

## **Preliminary Statement**

### **On the Conduct of the October 30 Presidential Election in the Kyrgyz Republic**

**October 31, 2011**



#### **The Coalition for Democracy and Civil Society**

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*Coalition for Democracy and Civil Society is an independent, non-partisan, and neutral association that works to develop democracy and civil society in the Kyrgyz Republic.*

#### **I. EXECUTIVE SUMMARY**

The Coalition for Democracy and Civil Society (the Coalition) has conducted an independent observation of the presidential election in Kyrgyzstan. From October 21 to October 30, the Coalition deployed a total of 1,312 domestic observers to monitor early voting, mobile voting and election day processes at 57 Territorial Election Commissions (TECs), 500 polling stations and the Central Election Commission (CEC). These short-term observers (STOs) were supported by a team of 70 STO Coordinators, 70 mobile observers, 32 data-collectors, nine lawyers and two data-analysts.

The election was competitive, open and transparent. The CEC has provided access to preliminary data on the election so that the public can compare the protocols gathered from polling stations with the protocols published on the CEC website.

The presidential election was conducted under a new election law. Several problems were revealed during the course of the election connected to certain legislative norms, such as the compilation of a high quality and unified voters list and the introduction of visible inking procedures as the mechanism to prevent repeat voting. Also, according to the new legislation, election commissions were formed by representatives of political parties and local self-government.

Moreover, serious violations related to ballot stuffing were recorded in several precincts, but these violations were not systematic. The preliminary estimates of the CEC for voter turnout and election results track closely with the Coalition's preliminary estimates. However, the Coalition would like to emphasize that several serious violations could have had a strong influence on the election turnout and results. All these violations should be investigated carefully by the CEC and other relevant state bodies, and their influence on the results should be determined. The violations are described in detail below.

In this preliminary statement, the Coalition presents the initial findings from its observation of early voting, mobile voting and election day processes, based on information provided by STOs. This preliminary statement does not include findings from the campaign or post-election periods; the Coalition will present those findings in its final report on the presidential election.

*The observation was conducted with the financial support of the United States Agency for International Development (USAID), U.K. Department for International Development (DFID), the National Democratic Institute (NDI), Organization for Security and Cooperation in Europe (OSCE), the Office of Transition Initiatives, and the International Resource Group.*

## **II. INTRODUCTION AND BACKGROUND**

### ***Political Context***

In 2011, Kyrgyzstan celebrates 20 years of independence. During the past seven years, the people of this country have overthrown two authoritarian regimes, having spoken out against unlawfulness and corruption. The past year, 2010, was a time of serious trial for the nation. The April 7 events and the inter-ethnic conflicts in the south took the lives of more than 500 citizens. Following the April events, the Interim Government formed, headed by Roza Otunbayeva, and developed a new version of the Constitution which limits presidential power in relation to the parliament. Despite some serious disagreements within society and between political parties about the content of the new Constitution, it was adopted by referendum in June 2010. The 2010 elections of the *Jogorku Kenesh* (parliament) have become a noteworthy event in Kyrgyzstan, as this is the first country in Central Asia to adopt a parliamentary form of government.

Honest, free, and transparent elections are an important institution for building a democratic state. Disagreements over the results of the 2005 parliamentary elections caused numerous protest actions, and similar actions have taken place in subsequent years as well, for the same reasons. Political upheavals have lowered socio-economic living standards in Kyrgyzstan. Open and fair elections are a guarantee of preservation of the stability of the state and implementation of reforms.

Kyrgyzstan has just come through the next stage of development—the presidential election—where for the first time in the history of independent former-Soviet countries, the presidential authority will be transferred through peaceful means. This election is the final stage of the transitional period in the country.

The Election of the President of the Kyrgyz Republic (KR) was set by the Decree of Jogorku Kenesh adopted on July 30, 2011, in compliance with Section 2, Clause 1, Article 74 of the Constitution of Kyrgyzstan. The presidential election is taking place following the adoption of the new Constitution in 2010 and election law reforms in 2011. The presidential election is regulated by the Constitutional Law “On the Elections of the President and Jogorku Kenesh of KR” adopted on July 2, 2011, and the Law “On the Election Commissions for the conduction of elections and referenda of KR” adopted on July 30, 2011.

The CEC, 57 TECs, 2,289 Precinct Election Commissions (PECs), and 29 electoral precincts outside of Kyrgyzstan were formed for the presidential election.

### ***Coalition Background***

The Coalition is a politically neutral non-governmental organization created to provide civic education for the purposes of increasing voters' legal awareness and to organize monitoring of all stages of electoral processes and referenda, including monitoring of observance of the electoral legislation by all participants of the electoral process, and analysis of the current situation both in individual regions and in the country in general.

### ***Methodology of Short-Term Observation: Statistically-Based Observation***

During the 2010 parliamentary elections, the Coalition implemented the first-ever "statistically-based observation" (SBO) in the Kyrgyz Republic. The SBO allowed analysts to extrapolate data collected from a relatively small random sample of polling stations to the country as a whole, with a high level of accuracy, and to verify official election results. During the parliamentary elections, the results collected by the Coalition closely matched those reported by the CEC.

The Coalition also used the SBO methodology for the presidential election. In an SBO, the share of polling stations observed in each *oblast* (region), as a percentage of the total polling stations observed nationwide, is roughly equal that oblast's share of polling stations as a percentage of all polling stations that exist nationwide. The same is also true at the *rayon* (territory) level. Hence, data collected through an SBO can be extrapolated to the whole country. For the presidential election, the Coalition selected a random sample of 500 polling stations through Microsoft Excel, generating a list of PECs where STOs would observe. The sample included polling stations in all 57 *rayon* nationwide.

Leaders of the Coalition, nine lawyers, four analysts, 70 STO Coordinators, 70 mobile observers, and 1,312 independent STOs were involved in the short-term observation. A team of 32 data-collectors compiled information from STOs in a central database. From October 21 to 28, 57 STOs observed early voting in all 57 TECs. On October 28 and 29, 200 STOs monitored the marking out of names of withdrawn candidates on ballots at 200 PECs, randomly selected from the Coalition's original sample of 500 PECs. On October 29, 500 STOs observed mobile voting processes at 500 PECs. On October 30, 1,000 STOs observed election day processes at the same 500 PECs, in teams of two, and one observed at the CEC.

The Coalition's STOs were selected and trained by the Coalition on how to implement the observation and on the new constitutional law on presidential elections. Each Coordinator and STO passed a special examination testing their knowledge of the electoral process before they were confirmed as observers. In order to ensure the quality of the observation, Coalition operators conducted more than 2,000 calls testing observers' responsiveness and knowledge prior to election day. As a result, more than 100 initially recruited observers were replaced with backup observers. While carrying out their mission, STOs strictly adhered to the principles of impartiality and neutrality. STOs only reported facts and events they had seen personally or could verify.

In October, the Coalition recruited all 1,312 STOs to work in specific polling stations. Regional Coalition representatives were asked to identify observers based on their geographic proximity to polling stations in the random sample and on their election monitoring experience. The Coalition trained STO Coordinators to subsequently train STOs on how to implement the observation.

The Coalition held two preliminary simulations of election day processes, on October 24 and 27, in order to identify the level of readiness of the observers as well as any problems that had to be addressed before election day. The Coalition invited media representatives to the October 27 simulation to explain the SBO process.

### **III. PRELIMINARY FINDINGS AND ANALYSIS OF THE VOTING PROCESS**

On October 28, the CEC formally reminded the members of election commissions about their criminal liability for falsifying election documents or incorrectly counting votes. The Coalition hopes that the CEC will take all appropriate measures towards the members of election commissions who have been caught committing violations.

#### ***Ballot Printing***

According to Article 30 of the election law, candidate representatives and independent observers can be present at the official ballot printing house when the quality of printed ballots is checked. The CEC printed 2,870,000 ballots and invited observers to observe the post-printing quality check on October 19. However, upon arrival at the printing house, observers were not permitted to enter the building to observe the process due to a logistical error by the CEC. Subsequently, the Coalition and other monitoring groups, such as Taza Shailoo and the OSCE Office of Democratic Institutions and Human Rights (ODIHR), called on the CEC to be more open and transparent. As a result, observers were permitted to observe a second round of ballot-printing in the week before the election, after more citizens had registered to vote.

In total, 3,051,000 ballots were printed.

#### ***Marking Off Withdrawn Candidates from Ballots***

According to the election law, the deadline to transfer printed ballots to the polling stations is 10 days prior to the election. However, because candidates are permitted to resign from the race up to three days prior to the election, PEC commissioners are required by law to manually cross out the names of withdrawn candidates on each ballot. With thousands of ballots at most polling stations, this process can be laborious and time consuming. The Coalition decided to monitor this process on the night of October 28 and October 29 at 164 polling stations (within the previously selected sample of 500 polling stations).

At these 164 polling stations, 16,612 ballots were amended. In the process of the marking off candidates from the ballots, 183 ballots were destroyed. At 24 polling stations, the damaged ballots were replaced with new ones. The Coalition observers noted that in 157 precincts, the marking off process was transparent.

### ***Early Voting (Article 32)***

According to the election law, voters who are unable to vote on election day within Kyrgyzstan must present evidence of anticipated travel or absenteeism to be eligible to participate in early voting. Early voting should have taken place in 57 TECs from October 21 to 28. However, in 16 TECs, early voting did not start until October 22. According to official data from the CEC, which correspond to the Coalition's data, there were 337 early voters nationwide. Thus the Coalition does not have reason to question the transparency or fairness of the early voting process.

In general, the early voting process was positive, and there were only minor cases where the early voting rules were not observed. Observers at 99 percent of PECs reported that they were permitted to monitor the procedure for sealing the ballot boxes. The observers noted that the inking procedures for voters were most problematic (at 6 percent of PECs).

An unusually high number of people voted early at the Sokuluk TEC (136 voters) and at the Moskovskaya TEC (85 voters), both in Chui oblast. At just these two TECs, 221 voters voted early, which is nearly 66 percent of the total number of early voters nationwide.

At the same time, not a single TEC provided Coalition observers with the numbers of early voters broken down by polling station.

All the information on violations registered by the Coalition's observers was submitted to the CEC, broken down by precinct.

### ***Mobile Voting (Article 33)***

According to the new election law, mobile voting must be held one day prior to election day rather than on election day. Applications for mobile voting must be submitted after PECs are formed but at least three days prior to election day.

All Coalition observers were allowed to observe mobile voting and monitor all procedures. However, the main problem was violation of voter marking procedures (at 6 percent of PECs). Coalition observers were permitted to observe the process of sealing the mobile ballot boxes at 99 percent of polling stations.

At 4 percent of PECs, voters were voting without proper documents

At 3 percent of precincts nationwide, Coalition observers noted instances of pressure on voters.

At 10 percent of precincts in Batken oblast, and 7 percent of precincts in Bishkek, the marked ballots were not stamped after counting and then sealed in a safe.

The information on all violations has been submitted to the CEC, including the numbers of specific PECs.

## **Election Day**

### **Opening**

The Coalition observers had unimpeded access to the polling stations from the beginning of election day, and polling stations commenced their work on time. According to Coalition observers, opening procedures proceeded without major violations.

### **Voting**

Overall, Coalition observers had open access to observe all voting procedures, there was a sufficiently high turnout, and voting procedures were conducted openly and transparently. Moreover, candidate representatives, political party observers, and public association observers were present at virtually every precinct. See Table 1 for more information. Despite these positive aspects, the Coalition identified problems with: (1) inking procedures; (2) the voters list; and (3) use of administrative resources.

Table 1: Candidate Representatives in PECs on Election Day

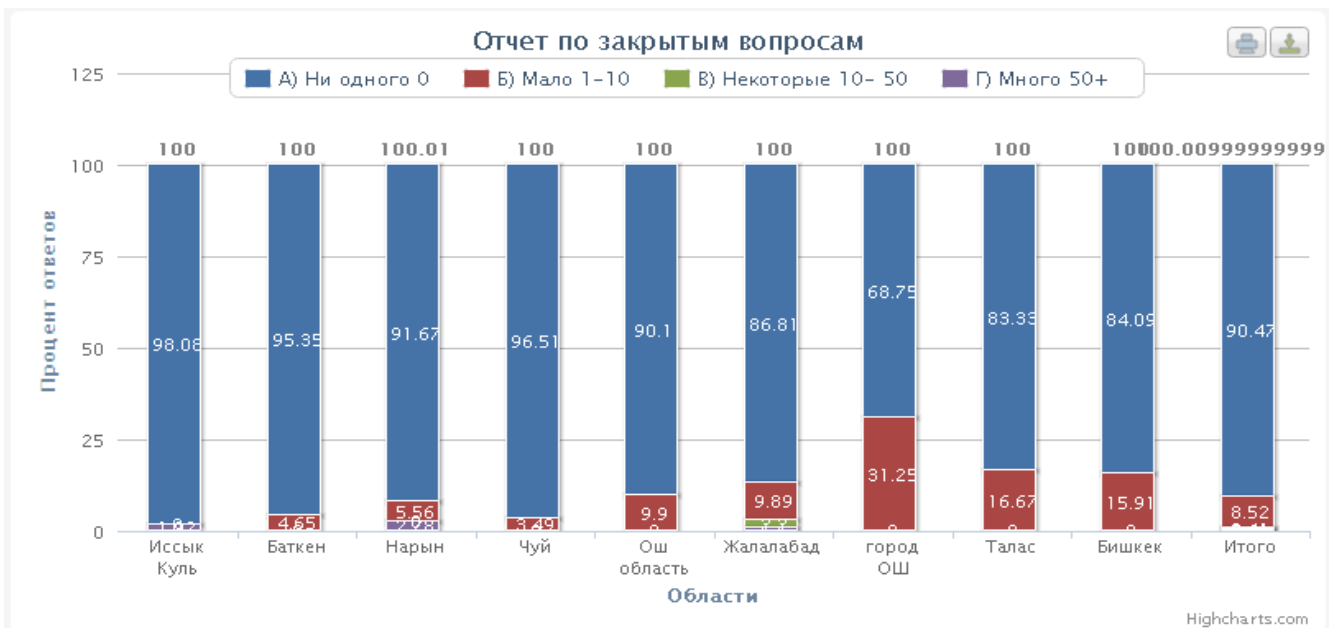


Graph shows that the most representatives per candidate belonged to A. Madumarov, K. Tashiev, and A. Atambaev in ascending order.

#### **a. Inking Procedures**

Shortly following the opening of polling stations, the Coalition began to receive reports that the ink used to mark voters' thumbs was easily removed. All the information on violations registered by the Coalition's observers was submitted to the CEC, broken down by precinct. See Table 2 below.

**Table 2: How many voters have not been inked?**



Graph shows that the majority of violations took place in Osh city and oblast, Talas oblast, Bishkek, and Jalalabad oblast, in descending order.

**b. Voters List**

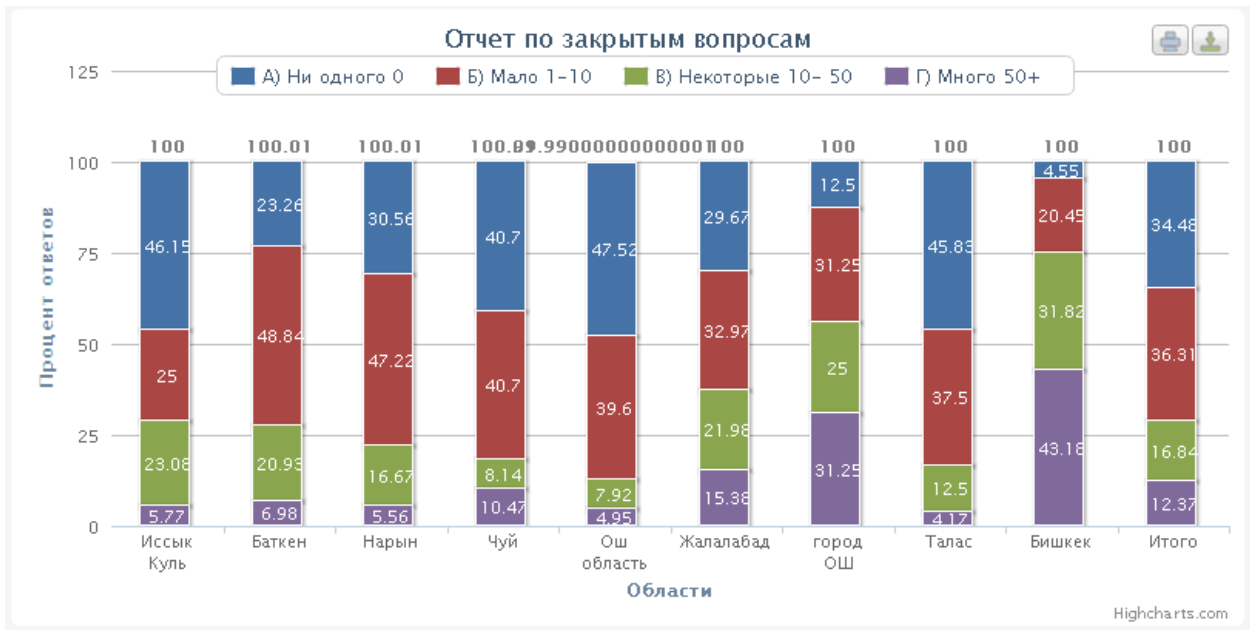
The second most prevalent problem was the voters list. Up to five percent of voters nationwide were not able to find their names in the voters list, despite being registered to vote.

According to the CEC, there are 3,032,681 voters on the voters list. All citizens eligible to vote were required to register or check the voters list for their names by October 20. In compliance with the election law, there was no additional voters list on election day, and unregistered citizens were not supposed to be permitted to vote.

In total, at 65 percent of PECs nationwide, Coalition observers noted that voters could not find their names on the voters list. The highest instances of this were found in Bishkek and Osh cities and Batken oblast. This problem had one of two causes: (1) although voters had checked and found their names on the voters list prior to election day, their names were not included on the voters list on election day for reasons that are unclear; and (2) voters, being unaware of the new procedures for compiling and preparing the voters list, did not check the voters list prior to election day to ensure they were registered to vote at a particular precinct.

Previously, the Coalition had pointed out that the tight timeframe for the verification of the voters list and an insufficient level of awareness among voters about the new procedures might affect the quality of the voters list.

**Table 3: How many voters could not find themselves in the voter list?**



The graph shows that in more than five oblasts (including Bishkek and Osh cities), the number of voters turned away from voting was greater than 50 in at least 10 percent of polling stations.

*c. Other Incidents*

The Coalition noted several violations during the course of voting day. Compared to the 2010 parliamentary elections in Kyrgyzstan, during which the Coalition recorded no cases of intimidation or pressure on its observers, there were two instances of intimidation or pressure on Coalition observers during the presidential election (at PEC #6111 in Talas city; PEC #7179 in the Alamedinskiy district of Bishkek; and PECs #4025, #4005, #4157 in Naryn oblast).

During the closing of PEC #7179, unknown persons, having introduced themselves as assistants of the President of the Coalition, persuaded the observers to leave the polling station after it closed.

At several polling stations, observers recorded serious violations connected to ballot stuffing. Observers noted attempts at ballot stuffing (PECs #6064, #6106, #6043 in Talas; PECs #4108, #4059 in Naryn; PECs #5464 in Osh city; PEC #5033 in Osh oblast; PEC #2401 in Jalalabad oblast; PECs #8099 and #8180 in Batken oblast; PEC #7301 in Chui oblast; and PEC #7290 in Bishkek. In response to some of these attempts, several Coalition observers filed “acts” with the precinct. The Coalition is compiling information on how many acts were filed in order to pursue these cases with the CEC. If these violations are confirmed, the Coalition will ask the CEC and other relevant state agencies to take the appropriate measures, including considering nullifying the results at these precincts.

*Closing and Vote Count (Article 35)*

At 7 percent of polling stations in the total sample, and 16 percent of polling stations in Naryn oblast only, Coalition observers noted that voters who were inside of the precinct prior to closing were not allowed to vote.

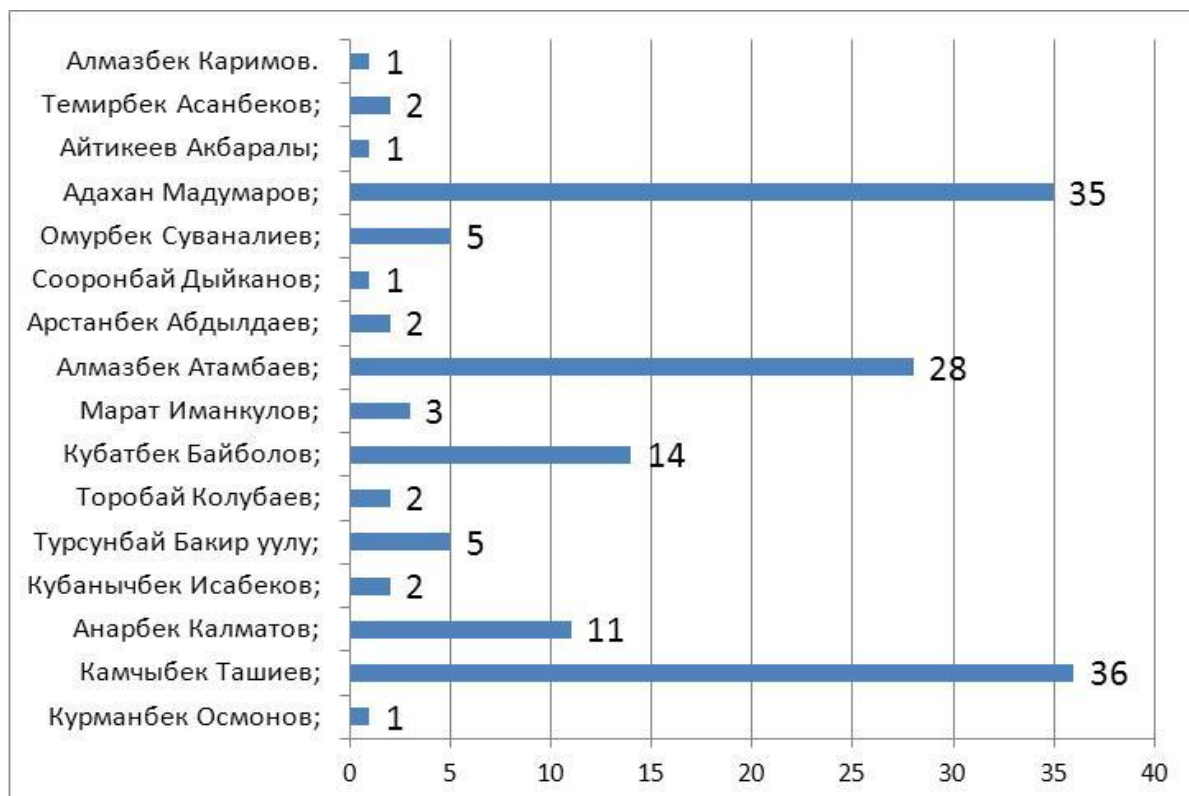


Coalition observers noted that the vote-counting process went according to established procedures. However, at PECs #1212 and #1230 in Bishkek, as well as at PEC #7245 in Chui oblast, observers were refused copies of the protocols by the precinct commission members.

Overall, in 44 percent of the PECs, violations were identified that did not influence the results of the election. The observers noted that very serious problems took place in one percent of PECs, which could have influenced the election outcome. This was noted by observers in the city of Osh.

As of now, the Coalition’s data corresponds to the preliminary data from the CEC except in precincts where ballot stuffing was registered. However, since several serious violations were identified, a thorough investigation of these violations is necessary to establish how they may have impacted the results of the election as a whole. The Coalition calls upon the CEC and all respective agencies to conduct a serious investigation of the violations and inform voters on the results. Thorough review of the acts compiled by the Coalition and candidate representatives is essential. Table 4 below shows the number of acts filed per candidate.

**Table 4: Number of acts filed per candidate, as of Oct. 30, 2011  
(data collected from 500 PECs where the Coalition observed)**



Graph shows that representatives of the following candidates filed at least 20 acts: A. Atambaev (28), A. Madumarov (35), and K. Tashiev (36).

#### **IV. RECOMMENDATIONS**

1. To conduct a serious analysis of the new election legislation to further perfect the law.
2. To the candidates who have reported serious violations, to submit all materials to the CEC and appropriate agencies.
3. To conduct an investigation of all violations reported on election day by both independent and political party observers.
4. To the CEC, to identify why voters who submitted applications to be included in the voters list were not included, and, to take appropriate measures towards the entities responsible for the verification and registration of voters.