

Post-Election Report
Belarus Watch
“Election Observation: Theory and Practice” Election Observation Mission
Estonia, Parliamentary Election, 6 March, 2011

Background

On 6 March 2011, a group of short-term international observers from the project “Election Observation: Theory and Practice” (EOTP) accredited under a non-governmental organization “Belarus Watch” observed the conduct of the Parliamentary elections in Estonia. The observers concentrated on procedures during the Election Day, namely opening of the polling stations, voting, counting and closing of the polling stations. The observers visited 135 polling stations all over Estonia (22% out of all the polling stations). The mission evaluated the voting process based on international standards and OSCE principles as well as the Electoral Act of Estonia.

The recommendations provided further in the report were elaborated by the Belarus Watch EOTP observers and result from the situations encountered by the observers at the polling stations in Estonia on Election day. Some part of the recommendations was elaborated as a result of a joint discussion of Belarus Watch observers with monitors registered through Open Estonia Foundation. If not stated otherwise, the situations present a tendency and were observed at more than one polling station visited by the EOTP mission.

The observation mission comprised of 28 observers from Belarus, Sweden and Lithuania. The Mission was organized within the framework of the project “Election Observation: Theory and Practice”, implemented in partnership by three organizations: Belarus Watch, European Humanities University (EHU) and Belarusian Human Rights House in exile in Vilnius (HRH). Previous project missions observed elections in Belarus, Georgia, Latvia, Lithuania, Norway, Poland, Sweden and Ukraine.

Election process

The election process during the voting was very well organized, which was noted by all the teams in the mission. The polling station commission members were cooperative, knowledgeable and willing to provide comprehensive information to the observers and voters. Upon request the oral information was also provided to voters in the languages other than Estonian. Some commission members were additionally explaining voting steps to voters. The staff was effectively preventing cases of voting in groups (by members of families).

The practice of pre-folded ballots used at the polling stations was the additional guarantee to the compliance with the secrecy principle. Using the ruler was a good way to

avoid mistakes with signatures in the voter's list. The instructions and pictures posted on the walls of polling stations were helpful and clearly explained the procedures.

A high level of voters' culture has to be noted.

Unified ballot boxes and seals used all over the country allowed to keep the ballot box unopened and minimized other possible mishandlings with this equipment.

Despite the overall positive impression and good evaluation of organization of elections, the mission would like to pay attention to shortcomings and omissions that accompanied the process and have, therefore, to be addressed.

The most essential violations referred to **counting of votes and closing the polling station**. It was estimated as chaotic by most of the teams. At the observed polling stations the consequence of the procedures, as required by the Electoral Act, was disrupted. Also, not all the procedures were well handled. Obviously, there was a lack of unified practice of counting of votes.

In most of the polling stations the procedures, especially concerning the steps to be done before the actual counting started, were not followed or their consequence was disrupted. The mission observed that the unused ballots were not cancelled before opening the ballot box. In some of the polling stations, the ballots were cancelled only at the end of the counting procedure; in others – the procedure was skipped at all.

There were also cases when different steps of closing and counting were happening simultaneously. It was obviously done to save the time, however it went in breach of the sequence specified in the Electoral Act. During such situations the security measures were neglected – the unused ballots were often placed close to the ballots cast for candidates, which increased the possibility of manipulations with the ballots. In one case, the commission members left the room with all the ballot papers and other materials unattended in the middle of the counting.

Using different rooms for different types of counting failed to prove its relevance and convenience. The Commission members did not have contact with each other and were not able to consult their more experienced colleagues in case of difficulties with the procedure. It also contributed to the lack of visibility and transparency of the process for observers and commission members alike.

The procedure of counting itself was not always transparent as the commissions were staying around the table, refused to comment on their actions, often even upon request. The observers were also prohibited from taking pictures or documenting by any other means.

There were cases when the numbers did not match. However, the mismatching results were corrected in a non-transparent manner; hardly any comments or explanations were made in this regard. A series of non-compliance with the rules led to serious doubts

about the accuracy of results at a few of the observed polling stations; it could also result in a fraud or serious infringement.

Cases of not pulling the ballot box upside down but putting out ballots one by one or in piles were also reported.

All the discrepancies reflect a lack of understanding of the procedures in relation to the counting by commission members.

Some problems with **filling the protocol** were also noticed. Not all the commission members were required to sign the protocol which in one reported case resulted in members of commission leaving earlier than the protocol was finished. While signing and delivering the protocol to the higher commissions the practice differed. In some cases the protocol was electronic, in others – it was printed by the polling commissions and transported. However, it was difficult to check the presence of signatures on both variants of the protocols as well as the content of the protocol. In more than 50% of the precincts visited by the mission the officials refused to provide numbers and results in connection to the counting. This went in breach of the principle of publicity on the basis of which the procedure had to be performed. Taking pictures of the protocol, or even rewriting the figures, was also forbidden.

When it comes to packing of materials, in several cases the envelopes with ballots for candidates were not sealed and the number was not noted before transportation. Several groups reported writing in packages in pencil.

Construction of the polling booth did not always ensure the secrecy of vote. The variations of the booths included booths without curtains or with curtains not wide enough, booths with one side facing the window. There was other design when it was hard to define from outside whether it was occupied.

The **organization of polling stations** was not always appropriate. Sometimes, it did not provide full view of all the space of the premises; the booths were too far from the commission's location. The polling stations were located in either too big halls or too small rooms – in these cases the space could not be effectively used. In other cases, the size of the room was appropriate but the position of the booths, registrars, ballot box was not optimized.

In addition, in some polling stations the number of booths and registrars was not sufficient. It was difficult for the election premises to function well, especially in case of people flow.

The group observed instances of misunderstanding of procedures by the **voters speaking other languages than Estonian (mainly, Russian)**. Though on Election day the commissions were handling the cases very well, in several cases it was extremely obvious that the voters lacked preliminary basic information about the principles and procedures

of voting. In few polling stations the commissions were inventive enough to provide signs on the booths with instructions to enter by one.

It was impossible to distinguish the unregistered persons at a polling station as the **identification tags** were only provided for Commission members. The observers were required to have a document certifying their right to be present at a polling station, however, it was a piece of paper that could be presented upon request and was not visible at other times. Such a system also made it difficult to define the status of people other than commission staff present at the election premises.

Due to the absence of the provision regarding **sealing of the ballot box** used for voting at home the practice of the sealing varied from one precinct to the other. The observers came across boxes that were either not sealed at all, or sealed right before holding the voting at home. What complicated monitoring this procedure was that the sealing was often happening in a separate room without a prior announcement.

Not all the polling stations were equipped with the **facilities for physically impaired people**. The polling stations were often located on the second floor which could complicate the access for elderly people and make it impossible for disabled persons.

There is also an account of single cases that deviates from the norm. For example, in one polling station stamps by the different ink were found on the ballot (purple instead of standard blue). Interestingly, the color of that ink was not used by the commissions for other purposes. As a result, the ballots were counted as spoilt. At few polling locations the opening procedures were performed considerable time in advance before the opening of the polling station for voters. Hence, the observers, arriving at 8.30, half an hour before the official opening time, were not able to see the procedure. Another unique case presented a polling station which was located in the ordinary flat in Saaremaa island.

It also needs to be mentioned that commissions were confused about the possibility of changing the electronic vote. In few polling stations the election officials assured the observers about the possibility to change the vote on the day of elections.

Based on the deviations listed above the Belarus Watch Election Observation Mission would like to set forward the following **recommendations** and hopes that they will be taken notice of.

1. To ensure smooth, transparent and sequential approach to counting of votes it is important to:
 - Specify the procedures in detail, possibly in the electoral act or by other legal means. The procedures need to be standardized and described comprehensively and include steps from closing the polling station until verification of results and packing the materials;

- If possible, avoid splitting the commission into parts and organize the counting in a way that everything is handled in one room;
 - Pay special attention to the procedures, needed to be completed before opening the ballot box, especially cancelling the unused ballots;
 - Make sure the consequence of the voting procedure is followed. This can be achieved by additional instructions and trainings for the commissions with due attention to the counting procedures.
2. To make sure the counting and verification were held publically it is fundamental to announce the results for everyone present. Giving the observers the chance to copy the results in any possible way could also contribute to adherence to the principle of public counting.
 3. To further safeguard the security principle and ensure good organization of a polling station it is indispensable to:
 - Introduce standard of the polling booth that would be covered from all the sides (either by a curtain or separation compartment). However, the booth construction should allow clear vision of whether someone is inside. As an option, a thick curtain can be placed at the booth. This will ensure the voters will not need to pull it back and forth and will keep the booth secure.
 - Optimize the space of the polling location with regard to the fact all the procedures should be within the commission's sight.
 4. To ensure better understanding of the procedures by the minority groups, it is recommended to:
 - Provide the information in other languages not only on the voting day but also in advance using different mass media channels;
 - Provide polling stations with additional signs or instructions on the booth on other language(s) than Estonian.
 5. To ensure better understandings of the observers' role and rights it is needed to:
 - Elaborate and instruct the commission as of the treatment of the observers,
 - Get the commission members acquainted with observers' rights;
 6. To ensure better recognition of people present at the polling station it is important to:
 - Issue obligatory authorization cards for everyone officially registered at the polling station. The identification cards will be required to be placed on the

clothes and be always visible. It could also be useful to provide the cards with the coverage against wearing out; a plastic cover to the paper registration can be an option.

7. To increase the overall efficiency of the election process it is necessary to:

- Place the instructions on the voting steps also to the booth;
- Plan the number of booths and registrars at a polling station in accordance with the number of people registered or expected to be attending the polling place;
- Specify and unify the procedures regarding the sealing of the ballot box used for voting at home.

The mission hopes that the recommendations proposed will be a good source in preparation for the next elections in Estonia.

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