



REPUBLICAN NETWORK OF INDEPENDENT MONITORS

Address: 145 Tole bi Street, Suite 1, Almaty, Kazakhstan, 050026

Tel/fax: (3272) 68 88 87, 69 61 21

RNIM Post-Election Report of 2005 Presidential Election

The Republican Network of Independent Monitors (RNIM) was established in 1999 as a coalition of independent NGOs dedicated to educating voters and enabling citizens of the Republic of Kazakhstan to monitor the conduct of elections. The original mission of this NGO coalition was to monitor Kazakhstan's 1999 Parliamentary elections. RNIM's mission has since grown to include support for development of civil society and the promotion of transparency and fairness of political and electoral processes in the Republic of Kazakhstan.

RNIM conducted monitoring of the Presidential election on December 4, 2005. RNIM monitoring has been conducted in 11 regions of the country: Akmola, Aktobe, Atyrau, Eastern Kazakhstan, Zhambyl, Karaganda, Kostanai, Kyzylorda, Mangystau, Northern Kazakhstan, and Southern Kazakhstan oblasts, and two cities - Astana and Almaty. More than 2,000 volunteer observers participated in the monitoring.

Based on its experience and past missions of monitoring elections at all levels in Kazakhstan, the RNIM has developed a methodology for election process evaluation. Moreover, based on the findings of each monitoring effort, the RNIM has made recommendations to improve the national legislation on elections. The observers used methods and techniques developed by the RNIM based on its entire experience in the area of monitoring election processes.

Voting process monitoring consisted of two main parts: preliminary observation of polling stations on the day prior to the Election Day and observation on the voting day. Preliminary monitoring was aimed at registering preparedness of polling stations and precinct election commissions to conduct voting.

I. Preliminary monitoring of precinct preparedness for the voting day

On December 3, the RNIM observers visited polling stations to conduct observation in accordance with the RNIM in monitors' manual. Upon collection of information from all polling stations with the RNIM observers in 11 regions of Kazakhstan (1,907 PECs), the data were processed and analyzed.

Violations have been recorded on all election law procedures. However, in most regions, violations have to be classified into single incidences and systematic cases. Systematic violations resulted from inadequate training of members of some election commissions and lack of control by chairpersons. Many violations were not repeated after criticism from the RNIM observers. With that in mind, RNIM provides the trends of systematic violations below.

Systematic violations during preliminary observation of the preparedness of polling stations and election commissions for the Election Day

1. Campaign materials were found/noticed in polling stations or voting premises (% of the polling stations observed in the respective region)

Astana and Akmola Oblast – 10.1 %

Aktobe Oblast – 9.7 %

Karaganda Oblast – 23.8 %

Southern Kazakhstan Oblast – 28%

2. Information stands in polling stations (% of the polling stations observed in the respective region)

2.1. Information with biographies of the candidates not posted:

Aktobe Oblast – 9.7 %

Eastern Kazakhstan Oblast – 10.6%

Karaganda Oblast – 10.7 %

Southern Kazakhstan Oblast – 9%

2.2. Ballot samples not posted:

Astana and Akmola Oblast – 32.6%

Aktobe Oblast – 17.2 %

Eastern Kazakhstan – 21.1 %

Karaganda – 42.1 %

Southern Kazakhstan Oblast – 8%

2.3 Information with rules of conduct in the polling station not posted:

Astana and Akmola Oblast – 12%

Aktobe Oblast – 11.9 %

Eastern Kazakhstan Oblast – 8.2%

Karaganda Oblast – 12.8 %

2.4. Information with the commission members' names and titles not posted:

Eastern Kazakhstan Oblast – 6.5%

Karaganda Oblast – 7.5%

2.5. Information with telephone numbers of higher-level election commissions, courts and prosecutor's offices not posted:

Astana and Akmola Oblast – 13 %

Aktobe Oblast – 9 %

Karaganda Oblast – 15%

3. Cases recorded when voters were denied an opportunity to check the voter lists to see if their own names had been included (% of the polling stations observed in the respective region):

Aktobe Oblast – 7.5%

Karaganda Oblast – 20%

4. Cases recorded when the RNIM observers met impediment in conducting preliminary evaluation of polling stations (% of the polling stations observed in the respective region):

Southern Kazakhstan Oblast – 19.7%

Notably, most violations made in Karaganda Oblast were recorded in Temirtau.

Information stands did not have ballot samples – 76.9%

Information stands did not have rules of conduct in the polling station – 34.6 %

Citizens were denied the opportunity to see the voter lists – 76.9%

Observers were denied access to polling stations:
Polling station 133 in Mangistau Oblast;
Polling station 7, 71, 126, 8 in Karaganda Oblast;
Polling station 49 in Kostanai Oblast.

It should be noted here that these denials often did not have any substantial grounds, and after learning about the reasons for denial, the observers were usually allowed to enter polling stations. It is obvious that it results from inadequate training of the election commission members.

II. Violations recorded on Election Day

1. Necessity to use the electronic voting method

Throughout the election period, the RNIM noted little interest on the part of voters in the use of electronic voting. According to preliminary CEC data, only 398,941 voters used the *Sailau* (electronic voting) system which amounts to 13.8% of voters. This indicates that the electronic voting system does not enjoy sustainable voter confidence.

In addition the system itself was problematic. In particular, there have been cases when voters did not have enough time to complete voting electronically because the system worked (snapped into action) spontaneously and counted votes. Such cases were recorded in Almaty at PECs 93 and 53. PEC members and outsiders were helping voters to vote electronically, including inside voting booths. There have been cases of malfunction of terminals that were later replaced. Besides that, this system allows the possibility of repeated voting by means of paper ballot. Another argument against further application of the electronic voting method is numerous cases when voters experienced difficulties when voting by means of the *Sailau* system. At over 70% of monitored precincts, the RNIM recorded such cases.

2. Quality of voter lists

Unfortunately, as was true in past elections, the RNIM has to state once again that the quality of voter lists was low. Meanwhile, it should be noted that major steps have been taken toward expanding possibilities for voters to check their names on voter lists. For example, the Almaty akimat organized a telephone line for voters to make voter lists more accurate.

On the voting day, cases were recorded of systematic violation of the right to vote due to inaccuracies on the voter lists: Almaty city – 49.4% of the precincts monitored, Eastern Kazakhstan oblast – 42.3%, Mangystau oblast – 54.5%, Southern Kazakhstan – 37.1%.

3. Infringement of the rights of observers

In some polling stations, view was obscured for the observers. Due to the high attendance of voters on Election Day, weak organizational efforts of chairmen of the local election commissions resulted in unregulated flow voters in some polling stations. Therefore, the opportunity to review actions of commissioners on delivery of ballots and registration of voters was not possible by the observer.

Observer movement in some polling stations was limited, and as a rule, interfered with full election monitoring of polling stations. Cases were noted of attempts by election commissioners denying admission of observers into polling stations.

Despite the above mentioned facts, RNIM notes the extent of such incidents was no more than 1 %.

4. Provocations

Several cases were registered when precinct election commission # 213, 391, 110 got the faxes from so-called district election commissions to clarify the Constitutional Law on Elections. Due to the fax statements every citizen of the Republic of Kazakhstan can be registered as a voter, even if he/she is not registered in the place of residence at justice agencies, only by giving the identity card and application to include then on the voters list. The same case happened in the polling station # 417 in Almaty city, where some people introducing themselves as transport prosecutor's office staff clarified the Law. The Precinct election commission chairpersons refused to make any comments on the documents origin or give the copies of them. Nevertheless the Precinct Election Commission of Almaty city gave official information that election commissions of Almaty city do not have any relations to this documents and this is a provocation of unknown persons. **If such cases were of mass character, the legitimacy of election would be under the threat of failure and pave a way for various mass falsifications at the precincts during Election Day.**

5. Violations registered at the work of the election commissions

RNIM monitors found violations in the work of the election commissions during the ballot distribution process. The members of the precinct commissions gave ballots which were not signed. There were also cases when the chairman and the secretary of the commission gave out ballots, and this is prohibited by law.

Moreover, there were cases when the chairmen of the precinct election commissions (PEC) refused to register the RNIM monitors during the precincts' opening, reasoning that the monitors' IDs were not according to the rules. In particular, the refusals were based on the fact that the IDs did not have the registration numbers, although according to the point 5, article 20-1 of the Election law, there is no such regulation. Later on, after receiving an explanation of the Election law, the chairmen admitted that their demands do not have the basis and registered the RNIM monitors. This problem most likely, is connected to the inadequate training of members of the precinct election commissions and their ignorance about the main demands to the monitors' IDs.

There was a single case when monitors were refused to be admitted inside the "closed" precinct of Almaty # 352. Later on the RNIM monitors were admitted inside this particular precinct.

Following were the most spread violations during the Election Day:

1. The precincts were not opened on time (after 6:00) (% out of all monitored precincts in the region):

Almaty city – 16,6 %

Karagandy oblast – 25,2 %

North Kazakhstan oblast – 7,6 %

South Kazakhstan oblast – 16,7 %

2. Information stands at the precincts (%out of all monitored precincts in the region):

2.1. No information with the candidates' bios:

Almaty city – 12,9 %

Aktobe oblast – 13,4 %

East Kazakhstan oblast – 12,3 %

Karagandy oblast – 18,2 %

South Kazakhstan oblast – 12,3 %

2.2. Sample ballots were not posted:

Almaty city - 20,4 %

Astana city – 23,9 %

Aktobe oblast – 13,4 %

East Kazakhstan oblast – 8,2 %

Karagandy oblast – 37,3 %

South Kazakhstan oblast – 16,7 %

2.3 Information about the rules of conduct at the precinct was not posted:

Almaty city -7,7 %

Aktobe oblast – 8,2 %

Karagandy oblast – 21 %

South Kazakhstan oblast - 11,3 %

2.4. Information about the PEC members and their titles not posted:

Astana city and Akmola oblast– 6,6 %

Karagandy oblast – 9,4 %

2.5. Information about the telephone numbers of the higher level election commissions, courts and prosecutor's offices were not posted:

Astana city and Akmola oblast – 13,3 %

Aktobe oblast – 7,4 %

Karagandy oblast – 25,6 % (PEC # 37, 18, 60...)