



LIMITED ELECTION OBSERVATION MISSION

Latvia — Early Parliamentary Elections, 17 September 2011

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Riga, 18 September, 2011 – Following an invitation from the Permanent Mission of the Republic of Latvia to the OSCE, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Election Observation Mission (LEOM) for the 17 September early parliamentary elections.

The elections were assessed for their compliance with OSCE commitments and other international standards for democratic elections, as well as with Latvian legislation. This statement of preliminary findings and conclusions is delivered prior to the completion of the process. The final assessment of the elections will depend, in part, on the conduct of the remaining stages of the election process, including 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 election process.

In line with standard OSCE/ODIHR methodology for LEOMs, the mission included long-term observers but not short-term election observers. The OSCE/ODIHR LEOM did not conduct a comprehensive and systematic observation of election day proceedings, but visited a limited number of polling stations.

PRELIMINARY CONCLUSIONS

The 17 September early parliamentary elections took place in a democratic and pluralistic environment, characterized by the rule of law, respect of fundamental freedoms, functioning democratic institutions and the existence of a genuine choice between parties offering different political platforms.

Thirteen lists of political parties and alliances competed for the 100-seat *Saeima* (parliament). The political landscape continued to be generally divided along ethnic and linguistic lines. While some political parties made efforts to reach out to both main linguistic communities, parties are still broadly perceived as representing either Latvian speakers¹ or the country's considerable Russian-speaking population, many of whom are non-citizens. While citizenship is recognized as an admissible restriction to suffrage, it remains a challenge that non-citizens, who constitute some 16 per cent of the adult population, do not participate in the election process and are left without representation.

The campaign in the lead up to the election was low-key, intensifying only in the last week. The political discourse revolved around the economic situation. Instead of big campaign events and billboards, contenders focused on smaller gatherings and distributing printed campaign materials. The internet was also widely used.

¹ References to Latvian and Russian speakers are used with regard to those, whose first language or language commonly used at home is either Latvian or Russian.

Well-developed and relatively strict campaign finance regulations ensured transparency of the process. Campaign finance rules were respected by parties and candidates overall, and violations were prosecuted promptly and expeditiously.

The legal framework generally provided a sound basis for the conduct of democratic elections, although room for further enhancing compliance with OSCE commitments remains, particularly regarding candidacy rights. Shortly before the elections were called, the legal framework was amended to account for the special conditions necessary for early elections.

The majority of the OSCE/ODIHR LEOM interlocutors expressed confidence in the impartiality and professionalism of the election administration. The Central Election Commission (CEC) administered these unanticipated early elections in a professional manner, overcoming time constraints. CEC sessions were held in a collegial atmosphere and were open to international and domestic observers and the media.

The media provided voters with the possibility to access a variety of political opinions. Campaign coverage in the media included a number of debates on public and private channels, mainly hosting the main contenders. Interlocutors expressed concern with a practice of payments by political parties for news and editorial coverage.

Women remain under-represented in the main decision-making bodies, although there are no formal obstacles to equal participation of women in political life. Neither are there special provisions favouring their involvement.

Voting in the limited number of polling stations visited by the OSCE/ODIHR LEOM proceeded in an orderly manner. Election commissions followed procedures and fulfilled their duties in a professional manner. The layout of polling stations and occasional overcrowding did not always ensure the secrecy of the vote. The vote count and tabulation were orderly and transparent, though the count was protracted in some polling stations due to large numbers of voters.

PRELIMINARY FINDINGS

Background

The 17 September elections were the first early elections of the *Saeima* (parliament) since the foundation of the Republic of Latvia in 1918. They took place as a consequence of the political crisis that resulted in the parliament's dissolution less than ten months after its election. In the 2 October 2010 elections, the largest number of seats (33) was won by the 'Unity' alliance, which formed a government with the 'Union of Greens and Farmers' (22 seats). The 'Concord Centre' won 29 seats and became the biggest opposition alliance. The 'National Alliance' and 'For a Good Latvia' won 8 seats each.

In May 2011, as part of a criminal investigation involving prominent politicians, the Corruption Prevention and Combating Bureau (KNAB) asked the *Saeima* to strip one of its members off his parliamentary immunity in order to search his house. On 26 May, the *Saeima* voted against this. President Valdis Zatlers, whose term was due to end on 7 July, decided to dissolve the parliament. Under the Constitution, when a president calls for dismissal of the *Saeima*, a national referendum

must be held on the issue.² In the 23 July referendum, the voters overwhelmingly supported the dissolution of the *Saeima*.³

In the meantime, on 2 June, the parliament elected Mr. Andris Berzins as the new president, who took office on 8 July. Further significant changes in the political landscape occurred during the summer of 2011. The former President Zatlers created his own party – the ‘Zatlers’ Reform Party’, the ‘People’s Party’ was dissolved by its congress, and ‘First Party-Latvia’s Way’ was renamed as ‘Slesers’ Reform Party’ after its leader.

Election System and Legal Framework

Latvia is a parliamentary republic with legislative powers exercised by a unicameral parliament (*Saeima*), elected for a term of four years.⁴ All 100 members of the *Saeima* were elected in five multi-member constituencies under an open-list proportional representation system with a five per cent nationwide threshold. Voters cast votes for one of the lists and had an option to express positive and negative preferences for candidates on the chosen list.⁵

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

The legal framework had been amended on 16 June and 14 July to adapt to some specific conditions for early elections – the duration of the campaign, the deadlines for postal voting were adjusted, and due to a shorter campaign period, the spending limit was cut by half.⁶ An earlier amendment, introduced on 3 March 2011, allowed judges to run in the elections without having to resign unless elected.⁷ In addition, on 8 September, the *Saeima* amended the Penal Code in order to include provisions on illegal campaigning. This amendment will come into force after these elections.

The legal framework generally provided a sound basis for the conduct of democratic elections, although room to further enhance compliance with OSCE commitments remains. The *Saeima* Election Law offers no possibility for independent candidates to stand, which has already been stated in the OSCE/ODIHR report on the 2010 *Saeima* elections, contradicts paragraph 7.5 of the 1990 OSCE Copenhagen Document.⁸

In addition, people subject to “lustration” provisions are prohibited to stand as candidates. These provisions could benefit from further review.⁹

² If voters support the president, parliament is dissolved and new elections are scheduled within two months. If voters do not approve the notion, the president must step down.

³ 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.

⁴ On the basis of Article 13 of the Constitution, the new parliament has been elected only for three years due to the early elections.

⁵ They could place a “+” next to candidates’ names if they wished those candidates to be moved up the list, or strike out candidates’ names to remove them from the list.

⁶ The new ceiling was 282,559 Lats or circa 400,000 Euro for each list.

⁷ Article 6 of the *Saeima* Election Law.

⁸ OSCE/ODIHR Final Report on 2 October 2010 Parliamentary Elections available at www.osce.org/odihr/elections/latvia.

⁹ In *Zhdanoka vs. Latvia*, the European Court of Human Rights ruled that “the Latvian authorities should keep the statutory restriction under constant review, with a view to bringing it to an early end.” App. no. 58278/00, 16 March 2006. See also *Adamsons vs. Latvia*, App. no. 3669/03, 24 June 2008, where the Court ruled that the restriction violated the applicant’s right to stand.

Non-citizens do not enjoy the right to vote (see Participation of National Minorities). While citizenship is recognized as an admissible restriction to suffrage, it remains a challenge that non-citizens, who constitute some 16 per cent of the adult population, do not participate in the election process and are left without representation. In addition, a valid Latvian passport is the only document accepted for voting. It is of concern that some 2.6 per cent of eligible citizens without a valid passport may have been potentially disenfranchised.¹⁰

Election Administration

The early parliamentary elections were administered by a three-tiered structure, comprising the CEC, 119 Municipal Election Councils (MECs)¹¹ and 1,027 Polling Station Commissions (PSCs), including 77 abroad.¹² The CEC and MECs are permanent bodies appointed for four-year terms. The CEC has nine members, eight appointed by the *Saeima* on the basis of nominations from political parties and one by the Supreme Court. MECs, consisting of 7 to 15 members appointed by local councils, are responsible for establishing the PSCs. Political parties and groups of at least ten voters had the right to nominate members to MECs and PSCs. However, these members were generally appointed from amongst municipal employees or other civil servants with prior electoral experience.

Overall, the CEC administered the elections in a professional manner, overcoming time constraints. The CEC sessions were open to international and domestic observers from the civil society, and the media. Polling stations were operational within the legal deadlines. Polling stations with access for voters' with disabilities were also established. OSCE/ODIHR LEOM interlocutors, in general, expressed a high level of confidence in the election administration.

Voters residing abroad could vote by mail. Some 539 voters were registered between 3 August and 2 September to vote at 21 PSCs abroad designated to administer postal voting. OSCE/ODIHR LEOM interlocutors attributed this low number to the reluctance of voters to send their passports to be stamped, as prescribed by law.

CEC voter education, which started at the beginning of September, increased in intensity as election day approached. A diversity of means, such as the CEC website, informational posters at polling stations, newspaper adverts and a 24-hour information line were used. The CEC also used public and private media, mainly TV and radio stations, to reach out to voters. Except for some basic information about elections available in Russian and English on the CEC website, voter education was provided only in Latvian.

Candidate Registration and Campaign Environment

A total of nine parties and four alliances registered with the CEC to participate in these elections. All parties bar one filed candidate lists in all five constituencies.¹³ Altogether, 1,092 candidates ran. Initially two candidates were removed by the CEC from the list of the 'Christian Democratic Union' due to previous convictions under criminal law, but have been reinstated as per a court decision (See Complaints and Appeals). A candidate from the 'For Human Rights in a United

¹⁰ According to the data provided by the Office of Citizenship and Migration Affairs of the Ministry of Internal Affairs, on 1 September 2011 there were 38,893 voting-age citizens with no valid passport. The passport costs between 5 and 50 Lats (circa 7 and 70 Euros), depending on the age of the applicant and the time required for passport delivery. See http://www.pmlp.gov.lv/en/pakalpojumi/pricelist/passport_fees.html.

¹¹ These included nine City Election Commissions and 110 Regional Election Commissions.

¹² These PSCs were established in 39 countries to serve some 50,000 voters residing abroad.

¹³ The 'Freedom: Free from Fear, Anger and Hate' party put forward candidate lists in three constituencies.

Latvia' party complained to the State Language Centre (SLC) about two candidates from the 'Concord Centre' party, alleging that they had insufficient Latvian language proficiency.¹⁴

The diversity of running parties and alliances offered a broad spectrum of political views. Key contenders included both parties of the governing alliance – 'Unity' and the 'Union of Greens and Farmers' (running separately), the 'Concord Centre', seen as representing mainly the Russian minority, and the 'Zatlers' Reform Party', which quickly gained visibility. Most of the parties that registered for these elections also competed in 2010, including 88 out of the 100 deputies of the outgoing *Saeima*.

While electoral contestants were able to carry out their activities freely, the campaign itself remained low-key, only gaining a higher level of visibility during the last week before the elections. The effects of the economic crisis, a shorter campaign period, and cuts in 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, only a few posters were visible, there were few campaign rallies, and paid advertising in the media remained limited. Political parties tended to focus on less expensive communication strategies, such as small gatherings and campaigning on the internet and social networks. Out of 13 lists, 12 had a website as well as a Twitter account; nine contenders had a Facebook page, and eight lists used posts on www.draugiem.lv – the most popular social network in Latvia. Electoral contenders were at times objects of negative campaigning in media, known as *kompromats*.

The main campaign issues revolved around the economic crisis, its budgetary and social consequences and, to a lesser extent, around the demographic situation in Latvia. An ageing population, low birth rates, and the emigration of Latvian citizens were recurrent topics in parties' programmes.

The political landscape continued to be generally divided along ethnic and linguistic lines between parties perceived broadly as representing Latvian speakers or the country's considerable Russian-speaking population. In a positive development, some larger parties made considerable efforts to reach out to both communities. All parties and alliances included representatives of different ethnic backgrounds on their lists and some political parties produced campaign materials in both languages. Of the main contenders, 'Slesers' Reform Party', 'Zatlers' Reform Party', and 'Concord Centre' had bi-lingual websites; 'Unity' was campaigning in Russian in some areas predominantly populated by Russian speakers. In Riga, the 'Union of Greens and Farmers' distributed its free newspaper *Zalo Riga* in Russian and Latvian languages.

Campaign Finance

Campaign finance regulations are well-developed and relatively strict. The enforcement of campaign finance provisions is the responsibility of the KNAB, which exercises investigative as well as enforcement powers. It has full access to all the financial information and accounting records of political parties. Donors are obliged to provide information on their income, savings, and property upon the request of the KNAB, as well as documents proving the legality of the sources of donations given.

¹⁴ In response to the complaint, the two 'Concord Centre' candidates were invited to take a language test. This complaint was dismissed as unfounded. All three candidates are members of Liepaja City Council. According to the SLC, anyone can make a complaint regarding an elected official's language proficiency. The Election Law does not require Latvian language proficiency as a prerequisite for candidacy. Candidates are required to provide a self-assessment of their Latvian language skills when lodging their nominations with the CEC.

Campaigns were funded from individual donations, which are limited to 100 minimum monthly salaries.¹⁵ Donations from foreign or anonymous sources, or from legal entities are forbidden. Parties may not take out loans or credits and ‘third party’ funding is also limited.¹⁶

As transparency mechanism, parties and alliances are required to declare the amounts and sources of donations to the KNAB for publication on its website. If an election contestant exceeds the campaign expenditure ceiling, the KNAB is empowered to issue administrative fines and to prohibit further campaign activities.

From the start of the election campaign, the KNAB has received some 53 reports on campaign finance irregularities. A small number of violations, such as exceeding the spending limit by a “third party” and illegal donations were acted upon promptly. On 15 September, the KNAB prohibited further campaigning to *Freedomlab* company, which was found to have exceeded the spending limit for the “third party” campaigning.

Media

The media provided voters with the possibility to access a variety of political opinions. However, a number of political parties met by the OSCE/ODIHR LEOM questioned the fairness and objectivity of the media. In addition, interlocutors expressed concern with the practice of payments by political parties for news and editorial coverage.

The Law on Pre-election Campaign regulates the conduct of campaign in the media, including paid and free airtime. Broadcasters are also bound by the Law on Electronic Media to present events and facts fairly, objectively and to promote the exchange of opinions. In line with the specific provisions on early elections, the deadline for the media to present their rates for political adverts was shortened. The KNAB reported that ten media outlets did not meet this deadline.

The National Electronic Media Council, which is tasked with overseeing the compliance of audiovisual media with legislative requirements, has been monitoring national and local TV and radio stations. The Council has received 15 formal complaints, including on unfair coverage or inappropriate content of advertisements, and requests for clarifications. The Council will issue a report based on the results of its media monitoring during the first week of November.

According to the OSCE/ODIHR LEOM media monitoring,¹⁷ public LTV1 in its news, current affairs and debates provided overall balanced coverage of the key contenders mostly in a neutral tone.¹⁸ LTV1 held nine election debates, three of them hosting all the thirteen contenders. The other six debates hosted only the parliamentary parties and the parties receiving at least two per cent in opinion polls. Some smaller parties expressed their dissatisfaction with being excluded from some debates based solely on opinion polls.¹⁹

¹⁵ Total of 20,000 Lats (28,500 Euro).

¹⁶ The law sets the limit of 15 minimum wages (3,000 Lats or circa 4,300 Euro).

¹⁷ The OSCE/ODIHR LEOM conducted a 19-day media monitoring, which included five TV channels (public broadcaster LTV1 and privately-owned LNT, TV3, TV5, and PBK) and five daily newspapers in Latvian and in Russian (*Diena*, *Latvijas Avize*, *Neatkarīga Rita Avize*, *Chas* and *Vesti Segodna*). Media monitoring focused on prime time (18:00 – 24:00) campaign coverage in editorial programmes (newscasts, talk shows, debates and current affairs programs) and electoral paid advertising.

¹⁸ ‘Concord Centre’, ‘Zatlers’ Reform Party’, ‘Unity’, ‘Union of Greens and Farmers’, ‘Slesers’ Reform Party’ and ‘National Alliance/LNNK’ received each from 10 to 15 per cent of coverage. ‘For Human Rights in a United Latvia’ received six per cent of coverage.

¹⁹ ‘People’s Control Party’ filed a complaint with various institutions for not having been invited to the LTV1 regional debates.

The national private broadcasters also tended to provide overall balanced coverage to the main contenders.²⁰ The two Russian-language channels allotted more time to the ‘Concord Centre’ than to other contenders.²¹ Privately-owned channel LNT held two debates exclusively with six parties, while TV3 held a debate with five contenders. TV5 organized discussions with party representatives and PBK aired election interviews.

Coverage of the campaign in the print media included interviews with candidates, experts, comments and editorials. Among the Latvian-language newspapers, *Neatkarīga Rita Avīze* favoured the ‘Union of Greens and Farmers’. Russian-language newspapers *Vesti Segodna* and *Chas* devoted more attention to the ‘Concord Centre’ than to other contenders.

During the monitoring period, ‘Slesers’ Reform Party’ made more extensive use of paid TV advertising, followed by the ‘Union of Greens and Farmers’, both in Latvian and Russian language media.

Participation of Women

While there are neither formal obstacles nor special provisions in favour of equal participation of women in the political life of Latvia, women remain under-represented in the main decision-making bodies. There were 21 women in the outgoing parliament and two of the 13 ministerial posts were held by women. None of the political parties or alliances met by the OSCE/ODIHR LEOM reported any internal mechanisms to promote gender equality in their lists. Out of 1,092 candidates, 331 were women (30.3 per cent). This represents a slight increase compared to the 28.6 per cent (353 out of 1,235 candidates) who contested the parliamentary elections in 2010.

There was a considerable difference in the proportion of women that various parties put forward. The list of ‘Freedom: Free from Fear, Hate and Anger’ had the largest percentage of female candidates (74.1 per cent), while the lowest number (21.7 per cent) of women candidates was on the lists of the ‘Concord Centre’. Nearly one third of all female contestants ran in Riga constituency.

Out of nine CEC members, only three are women. Women are better represented in MECs.

Participation of National Minorities

The population of Latvia includes representatives of a number of ethnic and linguistic minorities. According to the latest statistics, Latvians constitute 59.5 per cent of the population while the rest are ethnic and linguistic minorities, mostly ethnic Russians (27.3 per cent).²²

After the restoration of Latvia’s independence in 1991, citizenship was granted automatically to holders of Latvian citizenship prior to 1940 and their descendants, leaving a large number of Latvian residents without Latvian or other citizenship. There are 319,267 people, about 14 per cent of the population, registered as “non-citizens”— the vast majority of those of voting age.²³ Most non-citizens are people belonging to national minorities. Since 2006, the naturalization rate

²⁰ TV3 offered 23 per cent to ‘Concord Centre’, 22 per cent to ‘Union of Greens and Farmers’, 16 per cent to ‘Unity’, and 14 per cent to ‘Zatlers’ Reform Party’. LNT provided from 14 to 17 per cent to all key contenders.

²¹ TV5 offered 22 per cent and PBK – 27 per cent.

²² Data as of 1 July 2011 provided by the Office of Citizenship and Migration Affairs of the Ministry of Interior.

²³ According to the data provided by the Office of Citizenship and Migration Affairs of the Ministry of Interior, there were 306,400 non-citizens who were of voting age (16.5 per cent of voting age population). Data as of 1 July 2011.

of non-citizens has been significantly dropping.²⁴ In a positive development, on 5 July 2011, the Cabinet of Ministers approved regulations, which provided for registration of children of non-citizens as Latvian citizens at the time of registration of their birth.

Out of the 1,092 registered candidates, 117 belong to the Russian minority, 790 declared themselves ethnic Latvian, and 133 chose not to declare their ethnic background. The rest were people from other ethnic backgrounds.

According to the Official Language Law, all official communication must be either in Latvian or be accompanied by a certified translation (with some exceptions).²⁵ Authorities interpreted the law as prohibiting voter education and information materials in languages other than Latvian, thus potentially disadvantaging voters with a low proficiency in the language.²⁶

Complaints and Appeals

The complaints and appeals system is regulated by several laws and is the process is adjudicated by a number of judicial and administrative bodies. The CEC has a jurisdiction to review complaints regarding decisions and work of lower level election commissions. Complaints on candidate registration are filed with the Regional Administrative Courts. The CEC also decides on complaints on election results; such decisions are appealable to the Supreme Court.

Only a small number of complaints have been filed with election administration and courts. Most notably, on 7 September the Regional Administrative Court ruled in favor of two candidates whose registration was earlier annulled by the CEC.

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 authorized 38 international and over 100 domestic observers, including observers from the Office of Ombudsperson. Party observers did not require prior accreditation from the CEC, rather they registered with the respective PS on election day. All OSCE/ODIHR observers received official accreditation in a timely manner.

Election Day

The OSCE/ODIHR LEOM did not conduct comprehensive and systematic observation on election day, but the OSCE/ODIHR LEOM observers visited a limited number polling stations across the country.

As in previous parliamentary elections, there were no pre-prepared voter lists in polling stations. Eligible citizens with a valid passport could vote in any constituency and in any polling station in the country. Voters' passports were stamped as a measure against multiple voting and their names added to lists of voters drawn in all polling stations on election day. To grant more voters an opportunity to exercise their right to vote, voting in 124 polling stations across the country was

²⁴ The number of naturalizations in 2006 was 16, 439 in 2007 – 6, 826 in 2008 -3, 004 in 2009 – 2, 080, and in 2010 - 2 336. Data provided by the Office of Citizenship and Migration, Ministry of Interior.

²⁵ Most MECs visited by the OSCE/ODIHR LEOM indicated willingness to accept complaints in Russian.

²⁶ 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 International Covenant on Civil and Political Rights.

extended by two hours by a recent amendment to the *Saeima* Election Law. For these elections, there were 1, 542,700 eligible voters, including voters abroad.

Voting in the limited number of polling stations visited by the OSCE/ODIHR LEOM proceeded in an orderly manner. Election commissions followed procedures and fulfilled their duties in a professional manner. Despite the CEC's efforts,²⁷ the layout of the polling stations and occasional overcrowding did not always ensure the secrecy of the vote. Family voting was also observed at several polling stations. Few irregularities were reported by media, including allegations of vote buying. A few parties made use of the right to field observers at polling stations.

The OSCE/ODIHR observers were granted full access to the counting and tabulation process in polling stations and MECs visited. Both processes were orderly and transparent, though the vote count was protracted in polling stations where the count was conducted manually and a large number of ballots was cast. For the first time, scanners were used in some polling stations during the count, which facilitated the process. The CEC utilized new software for the aggregation of results whereby digital protocols were transmitted via internet connection from polling stations directly to the national level. This measure enabled the timely on-line announcement of provisional results by polling station, enhancing transparency.

*This statement is also available in Latvian and Russian.
However, the English version remains the only official document.*

MISSION INFORMATION & ACKNOWLEDGEMENTS

Riga, 18 September, 2011 – The OSCE/ODIHR Limited Election Observation Mission (LEOM) was deployed to Latvia on 26 August. 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. LEOM members come from 13 OSCE participating States.

The OSCE/ODIHR LEOM wishes to thank the authorities of Latvia for the invitation to observe the elections, the Central Election Commission (CEC) for its co-operation and for providing accreditation documents, and the Ministry of Foreign Affairs for its assistance. The OSCE/ODIHR LEOM also wishes to express appreciation to other national and local state institutions, election authorities, candidates, political parties and civil society organizations for their co-operation.

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²⁷ 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.