

**INTERIM REPORT
25 August- 6 September 2011**

9 September 2011

I. EXECUTIVE SUMMARY

- Following dissolution of the *Saeima* (parliament), early parliamentary elections were called for 17 September; the last parliamentary elections were held in October 2010. The *Saeima* consists of 100 members elected under a proportional representation system with a five per cent nationwide threshold.
- The legal framework for elections remains largely unchanged except for a few provisions introduced in June and July to adapt to special conditions of early elections. Particularly, some election deadlines were shortened, and campaign spending limits were cut by half.
- Thirteen political parties and coalitions will compete in these elections. The key contenders include both governing alliances – ‘Unity’ and the ‘Union of Greens and Farmers’ (running separately), the opposition ‘Concord Centre’, seen as mainly representing the Russian language minority, and the ‘Zatlers’ Reform Party’ of the previous President, Valdis Zatlers. Altogether, 1,090 candidates are contesting these elections.
- The campaign has been rather low-key with very few billboards and rallies. Instead, political parties tend to focus on less expensive communication strategies such as small gatherings and use of internet and social networks. Due to the significant proportion of ethnic and linguistic minorities, as well as a considerable number of “non-citizens” without the right to vote, the campaign environment continues to be divided along ethnic lines.
- The elections are administered by a three-tiered structure of election commissions, comprising the Central Election Commission (CEC), 119 Municipal Election Commissions (MECs) and 1,027 Polling Station Commissions (PSCs). All appear to enjoy the confidence of the main contenders.
- A large number of media outlets provide the public with diverse information about the elections. One public and one private television channel are organizing debates among the contestants.
- The OSCE/ODIHR Limited Election Observation Mission commenced its activities on 26 August, with a nine-member core team. On 30 August, six long-term observers were deployed throughout the country. The mission has established regular contacts with election commissions, various state institutions, political parties, civil society and the media.

II. INTRODUCTION

Following an invitation from the Permanent Mission of the Republic of Latvia to the OSCE, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) established a Limited Election Observation Mission (LEOM) on 26 August 2011 to observe the 17 September early parliamentary elections. The mission, led by Konrad Olszewski, consists of a nine-member core team of analysts based in Riga and six long-term observers deployed to three regional centres. The LEOM members come from 13 OSCE participating States. In line with standard practice of LEOMs, the mission will not undertake a comprehensive observation of election day proceedings.

III. BACKGROUND

In the 2 October 2010 parliamentary elections, the highest number of seats (33) was won by the 'Unity' alliance, which formed the government with the 'Union of Greens and Farmers' (22 seats). Half a year later, a political crisis began to evolve that eventually resulted in the dissolution of the *Saeima* (parliament). This was partially linked to a criminal investigation carried out by the Corruption Prevention and Combating Bureau (KNAB) that involved a member of parliament.

The outgoing President, Valdis Zatlers, whose term of office was due to expire in July 2011, decided to use his constitutional powers to dissolve the parliament on 28 May. This decision was approved by voters in a referendum held on 23 July.¹ On the same day, the President announced the establishment of his own party, the 'Zatlers' Reform Party'.

On 26 July and based on the results of the referendum, the Central Election Commission called early parliamentary elections for 17 September. In the meantime, the *Saeima* elected Andris Berzins as the new president of Latvia on 2 June.

IV. LEGAL FRAMEWORK AND ELECTION SYSTEM

The legal framework for the parliamentary elections primarily consists of the Constitution and the *Saeima* Election Law. They are supplemented by the Law on the Central Election Commission, the Law on Financing of Political Organizations, and the Law on the Pre-electoral Campaign. Certain aspects of the legal framework are regulated and implemented by decisions and instructions of the Central Election Commission (CEC).

The legal framework for the 2011 elections was amended on 16 June and 14 July to adapt it to the special conditions for early elections. Most notably, the duration of the campaign and deadlines for postal voting were adjusted, and the spending limit was reduced due to a shorter campaign period. An earlier amendment, introduced on 3 March 2011, allowed judges to run in the elections without the need to leave their office unless elected.

Latvia is a parliamentary republic with legislative powers exercised by a unicameral parliament, the *Saeima*, elected for a term of four years. However, the next *Saeima* will be elected for three years, in line with constitutional provisions applicable to early elections.² A total of 100 members of the *Saeima* will be elected in five multi-member constituencies under an open-list proportional representation system with a five per cent nationwide threshold. Only Latvian citizens who have

¹ 94.3 per cent of the voters voted to dissolve the parliament, 5.4 per cent were against. The turnout was 44.7 per cent. OSCE/ODIHR did not observe the referendum.

² Article 13 of the Constitution.

reached the age of 18 by election day are allowed to vote. Candidates can run only on the lists of parties and coalitions. The Election Law offers no possibility for independent candidates to stand for elections.

V. ELECTION ADMINISTRATION

The 2011 early parliamentary elections are administered by a three-tiered structure, comprising the Central Election Commission (CEC), 119 Municipal Election Councils (MECs)³ and 1,027 Polling Station Commissions (PSCs), including 77 abroad.⁴ The CEC and MECs are standing bodies appointed to serve four-year terms. The CEC consists of nine members, eight appointed by the *Saeima* and one by the Supreme Court. MECs, consisting of 7 to 15 members appointed by local councils, are responsible for appointing the PSCs. In addition, political parties and group of at least ten voters have the right to nominate representatives to MECs and PSCs.

CEC sessions are open to international and domestic observers from civil society, and the media. In general, OSCE/ODIHR LEOM interlocutors expressed a high level of confidence in election administration bodies.

As in previous parliamentary elections, there will be no pre-printed voter lists in polling stations. Eligible citizen with a valid passport will be able to vote at any polling station in the country. Voters' passports will be stamped as a measure against multiple voting and their names added to lists of voters drawn in all polling stations on election day.⁵

Alternatively, voters residing abroad can also vote by mail. They had to apply between 3 August and 2 September to any one of the 21 PSCs abroad designated to administer postal voting. More than 500 voters abroad registered to vote by mail.

In line with previous OSCE/ODIHR recommendations, the CEC adopted a new instruction regarding the positioning of polling booths to better ensure the secrecy of the vote. The CEC is planning to conduct an electronic counting (scanning of ballots) pilot project involving 170 scanners.

VI. CANDIDATE REGISTRATION

Political parties and alliances wishing to contest parliamentary elections were required to register with the CEC. A total of ten parties and three alliances have been registered to participate in these elections. All parties bar one have filed candidate lists in all five constituencies.⁶ Altogether 1,092 candidates have been put forward for these elections. On 26 August, two candidates were removed from the list of the 'Christian Democratic Union' by the CEC due to previous convictions under criminal law.⁷

³ Including City Election Commissions and 110 Regional Election Commissions.

⁴ These PSCs are established in 39 countries to serve some 50,000 voters residing abroad.

⁵ The LEOM was informed that around 39,000 Latvian citizens do not possess a valid passport.

⁶ The 'Freedom: Free from Fear, Anger and Hate' party filed candidates' lists in three constituencies.

⁷ Two candidates were removed because their previous criminal records had not been expunged or annulled. They had been fined for a deliberately committed crime in relation to not submitting an application of insolvency. Both candidates are appealing the CEC decision on the basis that the provision of the Criminal Law under which they were fined was voided as of 1 January 2011.

During the last week of August, upon complaint of a candidate, two candidates of the ‘Concord Centre’ were summoned for a language test to the Ministry of Justice’s State Language Centre (SLC). The SLC conducted the test and found the complaint to be unfounded.⁸

VII. CAMPAIGN ENVIRONMENT

Most of the parties that have registered for the early elections also ran in 2010. Key contenders include both governing alliances – ‘Unity’ and the ‘Union of Greens and Farmers’ (running separately), the ‘Concord Centre’ seen as representing mainly Russian language minority, and the ‘Zatlers’ Reform Party’, a newly created party of the previous President, Valdis Zatlers.

The official election campaign commenced on 26 July. While electoral contestants are able to carry out their activities freely, the campaign itself remains rather low-key. The effects of the economic crisis, a shorter campaign period, and cuts in the spending limits had a visible impact on the campaign. All political parties met by the OSCE/ODIHR LEOM pointed to the reduced campaign resources available for these elections. As a result, very few posters are visible, there are no major campaign rallies, and paid advertising in the media has thus far been limited. Political parties tend to focus on less expensive communication strategies, such as small gatherings and the use of internet and social networks.

Due to a significant proportion of ethnic and linguistic minorities residing in Latvia, as well as a considerable number of “non-citizens”, the campaign environment continues to be mainly divided along ethnic lines.

VIII. CAMPAIGN FINANCE

Campaign finance regulations are well-developed and relatively strict; all campaign spending is closely monitored by specialized institutions. The main change in the legal framework regulating campaign finance has been the reduction of the spending limits by half due to the shorter campaign period in early elections.⁹

There is no state funding of political parties. A campaign is funded from individual donations, which are limited to 100 minimum monthly salaries.¹⁰ The enforcement of campaign finance provisions is the responsibility of the KNAB, which exercises investigative as well as enforcement powers.¹¹ Its decisions can be appealed to the District Administrative Court. Political parties and alliances are requested to submit detailed income and expenditure reports annually and within 30 days of an election. In case an electoral contestant exceeds the campaign expenditure ceiling, the KNAB is empowered to issue administrative fines and prohibit further campaign activities. Electoral contestants are required to transfer any excess amounts to the state budget within 30 days. Sanctions for non-compliance are foreseen for both parties and donors.¹²

⁸ The Election Law does not require Latvian language capacity as a prerequisite to candidacy. Testing this falls outside the competence of the CEC. Instead, candidates submit a self-assessment of their Latvian language skills when lodging their nomination.

⁹ The new ceiling is 282,559 Lats or circa 400,000 Euro for each list.

¹⁰ Total of 20,000 Lats (28,500 Euro).

¹¹ The KNAB has already received several complaints regarding possible violations during the ongoing campaign; proceedings are ongoing.

¹² Donors could be sanctioned for example for exceeding the donation ceiling and making donations in an indirect manner.

IX. MEDIA

A broad range of media outlets in Latvia provide the public with diverse information about elections. The conditions for campaigning in the media are regulated by the Law on the Pre-Election Campaign, including free airtime on public radio and television. In addition, the Law on Electronic Media requires public and commercial broadcasters to display events fairly and objectively, and to promote an exchange of opinions.

On 29 August, the OSCE/ODIHR LEOM started monitoring a cross-section of media outlets with standard quantitative and qualitative analyses of their election coverage. The sample includes the public broadcaster LTV1 and privately-owned LNT, TV3, TV5 and PBK as well as five daily newspapers in Latvian and in Russian.¹³

The public broadcasting company LTV1 is to hold nine election debates. Three of these will host representatives of all the 13 registered lists, while the other debates will host only the parties that have at least two per cent in opinion polls and the parties represented in the outgoing parliament. Privately-owned television station LNT will also hold two debates hosting the six main contenders.

X. PARTICIPATION OF WOMEN

There are neither formal obstacles nor special provisions in favour of equal participation of women in political life of Latvia. None of the electoral contestants met by the OSCE/ODIHR LEOM reported any internal mechanisms to promote gender equality in the composition in their lists. Out of 1,090 candidates, 331 are women (30.4 per cent).¹⁴ The list 'Freedom: Free from Fear Hate and Anger' has the largest percentage of female candidates (74.1 per cent) while the lowest number (21.7 per cent) of women candidates is on the lists of the 'Concord Centre'. Out of nine CEC members, three are women. Women are well represented in MECs.

XI. PARTICIPATION OF NATIONAL MINORITIES

The population of Latvia includes a number of ethnic and linguistic minorities. According to the latest statistics, Latvians constitute 59.4 per cent of the population while the rest come from ethnic and linguistic minorities, mostly ethnic Russians (27.5 per cent). There are 319,267 people registered as "non-citizens" – mainly Russian speakers who have not obtained Latvian citizenship and are therefore not entitled to vote.¹⁵

Of the 1,090 registered candidates, 117 belong to the Russian minority, 788 are declared as ethnic Latvian, and 133 chose not to declare their ethnic background.¹⁶ There is no official voter education material available in any minority language.¹⁷

¹³ *Diena, Latvijas Avize, Neatkarīga Rita Avize, Chas and Vesti Segodna.*

¹⁴ <http://www.cvk.lv/cgi-bin/wdbcgiw/base/komisijas2010.cvkand11.sak>

¹⁵ The most recent data of the Office of Citizenship and Migration Affairs, as of 1 July 2011.

¹⁶ When registering at the CEC, candidates can choose to declare their ethnic background or to abstain from doing so.

¹⁷ The UN Human Rights Committee, for example, recommends that "information and materials about voting should be available in minority languages", see General Comment 25 on Article 25 of the ICCPR.

XII. DOMESTIC AND INTERNATIONAL OBSERVERS

The *Saeima* Election Law does not contain detailed provisions on accreditation procedures or rights and responsibilities of domestic or international observers. However, the CEC has indicated that international as well as civil society organizations can be accredited by the CEC or by relevant MECs. All OSCE/ODIHR observers have received official accreditation issued by the CEC.

XIII. OSCE/ODIHR EOM ACTIVITIES

The OSCE/ODIHR LEOM opened its office in Riga on 26 August 2011. The Head of Mission has met representatives of the Ministry of Foreign Affairs, the Chairperson of the CEC, and representatives of the main political parties. The mission has also met representatives of various state institutions and established regular contacts with the election commissions, political parties, civil society and the media.