

OSCE Parliamentary Assembly Election Monitoring: The 1995 Russian Elections

The OSCE Parliamentary Assembly (PA) had started to establish its pre-eminence amongst parliamentary bodies monitoring elections in Moscow in 1993 with the elections to the Duma. However 1995 represented a major consolidation in election monitoring for the OSCE Parliamentary Assembly. Across the year Members of Parliament from or under the guidance of the PA monitored parliamentary elections in nine different countries, involving nearly 250 observers from 28 participating States. The year also culminated in "free and fair" parliamentary elections in Russia, as determined by the OSCE Parliamentary Assembly's largest ever delegation of 114 observers. Not only was the Assembly's delegation by far the largest single observation team at the Russian elections, but it was an extremely comprehensive monitoring effort that coordinated its activities and resources with all other major delegations. So now the PA's election monitoring programme has become an important and valued activity that gauges democratic progress made in countries undergoing the difficult process of transition to democracy.

The elections monitored by the OSCE Parliamentary Assembly are often the first or second multi-party, legislative elections held in transitional states. They are vitally important as symbolic road signs indicating not only the direction but the distance that democratic reforms have taken. These elections are also a test of a country's willingness to abide by international agreements. A good example is the Charter of Paris, which guarantees the rights of citizens to free and fair elections. And who better than parliamentarians, public officials elected to office themselves, to draw attention to transitional electoral processes? Local and international media attach great importance to election observations and conclusions from parliamentary groups. As a result, governmental policies can be reinforced or repudiated. For example, the 1995 parliamentary elections in Estonia were declared "free and fair" by the OSCE PA delegation which further stamped its approval of the government's democratization policies and programmes, despite the heavy and often unpopular social costs of transitional reforms.

On the other hand, the 1994 parliamentary elections in Kazakhstan were observed by an Assembly delegation to have been heavily manipulated by the government and consequently declared not to be free or fair. The statement drew tremendous attention to this situation in Kazakhstan and ultimately contributed to the dismissal of the parliament and a call for new elections in 1995.

Thus, election observation for the Assembly is a means of supporting and reinforcing OSCE commitments in the field of human rights among the developing states of the former Soviet Union and Eastern Europe. Observing elections emphasizes the importance of legislatures as institutions that provide a balance to executive authority. This is a critical issue in countries that have strong authoritarian traditions and are unused to democratic legislatures or balancing power between different branches of government. The presence of international observers can help build credibility in electoral processes, and can provide democratically elected officials with some measure of legitimacy.

The task of observer delegations, however, is more than just monitoring ballot casting on election day and issuing a press statement. All facets of the electoral process are examined. Prior to elections observers must acquaint themselves with all aspects of election processes in a country, including: governmental policies, the legal and constitutional framework for the conduct of elections, the openness of the process, and the campaign environment as perceived by the different players in the election.

Parliamentary Assembly observers meet with key players in the election process, both governmental and opposition, and have the opportunity to question why decisions or circumstances have transpired in the way they have.

While providing observers with a broad perspective, these meetings are also instrumental in elucidating other areas of potential concern that are not always easily discernible, and for placing events in their proper context. After the elections, observers report their findings and formulate recommendations based on information gathered in both the election and pre-election periods. Of considerable importance to both the monitors and the nation holding the elections is that the parliamentarians take back to their own countries a better understanding of development processes and the many problems facing the host nation.

The Assembly's Commitment to Democratic Development Work

The OSCE PA is involved in a range of activities which create opportunities for dialogue and which reinforce democratic development. Missions to the former Yugoslavia and Turkey have demonstrated the Assembly's ability to pursue dialogue and address problems under difficult circumstances. Assembly members are also drafting a *Code of Conduct on Politico-Democratic Aspects of Cooperation*. This project, initiated by Prof. Dr. Rita Süßmuth, President of the German *Bundestag* and Head of the German Delegation to the Assembly, represents a strong commitment by the OSCE Parliamentary

Assembly to democracy and human rights. The Committee is reviewing previous international commitments to the principles of human rights and fundamental freedoms, democracy and the rule of law. The Code will seek to define a set of minimum standards which will include a strong component regarding democratic elections. The delineation of these principles in a single document, the Assembly believes, will help the cause of democracy for former authoritarian states.

Another Assembly project is the *Democratic Assistance Programme (DAP)*, intended to broaden the OSCE PA's involvement in helping to strengthen democratic values and legislative institutions in the former Soviet Union. Focusing on the developmental problems of transitional states, DAP seeks to bring parliamentarians, as well as other political leaders and experts, together with their counterparts from newly emerging democracies.

Due to the broad constituency, the Parliamentary Assembly itself and the DAP have unique access and credibility with newly elected parliamentarians helping to facilitate meetings between politicians in a state of equality and mutual understanding.

The Election Monitoring Programme

Despite all of its work in human rights and the furthering of democracy, the Assembly's most widely recognized activity remains the observation of elections. The OSCE PA first decided to participate actively in election observation and monitoring during its 1993 Annual Session in Helsinki. During her address to the Plenary Session, the OSCE Chairman-in-Office, Swedish Foreign Minister Baroness Margaretha af Ugglas, strongly urged the parliamentarians because of their unique expertise, to become more involved in election monitoring. In response, and as a means of assessing the implementation of - and in order to reinforce - OSCE commitments to human rights, democracy and the rule of law among the developing democracies of the former Soviet Union and Eastern Europe, the OSCE PA has developed a particularly active programme for monitoring elections.

The tremendous success of the monitoring programmes is that they function with the basic principles of objectivity, thoroughness, coordination and teamwork. Being parliamentarians, all members of Assembly delegations are experienced as far as parliamentary elections are concerned. Yet, a basic code of conduct and universal standards have been developed which delegation members are encouraged to follow. For instance, observers are not to interfere in the execution of the elections, nor should they give any advice on how practical issues can be solved, or do anything that could lead to confusion regarding who is responsible for the elections. The code emphasizes that

delegation observers need also be impartial when assessing the electoral system, and are expected to show particular caution in dealing with the press and media. All delegation members are expected not to give individual opinions as to the fairness or honesty of the election process, but they do participate in making a general statement after the election, based upon the delegation's shared findings.

It should be noted that OSCE States participate in observer delegations on a voluntary basis. The elections to the Russian State Duma (lower house) on 17 December 1995 marked a record level of interest and willingness of parliaments of OSCE participating States to send observers. The delegation consisted of 114 observers, including 85 parliamentarians from 26 OSCE countries, representatives of the North Atlantic Assembly (NAA), and the United States Commission on Security and Cooperation in Europe. The Parliamentary Assembly delegation coordinated its activities with the OSCE Office for Democratic Institutions and Human Rights (ODIHR) through the announcement of its programme, the selection of deployment cities, and sharing information on deployment routes. As usual, the delegation also coordinated its efforts with monitoring groups from the Council of Europe, the European Parliament, and other international delegations. In order to fully realize the utilization of scarce observer resources, the OSCE PA delegation also fully cooperated and shared information with domestic observer groups, and various organizations which had been conducting long-term election observation. It was the aim of this delegation, as with all Parliamentary Assembly election monitoring groups, to assess whether the Russian elections were free and fair. However, election day observation was only one aspect of this task. Prior to election day Assembly observers acquainted themselves with numerous aspects of the election process, including the context of democratization in the country, the legal framework for the conduct of the elections, and the preparation environment as perceived by the different players in the election. During each election mission, the Secretariat of the Assembly arranged for observers to acquire background information through a series of briefings. In addition, analytical background material is supplied to indicate the kind of concerns and problems anticipated by the electorate and the key players in the election process.

Most delegates attended two days of briefings in Moscow before proceeding to attend an additional day of regional briefings in the area where they were to observe polling procedures. In Moscow, delegates were briefed by experts from seven major non-governmental organizations, who had been actively conducting long-term observation of various aspects of the political and electoral developments through the media, sociological polls and other sources. Meetings were then held with the leadership of the seven major political par-

ties, and with the Chairman of the Central Election Commission, the Chairman of the Constitutional Court, and representatives from both state-supported and independent Russian media. Delegates who monitored elections outside of Moscow also met with representatives of local and regional electoral commissions, local politicians, representatives from political parties, local media and locally based experts.

To provide as full an understanding as possible, Assembly delegation material and meetings generally concentrate on providing information in five categories: the legal framework, political parties and the electoral campaign, civic and voter education, voter registration, ballot design and security.

The Legal Framework

An in-depth understanding of the laws governing the elections is crucial to the task of informed election observation.

Whereas Assembly observers are not in the position to propose amendments to the existing legislation prior to the current elections, recommendations for the future elections are one of the more important functions of the delegation's final report.

Since the main laws governing the electoral process are the Constitution and the election law, the *International Secretariat* prepares an extensive report covering:

Constitution and legal framework:

- a) the extent of the separation of powers in government and to what extent the judiciary operates independently of the government;
- b) how judges are appointed;
- c) if international assistance was sought in drawing up the Constitution;
- d) on what basis the decision for a parliamentary or a presidential system was made;
- e) the role of opposition parties in making these decisions.

The election law:

- a) how the electoral law came to be drafted and adopted, and whether the result was a compromise or by consensus;
- b) a number of issues, such as media access and campaign financing are investigated within the context of the law;
- c) observers also seek to identify detailed responsibilities and duties of the different levels of electoral commissions before, during, and after elections;

- d) whether there are clear instructions concerning party and voter registration;
- e) whether an equitable system of dispute resolution exists.

The governing bodies and the relationship to election administrators must ensure:

- a) the extent to which mechanisms of government are independent from the ruling party's infrastructure;
- b) if the Central Electoral Commission (CEC) is able to operate independently of the government;
- c) if its independent decision-making capacity is upheld;
- d) what is the source of commission financing.

As an example, the final version of the Russian election law was signed by President Yeltsin and adopted on 21 June 1995, well in advance of the election. It included more stringent signature requirements for parties to place candidates on the ballot, more provisions to increase transparency in the process, presupposing more overall safeguards than the previous law. Russia's new law allows for domestic observer participation of the CEC, and requires that protocols covering the local election results be made available to all observers in each polling station at the end of the counting process. The CEC accredited nearly 900 international observers and over 60,000 domestic observers for the 17 December elections. By far, the most active of the domestic observers came from the Communist Party.

The OSCE PA delegation was generally impressed with the work undertaken by the CEC to ensure free and fair elections in Russia. Some concerns were raised before the elections regarding certain CEC decisions during the party and candidate registration process, however, most of these were dealt with satisfactorily by the courts. Furthermore, other problems that arose appear to have been quickly and competently resolved through efficient lines of communication between the various levels of election committees. The manner of appointment and composition of the CEC seems to have provided an impartial panel for the administration of elections, even though some CEC decisions were subsequently over-ruled by the courts. One representative from each of the 43 electoral associations and blocs was by law permitted to sit on the CEC.

These representatives were allowed to participate and make recommendations through non-binding votes, which added to the safeguards against fraud, and seems to have increased the overall transparency of the process.

Also, there appeared to be effective judicial review of CEC decisions during the Russian elections. The right to appeal to the Supreme Court was success-

fully employed by several parties, who were initially banned for failing properly to register, but were later re-instated by the CEC after the Court upheld their appeals. Unlike the 1993 elections, apparently no parties or candidates were barred from taking part in the elections for political reasons. The large number of blocs and electoral associations running in the elections definitely caused some confusion both among voters (making their choice between 43 different parties, and caring the very large ballot) and among the media (which had to give free time slots to all parties). This might be prevented in the future by requiring more signatures to be collected from a higher number of constituencies before a party is allowed on the ballot.

Political Parties and Conduct of Electoral Campaign

Election observers in general need to have an overview of *the political party spectrum* and the public perception of the various parties. As a result, OSCE PA delegation members meet with party leaders with briefing taking part on:

- a) history, platforms and leadership of the political parties, including any current representative in parliament;
- b) access to sources of finance and publicity, and how this is regulated;
- c) the size of party membership is studied as is its geographical make-up;
- d) visibility of campaign posters, television or radio broadcasts and newspaper coverage is observed. It can also be worth noting whether the leader of a party is a well known personality and if the leader overshadows all aspects of the party, including the platform;
- e) observers note if the party is represented at all levels of the election commissions, or if not, why this is the case, and whether all parties accept the legitimacy of the electoral process;
- f) if parties have been able to register candidates without difficulties, or, if difficulties were encountered, to assess whether they were the result of party disorganization or discrimination by officials.

The free and fair nature of an election also includes observing the *campaign period* and assessing whether the governing party, or any other party, unfairly benefited or was disadvantaged during this period. In this respect, delegation observers note if parties, candidates, election officials and voters agree that the campaign was free of intimidation and violence, or if not, what of complaints were raised and who dealt with them.

To be put on the ballot for the Russian Duma elections, parties were required to collect 200,000 signatures by 22 October 1995, with no more than seven percent coming from any one of the 89 districts of the Federation. In 1993, parties had to collect only half of that number of signatures, with no more

than 15 percent coming from any one district. Even with this new, increased threshold, 43 parties and blocs qualified for registration. However, many parties hired professional signature collectors to meet the requirements. Electoral blocs had to register with the CEC by submitting documents confirming their decision to unite. Subsequently, the CEC was required to announce its decision on registration within five days. Further, parties, electoral associations and blocs were limited to nominating a maximum of 270 candidates. Almost 2,700 candidates registered to run in single-mandate districts, of which over 1,000 were independents.

Compared to the 1993 Presidential decree on elections, campaign financing provisions for the 1995 Duma elections were very detailed and enabled some transparency into this generally difficult area. The law allowed parties and candidates to finance their election campaign from three sources: funds allocated by electoral committees, their own money and funds arising from donations. Electoral funds had to be placed in designated campaign accounts, with funding sources and ceilings set by law. Electoral committees were subsequently obliged to publish the amounts and sources of political funds for each party and candidate. To secure the transparency of campaign financing, every candidate or electoral association was required to file a financial report detailing the amounts and sources of election funds raised and of all expenses borne within 30 days after the election.

Russia's legislation governing campaigning and the media has become more detailed and defined since 1993. Separate legislation was passed covering mass media regulations and the use of state electronic and print media by participants in the elections. Electoral associations, blocs and candidates were entitled to free time slots on both federal and regional state television and radio. In some cases, election debates ("round tables") between candidates were permitted to replace individual time slots on a local level. Similar provisions also allowed candidates to receive free time slots in the state-owned print media. While 35 out of the 43 parties purchased advertising on television, the lack of finance made this impossible to any extent for many of the parties. The reason is clearly seen when it reportedly cost between 10,000 and 30,000 US Dollars per minute on Russian Public TV (ORT), the actual cost depending on time of date for the transmission.

Compared to the 1993 pre-election campaign, delegation members observed that parties and candidates were generally better prepared and appeared more organized in 1995. The political parties had more resources and time to prepare for the elections, and to develop individual strategies designed to attract voter support. While campaign coverage in the state media generally improved in its treatment of parties and candidates compared to 1993, the delegation believed that media coverage did appear somewhat biased in favour of pro-government parties. While delegation members heard some com-

plaints from smaller parties that the high prices for commercial television slots gave well-funded parties an unfair advantage, actual election results told a more complex story. The parties which spent the most on television advertisements did not do as well as expected, whereas the winning Communist Party refrained totally from television advertising (apart from their free time slots).

Civic and Voter Education

Observers also need to assess whether the participants in the electoral process are fully informed of their rights and responsibilities with regard to the elections. It is important to check to ensure that ethnic minorities are able to participate fully in the electoral process, and whether information on voter registration, voter procedures and the ballots are available in their languages. It is important to notice whether voter awareness campaigns have been conducted by political parties, election commissions, NGOs, the media and above all, the government.

Exit polls conducted during the Russian Duma elections indicated that voters generally were more informed about political parties and candidates than in the previous elections, and that they generally understood proper registration and voting procedures. National as well as regional newspapers, radio stations and television companies offered a wide range of information on candidates and parties contesting the elections.

Voter Registration

The register that is compiled to authorize that a person may vote is one of the most fundamental aspects of any election. Without well maintained and regularly updated voter registries, the administration of the election is put under severe strain. Observers therefore, as a matter of course, need to be well informed on all aspects of the voter registration process, including:

- whether there is a permanent voter registry at central or local levels, and if so, how often is it updated and by what means. Also it is important to know if voters may amend lists prior to the election and/or on election day itself;
- whether the voter receives a special identification card prior to the election and what information this voter card contains. Concerning security, observers note what kind of security exists to avoid duplication or counterfeiting these cards;

- observers will investigate what safeguards are in place to avoid multiple registration, and if there were any reports of multiple registrations reported;
- what are the provisions for registration of absentee voters.

For the 1995 Russian elections, local administrators were responsible for compiling voter lists on eligibility and residence, making one copy available for each polling station and one for the territorial election committee. Provisions existed to allow voters to be added even on election day by the polling station election committee, if proper identification and proof of residence were produced. Citizens were also allowed to report voter list problems to polling station committees. Higher election committees and courts dealt with any unresolved complaints.

Ballot Design and Security

Since, the complexity or simplicity of the ballot directly affects the ease and the efficiency of the voting process, Assembly observers always familiarize themselves with the format of the ballot:

- whether the law provides for a single or multiple ballot;
- whether it is easy for the voter to fill in the ballot, and what measures were used to ensure against counterfeiting, etc.;
- what storage facilities were used for the ballots, after the printing and prior to distribution, and how ballots were distributed from printing or storage to polling stations.

For the 1995 Duma elections, voters received two ballots - one for the federal list and one for the single-mandate candidates in their district. The federal list contained the names and symbols of each party, as well as the names of the top three candidates. The single-mandate ballot listed the names of candidates and party affiliation when appropriate.

In some cases voters also received additional ballots for elections of governor or mayor if they were taking place at the same time.

When receiving the ballots, voters presented their passport or another form of identification and signed the voter list. In order to prevent multiple voting, an identification number was entered on the list by election officials. Voters who were not able to sign the list, or to fill in the ballots, were allowed to ask for assistance. Voters were also allowed to request a new ballot in case mistakes were made. In one observed instance, an elderly woman exchanged her ballot three times because of mistakes.

Voting premises were equipped with either booths or special places or rooms for voting by secret ballot. For the most part, all stations had booths, although usually rarely enough for the number of voters. Assembly delegation members recommended that a deadline be set in future elections for amending the ballot and removing candidates who drop out at the last minute, so that manual corrections to the ballot would not again be necessary.

Election Day Monitoring

On election day, OSCE PA delegation members were deployed into seven cities and *oblasts* throughout Russia, visiting over 400 polling stations. In Moscow and St. Petersburg alone, 26 observer teams were deployed to cover more than 275 polling stations. Opening and closing procedures, as well as the initial count, were also observed throughout the country. On the basis of all the information collected and observed in the pre-election period, delegation observers were expected to note how the process actually worked in practice on election day, to report their findings and to formulate recommendations.

Opening of the Polls

Each election observer group arrived at a polling station prior to the official opening, so as to observe pre-opening procedures. These included observing that ballot boxes were empty before being sealed, last-minute instructions to officials, and the manual correction of ballots in some regions (where candidates may have dropped out at the last moment). In a pre-opening check, observers are careful not to impede the officials' preparatory work, but take a brief survey of the polling site, including a look inside voting booths which should not contain any unofficial instructions, partisan, or extraneous materials), whether all commission members are present on time, which parties are represented by poll workers, if ballots and other voting materials are organized, and if the polling facility is prepared to begin on time.

Voting Procedures

When approaching polling sites, Assembly observers take care to notice any indications of disorganization, including unusually long lines of people waiting to vote, or people milling around, as well as the presence of police or government officials. Once inside, observers note the orderliness of the polling site and voting activity, and whether any problems occur in finding the

name of the voter on the registration list. Another important indicator is if poll workers and voters appear to understand the procedures.

Observers also check whether written instructions are posted in the polling station for voters, and also look for the presence of partisan campaign materials. Due to the importance of the secret ballot, observers further check that voters are alone when voting, and not accompanied by friends and family. In addition, OSCE PA observers ask voters questions regarding their impression of the election, the clarity of procedures, the availability of information, etc. These exit interviews are generally conducted in situations that ensure maximum confidence, without fear of pressure, and usually outside the range of hearing by the authorities.

For the Russian Duma elections, voters who were due to be absent from their residence on election day were able to vote four to 15 days early at territorial election commissions, and up to three days prior to the election at the election commission of their polling station. With few exceptions, delegation members observed that polling stations opened at 8.00 a.m. local time and closed at 10.00 p.m. The election committees had to seal the ballot boxes after inspection, which took place in the presence of voters and observers. In general, Parliamentary Assembly observers believed that election officials seemed better informed and administered the elections in a more efficient manner than in 1993.

However, some problems witnessed in 1993 recurred again - group voting, open voting and, to a limited extent, proxy voting. In some cases, election officials seemed confused about proper voting procedures for citizens not registered in a particular polling place, but who had just moved into a district. Domestic observers nominated by parties or candidates were present in most polling stations visited by the delegation. However, most parties did not take full advantage of their right to send party representatives to polling stations. Communist party observers far outnumbered all others in polling stations visited by the delegation.

Virtually all delegation members agreed that polling stations generally suffered from poor layout. In addition, some polling stations were too small or ill-shaped for voting purposes (e.g. corridors and hallways). As a result, delegation members witnessed widespread voting outside of the designated voting booths. Polling stations also seemed ill-equipped to handle large numbers of voters during the peak voting times. Many voting booths were too small and provided insufficient space to handle and mark the very large ballot paper. Furthermore, many voting booths were poorly lit so voters had difficulty reading and marking the ballots in the booths.

While open voting undoubtedly constituted a major procedural flaw of the elections, the delegation found that this practice did not substantively change

the nature of the voting process, and often had been common practise amongst members of a family.

Some polling stations did not have enough ballots for the voters (apparently due to an unexpectedly high voter turn-out), but ballot shortages were usually remedied quickly.

Some isolated instances of proxy voting also occurred on election day, but the level of this practice appears to have dramatically declined since the 1993 elections. Also, the new voting procedure of marking the ballot in favour of candidates, instead of crossing out all names other than your chosen candidates seemed to operate smoothly. Voters seemed informed of the change and sample ballots were posted in most polling stations.

The Assembly delegation recommended that election booths in the future should be constructed in such a way to provide more space and sufficient light for voters easily to handle, read and mark large ballots.

Counting the Ballots

At the close of the polls, OSCE PA delegation observer teams were inside polling stations to observe the counting process. Observers checked ballot counting procedures, including the rejection of spoiled or invalid ballots, the ballot sorting, and the security of the ballots. Delegation members also noted the means by which results were reported to the next higher authority. Unlike 1993, any observers present at the time of the poll closing were allowed to witness the counting of votes.

Election officials in most polling stations showed signs of fatigue during the counting process.

During the 1993 parliamentary elections, the OSCE PA delegation was highly critical of the slow counting and tabulation of votes, as well as the lack of public access to the complete results. In 1995, the initial vote count conducted by local polling commission members was efficient, but in some cases hampered by minor counting mistakes, generally attributed to the long working hours put in by the polling commission members.

Because of under-staffing, in a few isolated cases some election commissions accepted the help of domestic observers in the counting process - a violation of the election law. Furthermore, in places where gubernatorial and/or mayoral elections took place, the counting process was complicated by the fact that all ballots were put into the same boxes. However, no irregularities in the vote counting and aggregation of votes at the CEC were observed. While the delegation found that the deadlines set in the election law for publishing final and complete election results were a step forward compared with the 1993 elections, they recommended that greater efforts should be made fur-

ther to reduce the time between polling day and when official results are made public.

Conclusions

The 1995 Russian parliamentary elections constituted a clear improvement from the preceding elections in 1993. The electoral legislation has been both clarified and simplified, enhancing the transparency of the process. Furthermore, the pre-election campaign was more open and more active than in 1993. Through open access to the media and clearer election guidelines, all major parties had the opportunity to publicize their platform and message through a variety of campaign strategies, although this did not stop some complaints about the level of government publicity.

Generally, voting procedures were more organized than in 1993. While some weaknesses witnessed in the last election still remained, they occurred to a far lesser degree.

The monitoring of the election by the Parliamentary Assembly of the OSCE provided a large and useful presence, on the one hand in Russia, as a safeguard and as a reassurance to the Russian people that democratic procedures were being followed and, on the other, to the international world that judgement on the elections was being carried out by independent people who were outside any Russian political influence.

The newly elected Russian Duma was given a "free and fair" mandate to initiate its work and to enjoy both international and domestic legitimacy. It is this kind of international effort and cooperation which underpins the efforts of the work of the Parliamentary Assembly, to reinforce transitions to democracy by the countries of the former Soviet Union and of Eastern Europe. This is the cornerstone of responsible election monitoring.