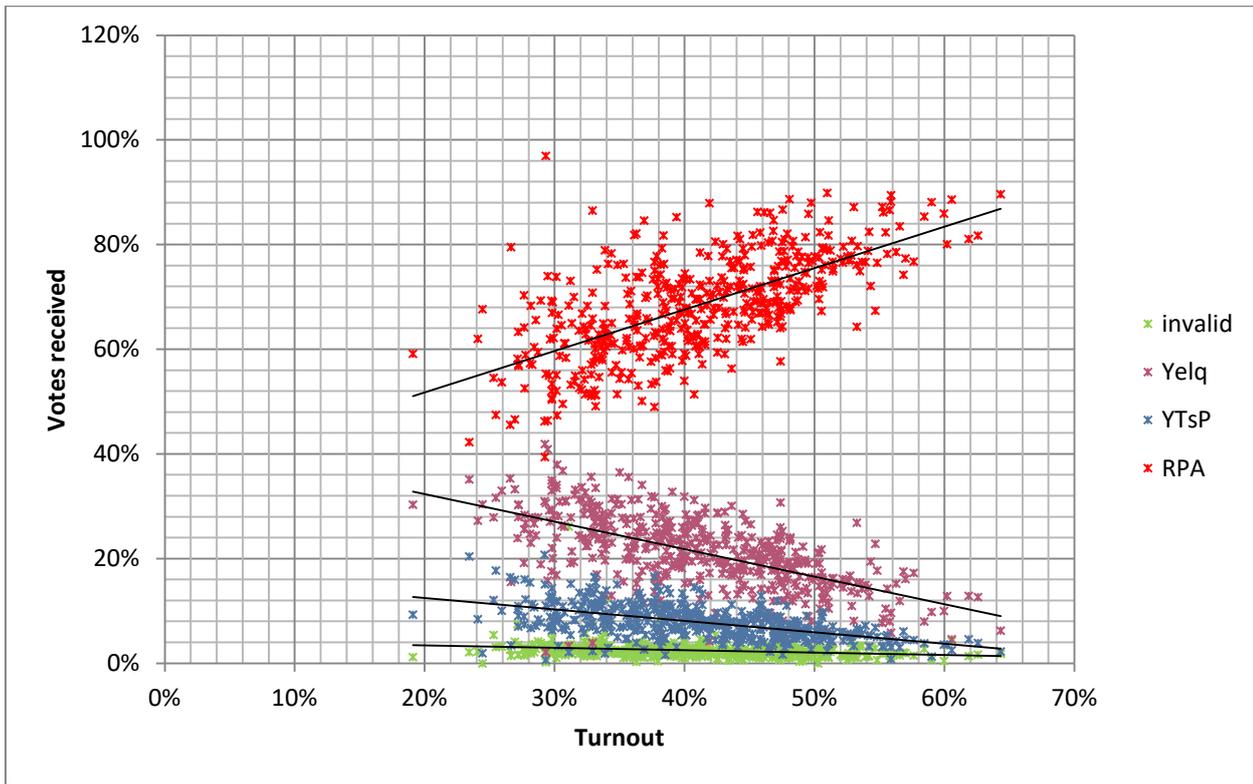
65 persons became members of Yerevan Council of Elders, 18 out of which were women (28%):

- “Way out” (Yelq) alliance – 14 members, 5 out of which women (36%)
- “Yerkir Tsirani” party – 5 members, 3 out of which women (60%)
- Republican party of Armenia- 46 members, 10 out of which women (22%).

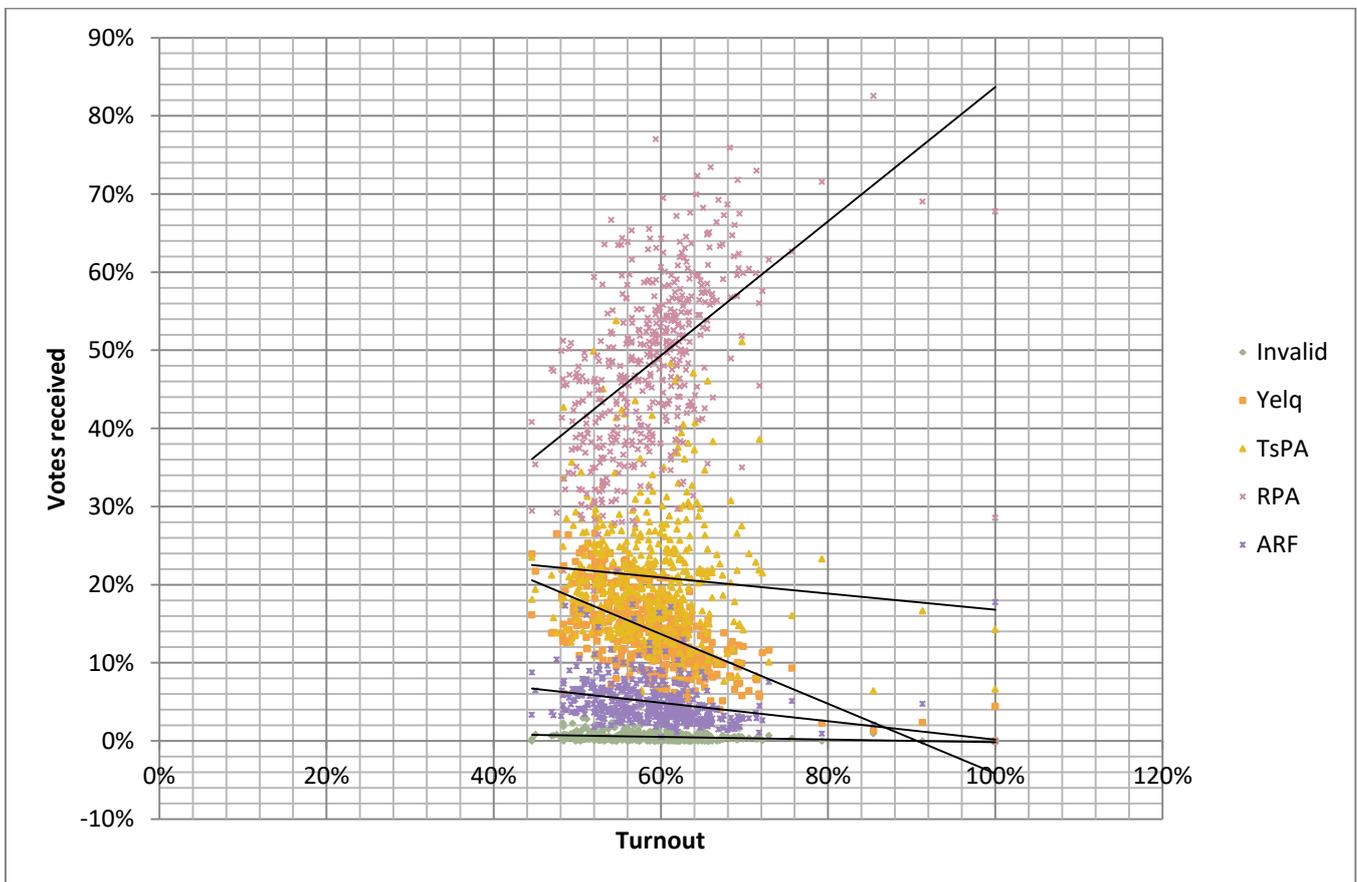
Thus, unlike the RA National Assembly elections, prescribed female representation was ensured in these elections, which again proves that fully proportional system is the only possible option in this period of electoral culture to ensure meaningful female representation.

Statistical distribution

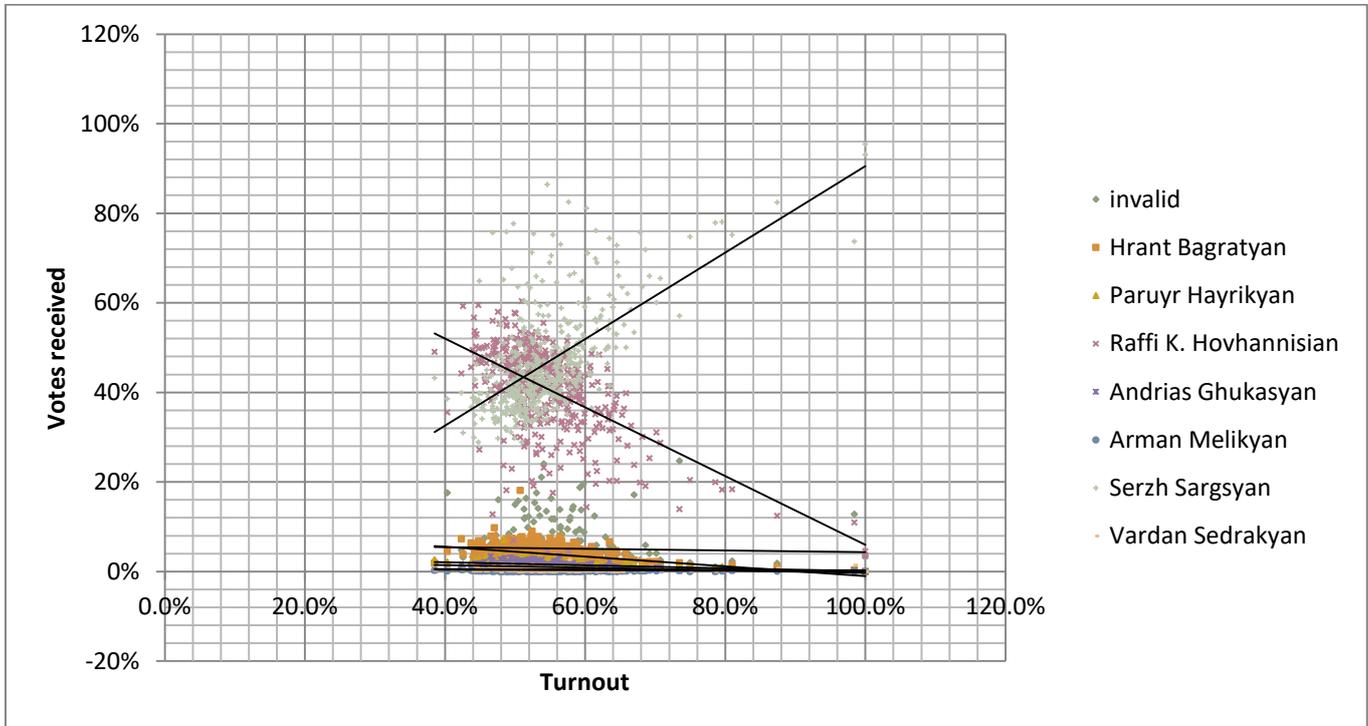
Under conditions of low participation, however, disproportion was noticed in voting results, which affirms the fact of voters being taken to polling stations by the Republican party of Armenia, as a result of which the number of votes in favor of the Republican party of Armenia grows parallel with the growth of voter turnout.



It is also interesting that both in the voting results of Yerevan city in National Assembly elections and in Yerevan City Council elections the results of the Republican party of Armenia and “Yelq” Alliance are inversely proportional, whereas the results of other parties are mainly equally distributed.



This pattern is similar to the voting results in Yerevan city during the 2013 Presidential elections, when the numbers of votes received by all candidates were proportionate regardless of voter participation, but the results of votes in favor of Serzh Sargsyan and Raffi Hovhannisyan were inversely proportional.



Such a difference in voting results can be explained by redistribution of ballot papers in the process of summarization of voting results, which is also supported by facts.

Actions of the Alliance with regard to the recorded violations and the response of competent authorities

Actions taken by the Alliance

During Yerevan City Council elections a team of 5 lawyers provided the observers involved in the mission of the Alliance with legal assistance.

In the electoral process importance has always been given to immediately solving discovered violations and preventing the negative consequences, which is also a way of preventing violations. However, it should be stated again and again that the RA Electoral Code has strongly limited the circle of people having the right to submit applications to election commissions, which is not a necessary limitation in a democratic and legal state.

The legal team was tasked to take such measures and actions aimed at eliminating problems and violations recorded by observers that would make the solutions possible in the shortest time frame, for that reason, actions taken against revealed problems were mainly reporting those to election commissions by phone. It has to be emphasized that after reporting the problems to the RA Central election commission and Territorial election commissions, they were mainly tackled, because of which during Yerevan City Council elections no administrative written applications/appeals were submitted by member organizations of the Alliance or by observers.

With regard to the voting day 3 reports were sent on cases, which evidently contained crime features (they are more thoroughly presented in the next subheading).

It should be stated that RA Electoral Code does not prescribe the specifics of administrative proceeding with regard to problems requiring urgent solutions, including the investigation procedures. According to the 8th part of Article 49 of the Electoral Code, Electoral commissions shall take appropriate measures with regard to issues requiring urgent solution. In such cases adopting decisions in the form of a separate act shall not be binding. In our opinion such legal regulation cannot fully resolve the emerged relations and it is necessary to make additions

to the Electoral Code prescribing the specifics of administrative proceeding with regard to issues requiring urgent solutions.

Election commissions mainly have public phone numbers, nevertheless on the Election Day one phone number cannot ensure proper service. In our opinion it is necessary to provide an opportunity to submit applications via a hotline, electronic devices, as well as fax; such tools will promote tackling the revealed and recorded problems in a tighter time frame.

On the Election Day more than 50 violations were reported to the legal team, with regard to which, within the framework of the actions taken by the lawyers, more than 200 phone calls were made to competent election commissions. Moreover, on each case it was necessary to call election commissions several times until it would be possible to reach a desired result.

Problems were mainly related to the following:

- Avoiding from making an entry in the registration book on the observer's assessment regarding the voting
- Hindering the observer from getting acquainted with documents allowed by the law,
- Not entering the data of the persons in the registration book, who assisted voters unable to fill in the ballot paper on his or her own
- Presence of not accredited observers at polling stations, and other similar issues.

Crime reports

The first report regarding the election day was related to hustling the observer of the organization and hindering him from video recording by the members of Precinct election commission in 8/19 polling station. The second one was with regard to hindering the observer of the organization from entering polling station 7/53 for 35 minutes during the vote count. The third one was with regard to the skirmish between commission members and proxies, exerting violence and grossly violating the voting procedure during the vote count in 3/19 polling station.

It was denied to institute a criminal case regarding the incidents recorded in 8/19 and 3/19 polling stations. The decision on 8/19 polling station has been appealed to the superior prosecutor, with regard to which there is no response yet. We have not received a final decision related to the case in 7/53 polling station at this point.

Thus, we can state that violations recorded during Yerevan City Council elections were mainly possible to eliminate via phone calls, although longer time and resources were spent to reach a desired result, whereas raised problems could have been tackled in tighter time periods.

It is necessary to make changes and additions to the Electoral Code, in order to regulate the specifics of administrative proceedings requiring urgent solutions, to set up a hotline and to allow sending applications and complaints to the commissions electronically.

Crime reports were not subjected to comprehensive investigation, no criminal cases were initiated with regard to them, whereas, we find that there were sufficient grounds to initiate criminal cases.

Main conclusions and recommendations

On May 14, 2017, Yerevan City Council (Council of Elders) Election Day, the “Independent Observer” Public Alliance conducted observation at 60 polling stations and in all 10 Territorial election Commissions in Yerevan city. There were also 5 mobile observation groups to monitor the situation outside the polling stations as well as to prevent and solve the problems at the observed polling stations. About 140 observers were involved in the observation mission.

According to the information collected at the observed polling stations, the situation was as follows.

Inside the polling stations during the voting:

1. At 80% of the observed voting stations, there were cases of voters filling out the ballot papers or enveloping them outside the voting booth.
2. At 52% of the observed voting stations, there were cases of several persons entering the voting booth simultaneously.
3. At 37% of the observed voting stations, there were cases when the voters informed someone or just voiced their vote after voting; moreover, in the vast majority of such cases, voters voiced about voting for the RPA (Republican Party of Armenia), Taron Margaryan or "number 3".
4. At 37% of the observed voting stations, there were cases of examining the signed voters' lists and leaking the information out. Moreover, this was mostly done by the proxies of the Republican Party of Armenia and the observers of “Hayq” national conservative youth union and “Geghama youth regional association”.
5. There were unauthorized persons present at 37% of the observed polling stations. At 3 polling stations, there were candidates in the voting room; all of them were from the RPA. It should be noted that among the unauthorized persons there were also persons with observer badges of “The institute of legal culture development”, “Geghama youth regional association” and “Hayq” national conservative youth union, whose names were not in the lists of accredited observers posted on the CEC’s (Central election Commission) official website and hence their badges were forged. Moreover, GETA NGO’s observers’ list mentions the voting day to be observed as April 2,

National Assembly Election Day and the lists of all 3 organizations contain incomplete and inaccurate data of observers; it follows that the CEC accredited the observers data presented in violation of the relevant procedure and the badges were issued to third parties.

6. At 42% of the observed voting stations, there were persons whose badges were not visible.
7. The violations of the observers' rights and pressure against them at some voting stations threatened their personal security. Particularly, during the voting day, the observers representing the 'Independent Observer' Alliance faced threats at polling stations №№: 3/11, 3/19, 6/9, 8/19 and 9/3. At polling stations №№ 6/9 and 8/19, there was physical violence against observers.
8. There were some problems with the electronic registration equipment at 81% of the observed polling stations.
9. Around the polling stations during the voting:
10. There were campaign activities around and immediately outside of 22% of the observed polling stations, with the vast majority of them being in favor of the Republican Party of Armenia.
11. At 33% of the observed polling stations, cases of taking people in groups to the voting stations by taxi or other vehicles were noticed.
12. There were campaign offices located next to the 15% of the observed polling stations; all of them of the Republican Party of Armenia. At 2 of these polling stations, there were numerous voters seen leaving the campaign office and entering the polling station.

During the vote count:

1. At 20% of the observed polling stations, the vote count session started with a delay mostly because the commission took a break or was interrupted later.
2. There were ballots marked in favor of a party with a pen of a different color or shade at 10 (17%) of the observed polling stations; in 8 of them, these ballot papers were in favor of the RPA.
3. At 15% of the observed polling stations, there were cases when persons without any badges were present during the vote count.
4. At 10% of the observed polling stations, there were envelopes containing 2 ballot papers.

5. At polling station 03/19, a person without any badge immediately participated in the vote count. After the “Independent Observer” Alliance alerted the District election commission, a dispute occurred at the polling station and then the person in question left pulling a commission member along, then he returned alone but wearing a badge. After the incident, as Daniel Ioannisyann, Media Representative of “Independent Observer” Alliance, arrived at the polling station, his access was obstructed for some time and after entering the polling station, it was revealed that 23 ballots in favor of “Yelq” alliance were put into the bundle of the RPA ballots; however, the observers restored the violation.
6. At polling station 07/53, the representative of the “ArmRusInfo” media and observer from HCA Vanadzor representing the “Independent Observer” Public Alliance were prevented from entering the polling station. Later, the IO observer at the polling station said that the ballot papers were not counted and the numbers written in the protocol did not correspond with the reality. Particularly when the ballot papers were being taken out of the ballot box, the observer estimated that there were 26 ballots in favor of “Yelq” alliance, 10 ballots in favor of ‘Yerkir Tsirani’ party and 425 ballots in favor of the Republican Party of Armenia, whereas the numbers in the final protocols were 10, 3 and 448, respectively.

It should be noted that for the first time facts of widespread and systematic vote-buying by the Republican Party of Armenia and facts of the police involvement in the election campaign (data of the fax message sent by the Guard and Patrol Service Regiment to the RPA’s headquarters in Arabkir administrative district) were revealed during the election campaign period as well as on the silence day and voting day.

Instead of examining the revealed materials, the police did everything possible to keep Taron Margaryan’s campaign offices inaccessible. Moreover, on the voting day, the police used violence against head of Yerkir Tsirani party, Zaruhi Postanjyan and her daughter who visited Taron Margaryan’s campaign office in Avan to track the alert of vote-buying.

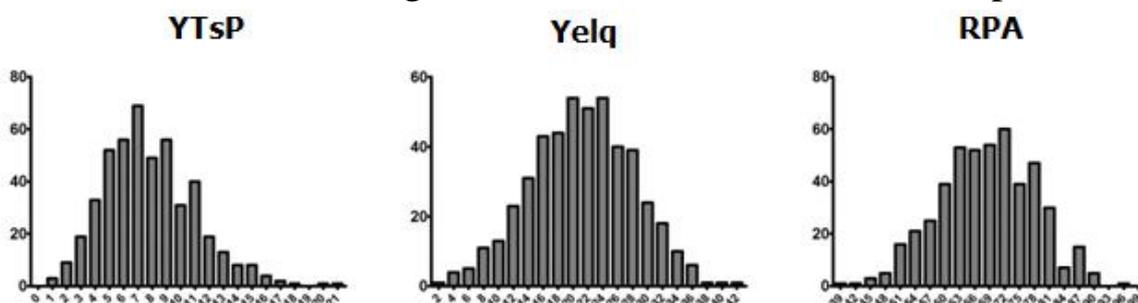
The materials revealed at the RPA’s campaign headquarters in Arabkir on the eve of elections provided all the grounds for the RA Central election

Commission to have the RPA’s candidacy annulled in a court of law, but instead, it rejected the relevant application of “Yelq” alliance.

On the voting day, a number of acts of violence against journalists, observers and electoral processes were recorded and relevant crime reports were submitted.

Summing up the preliminary findings of the observation, we can conclude that:

1. The voting took place with low turnout but still under control over the voters.
2. The independent institute of election observation was once again abused and discredited by persons acting as NGO observers but representing the interests of the candidates.
3. The relevant authorities, namely the RA Central election Commission, RA Police and the other law enforcement bodies again showed inaction in eliminating the violations and abuses identified during the election campaign and thus encouraged the Republican Party’s unpunished behavior.
4. During vote counting at several polling stations, voting results were manipulated.
5. The statistical study of the pattern in the official data on turnout and vote distribution shows that unlike the distribution of the ballots in favor of “Yelq” alliance, “Yerkir Tsirani” party, and “invalid” ballots that is proportional and close to the Normal (Gaussian) distribution, the picture with the Republican Party is different. The columns of polling stations showing votes in favor have 2 peaks: the basic one and the small one. The latter (small) peak falls within a higher vote; this shows that the RPA got the highest percentage of votes at these polling stations due to factors other than the voters’ votes (e.g. vote theft or falsification of the protocols).



“Independent Observer” Public Alliance believes that the Yerevan City Council Elections of May 14, 2017 were held in a blatant violation of the essential principles of democratic elections.

Recommendations

Reaffirming the recommendation presented in the report on RA National Assembly elections and in addition to them, “Independent Observer” Alliance recommends the following:

- Legally stipulate the reasonable volume of credible information on electoral violations, electoral fraud, and particularly distribution of electoral bribe and abuse of administrative resources for cancelling the registration of a candidate (including a party) or the election results
- Decide on the final results of the elections after allowing reasonable time for adequate investigation of reports about electoral fraud and electoral violations
- Amend the Electoral Code to stipulate the specifics of processing urgent matters, to set up a hotline and to allow sending applications and complaints to the commissions electronically.

Organizations involved in the Observation Mission

The observation mission was carried out by “Independent Observer” public alliance, the members of which are Helsinki Citizens’ Assembly-Vanadzor (HCA Vanadzor) and Union of Informed Citizens.

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