



Office for Democratic Institutions and Human Rights

MONGOLIA

PARLIAMENTARY ELECTIONS

24 June 2020

ODIHR NEEDS ASSESSMENT MISSION REPORT

11-14 February 2020



Warsaw
22 April 2020

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ODIHR Needs Assessment Mission Report

I. INTRODUCTION

Following an official invitation from the authorities to observe the upcoming parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 11 to 14 February. The NAM included Ülvi Akhundlu, Deputy Head of the ODIHR Election Department, and Keara Castaldo, ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an ODIHR observation activity for the forthcoming elections and, if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions as well as with representatives of political parties, media, civil society and the international community. A list of meetings is annexed to this report.

ODIHR would like to thank the Ministry of Foreign Affairs for its assistance and co-operation in organizing the NAM. ODIHR would also like to thank each of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

Mongolia is a semi-presidential republic. Legislative power is vested in the unicameral State Great *Khural* (parliament). Executive power is exercised by the government, led by the prime minister, as well as a directly elected president. On 24 June 2020, voters will elect 76 members of parliament for a four-year term.

The electoral legal framework was substantially revised since the previous elections, including the introduction of a multiple non-transferable voting system of allocating parliamentary seats, in which all 76 members are elected across 29 non-proportional multi-member districts comprising between 2 and 3 seats. Many ODIHR NAM interlocutors raised particular concerns related to the disproportionate allocation of voters across electoral districts. Some changes to the legal framework partially address prior ODIHR recommendations, such as the removal of certain restrictions on the right to stand, the introduction of stronger campaign finance regulations, and additional measures to enhance the transparency of voter lists. However, a number of long-standing ODIHR recommendations remain unaddressed, including those related to voter and candidate eligibility requirements and the timely resolution of election-related complaints. Many ODIHR NAM interlocutors regretted that recommendations submitted by their respective institutions, political parties, or organizations to a legislative working group were not adequately considered.

Parliamentary elections are administered by a four-tiered structure led by the General Election Commission (GEC). Most ODIHR NAM interlocutors expressed overall satisfaction with the professionalism of the election administration and confidence in the use of vote-counting equipment and other technologies. Certain activities of the election administration have been postponed due to

ongoing restrictions on public gatherings related to the 2019 coronavirus disease (COVID-19), such as trainings for prospective members of election commissions, with plans made to conduct them online.

Women remain underrepresented in political positions; in the outgoing parliament, 17 per cent of members are women, and no governors of the country's 21 provinces (*aimags*) are women. Only one of six GEC members is a woman and no requirements exist for the representation of each gender on election commissions. Each gender should be represented by at least 20 per cent of candidates nominated by a party or coalition. Some interlocutors noted that high campaign costs, including for media and print advertising, are inhibitive to candidates with less access to capital, which may disproportionately impact women's participation.

Citizens of at least 18 years of age on election day have the right to vote, except those without legal capacity including on the basis of disability or those who are serving a prison sentence for any crime, restrictions which are contrary to prior ODIHR recommendations and international obligations. Voter lists are generated from the National Civil Registration and Information Database, which identifies citizens based on personal and biometric data to preclude multiple entries. ODIHR NAM interlocutors did not raise major concerns with the maintenance of voter registration data, though many noted challenges in accurately registering nomadic groups and other citizens with temporary addresses, and some indicated plans to inspect the final lists.

Voters of at least 25 years of age may stand for election to the parliament. The legal framework imposes several restrictions on candidacy which have been previously criticized by ODIHR as contrary to international obligations. Persons facing corruption charges will not be considered for registration as a candidate. Most ODIHR NAM interlocutors did not raise major concerns related to the administration of the candidate registration process, though several pointed to overly restrictive requirements as a barrier to otherwise eligible candidacies.

The law strictly regulates campaigning, including the permissible number of campaign staff, assets and vehicles, and the number and format of printed materials. Political parties and other ODIHR NAM interlocutors generally noted the ability to conduct most campaign activities freely. However, some expressed concerns related to the overregulated campaign period, the short time to campaign across expansive geography, the potential spread of false information in online media and social networks, and the alleged abuse of state resources. Most interlocutors raised significant concerns related to vote-buying and other coercive tactics to influence voters, including on election day.

Parliamentary election campaigns may be financed from individual donations or from party or candidate assets. The revised electoral legislation indicates the State Audit Office as the primary oversight entity for campaign finance and introduced requirements for interim reporting on campaign income and expenditure, in line with a prior ODIHR recommendation. ODIHR NAM interlocutors generally welcomed legislative amendments related to campaign finance but indicated that oversight could be further strengthened.

The media landscape in Mongolia is diverse but politically polarized, with private and public media perceived as lacking independence from political structures. The Constitution contains guarantees on the freedom of expression and the right to seek and obtain information, but defamation remains a criminal offense and some stakeholders described difficulty in obtaining information from state institutions.

The revised legal framework lacks detailed regulation of the process of election dispute resolution. The law provides that complaints on decisions of election commissions are to be handled by higher commissions in a hierarchical manner and identifies other appellate bodies, but contains no provisions related to legal standing or procedures for filing with an election commission. The revised law establishes a deadline of within the calendar year for authorized entities to resolve election-related complaints, which does not guarantee timely legal remedy, despite prior ODIHR recommendations.

In considering an observation activity, the ODIHR NAM has taken into account the various findings outlined in this report, including recent substantive changes to the electoral legal framework, status of implementation of previous ODIHR recommendations, and the views expressed by stakeholders. The ODIHR NAM noted overall confidence in most aspects of the election administration. However, interlocutors raised significant concerns related to vote-buying and other coercive tactics on and around election day. Stakeholders also highlighted several aspects of the revised legal framework and the conduct of the election campaign that would merit particular attention, including the implementation of the revised electoral system, media coverage of the elections and the oversight of traditional and online media, and possible abuse of state resources. Many interlocutors underscored the need for an ODIHR activity to observe the pre-election campaign environment as well as the election day proceedings.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM), subject to regional travel and health directives related to the COVID-19 pandemic, to assess the forthcoming parliamentary elections. In addition to a core team of experts, ODIHR NAM would request the secondment of 26 long-term observers from OSCE participating States to follow the electoral process countrywide, and 300 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

III. FINDINGS

A. BACKGROUND

Mongolia is a semi-presidential republic. Legislative power is vested in the unicameral State Great *Khural* (parliament). Executive power is exercised by the government, led by the prime-minister, as well as a directly elected president who holds certain powers related to foreign and defense policies. The parliament confirms the prime minister. Long-term discussions on constitutional reforms resulted in a series of amendments in November 2019 which, *inter alia*, grant authority to the prime minister to appoint a cabinet and reduce the tenure of the president to one six-year term in lieu of two four-year terms.¹

In the June 2016 parliamentary elections, the Mongolia People's Party (MPP) returned to power with 65 of 76 seats, defeating the then-ruling Democratic Party (DP).² MPP proceeded to win a majority of council and mayoral seats in the provinces and capital city in the October 2016 local

¹ Constitutional changes relate to provisions on state sovereignty; legislative, executive and judicial mandates, including parliamentary budgetary powers; and certain provisions related to elections (see also *Legal Framework* section). Discussions on these changes began in 2016 and were highly publicized in the months leading to their adoption.

² DP received nine seats, the Mongolian People's Revolutionary Party one seat. An additional seat is held by an independent MP.

elections. Mr. Khaltmaagin Battulga, a DP candidate, was elected president in July 2017 after a two-round contest, winning 50.61 per cent of the vote. Women are underrepresented in political positions; in the outgoing parliament, 13 members (17 per cent) are women, and no governors of the 21 provinces (*aimags*) are women.

The political environment was marked in recent years by highly publicized allegations of corruption involving high-ranking government officials. In September 2017, the prime minister was dismissed by the parliament over allegations of misuse of office. In November 2018, an unsuccessful no-confidence vote was initiated against the successive prime minister by members of his own ruling party, following corruption allegations related to the illegal use of government funds by state officials. The speaker of parliament was expelled by the parliament in January 2019 after his implication in corruption scandals.

In 2019, the parliament also adopted a controversial law, proposed by the president, which authorized the National Security Council and the Judicial General Council to recommend the dismissal of judges and prosecutors, as well as the head of the Anti-Corruption Agency, and to forcibly recuse judges from particular cases.³ Several ODIHR NAM interlocutors raised significant concerns related to the impact of this law on the separation of executive and judicial powers.⁴

Authorities and other electoral stakeholders acknowledged uncertainties posed by the global outbreak of the 2019 coronavirus disease (COVID-19). The government has introduced a series of precautionary health and travel restrictions which may directly or indirectly impact the preparations for and conduct of elections (see also *Election Administration* and *Campaign* sections).⁵ On 25 March 2020, the president published a series of recommendations on his website pertaining to the COVID-19 pandemic, which included a proposal to postpone the parliamentary elections on the basis of economic uncertainties resulting from the public health crisis.⁶

ODIHR has previously observed three elections in Mongolia.⁷ For the 2017 presidential election, ODIHR deployed a Limited Election Observation Mission, which concluded that the election “was competitive and well-organized, featuring a short yet fierce campaign. The freedoms of assembly and expression were generally respected. The protracted resolution of complaints, as well as pending court cases, led to uncertainty regarding candidacies. Media coverage was extensive but devoid of analytical reporting. The election administration was effective despite the perception of partisanship in the appointment of mid-level election commissions” but noted that “[t]he 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”.

³ The National Security Council comprises the president, prime minister, and parliament speaker, and five of the ten members of the Judicial General Council is appointed by the president.

⁴ A group of judges have petitioned the Constitutional Court to review this law. See also the [May 2019 statement of the UN Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the independence of judges and lawyers](#).

⁵ In early February 2020, the government instituted a temporary ban on public gatherings, which remains in place. Movement between municipalities has been restricted since March 2020 in an effort to prevent and contain the virus.

⁶ See the [full text of the recommendations](#) (in Mongolian). The legal framework provides that elections may be postponed under a state of emergency. The Constitution prescribes conditions for invoking a state of emergency, including direct or indirect public health concerns.

⁷ See all previous [ODIHR election-related reports on Mongolia](#).

B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

Parliamentary elections are primarily regulated by the 1992 Constitution (last amended in 2019), the 2019 Law on Parliamentary Elections, and the 2006 Law on the Central Election Body. The legal framework also includes the Political Parties Law, the Anti-Corruption Law, the laws governing the judicial system and the functioning of the national broadcaster, as well as supplementary regulations and decisions of the General Election Commission (GEC) and parliamentary resolutions pertaining to elections. Mongolia is party to major international and regional instruments related to the holding of democratic elections.⁸

The electoral legal framework was substantially revised since the previous elections. Constitutional amendments adopted by the parliament in November 2019 pertain to candidacy requirements for presidential elections, political party registration, and contain a prohibition on amending electoral legislation within the year prior to an election.⁹ In addition, in December 2019 the parliament adopted new, separate pieces of legislation regulating presidential, parliamentary and local elections, respectively. This reversed a prior consolidation of electoral laws in 2015 which had been in line with ODIHR recommendations.¹⁰

Some changes to the legal framework partially address prior ODIHR recommendations, such as the removal of certain restrictions on the right to stand, the introduction of stronger campaign finance regulations, and additional measures to enhance the transparency of voter lists. However, a number of long-standing ODIHR recommendations remain unaddressed, including related to voter and candidate eligibility requirements and the timely resolution of election-related complaints. Many ODIHR NAM interlocutors regretted that recommendations submitted their respective institutions, political parties and other organizations to a legislative working group were not adequately considered, and raised particular concerns related to the disproportionate allocation of voters across electoral districts. Although long-term discussions related to constitutional and electoral reforms included some opportunities for public consultation, several stakeholders described an ultimately swift parliamentary procedure for the adoption of the amendments in late 2019.

The revised electoral system replaces the previous first-past-the-post system with a multiple non-transferable voting system, in which all 76 members are elected across 29 non-proportional multi-member districts comprising between 2 and 3 seats.¹¹ The candidates with the most votes are elected such that all seats in a district are filled. By law, voters must select, from open lists, the precise number of candidates corresponding to the number of seats in their district, and ballots with more or fewer marked candidates will be considered invalid.¹² Voter turnout must be at least 50 per cent in a constituency for the result to be valid. Repeat elections are held within a week and are open only to eligible voters that did not participate in the initial voting.

A parliament resolution of 30 January 2020 established the electoral districts for the forthcoming parliamentary elections, citing both population and geographic representation as criteria without

⁸ Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 Convention for the Elimination of All Forms of Discrimination against Women (CEDAW), 1965 Convention on the Elimination of All Forms of Racial Discrimination (CERD), the 2003 Convention Against Corruption (CAC), and the 2006 Convention on the Rights of Persons with Disabilities (CRPD).

⁹ Beginning from 2028, political parties must demonstrate membership of at least one per cent of eligible voters.

¹⁰ See also the [2019 ODIHR Opinion on the Draft Laws on Presidential, Parliamentary and Local Elections](#).

¹¹ Mongolia is administratively divided into 21 *aimags* and one provincial municipality (Ulaanbaatar). The electoral districts comprise 20 constituencies across the 21 *aimags* and 9 constituencies in Ulaanbaatar. The Dundgobi and Gobisumber *aimags* comprise a single constituency.

¹² However, by law, a blank ballot is considered valid and an indication that the voter supports no candidates.

providing an explicit formula.¹³ The electoral districts contain discrepancies in population size and do not provide for equality of the vote.¹⁴ Approximately half of the population reside in the capital city, Ulaanbaatar, but the respective electoral districts comprise less than one-third of seats in the parliament.¹⁵ Authorities informed the ODIHR NAM that the allocation of seats intends to guarantee sufficient representation to sparsely-populated provinces outside of Ulaanbaatar. Several interlocutors raised concern that the concentration of voting power in these provinces favours the ruling party.

C. ELECTION ADMINISTRATION

Parliamentary elections are administered by a four-tiered structure led by the GEC and comprising 22 Territorial Election Commissions (TECs – one for each of the 21 *aimags*, and one for Ulaanbaatar), 339 District Election Commissions (DECs) in both capital city districts and rural districts (*soums*), and some 2,000 Precinct Election Commissions (PECs). Most ODIHR NAM interlocutors expressed overall satisfaction with the professionalism of the election administration at all levels.

The GEC is a permanent structure responsible for the overall administration of the elections. The current GEC was appointed in 2019 for a six-year term and consists of nine members.¹⁶ The chairperson and secretary are appointed by parliament from among the GEC members and serve as full-time commissioners; the other seven members serve part-time. Only one GEC member is a woman and no requirements exist for the representation of each gender on election commissions.

Lower-level commissions are established for each election. TECs have up to nine members and will be appointed by the GEC by 15 April. TECs will appoint nine-member DEC by 25 April and seven-member PEC by 10 May. Members of lower commissions are drawn from among public employees, with preference given to those with prior experience in organizing elections. All members are required to receive certificates following mandatory training and be non-partisan. Due to ongoing restrictions on public gatherings related to the COVID-19 pandemic, the initial training schedule for commission members was postponed, and the GEC has since organized online training modules for prospective members.¹⁷

All polling stations will be equipped with electronic vote-counting equipment for scanning and counting ballots. Results are corroborated through a manual vote count in up to 50 per cent of polling stations, which are randomly selected. In 2019, the General Intelligence Agency and GEC conducted an examination of the counting equipment, which concluded that the machines could be reused in the 2020 parliamentary and local elections. All ODIHR NAM interlocutors expressed overall confidence in the use and integrity of this equipment, but some noted that changes to implementation, including to the source code, would be necessitated by the new electoral system. Despite prior ODIHR recommendations, there is no requirement for election results to be published

¹³ See the [full text of the resolution](#) (in Mongolian).

¹⁴ The population of several districts deviate from the average in excess of 15 per cent. Notably, the Khentii *aimag* with a population of 77,028 is allocated three parliamentary seats, while the Dornod *aimag* with population 80,984 is allocated only two seats. The [2002 Council of Europe's Venice Commission Code of Good Practice in Electoral Matters](#) identifies population-based criteria for allocation of seats across electoral constituencies, but acknowledges potential considerations related to geography and sparsely populated administrative districts.

¹⁵ The nine districts correspond to 24 seats. According to [population statistics provided by the National Statistics Office](#), the population of Ulaanbaatar in 2018 was 1.49 million, of a total national population of 3.24 million.

¹⁶ Five members are newly appointed; the remaining four previously served, including the chairperson.

¹⁷ Public employees could register for online TEC, DEC and PEC trainings as of 17 March 2020.

immediately following tabulation, nor for precinct-level results to be published. However, observers may receive soft copies of results produced from vote-counting machines.

D. VOTER REGISTRATION

Citizens of at least 18 years of age on election day have the right to vote, except those declared legally incapacitated, including on the basis of intellectual or psychosocial disability, or who are serving a prison sentence regardless of the gravity of the crime committed. ODIHR has previously criticized these restrictions as inconsistent with OSCE commitments and international standards.

Voter registration is passive. Voter lists are generated from the National Civil Registration and Information Database, managed by the General Authority for Intellectual Property and State Registration (GAIPSR). The database identifies citizens based on personal and biometric data to preclude multiple entries. On election day, voters will be required to present their identification cards and have their fingerprints scanned and checked against the biometric register. In the revised election law, various state agencies submit data to the GEC on certain categories of citizens for forwarding to the GAIPSR, which then amends the lists accordingly.¹⁸ Voters can verify their records online from 1 April and may request changes until at least 14 days prior to election day. Certain categories of voters – such as campaign and election administration staff – may request to transfer their registration to another precinct within their *aimag*, upon an official request by their organization or candidate, but this possibility does not exist for most voters.

The revised law permits representatives of political parties, coalitions, candidates, and civil society to observe the preparation and transfer of voter lists; any such persons must first register with the State Intelligence Authority, which is also mandated to observe these activities. ODIHR NAM interlocutors did not raise major concerns with the maintenance of voter registration data, though many noted challenges in accurately registering nomadic groups and other citizens with temporary addresses, and some indicated plans to inspect the final lists.

Many ODIHR NAM interlocutors alleged longstanding practices related to strategically moving voters to specific districts to influence electoral outcomes; these interlocutors supported government efforts to curb this practice, including a ban on pre-election internal migration beginning from 1 February 2020. Some stakeholders indicated that they expected the practice to continue in the forthcoming parliamentary elections. Since 10 March 2020, the government has halted migration between municipalities, as a precautionary measure related to the COVID-19 pandemic. Citizens may not participate in elections from abroad, a limitation which was criticized by some interlocutors.

E. CANDIDATE REGISTRATION

Eligible voters of at least 25 years of age may stand for election to the parliament. The legal framework imposes several restrictions on candidacy which have been previously criticized by ODIHR as contrary to international obligations, including restrictions on the basis of intellectual or psychosocial disability, incomplete military service, and a criminal record that has not expired or been expunged. Additionally, prospective candidates cannot have overdue loans or income taxes (as determined by a court decision). The revised electoral legislation requires public employees who seek candidacy to resign at the start of the nomination period rather than at the beginning of the election year, addressing a prior ODIHR recommendation. However, the amendments also

¹⁸ These categories include citizens deemed legally incapacitated, imprisoned, or those who have left the country for more than 60 days. These voters will be marked as “temporarily removed” in the voter lists.

introduced a prohibition on candidacy for any person charged in a corruption case, which many ODIHR NAM interlocutors described as overly restrictive, in violation of the principle of presumption of innocence, and prone to political abuse.¹⁹

Political parties and coalitions may declare their intention to participate in parliamentary elections to the GEC at least 60 days prior to election day. Prior to submitting this declaration, the party or coalition must obtain written approval of its election platform from the State Audit Office (SAO), which is tasked with affirming the legality and economic feasibility of each platform.²⁰ Many ODIHR NAM interlocutors noted that this practice may conflict with the principles of freedom of expression and political pluralism. The GEC has five days to confirm the registration of the party or coalition.

Candidates can be nominated by political parties or coalitions, or run independently. The candidate nomination period begins 45 days before election day and lasts for 7 days. Parties and coalitions may not nominate more than 76 candidates and each gender should be represented by at least 20 per cent of candidates nominated by each party or coalition. Independent candidates must collect at least 801 supporting signatures.²¹ No candidate may stand for election in more than one district. Within five days from the period for nomination, all prospective candidates must submit requisite eligibility documents from various state institutions to the GEC and must submit income and asset declarations to the Anti-Corruption Agency.²² The GEC should register candidates within 5 days of receiving their nomination documents, and rejected candidatures may be re-submitted at least 25 days prior to election day.

Most ODIHR NAM interlocutors did not raise major concerns related to the administration of the candidate registration process, though several pointed to overly restrictive eligibility requirements as a barrier to otherwise eligible candidatures.

F. ELECTION CAMPAIGN

The official campaign period is scheduled to begin on 2 June and end by midnight on 22 June, lasting 21 days (prolonged from 17 days). The law strictly regulates campaigning, including the permissible number of campaign staff, assets, and vehicles and the number and format of printed materials. Campaigning in public institutions is prohibited. Individual candidates may not campaign with a different election platform than that of their nominating party or coalition. The law prohibits the distribution of money and goods to voters, organization of mass entertainment events, and distribution of false information using print, broadcast or electronic media from the beginning of the election year until the close of polls; sanctions for noncompliance with these rules include fines of up to MNT 20,000 for individuals and MNT 200,000 for parties or coalitions.²³

Political parties and other ODIHR NAM interlocutors generally noted the ability to conduct most campaign activities freely. However, some expressed concerns related to the overregulated campaign period, the potential spread of false information in online media and social networks, and

¹⁹ The GEC informed the ODIHR NAM that a prospective candidate would not be registered if a corruption investigation was ongoing.

²⁰ The SAO assesses platforms in accordance with the Law on Budget Sustainability, the Law on Development Policy and Planning and the policy document “Mongolia Sustainable Development Vision 2030”.

²¹ Equal to the current requisite number of signatures for a political party to be registered by the Supreme Court, which will increase in 2028 to one per cent of eligible voters.

²² These declarations may now be submitted electronically. Public employees, who are required to submit income and asset declarations annually, are not required to re-submit should they apply for candidacy.

²³ One Euro is roughly equivalent to 3,125 Mongolian *Tughrik* (MNT).

the alleged abuse of state resources, such as through local budgetary incentives by incumbent parties in advance of the elections. Most interlocutors raised significant concerns to the ODIHR NAM related to the practice of vote-buying and anticipated such violations would occur in these elections.

The revised legal framework contains more detailed regulations on the campaign in online media and social media. Candidate, party and coalition websites must be registered with the CRC as well as with the respective TEC, and the use of unregistered websites for political advertising is prohibited. The comments function on registered campaign websites must be disabled, and noncompliance incurs a fine. The CRC informed the ODIHR NAM that it will issue a regulation by April, together with the GEC, which will further detail how regulations on online and social media will be applied and enforced.

Several stakeholders anticipated that the campaign would largely take place on social media and anticipated a negative overall tone. Campaign topics are expected to include economic, environmental and social welfare issues as well as strategies to curtail corruption in the public sector. Political parties met by the ODIHR NAM did not identify issues related to women's rights or gender equality as priorities of their potential programmes, but indicated plans to promote the participation of women candidates. Stakeholders acknowledged that developments related to the COVID-19 pandemic and related efforts by the authorities to prevent the spread of the disease, such as restrictions on public gatherings and on movements between municipalities, could impact the conduct of the election campaign.

G. CAMPAIGN FINANCE

Parliamentary election campaigns may be financed from individual donations or from party or candidate assets. All transactions should be made through a designated bank account that is registered with the SAO; cash donations are not permitted. Since the previous parliamentary elections, limits on donations have been increased to MNT 5 million for individuals (from MNT 3 million) and MNT 20 million for legal entities (from MNT 15 million). Donors must demonstrate source of income and may not have outstanding debts or overdue taxes. Donations from foreign persons or entities are prohibited. In-kind contributions are permitted but, under a new regulation, the reported value must align with the market price. On 28 February, in consultation with the GEC, the SAO established increased expenditure limits for these elections, at MNT 5.9 billion for political parties and coalitions (MNT 4.4 billion in 2016) and from MNT 360 to 775 million for individual candidates (compared to MNT 174 to 378 million in 2016), depending on the size and projected costs of the electoral constituency. ODIHR NAM interlocutors noted that high campaign costs, including for media and print advertising, can be inhibitive to candidates with less access to capital, which may disproportionately impact women's participation.

The revised electoral legislation indicates the SAO as the primary oversight entity for campaign finance, a responsibility that it previously shared with the GEC and the State Tax Authority. The new legislation also introduced a requirement for interim reporting on campaign income and expenditure, to be made publicly available and submitted to the SAO three days prior to election day, in line with a prior ODIHR recommendation. In addition, the Anti-Corruption Agency is now required to publish on its website the asset and income declarations of all candidates at least 22 days prior to election day. All contestants must enlist a private firm to audit their campaign finances after election day and must submit the audited final report to the SAO within 45 days (for political parties and coalitions) or 30 days (for candidates). The bank in which the designated campaign account was held must submit a record of account transactions to the SAO within 30 days of the

elections. The SAO must review and publish the final campaign finance report within 60 days of its receipt.

The SAO informed the ODIHR NAM that it plays a limited role in the detection of campaign finance violations, and that most violations would be redressed through the courts. ODIHR NAM interlocutors generally welcomed legislative amendments related to the oversight of campaign finance but indicated that oversight could be further strengthened, particularly during the campaign period. Some interlocutors indicated that the current system for campaign finance, including high expenditure limits, favours large and well-established political parties and incumbents.

H. MEDIA

The media landscape is diverse but politically polarized. The public Mongolian Radio and Television (MNB) includes 2 television and 3 radio stations; private broadcasters include some 50 television and 25 radio stations broadcasting in Ulaanbaatar and over 60 television and 36 radio stations available locally throughout the country. Several ODIHR NAM interlocutors indicated that private media are generally affiliated with a political interest, and opined that the public broadcaster lacks independence from the ruling party.

The Constitution contains guarantees on the freedom of expression and the right to seek and obtain information. The media legal framework comprises the 1998 Law on Freedom of Media and the 1995 Law on Telecommunications. The Law on Freedom of Media holds media outlets liable for the content of political advertising and statements made directly by political actors. Defamation remains a criminal offense. Media interlocutors informed the ODIHR NAM of a lack of criminal defamation convictions in recent years, but described a prevailing self-censorship among journalists. In addition, some interlocutors described difficulties faced by journalists in receiving information from state institutions. The revised parliamentary elections law also contains a prohibition on publishing opinion polls in an election year, prior to election day, which some interlocutors viewed as an undue restriction.

Media coverage of the election campaign may constitute news coverage and free and paid airtime. Contestants may also purchase paid “news” time to be aired between traditional news segments; in these elections, this additional paid time is to be treated as political advertising. Public and private broadcasters are required to ensure non-discriminatory conditions and to provide unbiased information in their programmes. The MNB must provide free-of-charge equal coverage to all parties and coalitions. The revised legal framework authorizes the CRC, rather than the GEC, to approve the schedule and allotment of free airtime in the public broadcaster. Private broadcasters are required to air paid candidate advertisements under equal conditions and the total time dedicated to advertisements by each broadcaster cannot exceed one hour per day.

The CRC conducts monitoring of all national and regional broadcasters during the campaign period for compliance with content and time requirements. The CRC informed the ODIHR NAM that, together with the GEC, it intends to issue two regulations detailing rules for monitoring election coverage in television, radio and online media in these elections.

The revised legal framework narrowed the electoral oversight role of the Authority for Fair Competition and Consumer Protection (AFCCP) to three specific aspects; these include the principles of impartiality and the equal treatment of contestants, the prohibition on publishing opinion polls prior to elections, the prohibition on contracting with political actors for favourable coverage. Both the CRC and the AFCCP informed the ODIHR NAM that they each contract a

private company to conduct monitoring of national and regional broadcast media for compliance with specific aspects of electoral and media regulations and do not coordinate in their respective monitoring. In addition, the AFCCP informed the ODIHR NAM that 20 national inspectors are responsible for monitoring specific television and radio channels, with an additional 5-6 inspectors to be retained during the election period.

I. COMPLAINTS AND APPEALS

The new parliamentary elections law lacks detailed regulation of the process of election dispute resolution. There are no provisions related to legal standing or to procedures for filing a complaint with an election commission.²⁴ The law establishes a deadline of within the calendar year for authorized entities to resolve election-related complaints, which does not guarantee timely legal remedy, despite prior ODIHR recommendations.²⁵

The law provides that complaints on decisions of election commissions are to be handled by higher commissions in a hierarchical manner. Complaints related to decisions of the GEC may be appealed to the Administrative Court of Appeals and further to the Supreme Court. The final decision on election results may only be appealed to the Constitutional Court.²⁶

The Mongolian Peoples' Revolutionary Party and the National Labour Party informed the ODIHR NAM of complaints submitted to the Constitutional Court related to restrictions on candidacy on the basis of corruption charges and the delineation of electoral districts, respectively. These complaints remain unresolved.

The Anti-Corruption Agency has 30 days to investigate complaints related to the abuse of state resources, which can be extended for an additional 30 days. The law does not provide that these cases are expedited if related to the election campaign, but the Agency informed the ODIHR NAM that such cases would be expedited in practice.

J. CITIZEN AND INTERNATIONAL OBSERVERS

The legal framework provides for citizen and international election observers, as well as for authorized representatives of electoral contestants. The law limits the number of citizen observers to one observer per organization per polling station and prohibits public servants from observing elections. Political parties met by the ODIHR NAM indicated their intention to observe certain elements of the electoral process, particularly voter registration and election day procedures.

IV. CONCLUSIONS AND RECOMMENATIONS

In considering an observation activity, the ODIHR NAM has taken into account the various findings outlined in this report, including recent substantive changes to the electoral legal framework, status of implementation of previous ODIHR recommendations, and the views expressed by stakeholders. The ODIHR NAM noted overall confidence in most aspects of the election administration. However, interlocutors raised significant concerns related to vote-buying and other coercive tactics on and around election day. Stakeholders also highlighted several aspects

²⁴ The authorities informed the ODIHR NAM that provisions of the Administrative Law and Conflict Law would apply to the handling of election-related complaints, including provisions on legal standing.

²⁵ See the [2019 ODIHR Opinion on the Draft Laws on Presidential, Parliamentary and Local Elections](#).

²⁶ The Constitutional Process Law provides standing to all citizens for such complaints.

of the revised legal framework and the conduct of the election campaign that would merit particular attention, including the implementation of the revised electoral system, media coverage of the elections and the oversight of traditional and online media, and possible abuse of state resources. Many interlocutors underscored the need for a potential ODIHR activity to observe the pre-election campaign environment as well as the election day proceedings.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM), subject to public health and travel considerations in light of the ongoing COVID-19 pandemic, to assess the forthcoming parliamentary elections. In addition to a core team of experts, ODIHR would request the secondment of 26 long-term observers from OSCE participating States to follow the electoral process countrywide, and 300 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring element.

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Bat-Erdene Chinuukhei, Deputy Director, Department of Multilateral Co-operation
Bilguun Balkhjav, Department of Multilateral Co-operation

General Election Commission

Sodnomtseren Choinzon, Chairman
Dugardorj Bayanduuren, Head of Administration Office

Supreme Court

Batsuuri Mishig, Presiding Justice, Chamber for Administrative Cases

Administrative Court of Appeals

D. Batbaatar, Chief Justice

General Authority for Intellectual Property and State Registration

G. Tsolmon, Head of Administration
T. Narmandakh, Head of Citizen Registration Office
Kherlen, Head of Cooperation and Training

Communications Regulatory Commission

D. Sereedorj, Deputy Director
Altai Luvsan-Ochir, Director, ICT Development and Regulation Division

Authority for Fair Competition and Consumer Protection

B. Lhagva, Director
Tsogtgerel Sukhbaatar, Vice-Chairperson, Commissioner

State Audit Office

D. Zandabat, General Auditor

Anti-Corruption Agency

Zagraa Baasannyam, Commissioner-in-charge, Director of Administration
Amarbold Bilguun, Commissioner, Officer

Political Parties

B. Delgermaa, Deputy Chair, Democratic Party
B. Battulga, Head of Secretariat, Democratic Party
N. Ariunbold, Head of Legal Department, Democratic Party
Ch. Hailun, Democratic Party
Undraa Angvalusaan, MP, Mongolian People's Party
Nambariin Enkhbayar, Chairperson, Mongolian People's Revolutionary Party
Munkhsoyol Baatarjav, National Labour Party

Media

Luvsandash Ninjamts, General Director, Mongolian National Broadcaster
Tovuu Batzorig, Director, Organizational Development, Mongolian National Broadcaster
D. Ganchimeg, General Producer, Mongolian National Broadcaster
Ts. Tsend, General Producer, Television, Mongolian National Broadcaster

Media Council of Mongolia
Mongol HD

Civil Society

Batbayar Ochirbat, Executive Director, Transparency International Mongolia
Battuul Baterdene, International IDEA Mongolia
Enkhtsetseg Uuganbayar, Manager of Governance Programme, Open Society Foundation

International Community

Marco Ferri, Minister Counselor, Deputy Head of Mission, Delegation of the European Union