REPORT

ON

THE ELECTION OF THE PRESIDENT

OF THE RUSSIAN FEDERATION

16 JUNE AND 3 JULY 1996
REPORT

ON

THE EXCITION OF THE PRESIDENT

OF THE RUSSIAN INSTITUTE

v
1. EXECUTIVE SUMMARY

In two rounds of voting, held on 16 June and July 3 1996, the Russian Federation conducted its first multi-candidate presidential elections. Ten candidates participated in the first round, though none received an absolute majority of votes as required by the federal election law. Incumbent President Boris Yeltsin and Gennady Zyuganov finished in first and second place, respectively, and advanced to the second round, in which Yeltsin was elected to a second term in office. The focus of this report is on the first round.

A delegation from the OSCE Parliamentary Assembly monitored the first round of elections in the Moscow region where the vote was held in conjunction with mayoral elections. The elections appeared to be generally well run, and not seriously marred by some problems which occurred in the pre-election campaign. The delegation considered the first round of the Russian Presidential elections to have been conducted in a generally free and fair manner.

a) The presidential and the municipal elections generally proceeded without violence or major mishap.

b) Delegation members considered voter participation in the political campaign to be quite active compared to previous Russian elections. A relatively open flow of information concerning candidates and their platforms was made available to voters during the pre-election campaign. However, opposition candidates charged that the state controlled electronic broadcast media did not provide fair and balanced coverage, and this was also observed to be the case by delegation members. The bias appeared to be primarily in favor of the President.

c) Opposition candidates and representatives of the media voiced the concern that President Yeltsin exceeded campaign spending limits.

e) The delegation found that Polling Station Election Committees (PSECs) generally followed proper procedures and enforced the one-man-one-vote principle, although scattered instances of minor irregularities, such as family voting and voting outside of polling booths were observed.

g) The Central Election Commission (CEC) instituted a number of procedures to increase public confidence in the electoral process, including a computerized vote tabulation system; a measure to allow voters to vote outside their home polling precincts; and at selected polling stations, the use of electronic ballot boxes. As with last December's parliamentary elections, the CEC's provision of mobile ballot boxes for those constituents who were unable to come to the polling stations, and its sanctioning of both international monitors and domestic observers representing the candidates, continued to bolster voter participation and confidence.

The noticeable increase in participation of young voters was regarded as an encouraging sign. The OSCE PA would also like to emphasize the effective performance of the CEC. The delegation commends the efforts of the CEC to encourage voter participation thereby reversing the downward trends which had plagued previous Russian elections. The delegation's statement was published on June 17, 1996 [Annex 1].
2. DELEGATION

The delegation of the Parliamentary Assembly of the OSCE monitored the first round of the presidential elections in Russia at the invitation of the Central Election Commission. The President of the OSCE Parliamentary Assembly appointed the following delegation:

Mr. Andras BARSONY (Hungary), Chairman of the delegation
Sir Peter EMERY (United Kingdom), Co-Chairman of the delegation
Mr. Javier RUPEREZ (Spain), Co-Chairman of the delegation

Mr. Willi FUHRMANN (Austria)
Mr. Agabek ASKEROV (Azerbaijan)
Mr. Alain DESTEXHE (Belgium)
Mr. Philippe MAHOUX (Belgium)
Mr. D. van der MAELEN (Belgium)
Mr. Sergei IVANOV (Estonia)
Mr. Indrek KANNIK (Estonia)
Mr. Tõnu KÕRDA (Estonia)
Mr. Kimmo KILJUNEN (Finland)
Mr. Ilka SUOMINEN (Finland)
Ms. Anne MEYER (France)
Mr. Arthur PAECHT (France)
Mr. Jacques ROZENBLUM (France)
Mr. Hans-Dihr BIERLING (Germany)
Mr. Fiorello PROVERA (Italy)
Ms. Ludmila KUPRIJANOVA (Latvia)
Mr. Juris VIDINŠ (Latvia)
Mr. Vladimir JARMOLENIKO (Lithuania)
Mr. Emanuelis ZINGERIS (Lithuania)
Mr. Ričardas ŽURINSKAS (Lithuania)
Mr. Jacques-Yves HENCKES (Luxembourg)
Mr. Alexandru NEMTEV (Moldova)
Mr. Dzingisz GABOR (Netherlands)
Mr. Invald GODAL (Norway)
Mr. Erik SOLHEIM (Norway)
Ms. Manuela Ferreira LEITE (Portugal)
Ms. Isabel Videira LOPES (Portugal)
Mr. Roberto Videira LOPES (Portugal)
Mr. Ionel ROMAN (Romania)
Mr. Henrik LANDERHOLM (Sweden)
Ms. Louise LANDERHOLM-BILL (Sweden)
Ms. Tone TINGSGÅRD (Sweden)
Mr. Mustafa KAMALAK (Turkey)
Mr. Hikmet Sani TÜRK (Turkey)
Mr. John FINERTY (USA)

The delegation was accompanied by the following members of the International Secretariat:

Mr. R. Spencer OLIVER (Secretary General)
Mr. Vitaly EVSEYEV (Deputy Secretary General)
Mr. Eric RUDENSHIOLD (Programme Director)
Mr. Jan JOOREN (Press Officer)
Ms. Rita AVDONINA (Secretary)
Mr. Daniel A. CHRISTENSEN (Staff Assistant)
Ms. Tea JOKHADZE (Staff Assistant)
Mr. Guy NETSCHER (Staff Assistant)
Ms. Mai Valentin NIELSEN (Staff Assistant)
Mr. Tom SCHAMP (Staff Assistant)
Mr. Mark E. SINGER (Staff Assistant)
Mr. Jani TAIVALANTTI (Staff Assistant)

Observers from the Parliamentary Assembly of the Council of Europe (PACE) were under OSCE PA auspices:

Mr. Klaus BÜHLER (Germany)
Mr. Algirdas GRICIUS (Lithuania)
Mr. Evgen MARMAZOV (Ukraine)
Ms. Bonnie THEOPHILLOVA (Co-Secretary of the Committee on Parliamentary and Public Relations)
3. PROGRAMME

The observer programme for the OSCE PA delegation was prepared by the Secretariat staff in conjunction with the CEC [Annex 2]. The Secretariat also cooperated with field representatives of the International Republican Institute and the OSCE ODHIR. The delegation attended briefings with the candidates, the media and the Chair of the CEC jointly with the delegation from the European Parliament, as well observers from other international organizations.

4. PRE-ELECTION ENVIRONMENT AND OBSERVATIONS

PRE-ELECTION ENVIRONMENT. In accordance with the Constitution and the Presidential Election Law, the first multi-candidate, post-communist presidential elections took place on the Sunday following the expiration of President Boris N. Yeltsin's term in office. Yeltsin was originally elected President of the then Russian Soviet Federal Socialist Republic (RSFSR) on 12 June 1991. In a December 1993 referendum, which occurred in the aftermath of a violent showdown between Yeltsin and the Supreme Soviet (Parliament), the Russian Federation adopted a new constitution to replace the 1978 RSFSR Constitution. The new constitution manifestly strengthened the office of the President.

Along with ratifying the new constitution, in 1993 the Russian people elected a new parliament (State Duma). Following the expiration of the first Duma session, a new Duma Assembly was selected in December 1995 elections, which were also observed by an OSCE PA delegation (report available from the Secretariat). The delegation was impressed by the deepening roots of democracy in Russia, which were reflected by the third consecutive national elections free of widespread irregularities.

Days before the election, President Yeltsin signed an armistice agreement with the break-away Russian Republic of Chechnya. The agreement was to end the two-and-a-half-year-old conflict which has resulted in over 30,000 casualties and for which the Russian government has been sharply criticized for human rights violations. The presidential vote was held in Chechnya in conjunction with elections for a new legislative assembly, however the OSCE Permanent Council declared balloting to be "unfree and unfair" and in violation of the armistice which stipulated that elections were not to occur until Russian troops left the republic.

THE ELECTION LAW. The presidential election was governed, in the main, by the Presidential Election Law (adopted on 24 March 1995) and by the Federal Law on Basic Guarantees of the Electoral Rights of the Citizens of the Russian Federation (approved on 15 November 1994). In a major voter education campaign throughout 1996, the CEC sought to inform the electorate about the democratic process and on newly adopted election day procedures. No major discrepancies between these procedures and the election law were found.

POWERS OF THE PRESIDENT. The President is elected by universal and direct suffrage to a four-year term as the Head of State and Commander in Chief of the Armed Forces. The President appoints the Prime Minister and the High Commander of the Armed Forces, as well
as members of the Constitutional and Supreme Courts and the Chairman of the Central Bank of the Russian Federation.

**Nomination and Registration of Candidates.** Candidates were nominated by either electoral associations (political parties and movements) registered with the Ministry of Justice, electoral blocs made up of two or more qualified associations, or voters' initiative groups with memberships of no less than 100 eligible voters. The latter two groups were required to have been registered with the CEC by 3 March 1996. Each nominated candidate was then required to submit to the CEC a list of 1,000,000 eligible voter signatures from at least 15 of the 89 administrative regions. A total of 17 candidates submitted lists by the 26 April 1996 deadline for official registration. The CEC rejected six of these candidacies, and one candidate - Aman Tuleyev - later withdrew from the race, leaving 10 candidates on the ballot.

**Resolution of Complaints and Disputes.** Protests were first heard by the CEC, whose decision could then be appealed to the Supreme Court. *The standards used to examine party and candidate registration forms appear to have been uniform and conducted without prejudice. Although eight candidacies were denied by the CEC, the appeals procedure seemed to function without problems.* The Supreme Court agreed to hear the cases of seven candidates who appealed, and reinstated the candidacies of Vladimir Bryntsalov and Martin Shakum. *None of the candidates met by the delegation registered grievances regarding appellate procedures in the pre-election campaign.*

**Defining Constituencies and Voter Registration.** The CEC conducted the Russian presidential elections across a single, federal electoral district which included more than 95,000 electoral precincts, each containing a maximum of 3000 voters. Directly subordinate to the CEC were the Election Commissions of the Administrative Regions, the Territorial Election Commissions, and the Polling Station Election Commissions. The CEC also supervised the disbursement of federal funds to the lower election commissions.

**Campaigning and the Role of the Media.** The eleven candidates who successfully completed the registration process conducted a vigorous and peaceful election campaign. A wide range of opinions and debate characterized the campaign, and this was reflected in the plethora of advertisements and impressive grassroots mobilization. *The electoral programs of candidates appeared to have been published in the national and regional print media. However, most candidates complained about access to broadcast media [See Media Section 5.6 below]*

**The Duration of the Campaign.** The presidential campaign officially began on 26 April (the last day of formal registration of candidates) and ended 15 June. All campaigning on the day prior to the election and on election day was prohibited; *the OSCE PA delegation found that all candidates adhered to this regulation.*
5. ELECTION OBSERVATIONS

5.1 VOTING PROCEDURES

BASIC PRINCIPLES AND VOTING HOURS. The vote was based on a secret ballot with equal and voluntary participation. In both rounds approximately 70%\(^1\) of the eligible electorate exercised their right to vote on election day. Polling stations opened at 08:00 a.m. and closed at 22:00 p.m. local time. At both times all members of the PSEC were to be present. The OSCE PA delegation did not observe any problems with the opening and closing of polling stations.

Members of the OSCE PA delegation, as well as local observers, noted that before polling stations opened, stationary ballot boxes were empty and, in accordance with the legally prescribed procedures, they were properly controlled and sealed by the PSEC.\(^2\) In general, ballot boxes were well placed to ensure secret voting. However, in some cases ballot boxes and booths were too far away from the polling station officials’ desks, which inhibited officials from preventing family or group voting.

The election law allowed the PSECs to provide mobile ballot boxes for the elderly or hospitalized upon written request.\(^3\) The election law did not specifically instruct the PSECs to arrange a time frame for use of the mobile ballot box(es).\(^4\) This made it difficult for OSCE monitors to ascertain if, in accordance with the law, all mobile ballot boxes were accompanied by at least one polling station officer and one observer. During a meeting with the delegation, the Chairman of the CEC, Mr. N. Ryabov, specified that all votes cast in the respective mobile box(es) were to be declared void if these conditions were not fulfilled.

Despite the fact that instructions for voting were visibly posted and that an average of two to four voting booths were provided, it was observed that many people chose to vote outside the voting booths. This was mainly due to the fact that after getting the ballot, the voters were not directed to the voting booth to mark the ballot in secret. It was also observed that in some polling stations areas had been set aside to facilitate voting outside of the booths. The presence of pencils in booths (prohibited by the election law) was observed at a few polling stations.

Armed persons were not to be admitted to voting precincts. Police officers executing their duties were allowed by law to be on the premises of polling stations with the consent of the chairman of the PSEC. None of the voters or local observers interviewed seemed concerned or disturbed by the presence of police.

No campaign advertisements, propaganda or related materials were found inside polling stations, nor were irregularities or incidents caused by such materials observed or brought to our attention by local observers.

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1. See Section 5.4 Final Results.
2. The number of ballot boxes in the polling stations ranged from two to five.
3. The written request requirement was an innovation written into the Presidential Election Law. See Chapter VIII, Article 51, §12. The number of mobile ballot boxes ranged from two to four.
4. The election law left to the PSEC’s discretion the specific time frame for the use of the mobile ballot boxes. OSCE PA delegates noted that a uniform time for their deployment would have made their use more effective.
At most polling stations, the full election committee was present and had secured all necessary election items (list of voters, stamps, boxes, voting booths, a sample of a filled out ballot paper, instructions on how to fill out ballots, etc.).

**Ballot Papers.** The CEC determined the design and text of the ballots, which were printed in the Russian language. Each ballot contained the full names of the registered candidates in alphabetical order, as well as a space for "Against all candidates." Each ballot was signed and stamped in advance.

Although the election law states that ballots ought to be delivered to the polling stations not later than four days prior to the election, in all of the polling stations visited, the members of the OSCE PA delegation found that the numbered stacks of ballots did not arrive at the polling stations on time; most of the ballots arrived at the polling stations the day before the election. This may have been due in part to the late withdrawal of one candidate. The delegation also observed that miscalculations may have been made by the CEC concerning the number of ballots delivered to polling stations. Some polling stations were found to have fewer than the prescribed number of ballots per voter, while others received far more than the normal allotment plus 0.5% extra ballots, which was mandated by the election law.

5.2 Observations at Polling Stations

**The Voting Process.** Polling Station Election Committees were required to distribute ballots to voters who submitted proper identification. Voters whose names did not appear on the voters' list were allowed to vote following presentation of a required form of identification. In the Moscow electoral district, voters received two ballots, one for electing the President of the Russian Federation and one for electing the Mayor of Moscow. According to the presidential election law, voters were to mark the ballot for the presidential election checking the space by only one of the 10 candidates on the ballot and leaving the other nine blank.

The PSECs appear to have consistently checked the passport (or other type of voter identification) before handing out ballots. But, even though each voter was required to vote individually, as already mentioned, there were some cases of groups -- most likely family members -- voting together in the same booth. However, this seemed to be far more the exception than the rule. Voters were entitled to be accompanied into polling booths by another person (excluding members of PSECs, observers, or candidate representatives), if they were unable to vote without assistance. Proxy voting was not observed by the OSCE PA delegates.

**Closing of the Polling Stations.** All polling stations, which the delegation observed, were closed on time. Most of the local observers were still present when the ballot boxes were opened and the counting of ballots started. No complaints were raised to the delegation concerning the opening of the ballot boxes, the reading, counting or checking of the ballots either for the election of President or the Mayor of Moscow. However, in polling stations with the computerized balloting, delegation members found the process of corroborating discrepancies between machine counts and those of the PSECs to have caused cumbersome and needless delays. In case a dispute arose concerning the validity of ballots, the PSEC members arrived at

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5 Presidential Election Law, Chapter VIII, Article 51, §8.
an agreement by majority vote. After checking the ballots, they were to be sorted and stacked in different piles, one for each candidate, one for "Against all candidates," and one for invalid or voided ballots. OSCE PA observers noted that, in some instances PSECs did not sort and stack ballots properly.

COMPLAINTS AND VIOLATIONS OF THE VOTING PROCESS. Very few complaints were registered about the incompleteness of the voters' lists or the secrecy of voting.

The layout of polling stations in general appeared less confusing than in previous elections, however some polling stations were still plagued by inefficient designs, which hindered polling station officials from supervising the whole voting process. OSCE PA delegates also noted that voting outside booths lead to cases where local observers were positioned close to the voter while he/she filled out the ballot. OSCE PA delegates did not perceive this behavior on the part of local observers to be voter intimidation since voters deliberately chose to vote in places other than in the provided secret booths.

Neither local nor OSCE PA observers registered any significant complaints concerning the closing of polling stations and counting of the votes.

LOCAL AND FOREIGN OBSERVERS' STATUS. Observers representing presidential candidates Yeltsin, Zyuganov, Bryntsalov, Zhirinovsky, Lebed, Gorbachev and Yavlinsky were present at polling stations visited by delegation members. Upon their arrival, these observers were registered by the PSEC. Delegation observers witnessed the opening procedures, the sealing of empty ballot boxes before the voting, conditions both inside and outside the polling station, the counting of ballots, the posting of election results protocols, and the conduct of any complaints.

After showing their credentials, foreign observers were registered by PSEC officials. In general, the OSCE PA delegation experienced no restraints or hindrances to their duties and tasks during election day.

5.3 COUNTING OF VOTES AND PROTOCOL PROCEDURE

After counting the ballots, the PSEC chairmen were to forward the results immediately to the respective Territorial Election Committee. The chairmen, together with local observers, also were to sign a protocol on the outcome of the election. These protocols appeared to have been conducted properly.

5.4 VALIDITY OF ELECTIONS

Voter turnout in both rounds was higher than the two previous national elections, and easily exceeded the 50% threshold required to validate the election. This was the first post-communist Russian election in which the 50% threshold was not a major concern.

In order to be elected, a candidate for President had to receive an absolute majority of all the votes cast. Because no candidate received a majority in the first round of voting, the two candidates who received the greatest number of votes in the first round (Yeltsin and Zyuganov) ran against each other in the second round election, which was held on 3 July 1996.
**FINAL RESULTS.** 75,586,923 out of 108,494,533 total eligible voters participated in the first round, yielding a 69.8% overall voter turnout. 1,072,119 ballots (0.9%) were declared invalid. In the second round, 74,815,898 voters participated, yielding a turnout of 68.89%. The delegation considers it the responsibility of the CEC commission to encourage voter participation and was impressed by the high voter turnout in both rounds of the election. The lack of voter fatigue in the second round is to be attributed to the effective work of the CEC to encourage the electorate and to make polling highly accessible. The voter turnout in the elections was higher than that for the parliamentary elections last year and represented a definite reversal of the trend of lower voter participation which plagued elections in 1993 and 1995.

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6 These were the official results published by the CEC. source: http://www.nns.ru/elects/president/results/e-result.htm and http://www.nns.ru/res2/res.html.
5.5 Legal Regulations Governing the Campaign

The Presidential Election Law placed strict limits on campaign financing. Funding and contributions could legally only consist of the following:

1) funds allocated to a candidate for the pre-election campaign by the CEC;
2) the candidate's own funds, which were not to exceed 1000 minimum monthly salaries (approximately US$11,000);\(^7\)
3) funds allocated to the candidate by the electoral association, electoral bloc, or initiative voters' group that nominated him; these funds were not to exceed 50 thousand minimum salaries (approximately US$573,000);
4) voluntary donations of individual persons, which were not to exceed 50 minimum salaries

\(^7\) The minimum monthly salary is set at 57,750 rubles (approximately US$11.36). Exchange rate $1=5036.50 rubles (Financial Times, 3 June 1996)
5 voluntary donations of legal entities, which were not to exceed 5000 minimum salaries (approximately US$57,000).

Total campaign expenditures were not to exceed 250 thousand minimum salaries (approximately US$2.87 million), including expenditures used for the second round of balloting. Some candidates alleged that President Yeltsin exceeded this ceiling prior to the first round. While these charges remain unsubstantiated, the multitude of Yeltsin advertisements in comparison with that of other candidates attested to the size of his campaign chest. Moreover, the linkage of Yeltsin's campaign with that of Moscow Mayor Yurii Luzhkov may have been a creative means of circumventing campaign finance limitations.

5.6 THE MEDIA

Under the Presidential Election Law, each candidate was entitled to 30 minutes of free air time on each of the state-controlled television channels. The CEC allocated the free air time in a random drawing. Candidates were allowed to purchase an additional 30 minutes on state television, and on the independent channels they were only limited by a cap on total campaign expenditures. The delegation concurred with independent media monitors that the "regulatory framework for media coverage was detailed and clearly aimed at fairness."

The election law explicitly prohibited government officials from using their office to influence the media. The delegation noted the vigorous complaints of opposition candidates that the electronic media was markedly slanted towards the incumbent President. Independent observers supported these allegations, noting such irregularities as President Yeltsin's firing of the Director of the All-Russian Television and Radio Company, the presence of the director of the independent NTV Television Company on Yeltsin's campaign staff, and, in particular, the high percentage of air time in evening news broadcasts devoted to the President. When the electronic media did cover opposition candidates, they were presented in an overwhelmingly negative tone. This sharply contrasted the ample praise given to Yeltsin's initiatives and campaign activities. Finally, the programming schedule on the eve of the election, a time in which campaign agitation was prohibited, evinced unmistakable anti-communist themes.

The delegation recognizes that in any campaign the incumbent bears a distinct advantage that enables him to exploit the visibility of his office to the fullest extent. However, the undue influence which the Russian President exercised over the broadcast media may have constituted an abuse of his office, and the delegation recommends that further institutional controls be put in place to insulate the media and better equip it to conform with accepted standards of providing fair and balanced campaign coverage.

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8 Central Election Commission, Regulations on the Procedure for Accounting of Receipt and Spending of Monetary Assets of Election Funds of Candidates for President of the Russian Federation, Article 3, §8, Resolution No. 73/605-II, 1 February 1996.
European Institute for the Media: Preliminary conclusions - Media coverage of the Russian presidential elections. 17 June 1996.
6. RECOMMENDATIONS

The holding of presidential elections in a free and fair manner and within the constitutionally mandated time frame reflected Russia's deepening commitment to democracy. The vast majority of polling stations were run efficiently and special care was taken to build voter confidence throughout the electoral process. The adoption and implementation of observer recommendations from prior elections by the CEC is to be highly commended. The use of a computer tabulation system was seen as an important move to secure the election from tampering and making the election process more transparent. The computer system's use indicated a willingness for innovation and the delegation believes that its introduction during the less procedurally complicated presidential election proved a wise and well timed decision. Throughout the political campaign, popular participation was generally spirited and peaceful, and it bespoke a broad spectrum of political activity in Russia. However, in order to improve future elections, the following recommendations are suggested by the delegation:

1) It is vital that state media sources provide more balanced coverage of the campaign. Equal standards of media coverage must be applied to all candidates for office, including the Head of State.

2) The CEC should take more direct steps to monitor and to enforce compliance with campaign finance laws. Specifically, the cap on expenditures should apply to all candidates for office, including the Head of State.

3) The use of electronic ballot boxes was seen as an important innovation to increase voter confidence, however, the machines need to be better positioned to ensure voter confidentiality when depositing ballots in the machines.

4) The CEC should continue voter education programs to ensure that the sanctity of the secret ballot is observed.

5) The CEC should expand programs to educate PSEC officials on enforcement of proper procedures, and, in particular, the prevention of open and group voting.

6) A deadline should be set, beyond which, no candidate may have their name removed from the ballot. Such a provision would prevent manual corrections to the ballot, which diminished the clarity of the ballot.

7) The layout of polling stations should be improved to avoid voter confusion. Polling stations that are free of congestion would enable PSECs more effectively to execute their duties and encourage voters to observe the sanctity of the secret ballot.

Andras Barsony,  
Head of Delegation