

REPORT ON THE
PARLIAMENTARY ELECTIONS IN
LATVIA
30 SEPTEMBER - 1 OCTOBER 1995

COPENHAGEN: 20 OCTOBER 1995

1. EXECUTIVE SUMMARY

These were Latvia's third competitive elections, and the second after regaining independence. Upon invitation, a Delegation from the OSCE Parliamentary Assembly monitored the elections.

The legislative framework for the elections was comprised of the recently adopted *Saeima Election Law*, and laws concerning the formation of electoral commissions, political party registration, campaign financing, and pre-election campaigning. The 100 members of the Saeima (Latvian Parliament) were elected using a proportional system. The 19 parties and coalitions which had submitted lists of candidates were required to obtain at least five percent of the vote to enter the Saeima.

According to the Election Law the following individuals were barred from running in the elections: Those who were active in certain pro-Soviet organizations after 13 January 1991; those unable to certify their proficiency in the Latvian language; and, those who had been salaried staff of the KGB and other foreign intelligence services. A total of 18 candidates were removed by the Central Election Commission. Chairpersons from four different parties were affected by the restrictions, with the Socialist Party being hit the worst.

The Delegation feels that there was confusion over how these provisions were being implemented. Many people were left with the impression that the procedure was unclear, and the provisions may have been implemented in an arbitrary manner. Nevertheless, the Delegation concludes that Latvian legislation provides good conditions for free and fair elections.

The Delegation was impressed with the performance of election officials at the 64 polling stations visited. With very few exceptions, voting booths were provided for, ballot boxes were safe, and the electoral processes appeared to proceed according to law. Based on its findings, the Delegation concludes that the 30 September and 1 October 1995 elections to the Latvian Parliament were free and fair.

The Delegation notes that a substantial number of persons living permanently in Latvia do not have citizenship in any state, and hopes that this situation will be satisfactorily resolved. The services of the OSCE are available in this matter.

The Delegation's press statement was published on 2 October 1995 [Annex 1].

2. DELEGATION

The Delegation of the Parliamentary Assembly of the OSCE monitored the elections in Latvia at the invitation of the Latvian Delegation to the OSCE Parliamentary Assembly. The President of the OSCE Parliamentary Assembly had appointed the following Delegation:

Peter KAPRAL	Austria	<i>Head of Delegation</i>
Pierre BEAUFAYS	Belgium	
Tiit KÄBIN	Estonia	
Raoul ÜKSVÄRAV	Estonia	
Ernesto STAJANO	Italy	
Pavel NEDRANKO	Moldova	
Andrei ZAKHAROV	Russia	

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

Pentti VÄÄNÄNEN	<i>Deputy Secretary General</i>
Jeffrey CARLSON	<i>Assistant</i>
Dan HINDSGAUL	<i>Assistant</i>

The Delegation was also accompanied by:

Marina Y. SVIRINA	<i>Advisor to the Russian Delegation</i>
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3. PROGRAMME

The programme was prepared together with the Latvian Delegation to the OSCE Parliamentary Assembly [Annex 2]. The Delegation met with the OSCE Mission to Latvia, the ODIHR, the Central Election Committee, the Saeima Legal Affairs Committee, the Saeima Legal Office, most of the political parties and the media. On the two election days, the Delegation deployed into three groups, visiting polling stations throughout Latvia.

4. POST-SOVIET ELECTORAL DEVELOPMENTS

Latvia regained independence and reinstated its 1922 Constitution in the midst of the unsuccessful August 1991 *coup d'état* in Moscow. The Constitution defines the division of powers between the various branches of government, and the formation and applicability of legislation. It calls for a unicameral legislative body (Saeima) of 100 deputies elected every three years. The President, elected by the Saeima, is the Head of State and appoints the Prime Minister, whose task it is to form the Cabinet of Ministers (Government). The Constitution also calls for an independent judicial system to be determined by law. The elections on 30 September - 1 October 1995 were Latvia's third competitive elections, and the second after independence.

4.1 THE 1990 ELECTIONS

During the pre-independence elections to the Supreme Soviet in 1990, the political monopoly of the Communist Party was successfully challenged by opposition forces united in the Popular Front of Latvia. Acting as an umbrella organization, the Popular Front fielded candidates from a number of nascent political parties for the elections. Candidates supported by the Popular Front won 131 out of 201 seats in the Supreme Soviet.

After independence, the large Popular Front was split into different factions and parties. These groups then developed more detailed political platforms before the first post-independence elections in 1993. In early 1993, several electoral unions and parties were formed, covering most of the political spectrum.

4.2 THE 1993 ELECTIONS

In the elections to the Saeima on 5-6 June 1993, the status of the Soviet-era immigrants was one of the main issues, along with Soviet troop withdrawal and economic reforms. Because of restrictions on citizenship, almost 30% of the resident population could not participate in the elections.

A total of 23 parties, movements and electoral alliances contested the 1993 elections, and eight of these secured seats in the Saeima [Annex 3]. Almost 90

percent of the electorate voted. The elections were labelled "free and fair" by international observers, with the Council of Europe referring to the citizenship issue as the "only outstanding problem."

5. PRE-ELECTION ENVIRONMENT

The pre-election campaign to the 1995 elections was dominated by two main issues. One was related to the early summer collapse of Latvia's largest bank, *Banka Baltija*, which had more than 20% of the population as its customers. The financial unrest ensuing the collapse, reduced public confidence in the financial sector as well as in the political establishment, which was widely seen as responsible.

The second main issue pertained to whether certain individual candidates should be prohibited from running. During the pre-election campaign, the media conveyed stories accusing several candidates of having been active in the KGB and other pro-Soviet structures. These candidates would then try to repudiate the allegations.

5.1 THE POLITICAL STATUS OF SOVIET-ERA IMMIGRANTS

Between 1945 and 1989 a large immigration of peoples from other parts of the Soviet Union took place. By 1989, almost half of the population were non-Latvians (primarily Russian-speakers from Russia, Ukraine and Belarus). This Soviet legacy had implications for the 1995 elections, as over one quarter of the population were unable to participate in the elections due to lack of Latvian citizenship [Annex 4].

According to legislation passed in October 1991, only citizens of the interwar republic (1918-1940) and their direct descendants could automatically become Latvian citizens. The remaining part of the population (almost 30%) had to wait for legislation on naturalization to be specified. In the summer of 1994 a *Law on Citizenship* was adopted, and the naturalization process of non-citizens started in February 1995. Some 400 persons were naturalized in time to participate in the elections. According to the Law, only after the year 2004 can all the app. 700,000 "non-citizens" apply for naturalization.

The rights to participate in general and local elections are not among the rights accorded to "non-citizen residents" in the 1995 *Law on the Status of Former USSR Citizens Who are not Citizens of Latvia or any other State*.

However, "non-citizens" can be active in political parties, provided that at least half the members are Latvian citizens, according to amendments to the *Law on Political Organizations (Parties)* from April 1995. Also, about one third of the non-Latvian population was able to participate in the elections. Being rooted in interwar Latvia, they qualified for Latvian citizenship. In addition, several political groupings claimed to represent the interests of the "non-citizens" in the elections.

6. ORGANIZATION OF THE ELECTIONS

Latvia's electoral legislation revolves around the recently adopted *Saeima Election Law*, and laws concerning the formation of electoral commissions, political party registration, campaign financing, and pre-election campaigning. The country was divided into five constituencies. A proportional system was used, and the 19 parties and coalitions were required to obtain at least five percent of the vote to

enter the Saeima.

The elections were administered by the nine member Central Election Commission (CEC). Each of the eight parties elected to the Saeima in 1993, were asked to nominate a member to sit on the CEC, along with one Supreme Court justice. The CEC oversaw the 26 district and five city election commissions, as well as some 950 local polling commissions established at each polling station. Each of the subordinate commissions were made up of seven members.

Each polling commission received a detailed instruction booklet and a copy of the election law, as well as other informational materials to hang up at the polling stations [Annex 5]. Election officials also attended training seminars.

6.1 NOMINATION & REGISTRATION OF CANDIDATE LISTS

Only officially registered political organizations (parties) or associations of these (coalitions) were allowed to nominate candidates. Amendments to the *Law on Political Organizations (Parties)* from April 1995, raised the minimum number of members a political organization must have from 10 to 200.

The parties or coalitions placed their nominations on a list, or a joint list of two or more parties. All 19 parties and coalitions that submitted lists of candidates were registered by the CEC, and each received a number, 1-19 drawn by lot. Separate lists of candidates were submitted for each constituency, with the number of candidates on each list not exceeding the number of seats allotted for that region. However, candidates were allowed to run in more than one constituency, which allowed high profile personalities to top the list of their party or coalition throughout Latvia.

Every list had to pay a security deposit of 1000 lts (app. 1,862 USD). This was considered a rather large sum by some of the smaller parties. The deposit was returned if the list topped the five percent threshold.

6.2 RESTRICTIONS OF CANDIDATES

Three clauses under Article Five of the Election Law, restricting certain individuals from running in the elections, aroused a great deal of controversy [Annex 6]. These clauses dealt with participation in Soviet and pro-Soviet institutions and organizations, as well as Latvian language requirements. Fifteen candidates were removed from party lists for violating one of the three clauses, and two party chairmen refrained from running due to these clauses. In total, 18 candidates from six submitted lists were prohibited from running by the CEC [Annex 7].

The Implementation of Article 5.5

Article 5.5 *Persons are not to be included on candidate lists and are not eligible to the Saeima if they belong or have belonged to the salaried staff of the USSR, Latvian SSR or foreign state security, intelligence or counterintelligence services.*

The chairman of Labor and Justice apparently refrained from running due to Article 5.5. He was not included on the coalition's list, because he had served as an officer in the KGB. The coalition presented a petition with 15,000 signatures asking for an exception in the Election Law, which was not granted. It appears possible, that his exclusion from the elections may have prevented the coalition (which received 4.6% of the vote) from reaching the five percent threshold.

Accusations of KGB and Soviet intelligence involvement against other personalities have been reported. Many of Latvia's Soviet-era intelligence files are inaccessible (behind closed doors in Moscow), and without the means to investigate each candidate, it was claimed that this clause was not implemented uniformly.

The Implementation of Article 5.6

Article 5.6 *Persons are not to be included on candidate lists and are not eligible to the Saeima if they after 13 January 1991 have been active in CPSU (CP of Latvia), Working People's International Front of the Republic of Latvian SSR, the United Board of Working Bodies; Organization of War and Labor Veterans; All-Latvia Salvation Committee or its regional committees.*

The implementation of this provision received the most controversy since all but one of the candidates removed by the CEC came from a single party. The Socialist Party lost 12 of their candidates to this clause, three of whom were elected to the Saeima in 1993. They were accused of supporting the August 1991 *coup* leaders or of being active in pro-Soviet organizations after 13 January 1991. Banned candidates included former head of the Communist Party, who was recently sentenced to 8 years in prison for his role in the August 1991 *coup* attempt. The Socialist party also lost both its co-chairpersons.

The chairman of the Latvian Union Party was the thirteenth candidate to be removed from a list for violations of this Clause [Annex 8].

The Implementation of Article 5.7

Article 5.7 *Persons are not to be included on candidate lists and are not eligible to the Saeima if they have not mastered the national language to the highest (third) level of competence.*

While only two candidates were removed from party lists by the CEC (one was reinstated by the courts), many others were prohibited from running due to Article 5.7. The chairman of the Popular Movement For Latvia could not top his party's list, because he lacked the necessary Latvian language skills.

6.3 SPECIAL PROVISIONS FOR KGB COLLABORATORS

Article 15.4 of the Election Law requires the CEC to publish the names of those who "could have collaborated with the USSR, Latvian SSR, or foreign state security, intelligence or counterintelligence services" (i.e., KGB), while allowing them to run for office. The *Latvian Center for Consequences of Totalitarianism*, which keeps the archives containing the names of such collaborators, was responsible for reporting these names.

In all 15 candidates were listed by the CEC. All of these candidates have refuted these charges and are waiting to clear their names in court, at which time it is up to the candidate to prove his or her own innocence.

Article 15.4 in the Election Law could not be implemented uniformly, since a large part of the KGB files were removed to Moscow and are unaccessible. Moreover, this Article makes no provisions for publishing the degree of collaboration.

6.4 PRE-ELECTION CAMPAIGNING: PARTY FINANCING & THE ELECTRONIC MEDIA

After the 1993 elections, observers from the CSCE commented on the lack of specific regulations concerning the financing of political parties and access to TV slots. In August 1995 legislation was adopted to address these two issues. The *Law on Financing Political Organizations (Parties)* limited financing from abroad or

public resources, and required parties to report their finances by 1 September 1995. The *Law on Pre-Election Campaigning* sought to level the playing field by regulating state run radio and TV channels (but not private ones), and granted free time on these channels to political parties represented in the campaign.

6.5 POLLING PROCEDURES

Voting took place over two days on Saturday, 30 September, and Sunday, 1 October. The polling stations opened at 8 a.m. and closed after all voters who entered before 8 p.m. had left. Before the polls open, the ballot boxes were checked and sealed. Each electoral commission had its own seal, and authorized party observers were allowed to sign the seal or place their own on the box. On both Saturday and Sunday nights the ballot boxes remained in the polling station under the supervision of the commission, police and/or national guard.

From the time voting began, the secretary of the polling commission was required to record electoral operations in the minutes. During the voting period, it was the duty of the chairperson to keep order and to ensure that there was no campaigning or other public disturbances within 50 meters of the polling station.

Upon entering the premises, each voter's passport was checked to ensure eligibility and that there was no stamp for the current elections. Voters had to be 18 years old and a Latvian citizen on election day. As Latvia does not use separate voter identification, Latvian passports were used. Latvian citizens without passports had to bring their former USSR passport (domestic), supplemented with a note from the Citizenship and Immigration Department certifying their Latvian citizenship. Voters were allowed to choose freely where to vote.

The name and identification number of the voter was recorded and signed by the voter, and a stamp was placed in his or her passport. Each voter received 19 ballot papers, one for each party or coalition lists of candidates. They chose one ballot paper, to which they were allowed to do one of three things:

1. place a "+" mark indicating support for a particular candidate;
2. cross out the first or last name of a candidate to demonstrate a particular lack of support for a candidate; or,
3. leave the ballot sheet unaltered.

The list was placed in the voting envelope, which was sealed and given to the a member of the polling commission, who then inserted it into the ballot box in the presence of the voter.

Beginning after the polls closed on Sunday, there were two days of vote counting. The sanctity of the balloting was ensured through the envelopes. All the used and unused envelopes were counted, and unused envelopes were cancelled. The used envelopes were then opened, and the ballot papers were sorted by number and counted. The invalid ballots were set aside. After reporting the number of votes for each party list to the district election commission, the ballots and envelopes were stored, under guard, overnight in the sealed ballot box.

On Monday morning, the second day of counting, the polling commissions re-counted the ballots and then arranged the candidate lists based on voter

