



**LIMITED ELECTION OBSERVATION MISSION**  
**Mongolia — Presidential Election, Second Round, 7 July 2017**

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**STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

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**PRELIMINARY CONCLUSIONS**

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The first-ever presidential runoff took place against the backdrop of legal uncertainty. Positively, the General Election Commission issued clarifying regulations and, against the time constraints, administered the election in an efficient manner. The period between the two rounds was tainted by instances of blurring the line between governing and campaigning, as well as widespread allegations of vote-buying. Campaigning, although the law was widely interpreted as prohibiting it, was predominantly carried out online or through direct engagement with voters and remained antagonistic. Calling on voters to cast blank ballot in protest was a distinct feature of the runoff. The election day itself was orderly, and knowledgeable polling station staff efficiently facilitated voting.

On 27 June, the General Election Commission (GEC) announced preliminary results of the first round. As none of the contestants obtained the majority of votes, the second round between the candidates nominated by the Democratic Party (DP) and the Mongolian People's Party (MPP) was scheduled for 9 July. In a response to several requests, the GEC soon moved the runoff date to 7 July.

The second round took place in the wake of a highly-charged campaign that preceded the first round of the election. Widespread allegations of candidates' involvement in corruption, as well as expressions of doubt in the accuracy of the electronic vote counting equipment, the perceived political bias of election officials, and overwhelming rumours of vote-buying weakened confidence in the electoral process.

The electoral legal framework generally provides an adequate basis for holding democratic elections, yet it contains only a few provisions explicitly pertaining to a runoff. Most importantly, the absence of provisions regarding the campaign between the two rounds was widely interpreted as a prohibition of campaign activities. These omissions, coupled with the novelty of a presidential runoff, led to confusion amongst stakeholders and voters.

The GEC made commendable efforts to address legal ambiguities and to provide guidance to lower-level commissions. Election materials, including electronic vote counting equipment, were prepared within the condensed timeframe. The GEC and some lower-level commissions took measures to inform voters about the election date and to motivate them to vote.

A total of 1,982,733 voters were registered for the runoff, including 7,209 citizens registered abroad. Voters who turned 18 between the rounds were added to the voter lists, while the deceased were removed. No new temporary transfer of voters from one polling station to another was permitted prior to the runoff. Updated voter lists were delivered to all polling stations prior to election day.

As a perception prevailed that no campaigning is allowed between two rounds, the candidates opted for low-key campaign activities. The DP and MPP focused on door-to-door canvassing and used social media to reach the voters. The MPP candidate capitalized on his position as the speaker of parliament in a way that blurred the line between his official functions and campaigning.

The political discourse between the two rounds centred on voter turnout and the prospect of casting blank ballots as a form of protest in order to trigger a new election. While the DP and MPP actively opposed the idea, the MPRP endorsed the blank ballot strategy to gain political leverage. The GEC,

meanwhile, issued a resolution equating the “blank ballot” initiative with campaigning which, it stated, was prohibited by law.

Defamation and libel were decriminalized on 1 July. However, fines for such offences remain disproportionately high and apply to online posts by individuals as well. Media continued the tendencies observed in the first round, displaying a biased approach towards the contestants.

The OSCE/ODIHR LEOM was informed about a large number of complaints on vote-buying filed with TECs, DECAs and the police. Prominent police investigations on alleged illegal financial dealings that impacted the pre-election environment prior to the 26 June polls were not resolved before the runoff.

Election day proceeded in an orderly manner and procedures were followed in the polling stations visited by the OSCE/ODIHR LEOM. At times, they observed vigorous efforts of local and election administration as well as parties to raise the turnout. The GEC started to release aggregated preliminary results immediately after the automated count, but did not publish them broken down to the district or polling station level, thus curbing the possibility of independent scrutiny.

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## **PRELIMINARY FINDINGS**

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### **Background and Post-Election Developments**

The first round of the presidential election took place on 26 June. The campaign for the first round featured three candidates, one each from the Mongolian People’s Party (MPP), the Democratic Party (DP), and the Mongolian People’s Revolutionary Party (MPRP).<sup>1</sup> Years of declining economic growth, high unemployment, and burgeoning public debt formed a notable backdrop to the election.

On 27 June, the General Election Commission (GEC) announced the results for each candidate: DP 517,478 votes (38.11 per cent), MPP 411,748 votes (30.32 per cent), and MPRP 409,899 votes (30.19 per cent); 18,663 (1.37 per cent) voters cast a blank ballot. Thus, given a lack of a winner, the DP and MPP candidates advanced to the second round. The voter turnout was 68.27 per cent, notably lower than in the parliamentary elections just a year ago, contributing to the widespread apprehension that the voter turnout might be below the legally binding 50 per cent threshold in the runoff.

The DP and MPP accepted the outcome of the first round, while publicly citing campaign irregularities. The MPRP listed numerous instances of alleged wrongdoings, claimed the election fraudulent and its results illegitimate. The MPRP also declined to endorse either of the other two candidates in the runoff.

The second round took place in the wake of a highly charged campaign that officially ended 24 hours before the 26 June election day. Prior to the first round, allegations of candidates’ involvement in corruption and state capture, vote-buying and misuse of administrative resources overshadowed meaningful discussion of the candidates’ merits and programmes. These accusations, coupled with questioning of the accuracy of the electronic vote counting equipment, quality of voter lists, and the perceived political bias of election officials undermined confidence in the electoral process, while the novelty of the second round and the underdeveloped legal framework for conducting a runoff led to considerable confusion.

The first round showed a clear urban-rural divide. The MPP and MPRP largely divided the countryside

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<sup>1</sup> Only parties represented in the parliament had the right to nominate a candidate for the presidential election. Following the 2016 parliamentary and local elections, the MPP has 65 out of 76 seats in the parliament and holds majorities in most provincial and local citizen’s representative assemblies. The DP has nine seats in the parliament and retains 1 of the 21 provincial governors. The MPRP has one seat in the parliament.

between them, while the DP carried Ulaanbaatar, reinforcing its long-standing sway over urban voters.<sup>2</sup> There were notable changes in the voting patterns in many areas of the country, compared to just a year ago.<sup>3</sup>

### Tabulation of the First-Round Results

After the end of voting on 26 June, the Precinct Election Commissions (PECs) closed the electronic vote counting equipment, printed count totals, and transmitted preliminary results to the GEC over a secure network. Approximately half of all polling stations were subject to a manual recount.<sup>4</sup> The results of recounts were relayed to the respective District Election Commission (DECs) immediately and, according to the GEC, confirmed electronic tabulation.

The GEC received preliminary results from the PECs throughout the evening and until early the following morning. The lack of network coverage and difficulties in operating satellite transmitters prevented some rural polling stations from sending results immediately.<sup>5</sup> In addition, in Bayan-Ulgii *aimag*, several manual recounts were conducted prior to submitting results, contrary to GEC procedures and the Law on Elections.<sup>6</sup> These delays formed the basis for the MPRP's implication that results had been manipulated.<sup>7</sup> In response, the GEC decided to recount in Bayan-Ulgii in the presence of observers the additional 47 precincts that had not been recounted on election night.<sup>8</sup> Recounts confirmed the figures from election day.

Preliminary results were televised live from the GEC throughout election night, yet it was not until the evening of 30 June that the GEC placed this data online, and only at the level of the *aimags* and the nine districts of Ulaanbaatar.<sup>9</sup> This approach did not offer to citizens sufficient means to scrutinize results, in contrast with international standards for transparency and access to information.<sup>10</sup>

On 27 June, the GEC set the second round for 9 July. After receiving multiple requests to schedule the runoff for an earlier date, the GEC, in an emergency session, decided to move election day to 7 July.<sup>11</sup> With national holidays celebrated for a week between 10 and 16 July, bringing the election day forward

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<sup>2</sup> The DP candidate obtained the highest percentage of votes in the out-of-country voting (63.19 per cent), in his native Bayankhongor *aimag* (60.44 per cent), and Ulaanbaatar's Bayangol district (50.59 per cent). The MPP candidate dominated in Ulaanbaatar's Bagakhangai district (56.26 per cent), Kazakh-populated Bayan-Ulgii *aimag* (49.88 per cent), and in Uvs *aimag* (49.46 per cent). The MPRP candidate performed best in resource-rich Umnugovi *aimag* (42.83 per cent), Orkhon *aimag* (42.82 per cent), and Dundgovi (46.03 per cent).

<sup>3</sup> For example, support of the DP has considerably increased in Govisumber *aimag* (province) (by 38.41 per cent), in Dornogovi *aimag* (by 31.85 per cent) and in Arkhangai *aimag* (by 21.44 per cent). The largest swing in the MPP's favour was observed in Bayan-Ulgii (11.03 per cent) and Khovd (7.67 per cent).

<sup>4</sup> The Law on Election (LoE) requires DECs to randomly select up to 50 per cent of the polling stations for a manual recount. On 23 June, the GEC instructed commissions to select the maximum of 50 per cent.

<sup>5</sup> A network cable was also sabotaged in Tsogt *soum* (county), Govi-Altai *aimag*, delaying the receipt of the data from the last polling station until 09:10 on 27 June.

<sup>6</sup> According to the GEC, PECs did this because of the distances involved in finding both a sufficient network signal and transporting materials to the DEC. To not travel twice, these PECs decided first to complete the manual count, regardless of the fact that they had not yet sent in their preliminary results data.

<sup>7</sup> During the election night, MPRP supporters attempted to force their way into the GEC, protesting the result, leading to a standoff with the state security personnel. The stand-off ended peacefully.

<sup>8</sup> The MPRP refused to observe the recounts.

<sup>9</sup> The disaggregated data per polling station was not published.

<sup>10</sup> Paragraph 19, [United Nations Human Rights Committee \(CCPR\) General Comment \(GC\) No. 34 to the International Covenant for Civil and Political Rights \(ICCPR\)](#) states: "[...] (s)tates parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information". See also paragraph 20 of [CCPR GC 25 to the ICCPR](#).

<sup>11</sup> Petitioners requested the election day be moved to 4 July (MPRP) and 6 July (DP) and two DP-leaning civil society organizations. In its decision, the GEC did not cite a reason why it acquiesced to bring the election day forward, noting only that, considering the time needed to organize the voting, the election could take place no earlier than 7 July.

may have engendered higher voter participation but significantly compressed the timeline for organizing the runoff.

### Legal Framework for the Second Round

The legal framework generally provides an adequate basis for holding democratic elections, yet the LoE contains only few provisions explicitly regulating a presidential runoff.<sup>12</sup> There are no specific provisions regarding voter lists, requests for mobile voting, observer accreditation, and, importantly, the LoE is silent regarding the campaign between the two rounds. The GEC, through an instruction, provided guidance on the organizational aspects of the election. There was a consensus among the authorities that exercise oversight, political parties and media, that campaigning is not allowed. This view was based on interpretation of different provisions of the LoE.<sup>13</sup>

As in the first round, if the nationwide turnout of 50 per cent is not reached, repeat polling is to be conducted within a week in polling stations where the turnout was below this threshold. Such a provision appears to conflict with international standards on equal suffrage and non-discrimination.<sup>14</sup> If in the second round no candidate receives the absolute majority of valid votes cast, including blank ballots, the election is cancelled and a new election must be held.<sup>15</sup> The LoE lacks clarity as to when the date of the new election must be set.

### Election Administration

The system of electoral administration was the same as for the first round.<sup>16</sup> Relatively few personnel changes at the lower levels of commissions were caused by personal circumstances.

The GEC performed all tasks for the second round within the short timeline, including designing, printing and distributing ballots, securing and delivering election materials to lower-level commissions, conducting a voter education campaign, and refurbishing and updating voting equipment. Preparations for the runoff were complicated by the widespread loss of power in the central region of the country between the rounds. Organizing out-of-country voting was particularly challenging, as there was little time to inform voters abroad; ballots needed to be delivered to 45 diplomatic missions in 32 countries before the start of voting on 4 July.<sup>17</sup>

TECs, DECs, and to some extent PECs remained operational between the first and second rounds. The OSCE/ODIHR LEOM received a range of different interpretations from those interlocutors on the status of voter lists, on mobile voting, issuing voter invitations and other fundamental issues, highlighting the initial confusion in organizing a runoff. On 30 June, the GEC issued additional guidance and new instructions for election officials, including on mobile voting, observer accreditation,

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<sup>12</sup> The legal framework for the presidential election consists primarily of the 1992 Constitution, the 2015 Law on Elections as amended in 2016, the 2006 Law on the Central Election Body, the 2011 Law on the Automated Election System, and the 2005 Law on Political Parties. Relevant legal provisions of the Criminal Code, the Law on Petitions, the Law on Administrative Procedures are also applicable.

<sup>13</sup> The GEC stated to the OSCE/ODIHR LEOM that the LoE establishes a 20-day campaign period, therefore the provision cannot be applicable to the second round. See also section *Media*.

<sup>14</sup> Equal suffrage is enshrined in [ICCPR](#) Article 25. Denying eligible voters the right to vote in repeated polling just because their polling station exceeded the 50 per cent turnout requirement on the initial day of voting, while affording that right to others within the same electoral constituency, is discriminatory on the basis of residence location and contrary to equal suffrage principle.

<sup>15</sup> According to Article 99.5 of the LoE, all ballot papers read by vote counting equipment, including blank ballots, are considered valid.

<sup>16</sup> The election administration consists of the GEC, 22 Territorial Election Commissions (TECs) at the level of *aimag* and Ulaanbaatar, and 339 DECs at the level of *soum* and *duureg* (city district), and 1,983 PECs.

<sup>17</sup> The out-of-country voting took place from 4 to 5 July. As of election day, some overseas ballots had yet to arrive back to the GEC from diplomatic missions abroad.

voter education and PEC remuneration. TECs swiftly communicated this information to the DEC and PECs.<sup>18</sup>

Unlike in the run-up to the first round, the GEC did not always announce its meetings in advance, including both sessions where it decided on the election date. The publication of decisions and other important information on its website was less timely between the two rounds. Given the public's heightened interest in the election results and the second round, the lack of information and reduced transparency at this juncture was lamentable. Positively, however, the GEC held a live press conference on 3 July to provide clarity on the reasons for the delays of preliminary results from Bayan-Ulgii on election night.

The GEC produced TV and radio spots to inform and motivate voters. The GEC also arranged for text messages with information about the runoff. TECs were encouraged to undertake parallel voter information campaigns. Many did, although some referred to a lack of funding and did not implement additional measures. Some lower-level commission appealed to voters directly to inform them of election day and encourage participation.

The GEC inspected and prepared all Vote Counting Equipment (VCE) prior to the second round. The GEC again tested the VCE, although not in the presence of observers, and often only at the local level.<sup>19</sup> The GEC also sent additional instructions to polling station staff on closing the VCEs and transmission of preliminary results. The GEC also notified local administrations of the possibility of using the state fund communication network as an alternative for results transmission on election night.

### **Voter Registration**

A total of 1,982,733 voters were registered for the runoff, including 7,209 citizens registered abroad.<sup>20</sup> Voter lists were derived from extracts of the National Civil Registration and Information Database. For the second round, voter lists were amended only by removing voters who had died since the lists were finalized in the run up to the first round and adding voters who would be 18 years of age by 7 July. For the first round, 1,927 voters transferred their place of voting to another area of the country. These changes were also applied to the runoff. Voters were not permitted to submit new requests to transfer their polling station, nor could any of the changes for the first round be undone. Given that there were only eight days between the decision to hold the runoff and the start of voting, this appeared to be the most appropriate option available to the election administration.

OSCE/ODIHR LEOM interlocutors differed greatly on whether voters could again review the lists. In the end, updated voter lists were delivered to PECs a few days prior to the election, rendering any public scrutiny difficult.<sup>21</sup>

### **Campaign and Campaign Finance**

The legal lacuna pertaining to campaigning between rounds was interpreted conservatively by most stakeholders, leading to low-key campaign strategies. There were no rallies, and street advertising largely disappeared.<sup>22</sup> The DP and MPP relied on informal door-to-door canvassing.

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<sup>18</sup> For example, in Khentii the OSCE/ODIHR LEOM observed on-line conferences between the TEC, DEC and PECs. The TEC used those opportunities to address other questions and receive feedback from DEC and PECs.

<sup>19</sup> Equipment from 5 *aimags* and Ulaanbaatar was returned briefly to the GEC, while in 16 *aimags* the equipment was serviced locally by the GEC IT staff.

<sup>20</sup> Registration of voters abroad was simply extended from the first to the second round of polling.

<sup>21</sup> However, voters who reviewed the lists prior to the first round of voting had a reasonable expectation of being on the revised list. Additionally, voters could check their information online.

<sup>22</sup> However, the OSCE/ODIHR LEOM observed that on-street advertisement remained in Bayan-Ulgii between the first and second round of election.

The political discourse between the two rounds centred on voter turnout and the prospect of casting blank ballots. Potential turnout became an issue because of a misperception that the failure to meet the 50 per cent threshold would lead to the cancellation of the election and the announcement of a new election.<sup>23</sup> The DP viewed this eventuality as detrimental to its candidate.

The casting of blank ballots was initially broached on social media prior to the first round as a method of indicating voter dissatisfaction with all three candidates. For the runoff, the narrative changed to casting blank ballots to prevent either of the remaining two candidates from obtaining the required 50 per cent plus one from all valid votes cast to trigger a new election. The initiative to cast blank ballots gained considerable momentum under the name of *Tsagaan Songolt* (White Choice) and had a notable presence on social media, a key source of information for young urban voters.<sup>24</sup> It was also picked up by traditional media, with *TV9* (MPRP-leaning), *Mongol TV* (neutral) and to a lesser extent *Eagle News* (MPP-leaning) endorsing the initiative, while *C1* (DP-leaning) strongly opposed it.<sup>25</sup>

The MPRP candidate endorsed the idea of *Tsagaan Songolt* in a press conference on 30 June. The MPRP appealed to its supporters to cast blank ballots as an expression of protest against the results of the first round. Furthermore, the MPRP developed a five-day outreach schedule, which included speeches by the candidate and the party chairman, media outreach, and work with possible supporters from the MPP encouraging them to cast blank ballots.

As candidates did not directly engage with the voters between rounds, there was little opportunity to elaborate on their respective platforms pre-approved by the State Audit Office (SAO). But the ongoing parliamentary session allowed the MPP candidate to capitalize on his position as the speaker of the parliament, to address a range of socially pressing issues and to advertise his past achievements in office.<sup>26</sup> A parliamentary discussion on social security provided the MPP-controlled government with an opportunity to highlight its economic programmes. On 4 July the government approved a number of measures aimed at increasing its popularity, such as distributing shares in the state-owned ore-mining and ore-processing enterprise to the populace, waiving public transport fees for the elderly and the disabled, making significant cuts to electricity tariffs for large segments of the population, and distributing cash payments to Mongolian children. For the latter, MNT 161.5 billion (EUR 61.2 million) was transferred on 6 July and by midday on election day. These activities unquestionably blurred the line between governing and campaigning.

A request by the DP to their candidate to “free Mongolians from the burden of personal debt” (a point not present in the original DP platform) was an example of indirect campaigning.

After the first round, candidates continued negative campaigning online, yet predominantly through third-party pages and websites. Candidates’ official *Facebook* and *Twitter* pages mostly refrained from referencing campaign activities, but sponsored political content was highly visible. Social media was used to disseminate allegations of misconduct by officials and to circulate campaign-related documents.<sup>27</sup>

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<sup>23</sup> On 3 July, the OSCE/ODIHR LEOM met with more than 30 party representatives and election officials across eleven *aimags* and Ulaanbaatar, asking for clarification on the ramifications of a less than 50 per cent turnout. The majority of respondents believed, incorrectly, that a new election would have to be called.

<sup>24</sup> Between 27 June and 7 July, some 20,000 tweets and retweets featured #*TsagaanSongolt* hashtag.

<sup>25</sup> *Mongol TV* and *TV9* have devoted 11 and 9 per cent of the political news coverage explaining the blank ballot alternative, at times highlighting it as the only viable option. By contrast, *C1* devoted 6 per cent of the news coverage to criticizing the *Tsagaan Songolt* initiative.

<sup>26</sup> Of a particular importance was the MPP candidate’s speech at the closing of the parliament’s spring session on 6 July, in which he recounted the government’s achievements, alluded to his campaign slogans, and criticized the DP. Parts of his speech were broadcast by the media, and the entire speech was published in *Undriin Sonin* newspaper on election day. Another speech was delivered during the parliamentary session on 30 June.

<sup>27</sup> For example, the MPP affiliated Minister of Health was accused of sending ministry workers to regions to campaign. There were also videos, purportedly showing vote-buying and harassment of DP voters by police.

The SAO did not include the possibility of a second round in the calculation of campaign financing limits. The MPP and DP, and also, in some *aimags*, the MPRP, continued to operate offices, maintain campaign staff and run social media campaigns. Party interlocutors indicated to the OSCE/ODIHR LEOM that there were shortfalls in funding and some campaign staff had not yet been paid. As in the first round, parties did not disclose adequate information concerning their campaign financing.

## Media

Defamation and libel were decriminalised as of 1 July, and replaced with civil liability. However, the new Law on Administrative Offences contains disproportionately high fines, while the legal definitions remain vague. Moreover, sanctions are extended to online posts by individuals. On 1 July, several prominent media organizations called for the replacement of fines for defamation and libel with a self-regulatory mechanism.

The LoE does not explicitly regulate or prohibit campaigning in media before the second round. On 27 June, the Communications Regulatory Commission (CRC) issued a non-binding recommendation advising media to refrain from broadcasting paid political advertisement and not to air “news about the contestants” until after election day.<sup>28</sup> Moreover, just four days prior to the polls, the Authority for Fair Competition and Consumer Protection (AFCCP) requested the CRC to suspend a license of *TV9* until the end of election day.<sup>29</sup> Such a broad interpretation of the law constitutes an undue restriction on the freedom of expression and is not in line with international commitments.<sup>30</sup>

The media did not officially sell airtime before the runoff. However, a number of current affairs programmes were broadcast just a few days prior to the election, effectively serving as campaigning platforms for candidates. For example, *Eagle News* and *TV5* generously featured the MPP candidate, while *CI* promoted the DP.<sup>31</sup> None of the candidates’ statements was subjected to in-depth analysis or assessment.

Overall, media monitored by the OSCE/ODIHR LEOM mirrored the tendencies observed prior to the first round by displaying the same approach towards contestants and their nominating parties.<sup>32</sup> While *Mongol TV* and *TV 5* neutrally covered both contestants, *Eagle News* criticized the DP and its candidate, highlighting the previous DP government’s failures.<sup>33</sup> By contrast, *CI* was clearly biased

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<sup>28</sup> The CRC based its recommendation on the article 70.9 of the LoE, which prohibits campaigning until the end of re-polling or additional polling. However, the Article 105 of the LoE, which provides the legal basis for the second round, does not define it as re-polling or additional polling. In addition, Article 82.14 does not define news coverage of the candidates as campaigning.

<sup>29</sup> The AFCCP publicly announced that it had based such decision on *TV9*’s critical coverage of DP and MPP, and highlighting the option of casting a blank ballot. The decision and the monitoring results, which served as a basis for such decision, were not published, undermining the transparency of the AFCCP. The CRC has not considered the AFCCP’s request by the end of the polling.

<sup>30</sup> Paragraph 25 of the [CCPR GC No. 25 to the ICCPR](#) states that “To ensure the full enjoyment of rights protected by article 25, free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential”. See also paragraph 13 of the [CCPR GC No. 34 to the ICCPR](#).

<sup>31</sup> For example, on 4 July *Eagle News* and *TV5* broadcast a seven-minute statement by the MPP candidate, where he refuted claims about a preferential treatment in the MNB’s presidential debate prior to the first round, denied allegations of corruption, and, in his turn, accused the DP candidate of illicit financial dealings. The clip was also circulated on social media. Same TV stations on 5 July broadcast a current affairs programme that sharply criticized the DP and speculated on the negative consequences of the DP candidate’s possible victory. On 3 and 4 July, *CI* broadcasted programmes that were highlighting the achievements of the DP and were calling to vote on election day.

<sup>32</sup> The OSCE/ODIHR LEOM resumed the media monitoring of the broadcast media on 27 June and print media on 28 June. The sample of media monitored included public broadcaster *MNB*, five commercial television channels (*CI*, *Eagle News*, *Mongol TV*, *TV5* and *TV9*) and five private newspapers (*Udriin Sonin*, *Unuudur*, *Zuunii Medee*, *Unen* and *Zasgiin Gazryn Medee*).

<sup>33</sup> *Eagle News* has devoted 19 per cent of the news coverage to the MPP and its candidate that was positive or neutral in tone. The DP and its candidate received 12 per cent of such coverage, overwhelmingly negative in tone. Additional 8 per cent of the news coverage highlighted failures of the previous DP government.

against the MPP and its candidate.<sup>34</sup> While *TV9* was also strongly critical of the MPP, it mainly served as a platform for the MPRP and its candidate to express dissatisfaction with the electoral process.

The public Mongolian National Broadcaster largely refrained from covering the contestants. However, some 36 per cent of politically relevant coverage within the news was devoted to the government's activities and additional 22 per cent to the MPP's parliamentary work. As this coverage mainly pertained to the MPP's social initiatives and was positive in tone, the MPP candidate benefited from it. The DP and its candidate received four per cent of MNB's news coverage, mostly negative in tone.

## **Complaints and Appeals**

The deadlines for challenging election administration decisions and actions are overly long and discordant with the timeframe for conducting the second round. This effectively precludes legal redress and creates uncertainty over the outcome of the election and the status of the candidate elected to office.

Between the two rounds, the GEC received some 15 complaints, requests and petitions from parties and private citizens, including on the change of the runoff date, requests for recounts, and petitions requesting to declare the call to cast blank ballots illegal.<sup>35</sup> The GEC deemed such calls to constitute undue influence that restricts the free expression of the voters' will and prohibited by the LoE.<sup>36</sup> Overall, the GEC handled complaints in a swift manner. However, the corresponding decisions did not contain complete legal reasoning and were not made public. The GEC also displayed some inconsistency in handling complaints.<sup>37</sup>

The OSCE/ODIHR LEOM was informed about a large number of complaints on vote-buying filed with TECs, DEC's and the police. Prominent police investigations on alleged illegal financial dealings that impacted the pre-election environment prior to the 26 June polls were not concluded before the runoff.<sup>38</sup>

## **Election Day**

On election day, voting was orderly and calm. Observers from the MPP and DP were present in every polling station visited by the OSCE/ODIHR LEOM, while citizen observers followed election day proceedings only in some places in Ulaanbaatar.<sup>39</sup> Few complaints were filed at the polling stations visited by the OSCE/ODIHR LEOM.

All polling stations visited were staffed with the requisite number of commissioners, voter registration officers and IT technicians, despite earlier concerns expressed to the OSCE/ODIHR LEOM. Female polling workers outnumbered men. While additional measures were taken to facilitate voting of

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<sup>34</sup> *CI* devoted 27 per cent of news coverage to the MPP and its candidate, mainly negative in tone, while DP and its candidate received 22 per cent of mainly positive and neutral coverage.

<sup>35</sup> Other requests concerned election day procedures and requests for de-registration of the DP candidate for breach of campaign provisions. The MPRP also submitted a request to the parliament calling for a dissolution of the GEC.

<sup>36</sup> The case of the MPRP candidate that publicly advocated for blank votes was referred by the GEC to the police.  
<sup>37</sup> Prior to the first round and between the rounds, the GEC promptly transferred complaints on the MPRP candidate to the police, while plaintiffs asking for de-registration of the DP candidate were instructed by the GEC to address their complaints to the police themselves.

<sup>38</sup> The case against the MPRP candidate regarding alleged illegal funding of the campaign was returned for the second time by the court to the police for further investigation, and is still pending. The police are still investigating the case of MNT 1.08 billion confiscated on 24 June on suspicions that the funds were to be used by the DP for bribing voters, and the case involving a leaked recording alleging the MPP candidate's involvement in a scheme to sell government offices for MNT 60 billion.

<sup>39</sup> The Civil Society Coalition for Fair Elections observed in 20 polling stations in Ulaanbaatar.



visually impaired voters, many polling stations visited by the OSCE/ODIHR LEOM were inaccessible to persons with limited mobility.

Voting procedures were largely followed, including the use of indelible ink as an additional check against possible multiple voting in the capital.<sup>40</sup> The ballot secrecy sleeves caused less confusion during the second round. A few days prior to the runoff, the GEC instructed polling stations to collect all voter registration slips.<sup>41</sup> This last-minute step to address concerns of vote-buying appeared to be effectively communicated to and respected by the PECs, although sometimes causing voters' discontent.

The OSCE/ODIHR LEOM observed vigorous, at times even intrusive, mobilization efforts by election commissions and local administrations to drive voters to the polls.<sup>42</sup> Observers also witnessed bussing of voters by parties and other endeavours to increase the turnout.<sup>43</sup>

In most of the country the vote counting equipment (VCE) operated without issues. However, ballot papers in *Tov aimag* were printed with an incorrect security barcode, and consequently could not be accepted by the VCE. Voting continued by casting ballots into the auxiliary chamber in the ballot box. To remedy the situation, the GEC reprogrammed the equipment of all 84 polling stations in the *aimag* by afternoon, which allowed to electronically process all ballots. As in the first round, half of polling stations (and, in *Tov*, all of them) were subject to manual recounts that confirmed the results produced by the VCE.

Preliminary results were telecast live from the GEC starting just a few minutes after polls closed. Only aggregate data was available, a practice which limits independent review of results and is not in line with international good practice. Preliminary turnout was reported by the GEC at 60.41 per cent, notably lower than during the first round. Some 8.3 per cent of voters cast blank ballots as a sign of protest.

***The English version of this Statement is the only official document.  
An unofficial translation is available in Mongolian.***

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<sup>40</sup> Inking was introduced by the GEC shortly before the first round. However, the OSCE/ODIHR LEOM noted that there was no procedure for checking of fingers for ink prior to voting.

<sup>41</sup> As reported to the OSCE/ODIHR LEOM by a number of interlocutors and on social media, the copy of the registration slip retained by the voter was to be surrendered in a number of vote buying schemes.

<sup>42</sup> For example, in Ulaanbaatar, PECs informed *khoroos* governors who, in turn, approached voters directly. In Tsetserleg, a *soum* governor was traveling in a car with loudspeakers, calling people to go out and vote, while a DEC in Darkhan and a PEC in Umnugovi did the same. In Khentii and in Darkhan, PECs members phoned individual voters during polling.

<sup>43</sup> For example, in Ulaanbaatar and in Arkhangai, party observers were reporting the turnout at regular intervals to the headquarters to alert if additional mobilization efforts were needed. In Bayan-Ulgii and in Bayankhongor, the OSCE/ODHIR LEOM observed parties bussing voters to the polls.

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## **MISSION INFORMATION AND ACKNOWLEDGEMENTS**

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Ulaanbaatar, 8 July 2017 – This Statement of Preliminary Findings and Conclusions is the result of observation by the Limited Election Observation Mission (LEOM) deployed by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR). The assessment was made to determine whether the election complied with OSCE commitments, other international obligations and standards for democratic elections, and with national legislation.

Ambassador Geert-Hinrich Ahrens is the Head of the OSCE/ODIHR LEOM, deployed from 22 May.

OSCE/ODIHR has endorsed the 2005 Declaration of Principles for International Election Observation. This Statement of Preliminary Findings and Conclusions is delivered prior to the completion of the electoral process. The final assessment of the election will depend, in part, on the conduct of the remaining stages of the electoral process, including the tabulation of results and the handling of possible post-election day complaints and appeals. The OSCE/ODIHR will issue a comprehensive final report, including recommendations for potential improvements, some eight weeks after the completion of the electoral process.

For the second round, the OSCE/ODIHR LEOM includes 11 experts in the capital and 19 long-term observers deployed throughout the country. Observers were drawn from 23 OSCE participating States.

The observers wish to thank the authorities of Mongolia for the invitation to observe the election, and the General Election Commission for the assistance. They also wish to express their appreciation to other state institutions, political parties and civil society organizations and the international community representatives for co-operation.

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