

Presidential elections of the Republic of Armenia, 2008

On February 19, 2008 for the 5th time there were held elections of the President of the Republic of Armenia. The President is elected by the system of direct, absolute majority.

Presidential elections are the most important event in socio-political life of each country.

As a rule, in countries which have lately got independence, do not have long-lasting democratic traditions, the society is more politicized and the tension of the political life becomes much more obvious during this election period.

Taking into consideration these facts it should be mentioned that the role of commissions, that's to say of bodies in charge of organizing elections and ensuring their legality, becomes very important.

The electoral body within the framework of the powers given by the state legislation has got a number of functions. It makes announcement about the Election Day, compiles the timetable for the preparation and conduct of the main activities for the elections, gives both methodical and legal assistance to those citizens who wish to be nominated as candidates, registers candidates, provides equal conditions for the pre-election campaign, organizes the voting, summarizes election results and based on the data adopts a decision on electing this or that candidate.

The above mentioned functions are established by the legislation and are binding for the electoral commissions.

The implementation of these actions can find a positive response of the society if the electoral body realizes that the functions specified by legislation must be combined with one general principle, that is to be of service to voters, in other words, to create necessary conditions and opportunities for providing voters' active participation in the voting process and ensuring free expression of their will, for precincts to be accessible, well equipped. The precincts must be accessible for the disabled, commissions should create the most favorable conditions for the blind to vote on their own. In this case using ear-phones, which help the voter to hear the succession of candidates listed in the ballot and vote on his own with the help of the template, is very effective.

The next group of providing services includes the informational block. Commissions are to function in an open and transparent manner; the whole information that is under their control must be accessible to Mass Media. Besides this electoral commissions should use all the possible ways of presenting to the public as soon as possible the whole information about the electoral process, including voting and election results. In this case the recurrent organization of press

conferences, presentation of special video clips on TV, of TV programs referring to the work of commissions, as well as the existence of the accessible website using the latest, up-to-date technical devices becomes very important.

It should be mentioned with gratification that the CEC present website is the best one in its history. The website (www.elections.am) gives the public the opportunity to get the whole information that is under commissions' control. With the help of the efficient computer network connecting CEC and TECs it's possible to get the voting results and present them to the public by precincts in "real-time" regime. In fact, today voters of the Republic of Armenia, representatives of Mass Media and the CEC get the information about the voting results at precincts exactly at the same time.

Attaching importance to both the experience of European and other international organizations in the field of being of service to voters and highlighting the cooperation with these organizations during these Presidential Elections as well, the electoral system closely co-operated with Council of Europe, OSCE, IFES and other international and domestic NGOs implementing a number of work-team projects.

There are 41 TECs and 1923 PECs in the Republic of Armenia.

Electoral commissions were composed of citizens who had passed an appropriate training and got the right to be included in commissions. During these elections a new method was applied to the realization of the training program, that is the teaching film which is also used for retraining of citizens who are already included in commissions.

In our case the voter lists nearly being perfect has become regularity. The statistics of disputes connected with voter lists on the voting day and during the days preceding it is the irrefutable proof of this fact. Only 49 citizens (0,002 per cent of the voters) restored their electoral right through appealing to the court.

This result is achieved thanks to the fact that the permanently updated Voter register is placed on the CEC website and any citizen at any time can get the necessary information on the voter lists. Also the institute of notification of voters contributes to the accuracy of voter lists. In our case each voter receives the notification letter informing him/her about the voting day, time and place of precinct where the citizen is to vote.

For the first time during these elections there was applied the institute of the right to vote in the community in which the voter resides and not in the one where he's actually registered. Due to these on the voting day nearly 15.000 voters had the opportunity to vote in the precincts of the communities where they reside. In case of the absence of this institute most of these citizens would have actually had no opportunity to take part in the voting process.

The legislation of our country sets out strict timeframe for the pre-election campaign and establishes that on the voting day and the day preceding it campaigning is prohibited. In this context I would like to introduce an issue which in my opinion can be a today question for other members of the Association.

Unlike a number of countries, in the Republic of Armenia the pre-election campaign starts not on the day of setting the date for the elections but on the day after the deadline for registration of candidates, that is to say at the moment when the participants of the pre-election campaign are known.

Before the beginning of the pre-election campaign period the activities of citizens, parties connected with spreading information, even if they contain signs of pre-election campaign, cannot be regarded as pre-election campaign.

These activities can be called political campaign, political advertisement, but never pre-election campaign.

Thus the pre-election campaign represents a distinct period set out by the legislation. The legislation also clearly establishes the end of the pre-election campaign, and before the registration of candidates general norms function.

I think that the participant of the elections should follow this principle which provides the candidates with equal conditions to present their programs and ideas to the public.

There is another question I'd like to draw your attention to. During these elections the commissions had to deal with a problem to which it hadn't probably pay proper attention before. The issue is about the financing of the pre-election campaign through other persons. We do managed to discover one case of this kind of financing and to avert it, but in my opinion the legislation should establish such regulating mechanisms which will be a sound basis for the complete exclusion of these kind of financing and for the candidates to carry out the pre-election campaign only using the resources of their pre-election funds.

Approximately 32.000 of proxies, 14.000 of domestic observers from 39 NGOs and more than 600 international observers from 6 organizations were involved in the elections of the President of the RA.

The voters were very active, 70.47 per cent turnout was recorded.

Appealing against election results

There is a bad tradition to transfer political issues into legal sphere and to politicize the legal process.

Because of the lack of good electoral traditions as well as on account of not being brave enough to acknowledge and evaluate own mistakes in the electoral procedures, election results were again challenged in the Constitutional Court.

Democratic elections also presuppose the ability of facing one's defeat with dignity.

The violation of certain electoral processes by the electoral commissions or various electoral actors cannot be considered as a basis for appealing against election results.

You will not be able to find a single country on this globe where complicated short-term, multi-actor electoral relations are accompanied with no violations.

I'd like to repeat once again the thought I expressed during the previous conference,

“The conduct of elections can't be considered as a crossing of a minefield where each wrong step or diversion can result in irretrievable consequences, that is to say invalidity of the elections”.

The CEC doesn't reject the existence of some violations.

Relations which include a million and a half (1.5) actors actually can't be devoid of violations, but the enumeration of violations is not enough, it must be proved that because of these violations in particular it's not possible to find out the real expression of the voter's will.

The Constitutional Court of the Republic of Armenia, taking into consideration these circumstances and proceeding from concrete facts rejected the complaints and left unchanged the CEC decision on the election of the President.

In the electoral process the response of the authorities to violations is also of great importance. In the case of these elections the CEC sent to the Prosecutor's Office 12 reports on the violators. By the verdicts of the court 8 members including one Chairman of the commission were imprisoned.

To sum up I'd like to quote from the OSCE/ODIHR report about the work of the CEC,

“The CEC administered the election process in an overall transparent manner, inter alia through publishing decisions and information, holding press conferences and arranging for the publication of PEC-level results”.