



MONITORING

OF THE MISUSE OF ADMINISTRATIVE RESOURCES
AND OTHER ELECTORAL VIOLATIONS DURING
APRIL 2017 PARLIAMENTARY ELECTIONS

IN ARMENIA

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Սույն զեկույցի թողարկումը հնարավոր է դարձել Բաց հասարակության հիմնադրամներ - Հայաստան կազմակերպության օժանդակության շնորհիվ, դրամաշնորհ N19528: Զեկույցում տեղ գտած տեսակետները և վերլուծությունները արտահայտում են հեղինակների կարծիքը և կարող են չհամընկնել Բաց հասարակության հիմնադրամներ - Հայաստան կազմակերպության տեսակետների և դիրքորոշումների հետ:



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INTRODUCTION

Electoral violations during the electoral campaign period, including abuse of administrative resources, remain among the most problematic areas of the electoral process in Armenia. The impact of such violations on the outcome of elections always is very big, and sometimes, even could be decisive, meaning that even, if the extent of electoral violations on the voting day is relatively small, the results of the elections could be mainly defined by the violations during the campaign period. In particular, many analysts, representatives of political parties and observers argue that the outcome of the recent April 2017 parliamentary elections was defined by the electoral violations committed before the voting day on April 2.

Analysis of the conduct of national and local elections by Transparency International Anti-corruption Center (TIAC) and other local NGOs, as well as some international experts revealed that money and administrative resources, rather than ideologies and programs, always had serious impact on the results of all Armenian elections conducted since 2003. Illegal use of vast financial resources by the ruling political force and big businesses, which are converged with that force, along with various forms of financial and political pressure imposed on opposition parties, has seriously distorted the results of elections.

Meanwhile, Armenia has obligations related to electoral campaign finance and abuse of administrative resources within a number of international conventions or membership commitments. The Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (currently, Organization for Security and Cooperation in Europe) adopted on 29 June, 1990 requires from the participating States to “*ensure that law and public policy work to permit political campaigning to be conducted in a fair and free atmosphere in which neither administrative action, violence nor intimidation bars the parties and the candidates from freely presenting their views and qualifications, or prevents the voters from learning and discussing them or from casting their vote free of fear of retribution*” (see Paragraph 7.7).

The phenomenon of the abuse of administrative (state) resources is characteristic for countries with excessive concentration of power in the executive branch (which in Armenia *de facto* is still headed by the President), combined with the lack of judiciary independence and weak political party system.¹ The reports of the international election observation missions on the previous 2012 parliamentary and 2013 presidential elections show that the abuse of administrative resources was a major challenge for Armenia.² In particular, the

¹ *Funding of Political Parties and Election Campaigns: A Handbook on Political Finance* International IDEA 2014, p. 185

² By the moment of completing this publication, no final reports on the conduct of elections prepared by international election observation missions (IEOM) observing the 2017 parliamentary elections in Armenia, including IEOM of OSCE/ODIHR, were yet published.

OSCE/ODIHR EOM Final report for 2012 parliamentary elections in Armenia states “The misuse of administrative resources, including human resources of education-sector employees, violated the Electoral Code and contributed to an unequal playing field for political contestants, contravening paragraph 7.7 of the OSCE 1990 Copenhagen Document.”³ Misuse of administrative resources by state and municipal bodies was noted several times in the OSCE/ODIHR EOM Final report for 2013 presidential elections. For example, the Report mentioned that “With the exception of incumbent, all candidates and civic initiatives raised concerns about the integrity of electoral process and misuse of administrative resources. Although the Electoral Code establishes rules aimed at ensuring equal opportunities for candidates, some campaign regulations and their implementation proved not to provide sufficient protection against the misuse of administrative resources”.⁴

With the support from Open Society Institute Assistance Foundation –Budapest and then Open Society Foundations- Armenia, TIAC conducted the monitoring of abuse of administrative resources during the 2007, 2012 and 2017 parliamentary, as well as the 2008 and 2013 presidential elections in Armenia. The goal of that monitoring was to disclose and analyze manifestations and causes of misuse of administrative resources, which are obvious forms of political corruption of campaign period promote transparency and accountability of political actors, identify shortcomings of the electoral regulatory framework and its enforcement process.

This publication summarizes the findings from the monitoring of abuse of administrative resources in 2017 parliamentary elections. In addition to the introductory part, the following chapters are included in the publication: a) **definition of misuse of administrative resources, types of administrative resources and manifestations of their misuse**, b) **background information**, c) **regulatory framework**, d) **applied methodology**, e) **monitoring findings and their analysis** and f) **conclusion and recommendations**.

³ See OSCE/ODIHR EOM Final Report on May 6, 2012 Parliamentary Elections in Armenia at <http://www.osce.org/odihr/91643?download=true> , p. 12

⁴ See OSCE/ODIHR EOM Final Report on February 18, 2013 Presidential Elections in Armenia at <http://www.osce.org/odihr/elections/101314?download=true> , p. 12

DEFINITION OF MISUSE OF ADMINISTRATIVE RESOURCES, TYPES OF ADMINISTRATIVE RESOURCES AND MANIFESTATIONS OF THEIR MISUSE

Political corruption in campaign finance is manifested in two ways. First, which is the classical form, is in the form of campaign contributions by physical and, mostly, legal persons in return for illicit benefits (*quid pro quo* donations). However, starting from 1990s another form of political corruption, namely, abuse of administrative (state) resources came into spotlight for those, who study political finance. In this case, the ruling political forces and officials use the resources of the public office attached to them for campaign purposes.⁵

There are many definitions of the misuse of abuse of administrative resources and in this project it is defined as *the use of state and public sector powers and resources (including coercive capacities, personnel, financial, material and other resources) by incumbent politicians or political parties to further their own prospects of election, in violation of legal and/or other norms and responsibilities governing the exercise of public office.*⁶

There are six types of administrative resources. Those are 1) coercive, 2) regulatory, 3) legislative, 4) institutional, 5) financial, and, 6) media. Coercive resources include police and other law enforcement bodies, including also national security service. These resources could be used to harass, intimidate, arrest, or, even in some case, murder political opponents. Regulatory resources are possessed by those state bodies, which are responsible for the enforcement of existing regulations. Those bodies vary from electoral commissions, which could “deregister” an opposition party, to tax inspection body, which could suddenly inspect a company, which gave donations to an opposition party during campaign. The source of the legislative resource is the parliament of the country. The incumbent political force, having majority in the parliament, could pass such electoral legislation discriminating the opposition (for example, providing favorable for the incumbent political force composition of electoral commissions) or making more difficult observation of elections by local or international observers. Institutional resources are simply the material and human resources of the state. They include office space, working time, vehicles, computers, as well as officials running offices in the state and local self-administration bodies or employees of state- or municipal-owned institutions (schools, universities, hospitals, kindergartens, etc.) and enterprises. An example of the misuse of institutional administrative resource is forcing the teachers or doctors to attend meetings organized by the incumbent political party or vote for that party. The sources of financial administrative resources are public budgets, including state and community budgets. These budgets could be used

⁵ The phrase “administrative resource” emerged during 1996 presidential elections in Russia when it was used and studied for the first time. In fact, it is the English translation of the Russian phrase “административный ресурс (administrativniy resurs)”. It is of no surprise that this term came from a former Communist country, as such countries, and among them Armenia as well, have a long legacy of totalitarian rule when the state and ruling political party were converged and, thus, the state resources were under full disposal of that party. Obviously, after the fall of totalitarianism in those countries, this habit of using the state resources by incumbent political forces and leaders to influence in their favor on the outcome of elections did not disappear.

⁶ Similar to the TIAC previous monitoring efforts, this time also the concept and classification of administrative resources, the definition of the misuse of administrative resources, as well as the methodology of the monitoring of the misuse of administrative resources was taken from the *Monitoring Election Campaign Finance: A Handbook for NGOs* publication, prepared by Open Society Justice Initiative in 2005.

during campaign to bribe voters, increase pensions of retired persons, asphalt streets, install new playgrounds in the yards, etc. Finally, the media administrative resource is the state-run or state-controlled media. The abuse of this resource could be disproportionately wider coverage of the campaign of incumbent political party or candidate, ignoring the opposition parties or candidates, or dissemination of discrediting or false information about the latter.

Abuse of administrative resource is not only damaging electoral campaign, but also the whole political system. It undermines civil and political liberties, distorts the ability of the citizens to effectively participate in the political process entailing to their disenchantment towards the politics, undermines the integrity of state functions by using them for conducting electoral campaigns, rather than for the purposes defined by Constitution and laws, and, finally, diverts public resources from serving public interests to serving private interests. Ultimately it could bring to the establishment of authoritarian rule in the country when political power is monopolized or “captured” by a single political force.

BACKGROUND INFORMATION

The elections of the Parliament (the National Assembly) were held on 2 April, 2017. They were conducted based on the new Electoral Code, which was adopted by the National Assembly (NA) on May 25, 2016. According to Article 76 of Electoral Code, NA shall have at least 101 members. The electoral system is a two-tier proportional system and only those political parties or alliances of political parties receive seats in NA, which overcome the thresholds set by the Electoral Code.⁷ Half of the MPs from each political party or alliance of parties, which pass the thresholds, is elected from a single national list and the other half – from district lists.⁸ Article 78 of the Electoral Code provides that there shall be 13 electoral districts. Four districts shall be formed in the capital city Yerevan and 9 - in the marzes (provinces).⁹ Part 8 of Article 95 of the Electoral Code provides the formula for the distribution of the seats received by each political party (alliance of parties) among the electoral districts. It should be mentioned that this formula gives preference not to those candidates from district lists, who received the largest numbers of votes, but rather to those, who represent the electoral districts, in which the political party (alliance of parties) whom they represent, received more number of votes.

Up to 4 seats are reserved to the representatives of 4 largest ethnic minorities of Armenia. These ethnic groups are defined according to the last census preceding the elections. The last census took place in 2011 and according to it the largest ethnic minority group of Armenia was Yazidis, followed by Russians, Assyrians and Kurds. Each political party (alliance of parties) can propose up to 4 representatives from each of the mentioned ethnic minority group (see Article 83 of the Electoral Code).

The Electoral Code provides that the political force (political party or alliance of parties) shall have at least 54% of the seats in NA (called “stable parliamentary majority”) to form the Government alone (see Article 96). If a political party or alliance of parties receive absolute majority, but less, than 54% of votes, then it receives additional (bonus)¹⁰ seats to attain stable parliamentary majority¹¹. If stable parliamentary majority is not achieved, then 28 days after the Election Day, second round of elections shall be held and only the two top political parties shall participate in that round and the winner of the second round gets so many additional seats that it secures stable parliamentary majority.

⁷ According to Part 4 of Article 95 of the Electoral Code, the threshold for political parties is 5% and for the alliances of parties – 7%. In addition, the same Part of the mentioned Article provides that if the thresholds are overcome by less, than 3 political forces (1 or 2), then the seats shall be distributed among 3 top political forces, who received the most votes.

⁸ From the provisions of Part 7 of Article 95 of the Electoral Code it follows that, if the number of seats received by the party (alliance of parties) received by party or alliance of parties is odd, then the additional seat goes to the candidate from the national list.

⁹ In each of the 8 marzes one electoral district is formed and one electoral district comprises Syuniq and Vayots Dzor marzes.

¹⁰ The other case, when political force(s) could receive bonus seats, is when one political force receives more, than 2/3 of seats of NA. In that case, according to Part 2 of Article 96 of the Electoral Code, other political forces, which also received seats in NA, shall get additional (bonus) seats to have together no less, than 1/3 of seats in NA. These “bonus” seats are distributed among other political forces proportionally to the seats they have received.

¹¹ Stable parliamentary majority also could be achieved through forming coalition, provided that it should be formed within 6 days following the announcement of the results of the elections and that the coalition should be formed by no more, than 3 political forces (see Article 97 of the Electoral Code).

The new Electoral Code allowed carrying out for the first time in Armenian elections voters' identification on the Election Day through the Voter Authentication Devices (VAD), provided by the UNDP electoral assistance project, funded by EU, United States, Germany, United Kingdom and Armenian Government. VADs were containing the electronic copies of the voter lists. In order to prevent multiple voting, the voters' fingerprints were also scanned by these VADs. Another improvement of the electoral process provided by the new Electoral Code was the publication of the voter lists after the Election Day. This change, which was long advocated by the opposition and civil society organizations engaged in the observation of elections, made possible to seriously reduce the incidence of multiple voting, especially instead of those, who were outside the country, but still were included in the voter lists. However, the regulation of some aspects of the electoral processes by the new Electoral Code become worse compared with that of the previous Electoral Code. In particular, under the current Electoral Code it became easier to expel the observers and journalists from the polling stations, than it was before.

However, these elections did not entail either to the formation of a coalition for attaining stable parliamentary majority or, even more, to the second round. Neither they entailed to the situation, when additional, "bonus" seats had to be distributed. Nine political parties and alliances of parties participated in the elections and as demonstrated by **Table 1**, only four of them passed the 5% (political parties) or 7% (for the alliances of parties) threshold and received seats in NA as a result of elections. Out of 101 seats the Republican Party of Armenia (RPA) received 55, "Tcarukyan" alliance of parties – 30, "Yelq" alliance of parties – 9 and Armenian Revolutionary Federation Dashnaktsutyun (ARFD) Party – 7 seats. In addition, RPA also received 3 (allocated to Yazidi, Assyrian and Kurdish communities) and "Tcarukyan" alliance of parties – 1 (allocated to the Russian community) seat allocated for ethnic minorities. Thus, in total RPA has 58 and "Tcarukyan" alliance of parties 31 seats. With its 58 seats RPA secured stable parliamentary majority and was able to form the Government alone. However, after the elections RPA, as before elections, formed government in coalition with ARFD.

Table 1 Final Results of the 2017 Parliamentary Elections

Parties/Blocs	Number and Percentage of Votes
1. Republican Party of Armenia	770,441 (49.02%)
2. "Tcarukyan" alliance of parties	428,836 (27.34%)
3. "Yelq" alliance of parties	122,065 (7.88%)
4. Armenian Revolutionary Federation Dashnaktsutyun party	103,048 (6.67%)
5. Armenian Renaissance Party	58,265 (3.83%)
6. "ORO" alliance of parties	32,508 (2.19%)
7. "Congress - PPA" alliance of parties	25,950 (1.78%)
8. "Free Democrats" Party	14,739 (1.07%)
9. Communist Party of Armenia	11,741 (0.88%)

The results of the parliamentary elections were questioned by the opposition parties, local independent election observation missions and media because of numerous violations, among them most notably vote bribing, and pressure and other types of influence on the voters both during electoral campaign and Election Day.

On April 14 the “Congress-PPA” alliance of parties appealed to the Constitutional Court (CC) against the results of the elections. By its Decision SDO-1364 from April 28 the Constitutional Court upheld the final election results¹². As a general conclusion the Court stated that “The general conclusion is that the “Congress-PPA” alliance of parties failed to protocol and make subject to appeal, in a manner and timelines prescribed by law, such proven facts on the violations, which, if submitted to the Central Election Commission, could lay grounds to adopt a decision based on the different point of the Part 1 of Article 95 of the Electoral Code.”¹³

¹² See <http://www.concourt.am/armenian/decisions/common/2017/pdf/sdv-1364.pdf>

¹³ *Ibid.* page 31.

REGULATORY FRAMEWORK

The main principles and provisions related to the legal regulation of the use of administrative resources during elections and prevention of other electoral violations are presented in Part 1 of the Armenian Electoral Code. Provisions that are specific to particular type of elections (parliamentary or local self-government) contain in Part 2 of the Code. Sanctions against the abuse of administrative resources and other electoral violations are foreseen in the Criminal Code and the Code on Administrative Delinquencies.

Part 2 of Article 19 of the Electoral Code provides that the state shall ensure free conduct of campaigning. The same Part then clarifies that state and municipal bodies shall ensure free conduct of campaigning through providing halls and other facilities for conducting campaign events by parties and blocs participating in the elections. These halls and facilities shall be provided for free and on equal terms. In addition, the same Part provides that the halls of schools could be allocated only after 6pm on working days or during non-working days, and only, if there are no other halls in that community. Part 4 of the same Article prohibits locating the headquarters of the candidates and parties, participating in the elections, in the same buildings, where the state and local self-administration bodies (municipalities) are located¹⁴ and Part 5 prohibits state and municipal institutions, their employees (except those, who are members of NA), as well as employees of educational institutions campaigning and disseminating any type of campaign materials while performing their official duties. According to the same Part, prosecutors, judges, military, police and national security officers and representatives of other law enforcement agencies, as well as members of electoral commissions are prohibited from conducting such activities even when they do not perform their official duties.

Electoral Code contains also provisions aimed at preventing abuse of public media resources. In particular, all political parties, participating in parliamentary and Yerevan Council elections shall have equal rights in using free and paid airtime of the Armenian Public TV and Public Radio.¹⁵ This provision is further concretized through defining specific length of free and paid airtime on Public TV and Public Radio for political parties (alliances of parties) during parliamentary elections and Yerevan Council elections. During the election campaign Public TV and Public Radio shall ensure non-discriminatory treatment for all participants of the elections and provide impartial information on them, even if the participating parties and alliances of parties are not conducting campaign events or not submitting information about those events.¹⁶ The same applies also on the newspapers and journals founded by state or local self-government bodies.¹⁷

¹⁴ Part 4 of Article 19 However, the same Part of the mentioned Article stipulates that the political parties (blocs of parties) can establish their headquarters in those parts of such buildings, which are not owned by the state or municipal bodies, occupying those buildings.

¹⁵ Part 1 of Article 20 It should be mentioned that there is no regulation on the use of Public TV and Public radio airtime by the candidates running for the offices of mayors and members of the councils in local self-government elections.

¹⁶ Part 3 of Article 20

¹⁷ Part 12 of Article 20

Article 23 defines the limitations on the electoral campaign for those candidates who are public servants. Such candidates do not have right to:

- 1) conduct campaign while performing their official duties or abuse their position to get advantage during the elections;
- 2) use for campaign purposes the premises, transportation means, human and material resources given to them to perform their official duties, with the exception of means necessary for the protection of high-ranking public officials stipulated by the Law on Ensuring the Security of Persons Subject to Special State Protection.

Another relevant provision is Paragraph 3 of Article 33 which prohibits judges, police and national security service officers, employees of the Ministry of Defense, employees of tax and customs bodies and other law enforcement bodies, as well as observers, candidates and members of electoral commissions from becoming proxies. Part 2 of Article 41 defines the scope of public officials, who are prohibited to be members of any level electoral commissions.

A preventive measure against the misuse of administrative resources is the requirement to take leave from their job for those candidates for the membership of Yerevan, Gyumri and Vanadzor Councils, who are employees or officials of state or municipal bodies (except of those, who hold political and discretionary positions).¹⁸ Finally, members of the Constitutional Court, judges, police and national security officers, employees of tax, customs and prosecution bodies and military servicemen cannot be registered as candidates for parliamentary elections (see Articles 82 of the Code) and local self-government elections (see Articles 108 and 126 of the Code – the latter is for the case of Yerevan, Gyumri and Vanadzor Council elections).

Armenian Criminal Code and Code of Administrative Delinquencies define sanctions for electoral violations during the campaign period, including abuse of administrative resources. In the Code of the Administrative Delinquencies these sanctions are defined in Articles 40.3 (Failure to open campaign (pre-election) fund by the candidate or political party (alliance of parties) or to submit declaration on the use of the means from that fund), 40.7 (Violations of regulations on campaigning in mass media), 40.8 (Campaigning or dissemination of campaign materials by persons, who are prohibited by law to conduct campaign), 40.10 (Giving (promising) money, food, securities and goods or rendering (services) by the candidates or political parties (alliances of parties)),¹⁹ 40.11 (Dissemination of campaign printed materials, which do not contain required by law requisites, removing or tearing the named materials or writing words or texts on them) and 40.12 (Failure to fulfill the requirements containing in the decision of the electoral commission related to the violations of campaign regulations by the candidate or political party (alliances of parties)). The only relevant and specific Article in the Criminal Code

¹⁸ Part 1 of Article 137

¹⁹ This Article sanctions also conducting benevolent activities simultaneously with campaign activities.

penalizes for campaign-related violations is Article 154.2, which defines punishment for vote bribing.²⁰ As it can be seen from the discussion in this paragraph, Armenian Criminal Code does not contain articles penalizing specifically for the abuse of administrative resources. This problem was figured out also by international election observation missions, notably by OSCE/ODIHR EOM, during 2012 parliamentary and 2013 presidential elections.²¹ Consequently, OSCE/ODIHR recommended Armenian authorities to criminalize abuse of administrative resources in the Criminal Code.²²

²⁰ Simultaneous existence of Article 40.10 in the Code of Administrative Delinquencies and Article 154.2 in the Criminal Code gives the investigative authorities discretionary power to decide whether the concrete act of vote bribing shall entail to criminal or administrative liability, even though Article 40.10 of the Code on Administrative Delinquencies provides that administrative liability shall come into effect, if the offense is not entailing to criminal liability.

²¹ See OSCE/ODIHR EOM Final Report on May 6, 2012 Parliamentary Elections in Armenia, p. 5 and OSCE/ODIHR EOM Final Report on February 18, 2013 Presidential Elections in Armenia, p. 5

²² See Recommendation 6 in the OSCE/ODIHR EOM Final Report on May 6, 2012 Parliamentary Elections in Armenia and Recommendation 2 in the OSCE/ODIHR EOM Final Report on February 18, 2013 Presidential Elections in Armenia

APPLIED METHODOLOGY

The selection of the monitoring methodology was mainly based on the identification of the types of the administrative resources, the misuse of which should be monitored. In its turn, the types of administrative resources were selected taking into account the experience and results of the previous monitoring efforts conducted during 2007 and 2102 parliamentary and 2008 and 2013 presidential elections in Armenia, as well as available financial, human and technical resources, which are at the disposal of TIAC. Considering this, it was decided to monitor the misuse of *legislative*, *regulatory*, *coercive* and *institutional* types of administrative resources. At the same time, for the first time since 2007 simultaneously with the monitoring of abuse of administrative resources, TIAC conducted also monitoring of other types of electoral violations, especially vote bribing. Here it is worth mentioning that the concept of the misuse of administrative resources applied in this monitoring effort includes not only those manifestations of that misuse, which are banned by the Armenian electoral legislation, but also those manifestations, which, though are not banned by Armenian legislation, however, are recognized as such by international experts.

Monitoring of other types of electoral violations became important for two main reasons. First, monitoring of the misuse of administrative resources during electoral campaigns of 2012 parliamentary and 2013 presidential elections revealed that, from one hand, direct misuse of administrative resources was becoming less widespread compared to such misuse during the campaigns of 2007 parliamentary and 2008 presidential elections and, from the other hand, the impact of such misuse, as the analysis of media reports during those campaigns revealed, was much less, compared to the impact of other types of electoral violations of the campaign period. This is especially true for vote bribing, the scale of which became even more impressive during the campaign period of 2017 parliamentary elections.²³

Second, several types of electoral violations during campaign period, though formally cannot be qualified as misuse of administrative resources, their characteristics are such that they could easily be considered as *indirect* or *mediated* forms of misuse of administrative resources. For example, pressure, threats or other forms of influence on the citizens by business owners or semi-criminal elements formally cannot be qualified as misuse of administrative resources. However, considering the fact that in Armenia the mentioned individuals have connections with different state or municipal structures and authorities, it is not excluded that they are carrying out such activities directed by these structures, especially considering the fact that almost in all cases they are working in favor of the ruling political force.

²³ In fact, vote bribing is considered as misuse of financial type of administrative resources, if it is proven that the means, primarily money, used to bribe the voters has been embezzled from the state or municipal budgets. Obviously, such proofs could be revealed only as a result of a very thorough budget monitoring exercise of relevant budgets.

After the identification of the types of administrative resources, the misuse of which should be monitored, the methodology of the monitoring was selected. It was a combination of several methods, namely, a) monitoring of media reports on the cases of misuse of administrative resources, b) direct observation of election campaign activities, and, c) desk research. The first two methods were used also in the previous monitoring efforts during 2007, 2008, 2012 and 2013 electoral campaigns. The third method was used for the first time.

The purpose of monitoring the media was to collect reports on the misuse of institutional and coercive types of administrative resources. Taking into account the availability of the resources the objects of media monitoring were only the web-sites. Among these websites are the web-sites of print media outlets, such as *Aravot* (<http://www.aravot.am/>), *Haykakan Zhamanak* (<http://armtimes.com/hy>) and *Hraparak* (<http://www.hraparak.am/?l=am>). Also there were monitored the web-site of the *Radio Liberty* (<http://www.azatutyun.am/>), TV station *Gala* (<http://galatv.am/hy/>), Civilnet TV <http://www.civilnet.am/>, Internet newspaper <http://hetq.am/arm/> and Internet news web-sites <http://armlur.am/>, <http://www.a1plus.am/>, <http://www.tert.am/am/>, <http://www.1in.am/>, <https://news.am/arm/>, <http://newsbook.am/> and <http://ankakh.com/>. All the mentioned media are well-known and considered as credible sources of information. Only those news stories were selected, which specifically report on the instances of the misuse of administrative resources.

Similar to the previous monitoring efforts, direct observation of the electoral campaign was the major methodological tool applied in this monitoring, as well. This time the geography of the monitoring through direct observation was much broader and included not only the capital city of Yerevan and second and third largest cities of Armenia (Gyumri and Vanadzor, respectively), but also the administrative centers of all other marzes of Armenia, as well as the towns of Goris and Martuni.²⁴ The monitors in the administrative centers of marzes were the activists of the civic-youth centers, operating in those centers. Monitors in Goris and Martuni were the activists from the partner NGOs working in those towns. Those were Goris Press Club and Martuni Women's Resource Center. Finally, monitors from Yerevan were selected from those observers, who were observers on the voting day. In total there were 77 monitors, 12 from Yerevan and 65 from other 12 towns.

Prior to the start of direct observation, the monitors defined in their monitoring sites the scope of those officials, who either had no right get involved in the campaign or could be involved in the campaign only outside their working hours. The former were the representatives of law enforcement bodies, prosecutors, judges, as well as members of all levels of electoral commissions. The latter were the state and municipal officials and employees, and employees of educational institutions. In few cases (where it was possible) the monitors also got the schedule

²⁴ Gyumri and Vanadzor are the administrative centers of Shirak and Lori marzes, respectively. Other eight administrative centers of Armenian marzes are Armavir (Armavir marz), Artashat (Ararat marz), Ashtarak (Aragatcotn marz), Gavar (Gegharquniq marz), Hrazdan (Kotayq marz), Idjevan (Tavush marz), Kapan (Syuniq marz) and Yeghegnadzor (VayotsDzor marz).

of the campaign events from the local headquarters of the parties of the ruling coalition. The direct observation was carried out in the following forms:

- attending campaign events of the parties of ruling coalition;
- attending the events connected with the business trips of high-ranking public officials to their towns;
- attending concerts, sports events or other entertainment events;
- visits to the buildings, where state or municipal premises are located;
- visits to the local campaign headquarters of the parties participating in the elections; and,
- personal observations of the monitors in the form of informal contacts with relatives, neighbors and friends.

The goal of these activities was to find out, if a) state employees were engaged in campaign activities during working hours, including working in the campaign headquarters, b) those, who, according to the Electoral Code, did not have right to get involved in the electoral campaign activities, c) state or municipal premises are used for campaign purposes, d) there is mandatory attendance of state and/or municipal employees, employees of other state or municipal institutions (schools, kindergartens, universities, hospitals, etc.) to the campaign events of the parties of ruling coalition, e) public resources were used for campaign purposes, f) spaces in the public premises were used as campaign headquarters, g) high-ranking state officials used their business trips for campaign-related purposes, h) bribes were distributed among voters, i) there were threats, intimidation or other types of influence on voters, etc.

Additionally, the monitors also collected information to verify the numbers of voters, who were, according to the voters' lists, published by Police, residing in the certain pre-selected by TIAC addresses. The results of analysis of these data are discussed in the publication on the results of the electronic monitoring of voting numbers.

The information collected from media and by the monitors was then filled in the form of answers to the questions of the questionnaire developed prior to the start of the monitoring. The questionnaire contains questions on the different manifestations of misuse of administrative resources, as well as other electoral violations.

For the first time during the implementation of this monitoring effort, it was also analyzed the misuse of legislative and regulatory resources prior to and during the recent parliamentary elections campaign period. Legal analysis was carried out for the Electoral Code and decisions of the Central Electoral Commission. Its purpose was to reveal which provisions of the Code and CEC decisions created advantages for the ruling parties. Obviously, political context and the outcome of the elections were taken into account.

MONITORING FINDINGS AND THEIR ANALYSIS

a) Monitoring of the misuse of institutional and coercive administrative resources

The results of the monitoring of the direct or indirect misuse of institutional and coercive administrative resources are presented in the form of a table in **Appendix 1**. It should be mentioned here that only those instances are presented in the table, which contain some concrete information.²⁵ Also, those manifestations of the misuse of administrative resources or other electoral violations during campaign period, which the media or local monitors did not report or there were only 1-2 reports, are not presented in the table. The findings of the monitoring data are presented below.

1. The most frequent electoral violation of the campaign period recorded both by media and local monitors was *vote bribing* – 90 cases (37 by media and 53 by local monitors). In most cases this violation was committed by the representatives of the ruling Republican Party of Armenia. However, there were also reports of vote bribing by the representatives of the Tcarukyan alliance, Armenian Renaissance Party and several other parties.
2. *Participation of state and municipal officials in campaign events or activities of electoral headquarters during working hours* is the second most frequent electoral violation and most frequent manifestation of the misuse of administrative resources. Overall, 59 cases of such misuse were registered by media and local monitors, out of which 30 cases were cases of participation in campaign events during the working hours and 29 – cases of engaging in the activities of the campaign headquarters. Here also in the overwhelming majority of cases these officials were from the Republican Party. However, local monitors also recorded cases of the involvement of state or municipal officials in the campaign activities or activities of campaign headquarters who were members of other parties. In particular, as the governors of Aragatsotn and Shirak marzes are representing the junior partner of the ruling coalition, namely, ARFD, officials and employees from the offices of governors of these marzes were engaged in the campaign activities and activities of campaign headquarters of that party. Similarly, as the mayors of the towns of Artashat and Yeghegnadzor are representatives of the Prosperous Armenia Party, officials and employees of the municipalities of these towns, who were engaged in the campaign events and campaign headquarters activities recorded by local monitors in those towns, were representing the mentioned not ruling political party.

²⁵ An instance of misuse of administrative resources or other campaign period violation was recorded, if it was known either a) the individual who informed the media or the local monitor about that violation, or b) the name of the official or employee who committed that violation, or c) the time, when the violation took place, or d) the location where the violation took place. It is assumed that if the law enforcement bodies are pro-active, then either of these pieces of information would be sufficient to start investigation on that violation.

3. The third most frequent electoral violation of campaign period was the *participation of the staff of the educational institutions (teachers, lecturers, heads of the institutions, students) in the campaign activities and activities of party headquarters during working hours*. Overall, 53 such cases were recorded and in almost all cases those were campaign events or campaign headquarters activities of the Republican Party. This is also a clear manifestation of misuse of institutional administrative resources.
4. Other frequent violations recorded by the media and local monitors were *threats, intimidation or other kind of pressure on the teachers, lecturers, students, parents of pupils, staff of the kindergartens and medical institutions and/or their relatives exercised by their supervisors to attend campaign events or vote for a particular political force* (36 cases), *participation of the members of the electoral commissions* (27 cases), *threats, intimidation or other kind of pressure on the state or municipal employees to vote for a particular party or bloc* (26 cases), *use of public resources (vehicles, phones, faxes, etc.) for campaign purposes* (22 cases), *participation of employees of municipal institutions (doctors, nurses, kindergarten staff, etc.) in the campaign activities during working hours* (20 cases), *obstacles to non-governmental parties in establishing their campaign headquarters or allocating premises for their campaign events* (18 cases), *concerts, sports events and other mass events organized by the state or municipal bodies during campaign* (17 cases)²⁶ and *threats, intimidation or other kind of pressure on their employees exercised by the owners of businesses to vote for a particular party or bloc* (17 cases). The most famous case of such violations was revealed on March 23 by the Union of Informed Citizens NGO, whose members posing themselves as members of the Republican Party campaign headquarters audio-recorded their conversations with the school principals and heads of kindergartens of 114 such establishments. On March 25 the Office of the Prosecutor General of Armenia assigned Police to investigate these tapes. The Police responded after the elections saying that none of these tapes contained information that could constitute grounds for initiating investigation. It would be legitimate to argue that such behavior of the Police could be interpreted as cover-up of these violations.
5. Media and local monitors reported 38 cases of *implementation of measures improving quality of life of citizens (asphalting the streets, renovating the yards, installing playgrounds, etc.) carried out by state or municipal bodies*. This type of the misuse of institutional administrative resources is usually not sanctioned, unless it is revealed that as a result of the implementation of such activities state or municipal budgets were embezzled.
6. The local monitors reported also about the cases of *collecting of voters' passports* (14 cases) and *listing of voters* (11 cases). Each of these cases included dozens of voters and though the number of cases reported by the monitors was not so big, its scope seemed to be rather broad, including several neighborhoods in each of these cases., if it is proven that these activities can be qualified as electoral

²⁶ In 9 out of these 17 cases, these events were used to campaign for the ruling political party.

violation, as they were at least manifestations of psychological pressure on the voters, if not something more.

7. At the same time, it is worth mentioning that several typical manifestations of the misuse of administrative resources or other types of electoral violations, which occur more frequently in other countries with similar to Armenia types of political regime (semi-authoritarian consolidating authoritarianism according to the Freedom House classification²⁷), in Armenia during this campaign were much less frequent or were taking place in a such covert manner that neither media nor the local monitors. Those were *threats, intimidation or other kind of pressure on the members of non-governmental political parties or their relatives*. Also, in most of those cases, such actions were initiated not by the law enforcement bodies or public officials, but rather by either business owners or thugs or the initiators were not found (mostly those were cases, when the campaign posters of non-governmental parties were torn). However, when comparing the statistics on the threats, intimidation or other type of influence exercised over different categories of ordinary citizens (teachers, doctors, municipal employees, lecturers, etc.), with the statistics on the similar actions against the members of the non-governmental parties and their relatives, then one can see the former exceeded the latter substantially.

b) Monitoring of the misuse of legislative and regulatory resources

Having majority in the National Assembly, the Republican Party of Armenia used it to pass a number of provisions in the Armenian Electoral Code that gave or could give them certain advantages during elections as a ruling party. Obviously, much more detailed and thorough study will be necessary to assess the impact of such misuse on the outcome of the elections. In some cases, these provisions were either not implemented or implemented in a very limited extent, but that does not mean that they will not be used in the favor of the ruling political force in the future. Also, the very existence of such provision could indirectly affect the behavior and actions of the participants of the electoral process in a way that would give advantage to the incumbent political party. For example, according to the observers, the provision in Article 31, which allows the precinct electoral commission to remove the observer from the precinct (see below in detail about this provision), was rarely implemented on the voting day. However, it does not mean that it will never be used in the future elections. Besides that it is quite obvious that many observers being aware about such provision psychologically were certainly more restricted in fulfilling their duties, than, if such provision would not be in place. At the same time, it should be mentioned that under the pressure of international organizations, civil society and opposition parties, the ruling political forces made some concessions, which weakened some of their advantages. The major concessions were posting the lists of those who voted after the voting day on the CEC web-site, videotaping the whole process of

²⁷ See Freedom House's Nations in Transit 2017 Report titled *The False Promise of Populism* at <https://freedomhouse.org/report/nations-transit/nations-transit-2017>

voting and its broadcast through Internet and removing the requirement for the observers passing tests and obtaining licenses to be allowed to observe elections. Below are the main provisions of the Armenian Electoral Code, which give advantage to the incumbent political party, are discussed.

1. The main advantage that the incumbent party receives over other parties in the parliamentary elections is the new electoral system defined by the Electoral Code (see Article 77). According to it, the new electoral system for parliamentary elections is pure proportional system with two proportional lists. One proportional list is the national list and the other – regional list. Each political party or bloc of parties participating in the parliamentary elections proposes one national list and one regional list for each electoral district.²⁸ If the number of seats received by the political party or party bloc as a result of elections is even, then half of the seats are allocated to the candidates from the national list and the other half – to the candidates from the regional lists. If the number of seats is odd, then the candidates from the national list receive the additional one seat.

The availability of regional lists creates serious advantage for the incumbent political party for two reasons. First, it is not secret that almost all political parties in Armenia lack serious financial, human and material resources. This was also revealed by the study carried out recently by TIAC with the support of Konrad Adenauer Stiftung. Actually, as that study revealed, such situation is also result of misuse of administrative resources exercised regularly by the government, when businesses that want to make donations to non-governmental parties (such donations are the major source of funding for political parties in Armenia) face serious risks of repressions mainly through tax authorities. As a result, most of the parties *de facto* have only central governing body with no local structures (city, village and marz party organizations) to carry out daily-based work with voters, which, considering the huge role of money and administrative resources in the Armenian elections²⁹, make them uncompetitive on the regional or local level.

Second, as TIAC frequently mentions in many of its official statements and interviews, the high level of convergence between political and business elites in Armenia is one of the root causes of corruption in Armenia, including political corruption. Such convergence is reflected in the regional lists of the incumbent (Republican) party. These lists were full of businessmen, including many of the wealthiest ones, and they spent tremendous amounts of money to get

²⁸ According to Article 78 of the Electoral Code there are 13 electoral districts in Armenia, 4 of which in Yerevan and the remaining 9 – outside Yerevan. Each of 8 marzes (provinces) is one electoral district, and Syuniq marz together with Vayots Dzor marz constitute one electoral district.

²⁹ Lack of financial, human and material resources also make almost impossible for non-governing parties to develop viable and attractive programs based on solid ideological basis.

elected. In fact, their participation in these elections through regional lists made these elections more like elections based on majoritarian electoral system, when the big businessmen, no matter which party they were representing, were competing individually against each other, even, if they were representing the same party.³⁰ Concluding the discussion, it should be mentioned that such electoral system brought to the effect, opposite to what was argued by those who were supporting this system (obviously from the incumbent party), namely, that such electoral system would force political parties to develop local structures.

2. Part 4 of Article 19 of the Electoral Code provides that the electoral headquarters can be also located in the buildings, where the state or municipal bodies are located, if that part of the building is not owned by the named bodies. Considering the fact that, as a rule, during the recent elections electoral headquarters of those parties were located in such buildings, which were either members of the ruling coalition (mainly Republican Party) or were ruling in the community, this could be qualified as misuse of administrative resources.³¹
3. Part 1 of Article 27 of the Electoral Code defines those categories of campaign expenditures, which shall be covered through the means accumulated in the pre-election funds of the participating parties (blocs) and declared through the pre-election fund declarations. Consequently, a number of categories of campaign expenditures, such as expenditures on running electoral headquarters, gasoline, transportation means, concerts, etc., could go undeclared.³² This would allow those parties, and first of all the incumbent party, as the wealthiest one, to avoid overcoming the upper cap on the expenditures defined by the Electoral Code.³³ It also hides the real extent of inequality in the financial, and, hence, also human and material inequalities among political parties of Armenia, where only 2-3 parties

³⁰ Media and local monitors recorded cases of clashes between the teams of such candidates. Most notable cases were those in electoral district N5 (Ararat marz), where there were clashes between the teams of three candidates of the Republican Party from the regional lists of that district.

³¹ In fact, according to Recommendation 14 mentioned in OSCE/ODIHR Election Observation Mission Final Report on the February 2013 presidential elections (see <http://www.osce.org/odihr/elections/101314?download=true> at p. 29) “party and campaign offices should not be located in buildings occupied or owned by state or local government bodies”. However, in the current Electoral Code this recommendation was ignored.

³² It is worth mentioning that the first Armenian Electoral Code (adopted on February 1999) did not specify categories of expenditures to be incurred through the means of the pre-election funds. Campaign finance monitoring carried out by TIAC during 2007 parliamentary and 2008 presidential elections (which were conducted according to that Code) revealed that the then (as well as currently) ruling Republican Party and its presidential candidate *de facto* seriously overcame the upper spending limits defined by that Code. These findings were used by the opposition political forces in their appeals to the Constitutional Court, but the Court dismissed them as not proven. The mentioned limitation of the number of categories of expenditures was introduced by the second Electoral Code, adopted on May 2011 and then was re-stated in the current Electoral Code.

³³ According to the Part 4 of Article 92 of the Electoral Code, the upper limit for the expenditures of parties (blocs), participating in the parliamentary elections is equal to 500 mln. Armenian Drams (about 1,042,000 USD). Parts 3 and 4 of the Article 27 provide serious sanctions, including barring from participating in elections, in the case, if the upper thresholds defined for different elections by different articles of the Code are overcome.

really possess sufficient means to be viable and strong political units. Among these 2-3 parties there are no truly principal opposition parties.

4. Article 31 provides that if the observer (see Part 5 of the Article) or journalist (see Part 8 of the Article) supports any party or seriously disturbs the voting process or the operations of the electoral commission, then the chairman of the commission can decide to remove that observer or journalist from the precinct on the voting day or from the meeting of the electoral commission through the decision of the commission passed by two third of the members of the commission. These provisions seriously restrict activities of the observers and journalists and give wide discretionary powers to the chairman of the commission in deciding, which actions of the observer or journalist could be qualified as disturbing the operations of the commission. Without clearly defining which actions are “disturbing” actions, the chairman, especially, if he/she represents the incumbent party, could qualify as “disturbing” such activities of the observer or journalist, which are aimed at preventing violations taking place in the polling station.
5. Part 3 of Article 32 of the Code bans the observer or journalist (as well as the visitor) to interfere in the work of the electoral commission or the process of voting. Here also, as in the previous case, the absence of the definition of “interference”, gives discretionary powers to the electoral commission to restrict the activities of the journalist or observer, if he/she reveals violations during the voting process or the work of the electoral commission.
6. Part 3 of Article 33 of the Code defines the scope of the officials, who cannot be proxies. As it could be seen, that scope does not include public servants, who, as the recent parliamentary elections revealed, were mainly proxies of the political parties representing the ruling coalition and their presence at the polling stations could have additional directing influence for many ordinary voters. The same applies also for those public servants (see Part 2 of Article 41 on who can be members of commissions), as well as teachers or school principals, who are members of the precinct electoral commissions (PEC).
7. The power of the territorial electoral commission (TEC) to appoint two members of PEC (see point 2 of Part 2 of Article 44 of the Code), as well as appoint those other members of PEC, who were not appointed within the timelines defined by the Code (see Part 9 of the same Article) and those PEC members, who did not come on the voting day (see Part 10 of the Code), could give additional advantage to the incumbent party (this assertion was confirmed during these elections), as the principle of the TEC formation is non-partisan, which, considering Armenian realities, makes TECs serve the interests of the incumbent party.

8. Though posting of the lists of those voted allowed finding out voting instead of those, who were out of country on the voting day, it appears that proving such act and punishing the violator is made rather complicated. Part 18 of Article 48 requires that the person, party or NGO observing the elections that submits notification on crime to the law enforcement bodies shall submit also one more notification about that from one more person (it is assumed that such person has to be a relative to the voter instead of whom it was voted) and that person shall also sign declaration on his/her awareness on the criminal liability for false statement. Under such requirements many ordinary voters, being fearful of consequences, could refrain from submitting such notification, even if they definitely know that a particular person, instead of whom a vote was casted, was outside the country on the voting day. Also, if a person, party or NGO submits notifications on many such cases, and it appears that one of them is false, then the whole application is rejected and all other notifications are not examined. Considering the fact that the law enforcement bodies and courts are under the control of the incumbent party, it is obvious that it could be not a big problem for the representatives of that party to vote instead of voters, who are out of country.
9. The timelines for the vote recount (from 14:00 of the second day following the voting day to 14:00 of the fifth day following the voting day) defined by Part 6 of Article 50 of the Code are too short, if there would be very many appeals for recount. Thus, many appeals of recount could not be satisfied, which would make possible to find the real scale of violations.
10. Finally, though Article 101 of the Code allows conducting reelections in separate precincts or even annulment of the results of elections, if the scale of violations was such that it affected the outcome of the elections, the Code does not specify such violations. As a result, CEC has discretionary power in defining whether the violations affected or not the outcome of the elections. This vagueness was in place also in the previous Electoral Code, and, in practice, cases of reelections in separate precincts were extremely rare, and there have been no cases of annulment of elections.

In addition to the monitoring of the misuse of legislative administrative resources, TIAC also conducted monitoring of the misuse of regulatory resources. The monitoring was focused on the analysis of the CEC decisions, which were relating to the regulation of electoral campaign.

The only instance of misuse of the regulatory resources was the official explanation of CEC regarding campaigning of public officials during their official visits to different towns and villages in the country.³⁴ According to CEC (see <http://www.elections.am/news/>), campaigning during working hours while paying

³⁴ This clarification was response on the statements made by journalists, representatives of political parties and NGOs (including TIAC), which were arguing that campaigning by the Prime-Minister Mr. Karapetyan during his visit to Syuniq marz on working day was misuse of administrative resources.

official visits to towns and villages was legal, if the official does not combine performance of his/her official duties with campaigning. However, based on the concept of the misuse of institutional administrative resources (and working hours are one of the most valuable type of administrative resources), this explanation is not correct, because when campaigning takes place during the working hours of the official, it means that the official uses his/her working hours not for working, but for campaigning, whereas he/she is obliged to perform his/her official duties during the working hours.

CONCLUSION AND RECOMMENDATIONS

April 2 2017 parliamentary elections in Armenia revealed large scale abuse of administrative resources and other campaign-related electoral violations, especially vote bribing. There is a widespread perception among politicians, journalists, civil society activists and, generally, in society, that the outcome of elections was mainly shaped through vote buying and abuse of administrative resources. It would be not very far from truth to argue that some discussed above improvements in the electoral legislation, which made more difficult multiple voting (through publication of voter lists after Election Day) or explicit violations during the voting process and vote counting in the polling stations (due to videotaping of the whole voting and vote counting processes) stimulated the authorities to rely more on vote buying and abuse of administrative resources. Such violations, as a rule, take place during the campaign period, i.e. before the Election Day, and, consequently, if they largely reach their goals, then there will be no necessity to rely on large-scale violations on the Election Day in the polling stations, which would be much easier to detect considering the presence of a large number of local and international observers, proxies and journalists in those stations on that day.³⁵

These elections once more revealed that any improvement of electoral legislation is largely futile effort, if there is no political will to conduct free and fair elections. Obviously, the some blame also should be on the non-governmental parties, whose strategies were such, that it would hardly be concluded that they really want to come to power. However, it is the authorities that are mainly responsible for such situation, and even the miserable performance of almost all non-governmental parties to a great extent (but not fully) is a result of systemic underfunding of those political parties. Usage of the phrase “systemic underfunding” means that the current political system in Armenia, which is characterized as semi-consolidated authoritarian, which uses all legal and illegal means to eliminate any prospects of serious funding of opposition parties, making them uncompetitive in the fight for political power against the incumbent political party.

Thus, it will be virtually impossible to believe that any proposed recommendation aimed to curb the abuse of administrative resources, weaken state control over political parties, separate politics from business or stop bribing the voters during elections would be properly implemented. This extremely negative for Armenia phenomenon could be really overcome only through genuine democratization of the system either from top or bottom. This democratization must be accompanied with deep and systemic socio-economic and administrative reforms, as very high levels of poverty and social inequality, weak middle class and public servants whose career

³⁵ At the same time, this does not mean that the scale of such violations that affected the outcome of the elections was small on the Election Day. The findings of the TIAC other project related to these elections, namely electronic monitoring of voting numbers, as well as some anecdotal evidence (for example, great deal of talk about fictitious addresses and fictitious voters consistently circulating among public) hint to possible substantial scale of violations on the Election Day, as well. However, in order to detect such violations, serious preparatory work before the Election Day would be needed to carry out mainly by the oppositional political forces, and there should be very high quality of observation and control over voting processes and vote counting on that day. Assessment of these activities was out of the scope of this project.

depends primarily on their personal loyalty to their subordinates, rather than their obedience to laws, regulations and procedures will always be the prerequisites of abuse of administrative resources.

Another, also rather important reason for refraining making recommendations is the time factor. The new Electoral Code has been adopted only one year ago and the next national elections will be held on 2022. As the international practice shows, usually, activities aimed at changing electoral legislation start sometimes around two years before the next elections. Therefore, hardly there will be serious discussions related to electoral reform earlier, than in 2020, if there wouldn't be some force majeure situations.

However, this does not mean that political parties shall do nothing and wait for more relevant times. Obviously, they should not intensively engage in lobbying legal changes in the existing regulations, as the practice revealed many times, legal changes in the unchanging political context bring to nowhere. Political parties must simply start to get involved in the everyday routine of party work at grassroots level, instead of remembering the voters only during the election campaign, which take place only every five years and lasts less, than a month period. This could be the only recommendation whose implementation would help to significantly reduce the scale of abuse of administrative resources during elections. Also, pressure mainly from international organizations and foreign diplomatic missions on the government would be needed to stop the practice of repressions towards those donors, who dare to make donations to oppositional political parties.

APPENDIX 1

Number of instances of direct or indirect misuse of administrative resources and other electoral violations of the campaign period monitored by media and local monitors

Type of misuse/ violation Source of information	Media	Local monitors	Total
Participation of the members of electoral commissions in the campaign	0	27	27
Participation of the state and municipal officials in the activities of the headquarters of parties during their working hours	1	28	29
Participation of the state and municipal officials in the campaign activities during their working hours	0	30	30
Participation in the campaign activities of judges, prosecutors, law enforcement officers and other officials, who are banned by law to participate in such activities	0	9 ³⁶	9
Business trips of high-ranking officials used for campaign purposes	1	4	5
Participation of employees of municipal institutions (doctors, nurses, kindergarten staff, etc.) in the campaign activities during working hours	2	18	20
Participation of the staff of the educational institutions (teachers,			

³⁶ In all 9 cases the mentioned officials were simply attending the rallies of political parties.

lecturers, heads of the institutions, students) in the campaign activities and activities of party headquarters during working hours	8 ³⁷	45	53
Obstacles to non-governmental parties in establishing their campaign headquarters or allocating premises for their campaign events	5 ³⁸	13 ³⁹	18
Location of the campaign headquarters in the premises of state and/or municipal government buildings and/or buildings owned by the state or municipality (libraries, community entertainment centers, etc.)	1	10	11
Use of public resources (vehicles, phones, faxes, etc.) for campaign purposes	2	20	22
Promising and/or giving bribes to voters in the form of money, goods or services	37	53	90
Implementation of measures improving quality of life of citizens carried out by state or municipal bodies	6	32	38
Concerts, sports events and other mass events organized by the state or municipal bodies during campaign	0	17	17
Instances of campaigning during the mentioned above events	0	9	9

³⁷ In two cases the principal of the school was reprimanded and in one of these two cases the candidate for MP was cautioned by CEC.

³⁸ In all recorded cases the obstacles were caused not by the state or municipal bodies or officials, but rather by individual owners of premises or private companies.

³⁹ Those, who created obstacles, were unknown.

Threats, intimidation or other kind of pressure on the members of non-governmental political parties and/or their relatives exercised by police or other law enforcement bodies	7	4	11
Threats, intimidation or other kind of pressure on the members of non-governmental political parties and/or their relatives exercised by state or municipal officials	6 ⁴⁰	2	8
Threats, intimidation or other kind of pressure on the members of non-governmental political parties and/or their relatives exercised by business owners	1	2	3
Threats, intimidation or other kind of pressure on the state or municipal employees to vote for a particular party (bloc)	10	16	26
Threats, intimidation or other kind of pressure on the state or municipal officials to attend the campaign activities	0	6	6
Threats, intimidation or other kind of pressure on the staff of municipal institutions to attend campaign events	0	8	8
Threats, intimidation or other kind of pressure on the citizens to attend campaign events or vote for a particular party or bloc	2 ⁴¹	5	7

⁴⁰ In 5 out of 6 cases the structure or the individual, who exerted pressure was not mentioned. In one case, the person, who attacked the activists of one non-governmental party, was formally not connected to any political party.

⁴¹ In one case the pressure was exercised on the inmates of a prison.

Threats, intimidation or other kind of pressure on the management of educational institutions to attend campaign events or vote for a particular party or bloc	4	10	14
Threats, intimidation or other kind of pressure on the teachers, lecturers, students, parents of pupils, staff of the kindergartens and medical institutions and/or their relatives exercised by their supervisors to attend campaign events	2	21	23
Threats, intimidation or other kind of pressure on the teachers, lecturers, students, parents of pupils, staff of the kindergartens and medical institutions and/or their relatives exercised by their supervisors to vote for a particular party or bloc	2	11	13
Threats, intimidation or other kind of pressure on their employees exercised by the owners of businesses to vote for a particular party or bloc	3	14	17
Collection of citizens' passports or ID cards by certain establishments or individuals for the purposes of benevolence or other purposes	0	14	14
Listing of citizens' personal data by certain establishments or individuals (for example, employees of condominiums or	0	11	11

“neighborhood authorities”) to direct them for voting for certain party or bloc			
Clashes between the teams of candidates ⁴²	6	0	6

⁴² Include both clashes between the teams of rating candidates from the same party and clashes between the rating candidates of different parties.