

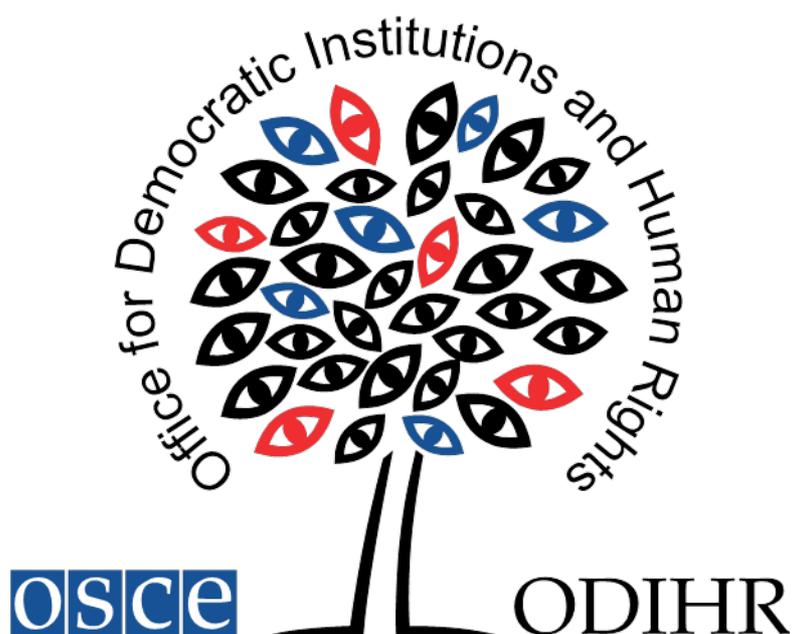


Office for Democratic Institutions and Human Rights

MONGOLIA

PRESIDENTIAL ELECTION 26 June and 7 July 2017

OSCE/ODIHR Limited Election Observation Mission
Final Report



Warsaw
27 October 2017

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MONGOLIA
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OSCE/ODIHR Limited Election Observation Mission Final Report¹

I. EXECUTIVE SUMMARY

Following an invitation from the authorities of Mongolia to observe the 26 June 2017 presidential election, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) deployed a Limited Election Observation Mission (LEOM) on 22 May. The mission remained in the country to follow the runoff on 7 July. The OSCE/ODIHR LEOM assessed compliance of the election with OSCE commitments, other international obligations and standards for democratic elections and national legislation. For the first round on 26 June, the OSCE/ODIHR LEOM was joined by delegations from the OSCE Parliamentary Assembly and the European Parliament to form an International Election Observation Mission (IEOM). Each institution involved in this IEOM has endorsed the 2005 Declaration of Principles for International Election Observation.

The statement of Preliminary Findings and Conclusions issued by the IEOM concluded that the 26 June presidential 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.”

The statement of Preliminary Findings and Conclusions issued by the OSCE/ODIHR LEOM for the second round concluded that “the first-ever presidential runoff took place against the backdrop of legal uncertainty. Positively, the General Election Commission (GEC) issued clarifying regulations and, against the time constraints, administered the election in an efficient manner. The period between the two rounds was tainted by instances of blurring the line between governing and campaigning, as well as widespread allegations of vote-buying. Calling on voters to cast blank ballots in protest was a distinct feature of the runoff. The election day itself was orderly, and polling station staff efficiently facilitated voting.”

The electoral legal framework forms an adequate basis for holding democratic elections. The Law on Elections (LoE), however, contains numerous ambiguities and omissions pertaining to key elements of the electoral process, leading to considerable uncertainty, especially regarding a runoff. The Supreme Court did not exercise its constitutional mandate to issue an authoritative interpretation of the LoE that would uniformly guide all electoral stakeholders.

The GEC effectively administrated both rounds of the election and displayed commendable efforts to address legal ambiguities regarding the runoff. Nevertheless, a widespread perception of political bias in mid-level commissions damaged stakeholder trust in the integrity of the election administration.

Some 1.98 million voters were registered for the election. The Law on Elections contains disproportionate provisions restricting suffrage rights, including a blanket disenfranchisement of people serving a prison sentence, regardless of the gravity of the crime committed, contrary to the International Covenant for Civil and Political Rights and the 1990 OSCE Copenhagen Document. Voter lists were derived from the national civil register’s biometric database and generally electoral stakeholders placed confidence in list accuracy and inclusiveness. Lists were available for verification online as well as in person. While voters could change their place of voting, the prohibition on transfers

¹ The English version of this report is the only official document. An unofficial translation is available in Mongolian.

within the same province disenfranchised some voters, as did certain disproportionate blanket restrictions on suffrage rights.

Three candidates representing the three parliamentary parties contested the election. As no other party had the right of nomination and candidates could not stand independently, voter choice was limited. Moreover, the parties' internal candidate selection processes lacked transparency and adherence to well-defined internal criteria that were made public.

Freedom of assembly was respected in a dynamic, yet highly-charged campaign. Rallies tended to attract substantial numbers of people across the country. Discussion on candidates' merits was eclipsed by targeted smear campaigns. Prior to the runoff, due to opaque regulations, the perception that campaigning was forbidden prevailed, and parties appealed to supporters through door-to-door canvassing and social media. Casting a blank ballot in the second round to force a new election emerged as a form of protest.

The line between governing and campaigning was blurred throughout the electoral period. Prior to the second round, it led to a misuse of government functions when the cabinet transferred funds from the state budget to immediately distribute cash payments and other benefits through various social programmes. Moreover, one candidate capitalized on his position as the Speaker of the Parliament by campaigning while on duty.

A campaign expenditure ceiling aimed to level the playing field for contestants. The State Audit Office's role to enforce spending limits was ineffective and full disclosure of campaign finance is only envisaged post-election. Candidates' self-assessed asset declarations were published just before election day, impeding meaningful public scrutiny. Consequently, the overall lack of financial transparency weakened the credibility of key aspects of the electoral process.

The legal framework provides for freedom of expression and affords all contestants equal opportunity in the media. However, systemic deficiencies, including the politicization of media outlets, paid-for content and lack of independent journalism constrain information available to the electorate. OSCE/ODIHR media monitoring showed that the public broadcaster's editorial output favoured the government, while a few commercial outlets offered pluralistic discourse.

The advancement of women's full enjoyment of equal rights was neither featured in candidates' campaigns nor in media. Women are underrepresented among GEC members and in decision-making positions within the political parties. At the same time, women outnumbered men in mid- and lower-level election commissions, and were well represented in campaign teams.

Considerable efforts were made to respect the rights of persons with disabilities to political participation. Sign language was used in some news programmes, campaign rallies and GEC voter education spots. The GEC also provided braille ballot readers and other adapted voting materials. Despite these efforts, many polling stations were not accessible for persons with physical disabilities. While mobile voting enabled persons with disabilities to participate, this practice does not engender participation in voting on a par with other voters.

Citizen observers played an important role in scrutinising the pre-election environment, contributing to voters' understanding of the electoral process. Citizen observers also monitored both election days in a limited number of polling stations in the capital. Outside of the capital, civil society's observation efforts were limited.

Every citizen has the right to challenge the decisions and activities pertaining to all stages of the electoral process. However, deadlines for dispute resolution are discordant with the electoral calendar, undermining the right to timely and effective remedy. The GEC promptly reviewed over 60 petitions

and requests, but was not always consistent in handling them. The police received a high number of complaints on alleged vote-buying and also investigated candidates' involvement in illegal financial dealings; those litigations were not resolved before the runoff.

Both election days were calm and polling station staff proficiently introduced last-minute procedures. During the runoff, the GEC instructed polling staff to retain copies of voter registration slips issued to voters to deter potential vote-buying. Despite public concerns, no widespread problems were observed regarding biometric voter identification or functioning of the electronic vote counting equipment.

The GEC released preliminary results immediately after the polls closed in both rounds of the election. Disaggregated results by polling station were not published, reducing the possibility of external scrutiny. Despite an advanced result management system to enable full transparency and the public's access to information, the GEC did not adjust the release of results for the runoff.

The outcome of the election was accepted across the political spectrum. The president-elect commenced his duties on 10 July, hours after final results were published and before the complaints period expired.

This report offers a number of recommendations to support efforts to bring elections in Mongolia further in line with OSCE commitments and other international obligations and standards for democratic elections. Priority recommendations focus on the need to revise the electoral legislation, establish well-defined criteria for the nomination of civil servants to election commissions, allow independent candidacies, and to align the electoral dispute-resolution deadlines with the elections calendar, among other issues. The OSCE/ODIHR stands ready to assist the authorities to improve the electoral process and to address the recommendations contained in this and previous reports.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the authorities of Mongolia, and based on the recommendations of a Needs Assessment Mission conducted from 21 to 24 February, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) established a Limited Election Observation Mission (LEOM) on 22 May. The OSCE/ODIHR LEOM was headed by Ambassador Geert-Hinrich Ahrens (Germany) and comprised an 11-member core team based in Ulaanbaatar and 20 long-term observers deployed across the country.

For the 26 June election day, the OSCE/ODIHR LEOM was joined by delegations from the OSCE Parliamentary Assembly (PA) and the European Parliament (EP) to form an International Election Observation Mission (IEOM). Guglielmo Picchi (Italy) was appointed by the OSCE Chairperson-in-Office as Special Co-ordinator and Leader of the short-term OSCE observer mission. Georgios Varenmos (Greece) headed the OSCE PA delegation. Laima Liucija Andrikiene (Lithuania) led the EP delegation. In total, 66 observers were deployed, including a 22-member delegation from the OSCE PA and a 9-member delegation from the EP. The IEOM observers were drawn from 30 OSCE participating States.

For the second round on 7 July, the OSCE/ODIHR LEOM included 11 experts in the capital and 19 long-term observers. Observers were drawn from 23 OSCE participating States.

The OSCE/ODIHR LEOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. This final report follows Statements of Preliminary Findings and Conclusions for the first round and for

the runoff, which were released at press conferences in Ulaanbaatar on 27 June and 8 July, respectively.²

The OSCE/ODIHR LEOM wishes to thank the authorities of Mongolia for the invitation to observe the election, and the General Election Commission (GEC), the Ministry of Foreign Affairs and other authorities for their assistance. It also wishes to express its appreciation to civil society organizations, political parties, media, and other institutions for sharing their views with the mission, as well as the international community representatives for their support and co-operation.

III. BACKGROUND AND POLITICAL CONTEXT

Mongolia is a semi-presidential republic, where the president and parliament exercise extensive and at times overlapping powers. A public and parliamentary debate about prospective constitutional amendments to redistribute authority between the parliament and president formed a notable backdrop to the election. Since the adoption of the Constitution in 1992, Mongolia has held seven parliamentary and seven presidential elections, which occasioned several transfers of power between the ruling and the opposition parties.

This election followed the 29 June 2016 parliamentary elections as well as provincial and local elections held in June and October 2016, respectively. The 2016 election cycle placed the Mongolian People's Party (MPP) in a position of political preponderance with 65 of 76 seats in the parliament and majorities in most provincial and local citizens' representative assemblies. Of the 21 provincial governors, 20 are MPP affiliates. The Democratic Party (DP) maintains nine parliamentary seats, enabling it to form a party caucus, and the Mongolian People's Revolutionary Party (MPRP) has one seat.³ The outgoing president was a DP nominee. Although nominated by a political party, the president is to renounce any party affiliation upon taking office.

The election came at a time of continued economic challenges following recent years of paltry gross domestic product growth, burgeoning government debt, falling foreign direct investment, unstable currency, and increased unemployment. In February, Mongolia secured a bail-out agreement with the International Monetary Fund and other lenders, alleviating the prospect of immediate insolvency and enabling the government to maintain key social programmes. The economic depredations and a growing economic dependence on China fed populist agendas, contributing to a volatile environment ahead of the election.

Prior to the five-day nomination period in early May, all three parliamentary parties conducted internal candidate selection. The DP held a nationwide, closed primary, involving six candidates, formalizing its choice at a national convention on 6 May. The MPP held a party plenum to decide between its two prospective candidates on 3 May, while the MPRP nominated their party chairperson and, following the denial of his registration by the GEC, another candidate. The failure of the internal party nomination processes to accord with well-defined and transparent internal criteria that were made public contributed to disillusionment among the electorate, highlighting prospects for abstention and low turnout.⁴

² See all previous [OSCE/ODIHR reports on Mongolia](#).

³ There is also one independent member of parliament.

⁴ See paragraph 113 of the OSCE/ODIHR and European Commission for Democracy through Law (Venice Commission) 2011 [Guidelines on Political Party Regulation](#), which recommends establishing "clear and transparent criteria for candidate selection".

IV. LEGAL FRAMEWORK

The electoral legal framework primarily consists of the 1992 Constitution, the 2015 consolidated Law on Elections (LoE), the 2006 Law on the Central Election Body (LCEB) and the 2011 Law on the Automated Election System.⁵ The legislation is supplemented by regulatory acts of the GEC. However, the legislation provides limited authority to the GEC to adopt a range of supplementary regulations, in particular to the LoE, depriving it of the means to ensure coherent and consistent application of the electoral legislation.

To ensure a consistent application of electoral legislation across all levels of election administration, the law should provide the GEC with broader authority to issue regulations.

Overall, the electoral legal framework provides an adequate basis for the conduct of democratic elections. However, the LoE contains inconsistencies, ambiguities and gaps, including on the publication of opinion polls, paid campaign ads in media, overlapping competencies of institutions, provisions for the deregistration of a presidential candidate after the election, and the scheduling of new elections. In addition, the LoE carries few provisions explicitly regulating a presidential runoff. The law is silent on voter lists, requests for mobile voting, observer accreditation, and, notably, campaigning between the two rounds.

The electoral legislation should be revised to eliminate inconsistencies, conflicting legal provisions and omissions, including with regard to a potential second round of a presidential election.

While the LCEB confers upon the GEC the authority to request the Supreme Court to issue legally binding interpretations of electoral legislation, since 2012 the Supreme Court has refrained from exercising this constitutional mandate.⁶ The legal uncertainty prevailed prior to the runoff, highlighting the need for an authoritative and legally binding interpretation of the LoE that would unequivocally guide electoral stakeholders.⁷

The Supreme Court should consider exercising the powers granted to it by the Constitution, by providing interpretations of legal provision upon requests from the GEC.

The 2015 LoE consolidated previous election laws and was amended twice prior to the 2016 parliamentary elections. These amendments addressed a number of previous OSCE/ODIHR recommendations, such as the decriminalization of defamation and partial elimination of overlapping jurisdiction between election commissions and courts. However, long-standing recommendations on suffrage rights and electoral dispute resolution have yet to be addressed.⁸

V. ELECTORAL SYSTEM

The president is elected in a single nationwide constituency through a two-round majoritarian system by direct suffrage. If no candidate obtains the majority of all votes cast, a second round is held within two weeks between the two candidates who obtained the most votes. If neither runoff candidate obtains an absolute majority of votes, a new election is scheduled.

⁵ Relevant provisions of the 2005 Law on Political Parties, Law on Petitions, the Code of Administrative Procedure, the Criminal Code, and the Criminal Procedure Code, among others, are also applicable.

⁶ The Court informed the OSCE/ODIHR LEOM that it would provide a legal interpretation only once the Law on Courts clarifies its mandate.

⁷ There was consensus among authorities that exercise oversight, parties, and media that campaigning before the runoff was forbidden. However, each institution based its interpretation on different provisions of the LoE.

⁸ See respective sections on *Voter* and *Candidate Registration*.

If the nationwide voter turnout is below 50 per cent in either round, additional polling is conducted within a week. In such a case, only registered voters who did not vote on election day may cast a ballot. Additional polling is scheduled only in those polling stations where the turnout was below the constituency threshold (50 percent). The number of votes cast is then added to the number of votes cast initially. Denying eligible voters the right to vote in repeat polling because their polling station exceeded the 50 per cent turnout requirement on the initial day of voting, while affording that right to others within the same electoral constituency, is discriminatory on the basis of residence location and contrary to the principle of equal suffrage, at odds with international standards. There is also a potential concern that partial election results would be known prior to the additional polling.

Given the potential legal and logistical issues, consideration could be given to removing the practice of additional polling. If retained, the LoE should be amended to ensure equality of suffrage in any additional polling.

VI. ELECTION ADMINISTRATION

The structure of the electoral administration corresponds to Mongolia's territorial organization. At the national level, presidential elections are administered by the GEC, a permanent body composed of nine members, nominated for six-year terms. One GEC member is a woman.

Twenty-two Territorial Election Commissions (TECs), one in each of the 21 *aimags* (provinces) and the capital Ulaanbaatar, and 339 District Election Commissions (DECs) at the *soum* (county) and *duureg* (city district) level, were temporarily established. For election day, 1,983 Precinct Election Commissions (PECs) administered polling and counting. Lower level commissions were established between April and June, with women constituting a majority of members at each level.⁹ Training for commission members was based on a curriculum developed by the GEC and carried out in a timely and consistent manner. In between rounds, there were relatively few personnel changes at the lower levels of commissions.

The GEC oversaw numerous tasks according to electoral deadlines.¹⁰ Organizing the runoff in slightly more than one week, however, proved challenging to the entire electoral administration and was exacerbated by the absence of a legal framework for such instances and that it was the first presidential runoff.¹¹ The OSCE/ODIHR LEOM received different interpretations from mid- and lower-level election commissions on the status of voter lists, issuing voter invitations and other key issues. On 30 June, the GEC issued needed guidance and instructions for election officials, including on mobile voting, observer accreditation, voter education and PEC remuneration. In addition, preparations were further complicated by a widespread power loss in the central region of the country between rounds.

The legal framework foresees the election administration to be non-partisan and positions are merit-based, with members at all levels selected from a pool of trained and certified civil servants. However, there is no specific procedure governing their selection: commissioners are selected from a list sent by the local assemblies. Consequently, commissions tend to reflect the power distribution of the assemblies. There were notable changes in appointments regarding TECs and, to some extent, DECs,

⁹ Some 51 per cent of TEC members were women. Gender-disaggregated data was not available for DECs and PECs. The OSCE/ODIHR LEOM noted, however, similar participation of women across commissions visited.

¹⁰ This includes forming lower-level commissions, registering candidates, overseeing ballot production, considering petitions and complaints, and establishing results.

¹¹ Out-of-country voting was particularly challenging as there was little time to inform voters abroad and send ballots to 42 diplomatic missions in 30 countries prior to second round voting on 4-5 July.

compared to compositions for the 2016 parliamentary elections.¹² OSCE/ODIHR LEOM interlocutors noted that such turnover largely correlated with the power transition in local assemblies after the 2016 electoral cycle. While such a practice did not appear to affect the organisation of the election, it suggests a partisan approach in the selection of election commissions.

OSCE/ODIHR LEOM interlocutors reported widespread political bias in the actions and decisions of TECs and DECAs. This perception was shaped by leadership positions of the commissions often being occupied by those directly subordinate to high-ranking local public officials, which diminished confidence in the electoral administration. Of the 22 TECs, 21 were chaired by either the chief of the governor's office (8), a director of a department of the *aimag* administration (9), or the secretary of the *aimag* assembly (4). The OSCE/ODIHR LEOM observed a similar pattern in the appointment of DECAs.

To reduce perceptions of bias in the election administration, there should be well-defined and transparent criteria for the appointment of lower-level election officials.

The LoE and GEC procedures require that meeting announcements and agendas are made public. Meetings are also to be open, transparent and recorded. During the first round, the GEC posted meeting agendas and decisions online. However, sessions of lower-level commissions were often conducted without public notice or advance agendas, and meeting outcomes could not always be established. Some TECs and DECAs informed the OSCE/ODIHR LEOM that their meetings were closed, while others invited party representatives only when issues discussed concerned them. Consequently, the transparency of the election administration established in the legal framework was undermined. Positively, a number of TECs used social media to enhance the transparency of their work.

Between rounds, the GEC did not always announce its meetings in advance, including for sessions where it decided on the runoff date. The publication of decisions and other key information was also delayed. Given the heightened interest in the election results and the runoff, the lack of information and reduced transparency at this juncture was lamentable. Positively, the GEC scheduled a press conference between rounds to explain the causes for delays of releasing preliminary results in the first round. Lower-level commissions held few meetings between rounds, mainly on the organization of the runoff.

The GEC and lower-level commissions should consistently hold regular, open meetings allowing sufficient time for public notice. Agendas, minutes and decisions should be made public immediately.

The GEC undertook several measures to inform voters about the election. A guidebook on citizens' right to vote and the voting process was provided to information centres at local administration offices, and public service announcements aired on national radio and TV weeks prior to the first round.¹³ These efforts explained in general terms the voting process and the importance of participating in the election, but they did not cover certain voting procedures, such as the use of a secrecy sleeve.¹⁴ Between rounds, the GEC conducted another media campaign, which included information on the runoff date. TECs also arranged similar campaigns through local media, although not all did so for the runoff, citing a lack of funds. For the first round, DECAs and PECs delivered notices on polling times and locations to voters' residences. Some also appealed to voters directly before the runoff. Such efforts raised voters' awareness of the election and facilitated the opportunity to vote.

¹² Overall, 76 per cent of TEC members changed, including all but three TEC chairpersons. The OSCE/ODIHR LEOM noted slightly less turnover at DECAs visited, and much fewer changes at observed PECs.

¹³ The GEC produced five videos on the voter education guide and a number of clips on the voting process.

¹⁴ This campaign also did not explain several important aspects, such as the inking of voters' fingers in the capital or the manual recount of half of all polling stations. There was also confusion among the electorate about turnout requirements and thresholds –neither was addressed in informational campaigns.

The GEC could undertake additional voter information efforts, including to further the public's understanding on the use of new voting technologies and electoral procedures.

This was the sixth election in which electronic vote counting equipment (VCE) was used. Overall, there was general confidence in the accuracy of the VCE, despite statements by the parties questioning the integrity of the system. The GEC performed testing of reading, counting, tabulation and transmission functions of the equipment, in the presence of parties and citizen observers. Party representatives were allowed to conduct independent testing, as were citizen observer organizations. Results of those tests confirmed the accuracy and security of the VCE. To increase confidence, the GEC and civil society representatives also gave interviews to explain the results of the testing and how the VCE operates. There were no requests from parties or civil society to review the source code. Independent certification of the hardware or software was neither required by law nor requested by any electoral stakeholders.¹⁵

To increase confidence in the VCE, the possibility for third-party verification of the source code for voting equipment should be clearly defined in the legal framework. The results of any independent scrutiny should be made available to the public.

For the second round, the equipment was reprogrammed with new ballot information, either at the GEC or in *aimag* centres. The GEC also sent additional instructions to polling station staff on closing the VCEs and the transmission of preliminary results. Due to network problems experienced in the first round, the GEC provided election commissions and local administration officials with instructions on using the state banking communication network as an alternative means for results transmission.

VII. VOTER REGISTRATION

All citizens who have attained the age of 18 years have the right to vote, except persons deemed legally incapable by a court decision or serving a prison sentence, irrespective of the gravity of crime committed. Such blanket restrictions on the right to vote are inconsistent with OSCE commitments and international standards.¹⁶

Any suspension of the right to vote should be proportionate to the severity of the crime committed. In line with international obligations, limitations on voting rights of persons with mental or intellectual disabilities should be removed, whilst necessary support mechanisms to exercise the right to vote should be provided.

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 voters based on personal and biometric data. From 1 March, voters could verify their registration information online. By early May, various state agencies provided data to the GAIPSR on certain categories of voters, who were then removed, added, reassigned, or denoted as “temporarily removed”. A revised list was made available online from 31 May, and the GAIPSR delivered voter lists to TECs and the nine DECAs within Ulaanbaatar, which distributed hard copies to polling stations. Delivery was largely completed by the 5 June deadline.

¹⁵ See the Council of Europe (CoE) [Recommendation \(2017\) 5](#) on Standards for E-voting, which states that “Member States shall be transparent in all aspects of e-voting”.

¹⁶ Paragraph 24 of the [1990 OSCE Copenhagen Document](#) provides, that “any restriction on rights and freedoms must, in a democratic society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law”. See also paragraph 7.3 of the 1990 Copenhagen Document and paragraph 14 of the United Nations Human Rights Committee General Comment No. 25 to the International Covenant on Civil and Political Rights (ICCPR), which state that “if a conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence”.

The LoE requires voter lists to be on display at polling stations from the day of receipt, essentially providing voters a week to review in-person and request any changes until the 11 June deadline. The OSCE/ODIHR LEOM noted that voter lists were not always immediately available. In addition, lists were often kept at the local administration offices of *soums* in the more rural areas of the country. While legally permitted, this practice may have reduced accessibility to verify information in-person given the distances voters reside from *soum* centres. Positively, DEC and PECs in some areas took an active role in checking the accuracy of lists. Both the GEC and GAIPSR conducted public information campaigns on verifying voter information.

Prior to 12 June, a voter could request to be transferred to another polling station. To transfer, a voter or proxy had first to apply at the polling station where he or she was registered, and thereafter present a transfer certificate to the new polling station. Transfers to polling stations within the same *aimag* were prohibited. A total of 1,927 voters transferred polling stations. Allowing a citizen to change the place of voting is a positive practice that may increase suffrage. However, the two-stage process for completing the transfer within a week is cumbersome, limiting the effectiveness of this system. The restrictions on transfers to polling stations within the same province do not appear to serve a purpose in a presidential election, and may have disenfranchised voters.

The transfer process also applied to the runoff. However, voters were not permitted to submit new requests to change their place of voting, nor could any of the changes for the first round be modified. Given that there were only eight days between the decision to schedule the runoff and the start of voting, this appeared to be a reasonable decision of the election administration.

Election commissioners, police officers, representatives of the civil registration office and support personnel who were working on election day could vote through the mobile ballot box. OSCE/ODIHR LEOM interlocutors expressed concerns that such individuals were at times unable to vote, especially police officers who were deployed prior to election day.

Given the technologies used in maintaining the voter registry, the transfer process could be simplified for voters. Restrictions on transfers within an aimag could be reconsidered for presidential elections.

For the first round, the final voter list contained 1,978,298 eligible voters. For the runoff, the list was amended only by removing voters who had died since the list was finalized and by adding voters who would be 18 years of age by 7 July. OSCE/ODIHR LEOM interlocutors differed on whether voters could again review the lists. In practice, the updated lists were delivered to many PECs only a few days prior to the second round, rendering any public scrutiny difficult.¹⁷ On 6 June, the GEC stated that the final list contained 1,982,733 voters. According to the final election results, 1,983,588 voters were registered for the runoff, an increase of over 5,000 voters.¹⁸

Voters who wished to vote abroad had to apply to diplomatic missions from 1 to 20 May. Whereas in previous presidential elections citizens were required to apply in person, for this election they could also apply online. Some 7,209 citizens registered for out-of-country voting.¹⁹

Overall, stakeholders expressed confidence in the accuracy and inclusiveness of the voter registration process. This confidence was somewhat diminished by statements by public figures, including DP senior officials, who questioned the accuracy of voter lists and implied possible manipulation.²⁰ Doubts

¹⁷ Voters could still check their information online.

¹⁸ According to the GEC per the GAIPSR, the number changed due to voters turning 18 years old and a number of temporarily removed voters being restored.

¹⁹ For the runoff, this number was reduced to 7,163 voters. At the end of June, three diplomatic missions closed and did not conduct voting.

²⁰ Senior DP officials claimed irregularities with the voter lists and called on the GEC to introduce indelible ink to prevent multiple voting. The DP candidate also expressed such concerns to the OSCE/ODIHR LEOM.

were also echoed in media, and by civil society. While political parties received electronic copies of voter lists, civil society had no opportunity to conduct an independent, non-partisan scrutiny.

To increase confidence in the voter registration process, consideration could be given to enable an independent audit of voter lists, either by citizen observer organizations or an independent authority – and that any results be made public.

VIII. CANDIDATE REGISTRATION

Three candidates were registered for the election, each nominated by one of the three parliamentary parties. No other party had the right of nomination, and independent candidates are not permitted. In addition, eligible candidates were required to be at least 45 years old, born to Mongolian parents, and have resided in-country for the past five years. A candidate must also not have outstanding loans, collaterals or debts, overdue taxes or a criminal record. The OSCE/ODIHR has previously commented on the restrictive nature of candidacy requirements, specifically the lack of provisions for independent candidature, noting that restrictions are contrary to the OSCE commitments and international standards on the right to stand for election, and limit the choice offered to voters.²¹

Undue restrictions on the right to stand for office should be removed, including the prohibition on independent candidates and those from non-parliamentary parties. The residency requirements could also be reconsidered.

While the election was announced on 26 January, parties could only nominate candidates starting from May, whereupon the GEC had three days to rule on their registration. This short timeline encompasses a range of problematic issues, including insufficient time for the formal selection of party nominees and vetting by oversight institutions, media, civil society and the broader public. In addition, it also engenders pre-campaigning, a practice which eschews campaign regulations, including on campaign expenditure limits.

Upon receipt of the parties' nominations, the GEC approved the applications of candidates by the DP and MPP, but refused the MPRP nomination, citing the candidate's failure to meet the residency requirement. The MPRP appealed this decision to the Administrative Court of Appeals, which on 9 June, upheld the GEC decision. The case was further appealed to the Supreme Court, but was only heard, and subsequently dismissed, after the first round. The MPRP's case underscores the need to reduce deadlines for appeals to allow for an effective legal remedy, in line with international standards.²² Following the initial rejection of the MPRP's candidate, the party nominated an alternative candidate who was registered by the GEC.

The period for candidate nomination should be extended and concluded earlier in the election calendar to allow time sufficient for registration, review and, possible appeals.

²¹ Paragraph 15 of the General Comment No. 25 states that “persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation”. Paragraph 7.5 of the 1990 OSCE Copenhagen Document provides that participating States “respect the right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”. See also paragraph 24 of the 1990 OSCE Copenhagen Document and section II.1.b of the 2002 Venice Commission [Code of Good Practice in Electoral Matters](#).

²² Paragraph 5.10 of the 1990 OSCE Copenhagen Document notes that “everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity”.

IX. CAMPAIGN ENVIRONMENT

The official campaign commenced on 6 June and ended 24 hours before the first election day. The LoE extensively regulates campaign activities prior to the first round, whereas there is a legal lacuna as to provisions for campaigning between rounds. The latter was restrictively interpreted by all stakeholders, including the GEC, hence formal campaigning ceased after the first round, giving way to low-key and third-party campaigning.

Consideration should be given to permitting a period of campaigning, if needed, between the first and the second round.

Candidates' platforms must be pre-approved by the State Audit Office (SAO) for feasibility and compliance with the country's economic and development policies, a practice which may conflict with freedom of expression and political pluralism. In early May, all three parties submitted their platforms, which contained a total of 208 points, to the SAO who deemed that 41 of these points required revision. Revised platforms were resubmitted by 10 May, with the contested points revised or removed.²³

While the MPRP, MPP, and DP profess left, centre-left, and centre-right political orientations, respectively, ideological differences among the candidates were practically indiscernible. The MPP candidate campaigned on a platform of economic and social stability, highlighting the party's successes in improving the country's economic situation. The DP and the MPRP candidates focused on endemic poverty, corruption, subservience to foreign interests, and unfair distribution of mining profits. The campaign was sharply negative, particularly observed in speeches of the DP and MPRP candidates.

The campaign of the first round was dynamic, respecting freedoms of assembly and association. Each candidate visited all 21 *aimags* and Ulaanbaatar in quick succession to stage rallies and meet with voters. The OSCE/ODIHR LEOM observed 60 rallies, including at the sub-provincial level. MPP and DP rallies were more structured, with hundreds of party activists from across respective *aimags* filling venues to capacity, and indoor proceedings often broadcast on large screens to audiences outside.²⁴ The MPRP rallies were smaller, but more interactive, permitting the candidate to communicate directly with potential supporters.

Local authorities played an important role by allocating places for campaign venues and outdoor advertisement. Parties set up campaign *gers* (tents) in *aimag* centres, with campaign staff explaining candidate policies and distributing campaign materials. Outdoor advertisement mushroomed from 6 June onwards. The OSCE/ODIHR LEOM observed that MPP posters outnumbered those by other candidates.²⁵ The MPRP alleged bias in the distribution of public venues and space for campaigning and for advertisement, at the same time admitting that lack of finances necessitated a modest campaign.²⁶ Prior to the runoff, outdoor advertisement was removed, and large-scale gatherings were replaced by door-to-door canvassing.²⁷

²³ After its first nominee was rejected, the MPRP had to resubmit its platform, which was promptly approved.

²⁴ The OSCE/ODIHR LEOM estimates that the largest rally was held by the DP in Ulaanbaatar, attended by some 4,500 participants. Some local rallies attracted no more than 40-50 attendees. Attendance in the *aimag* capitals typically ranged from 400 to 800 participants.

²⁵ The OSCE/ODIHR LEOM conducted an assessment of outdoor advertising in 10 *aimag* capitals and Ulaanbaatar: 48 per cent of billboards and posters were by the MPP; 33 per cent by the DP; 18 per cent by the MPRP.

²⁶ As reported to the OSCE/ODIHR LEOM in Umnugovi, Arkhangai and Khuvsgul *aimags*, and Ulaanbaatar.

²⁷ The OSCE/ODHIR LEOM observed one instance where outdoor advertisement was not removed.

The circulation of videos implying two candidates' involvement in illegal activities was a distinctive feature of the campaign.²⁸ Recordings included the MPP candidate alleged discussion of the sale of civil service positions, and the MPRP candidate supposed acceptance of a campaign contribution from a foreign religious organization.²⁹ The authenticity of these recordings, and broader allegations of corruption and state capture, became the focal point of the campaign discourse, dwarfing discussion of the candidates' respective platforms.

Social media played an important role in the campaign. All candidates had Facebook pages, and the DP and MPP candidates used Twitter as well as personal websites to promote their campaign activities. The DP candidate enjoyed greater social media presence than the other two contestants combined.³⁰ The MPP and DP introduced mobile applications, allowing users to participate in social media conversations. Facebook's livestreaming was used extensively by the DP and MPRP to expand and diversify outreach. Prior to the runoff, candidates' official social media accounts largely refrained from referencing campaign activities, while the promotion of presidential hopefuls continued through third-party accounts and websites. In addition, prior to the runoff, sponsored political content became highly visible across social media platforms. Social media was also used to disseminate allegations of misconduct by officials and to cast doubts on the integrity of the electoral process.³¹

The separation of state administration from campaign activities was not adhered to throughout the electoral period. For instance, ruling party governors appeared at nearly all large-scale MPP rallies observed by OSCE/ODIHR LEOM.³² Cases of misuse of administrative resources were reported and at times observed by the OSCE/ODIHR LEOM.³³ Campaign events were attended by civil servants and on at least one occasion, by military personnel, including enlisted soldiers.³⁴ Cabinet ministers also participated in MPP rallies.

Prior to the runoff, the MPP candidate capitalized on his current position as the speaker of the parliament to address a range of socially pressing issues and to advertise his party's achievements in office.³⁵ On 4 July, the government approved a number of controversial measures, such as distributing shares to the populace in the state-owned ore-mining and ore-processing enterprise, waiving public transport fees for the elderly and the disabled, making significant cuts to electricity tariffs for large segments of the population, and distributing cash payments for children. For the latter, MNT 161.5 billion was transferred on 6-7 July.³⁶ Such sudden alteration and use of the state budget challenges

²⁸ The videos were first widely circulated through social media, later appearing on television.

²⁹ On 16 June, a recording surfaced on social media, purportedly showing the MPRP candidate receiving 60 million Korean won from a representative of a foreign religious organization, who explicitly highlights that the money was aimed to finance the MPRP's campaign. The video was allegedly filmed on 23 May at the candidate's home. The video was later featured on television as paid-for advertisement by the MPP.

³⁰ The DP candidate's Facebook page had over 360,000 followers, post-election; the MPRP candidate's – some 140,000 followers, the MPP candidate - under 110,000 followers, post-election. The relevant figures for Twitter, post-election: the DP – 252,000 followers; the MPP – 40,000 followers, the MPRP did not have a Twitter account.

³¹ For example, the MPP affiliated Minister of Health was accused of sending ministry workers to regions to campaign. There were also videos, purportedly showing vote-buying and harassment of DP voters by police.

³² This included events in Arkhangai, Bayankhongor, Bayan-Ulgii, Darkhan, Khentii, Khovd, Khuvsgul, Sukhbaatar, Umnugovi and Uvs. Cabinet ministers were seen taking part in rallies in Ulaanbaatar and Khovd.

³³ For example, the governor of Govi Altai *aimag* undertook a five-day trip to different *soums* in his official vehicle to participate in the campaign. Also, the official Facebook page of the Bayankhongor governor featured MPP campaign material.

³⁴ MPP rally in Bayankhongor, 13 June.

³⁵ Of a particular importance was the MPP candidate's speech at the closing of the parliament's spring session on 6 July, in which he recounted the government's achievements, alluded to his campaign slogans, and criticized the DP. Parts of his speech were broadcast by the media, and the entire speech was published in *Undriin Sonin* newspaper on election day. Another speech was delivered during the parliamentary session on 30 June.

³⁶ Approximately EUR 61.2 million; 1 EUR is approximately MNT 2,640 (Mongolian Tugrug).

Article 9 of the United Nations Convention against Corruption and blurs the line between party and State, contrary to paragraph 5.4 of the 1990 OSCE Copenhagen Document.³⁷

The legal framework should clearly distinguish campaign activities from administrative functions of public officials, including mechanisms for safeguarding against the misuse of administrative resources.

The DP publicly called on their candidate to cancel citizens' private debts, which may have violated the LoE's provision prohibiting distribution and promises of cash or goods as of the beginning of the election year. This position was also not in the DP candidate's approved campaign platform, presenting another example of indirect campaigning.

Women's participation in public and political life was overall not prominently featured in candidates' campaigns or the media. All three candidates were men. The DP and MPP platforms each touched upon issues of gender equality, while no such message appeared in the MPRP platform. About 50 per cent of attendees at observed rallies were women, and they outnumbered men in campaign teams.

Campaigning was generally conducted in Mongolian. An exception was made in the predominantly Kazakh-populated Bayan-Ulgii *aimag*, where some of the campaign materials were translated into Kazakh, and some of the speakers at rallies used Kazakh to communicate with voters. None of the candidates broached issues concerning ethnic minorities in their platforms. Nevertheless, ethnicity-related issues contributed to the negative campaign environment in view of the wide proliferation of allegations concerning the MPP candidate's alleged ethnically Chinese background.

X. CAMPAIGN FINANCE

Two of the candidates (the DP and MPRP) had to make financial contributions to their respective parties to stand as candidates.³⁸ The campaign was financed by donations and candidates' own resources. The LoE limits individual donations to MNT 3 million and to MNT 15 million for a legal entity. In-kind donations counted towards expenditure limits, and cash donations had to be deposited in dedicated bank accounts. While most campaign expenditures in *aimags* were covered from funds allocated by party headquarters, parties also raised funds locally. The DP and MPRP candidates used social media for fundraising, while the MPP advertised for funding in print media. In addition, the MPRP candidate appealed for cash contributions at rallies.³⁹

On 14 June, the Mongolian Anti-Corruption Agency (ACA) published income declarations of the three candidates. These were relatively detailed and, as per the ACA's requirements, included each candidate's and their families' incomes, real estate, vehicles, stock ownership, and number of cattle.⁴⁰ Declarations were made on the basis of self-assessment. However, declarations did not specify the value of such holdings, nor did they indicate what additional assets were held by the candidates' immediate family members. Such limitations prevented voters from forming an accurate picture of the

³⁷ Article 9 address issues related to public procurement and management of public finances; paragraph 5.4 requires "a clear separation between the State and political parties; in particular, political parties will not be merged with the State". See also the 2016 OSCE/ODIHR and Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#).

³⁸ Two potential DP nominees declined to participate in the primary due to the high expense involved, a point that also dissuaded one of the contenders for the MPRP nomination from participation in its internal selection process.

³⁹ Donors supplied their name and registration number, which were given to the bank when the cash was deposited in the campaign account.

⁴⁰ As per the ACA, the DP candidate listed the highest personal income (MNT 130 million), followed by the MPP candidate (MNT 91 million) and the MPRP candidate (MNT 23 million). If family income is considered, the MPP candidate is first with MNT 209 million, followed by the DP candidate with MNT 161 million, and the MPRP candidate with MNT 128 million.

candidates' financial standing, and are not in line with international good practice for transparency and accountability regarding public figures.⁴¹ The public had the right to challenge the accuracy of declarations before the ACA. The ACA had up to 19 days to investigate such claims, a deadline which offers a resolution only beyond the polling date. The OSCE/ODIHR LEOM was not aware of any challenges filed regarding the declarations.

To improve transparency and the possibility for public scrutiny, candidates' asset and tax declarations should be published to allow sufficient time for review and address possible complaints.

On 24 February, the SAO set campaign spending limits at MNT 10.7 billion, including MNT 6.8 billion for each nominating party and MNT 3.9 billion for each candidate. These amounts included separate ceilings of MNT 2.6 billion for political advertisement, MNT 1.7 billion for fuel, and MNT 1.9 billion for campaign staff per diem expenses.⁴² There was no separate allocation for campaign workers' salaries, although they were thought to be among the highest expense categories.⁴³

The SAO did not include the possibility of a second round in the calculation of campaign financing limits. Yet, the MPP and DP, and to some extent the MPRP, continued to operate offices, maintain campaign staff and run social media campaigns. Interlocutors indicated to the OSCE/ODIHR LEOM that there were shortfalls in funding, and some campaign staff were not paid.

For the first time, the SAO exercised control over campaign financing by carrying out unannounced checks at campaign offices in the *aimags* in the first round, aimed at verifying the accuracy of the parties' subsequent expenditure reports. However, reporting templates for both the SAO regional offices and the parties were not developed prior to the campaign. There were no requirements to disclose party funds or expenditures prior to the election and none of the parties volunteered detailed information on their campaign finance. Hence, it was impossible to verify the levels of spending during the campaign and promptly address infringement of campaign finance rules.⁴⁴ In addition, voters were provided with insufficient information on candidates' and parties' financial standing prior to the election to make a fully informed choice and hold candidates accountable.

Authorities could consider introducing requirements for parties and candidates to disclose campaign income and expenditure estimates before the end of the election campaign and to publish such reports online.

The lack of financial transparency and controls was illustrated on 23 June, when the police intercepted a car transporting MNT 1.08 billion in cash for the DP campaign. The police claimed that the money was to be used for vote-buying; however, the DP claimed that the funds were destined for the western *aimags* to pay campaign worker salaries. The DP revealed that it had some 22,000 campaign workers across the country, nearly double the number foreseen by the SAO, and that the confiscated cash, amounting to more than half the funds allocated by the SAO for nationwide per diem expenses, was to

⁴¹ See Article 7.3 of the 2003 UN Convention against Corruption obliges states to "consider taking appropriate legislative and administrative measures... to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties".

⁴² Per diem calculations are based on the figure of 13,939 campaign staff per candidate, which amounts on average to MNT 136 thousand per campaign worker, and is aimed to cover campaigner's travel expenses and meals.

⁴³ The OSCE/ODIHR LEOM interlocutors estimated that campaign worker salaries ranged from MNT 100,000 to MNT 300,000 for the entire campaign period.

⁴⁴ Article 7(3) of the CAC recommends that "each State Party shall also consider taking appropriate legislative and administrative measures [...] to enhance transparency in the funding of candidatures for elected public office and where applicable, the funding of political parties". Paragraph 194 of the Guidelines on Political Party Regulation states that "voters must have relevant information as to the financial support given to political parties in order to hold parties accountable".

be used for the payment of salaries of campaign staff in five *aimags*. Such disclosure suggests that actual campaign spending by at least some parties may have vastly exceeded limits set by the SAO.

Candidates were required to submit financial reports to the SAO within 30 days of the day of election. Prior to submission, candidates had their reports audited from among 54 SAO-accredited auditors. There are no provisions in place to mitigate potential conflicts of interest that may result from such audits. The SAO carries out only quality control of the audited reports. Furthermore, there are no requirements to publish detailed results of these audits, even after the election.⁴⁵ Consequently, the SAO audit of candidate and party expenditures, as presently in place, is a futile exercise and does not provide sufficient transparency to campaign finance.

Serious campaign finance violations such as a breach of spending limits or the submission of false reports are not subject to sanction. Fines for other violations are relatively low. Accepting donations from prohibited sources, including labour unions, religious groups, non-governmental organizations and foreign entities, can lead to candidate deregistration. However, the implementation of this sanction is not feasible after an election. Overall, sanctions against campaign finance violations are ineffective and disproportionate and do not enable candidates to compete on a level playing field, as recommended by international good practice.

The SAO should be given sufficient means to carry out regular and effective reviews of campaign expenditures during and after the campaign. Detailed SAO interim and final reports of audits could be made public, including online. The SAO's mandate could be further strengthened with increased sanctioning authority for campaign finance violations.

XI. MEDIA

A. BACKGROUND

Some 450 media outlets operate in Mongolia. Television is the principal news medium, followed by online sources, primarily used in urban centres. Newspapers are gradually losing their audiences. Commercial advertising revenues rarely cover outlets' operational costs, consequently, media depend on government advertising and financial subsidies from its proprietors. Such conditions lead to an environment conducive to self-censorship. In addition, and contrary to international good practice, media ownership structures are opaque.⁴⁶

Measures could be taken to ensure full transparency of media ownership by requiring the media regulator to clearly identify owners of media.

The public Mongolian Radio and Television (MNB) is the only broadcaster with almost nationwide coverage. The MNB is governed by the Law on Public Radio and Television, which stipulates the broadcaster's editorial independence. However, the MNB's annual budget depends on political decisions and its administration is subject to political influence.⁴⁷ Such circumstances hinder the

⁴⁵ For example, the results of audit of the 2016 campaign have not been published.

⁴⁶ The Parliamentary Assembly of the CoE [Resolution 2065 \(2015\)](#) recommends the member States to "review their legislation to ensure adequate transparency of the ownership of, and influence over, media outlets." See also Article 8.18 of the Parliamentary Assembly of Council of Europe [Resolution 1636 \(2008\)](#) and [Recommendation CM/Rec\(2007\)2](#) of the CoE Committee of Ministers.

⁴⁷ Two-thirds of the MNB's 2017 revenues came from the state budget, subject to annual change; 17 per cent from license fees and some 15 per cent was expected to be covered from selling airtime. The management is *de facto* more akin to a public appointee. For example, the current director general was appointed just after the 2016 local elections and is the former spokesperson for the MPP government.

MNB's ability to offer independent programming and are not in line with international commitments concerning public media's legal and financial standing.⁴⁸

Legal safeguards for public media's financial autonomy and sustainability should be established and implemented in a manner that ensures its independence.

The State Communications Regulatory Commission (CRC) is the main regulatory body of broadcast and online media. The CRC allocates broadcasting licenses, registers websites hosted in Mongolia, and is the only institution that can sanction media outlets. Its chairperson and six members are appointed for a six-year term by the prime minister. With no effective security of tenure, CRC members are vulnerable to political influence and can be replaced; four members were replaced following the 2016 elections. A regulatory body whose composition is not based on well-defined criteria and subject to political factors is contrary to international good practice.⁴⁹

The system of appointing and dismissing the members to the CRC could be revised to further safeguard the independence of the media oversight body.

B. LEGAL FRAMEWORK

Freedom of expression is provided for in the Constitution, yet not effectively protected through primary legislation. Defamation was decriminalized and replaced with civil liability from 1 July 2017. However, administrative fines for such offences are disproportionately high and extend to posts of individual Internet users. Moreover, the legal definition of defamation and libel is vague.

Consideration should be given to reviewing provisions, including disproportionately high fines that may unduly restrict freedom of expression online.

The LoE envisages balanced reporting on the campaign and provides for the equality of opportunity in media for candidates. The LoE allocates free airtime on the MNB and regulates the use of paid advertisement in commercial media.⁵⁰ However, the LoE also contains provisions constraining the media's editorial output. For example, the LoE limits daily news coverage of each contestant to five minutes, contains restrictive and contradicting regulations on the publication of opinion polls, and is ambiguous in regard to political advertisement within newscasts. According to the CRC's interpretation of the LoE, news-like segments that were pre-edited and funded by parties did not fall under the definition of political advertisement. Consequently, the majority of national and Ulaanbaatar-based television stations offered their news segments for sale.⁵¹ At times, these paid pseudo-news clips were not separated from editorial content, making it difficult for voters to distinguish between campaign content and impartial information.⁵²

The LoE should be amended to clarify provisions regarding news content, the publication of opinion polls and paid advertisement, and clearly distinguish editorial content from political advertisement.

⁴⁸ Paragraph 16 of the General Comment No. 34 to the ICCPR requires states to guarantee the independence and editorial freedom of public media, and to provide for sustainable funding.

⁴⁹ The CoE Council of Ministers [Recommendation \(2000\) 23](#), requires to define clear appointment criteria in order to respect the principle of pluralism and to avoid domination by any political group or party.

⁵⁰ Each candidate was granted 6 minutes of free airtime daily; paid advertisement was limited to 15 minutes per day per candidate.

⁵¹ Out of 46 national and Ulaanbaatar-based TV stations, 38 offered their news space for sale, according to the media pricelists submitted to the CRC.

⁵² The OSCE/ODIHR LEOM media monitoring noted the practice of not separating paid-for content from editorial output.

The LoE does not explicitly regulate campaigning in the media prior to the runoff. On 27 June, the CRC issued a non-binding recommendation advising media to refrain from broadcasting political advertisement and not to air “news about the contestants” until after election day.⁵³ Such a broad interpretation of the law unduly curbed freedom of expression.⁵⁴

The CRC and the Authority for Fair Competition and Consumer Protection (AFCCP) oversaw the media’s compliance with the legal framework for campaign coverage.⁵⁵ The mandates of the two institutions were overlapping and redundant and they failed to provide effective remedy in case of infringement. The CRC monitored only broadcasters’ adherence to the time limits of paid advertisement and newscasts, while the AFCCP screened media content. The latter did not have sufficient resources to conduct comprehensive media monitoring, resulting at times in a seemingly arbitrary application of sanctions.⁵⁶ Prior to the first round, the AFCCP issued 20 warnings, mainly related to negative campaigning and the publication of opinion polls online. Prior to the runoff, the AFCCP requested the CRC to suspend the license of TV9 until the end of election day due to critical reporting and active promotion of the blank ballot option.⁵⁷ However, the AFCCP’s activities made little difference as none of the outlets altered their editorial policy after receiving the warnings. The CRC did not exercise its sanctioning powers during the election.

A single, independent body should be responsible for ensuring observance of media regulations and for handling media-related complaints. This authority should be afforded sufficient human and technical resources to effectively exercise its responsibilities.

C. OSCE/ODIHR LEOM MEDIA MONITORING

The OSCE/ODIHR LEOM monitored a sample of broadcast and print media.⁵⁸ The media monitoring, complemented by an analysis of social media, indicated that the media served as an effective platform for the candidates to convey their views and criticize opponents, while largely neglecting its scrutinising role.⁵⁹

Before the official campaign, partisan political programming appeared in media, both as editorial and paid content featuring candidates and their nominating parties. The OSCE/ODIHR LEOM noted the presence of unverified claims concerning corruption and collusion with foreign interests and xenophobic rhetoric, content of an extremist nature and incitement to violence.⁶⁰ Media content shifted from the official start of the campaign towards a reduced level of mutual accusations.

During the official campaign, the MNB complied with legal requirements and provided each candidate with free airtime and news coverage. News reports were devoid of analytical content, consisting mainly

⁵³ The CRC based its recommendation on Article 70.9 of the LoE, which prohibits campaigning until the end of re-polling or additional polling. However, the LoE does not define a runoff as either re-polling or additional polling. In addition, Article 82.14 of the LoE does not define news coverage of the candidates as campaigning.

⁵⁴ Paragraph 25 of General Comment No.25 states that “To ensure the full enjoyment of rights protected by article 25, free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential”. See also paragraph 13 of General Comment No.34.

⁵⁵ The GEC did not establish a media council to review media-related complaints, as foreseen in the LCEB.

⁵⁶ E.g. when five channels broadcast an identical paid-for documentary, containing calls for extrajudicial executions of unnamed officials for alleged corruption-related crimes, the AFCCP issued warnings to only three of them.

⁵⁷ For more detail on the issue of See section *Post First Round Developments*.

⁵⁸ The OSCE/ODIHR LEOM commenced media monitoring on 29 May. The sample of media monitored included the public broadcaster, MNB, five commercial television channels (*CI, Eagle News, Mongol TV, TV5 and TV9*) and five private newspapers (*Udriin Sonin, Unuudur, Zuunii Medee, Unen and Zasgiin Gazryn Medee*).

⁵⁹ The OSCE/ODIHR LEOM reviewed a sample of 19 Facebook profiles and blogs, hosted by the political parties, candidates, opinion leaders and media. Between rounds, the sample was increased to 24 Facebook profiles.

⁶⁰ In particular, a documentary aired on 29 May called for extrajudicial executions. It was produced by a company with widely-reported links to one of the candidates.

of footage supplied by parties. Furthermore, some 20 per cent of the MNB's newscast was devoted to formalistic reports on MPP-led government activities, rendering coverage that limited voters' ability to make a fully informed choice on election day.

Between rounds, the MNB largely refrained from covering the contestants. Instead, it allotted some 36 per cent of politically relevant coverage to government activities and additional 22 per cent to the MPP's parliamentary work, mainly pertaining to the party's and government's social initiatives. The DP and its candidate received four per cent of the MNB's news coverage. Moreover, such reports were largely negative in tone. Overall, coverage of the election by the MNB showcased its subservience to the government and was at odds with legal obligations of a public broadcaster.⁶¹

The OSCE/ODIHR LEOM monitoring of commercial media confirmed that diverse editorial policies were limited, making it difficult for voters to promptly access comprehensive information on candidates from one or even several media outlets. Of the five commercial monitored broadcasters, *Eagle News* was most favourable to the MPP and its candidate, allocating to them 32 per cent of political coverage, mainly positive in tone, while the DP and its candidate received 20 per cent of such coverage, mainly neutral or negative. In contrast, *CI* dedicated 46 per cent of political coverage to the MPP and its candidate, largely negative in tone. *CI* allotted 29 per cent of mainly positive coverage to the DP and its candidate. *TV 5* and *TV 9* primarily focused on candidates' rallies, with the latter devoting considerably more time to the MPRP than to the DP and MPP. Prior to the runoff, programming either supported or denounced the movement to cast blank ballots as a protest vote, which further highlighted the commercial media's editorial biases.⁶²

The only notable exception was *Mongol TV*, which decided not to sell political advertisement and provided a daily comparative analysis of candidates' platforms, providing each of the candidates nearly equal exposure. Prior to the runoff, *Mongol TV* allotted equal airtime to both contestants.

MNB organized one presidential debate on 24 June with the three candidates. However, the debate lacked interaction among the contestants and took place in a studio without a live audience. Questions selected for the MPP candidate at times praised him or his family; while questions for the DP and MPRP candidates often reiterated points from the negative campaigns against them. Private broadcasters' attempts to organize debates were unsuccessful, as parties could not agree on the venue and the format. There were no live interactions between the presidential hopefuls prior to the runoff.

Print media did not provide for an independent or analytical editorial content. Two newspapers monitored by the OSCE/ODIHR LEOM devoted the majority of coverage to one particular party, while one other paper featured two parties.⁶³ There are no specific legal obligations for print media regarding campaign coverage.

Paid advertisement slots exceeded the time allotted to election-related news, and on average constituted 52 per cent of commercial primetime election-related programming. These advertisements consisted of coverage from rallies (56 per cent), promotions of candidate (21 per cent) or criticisms of opponents (23 per cent). Prior to the runoff, paid political advertisement was replaced with current affairs programmes promoting the views and accomplishments of either the MPP or DP candidate.⁶⁴ Statements in those productions were not subject to critical editorial assessment.

⁶¹ Article 3.1 and 4.1 of the Law on Public Television and Radio requires the MNB to serve the public.

⁶² *CI* heavily criticized the blank ballot initiative, while *TV9* covered it favourably and even promoted it.

⁶³ *Unuudur* and *Unen* favoured MPP, *Zuunii Medee* – MPRP and *Udriin Sonin* mainly focused on the MPP and DP.

⁶⁴ Such programmes constituted 31 per cent of election-related primetime programming between rounds.

Gender-specific issues were absent from the media discourse. No issue-oriented discussions or current affairs programmes concerning women's participation in political life were noted by the OSCE/ODHIR LEOM media monitoring.

XII. PARTICIPATION OF PERSONS WITH DISABILITIES

Since 2009, Mongolia is a signatory to the Convention on the Rights of Persons with Disabilities (CRPD). While the Constitution provides only for the general principle of non-discrimination and does not prescribe any affirmative action for persons with disabilities, the 2006 Law on Human Rights of Persons with Disabilities and provisions in other laws, including the LoE, contain specific references related to political participation. However, limitations on the right to vote of persons declared legally incompetent disenfranchise persons with mental and intellectual disabilities (*See Voter Registration section*).

The DP and MPP candidates' programmes addressed the rights and quality of life of persons with disabilities, while the MPRP candidate did not address such issues. The public broadcaster provided news of the campaigns in sign language, and some candidates used sign language during rallies and in political advertisements. The GEC, in cooperation with civil society organizations (CSOs), produced voter education and election materials for persons with visual and hearing impairments, and added sign language to its national voter information campaign during both rounds.

In accordance with the CRPD, the LoE foresees that a voter with a disability may be assisted by a person of his/her choice to mark their ballot.⁶⁵ The LoE also requires that polling stations be equipped with tactile ballot guides and appropriate voting booths. The OSCE/ODIHR LEOM noted these materials during mobile voting and in most polling stations visited on both election days. Although the LoE mandates that polling stations be wheelchair-accessible, many were not, and were often located within buildings that were difficult to access even for persons without physical disabilities. Disability organizations estimate that up to 90 per cent of voters with physical disabilities rely on the mobile voting rather than at their polling station. While mobile voting enfranchised citizens with disabilities, this was at times used as an explanation for not making polling stations accessible and does not engender participation in the electoral process on par with other citizens.⁶⁶

To encourage equal participation of persons with disabilities in elections, the GEC should consider improving the accessibility of polling stations.

XIII. CITIZEN AND INTERNATIONAL OBSERVATION

Domestic, foreign and international organizations, and parties that field candidates, may appoint observers. Observer rights are wide-ranging and include the possibility to document the voting process by audio and video recordings and obtain printouts of the vote count and digital images of ballots cast. The GEC accredited six CSOs as part of the Civil Society Coalition for Fair Elections.⁶⁷ Two

⁶⁵ Article 29 of the [CRPD](#) requires State Parties to allow persons with disabilities "assistance in voting by a person of their own choice."

⁶⁶ Article 29 of CRPD recommends that "State parties promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others". See also the Venice Commission's [Revised Interpretative Declaration to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities in Elections](#).

⁶⁷ The members of the network included: Open Society Forum, Globe International, MIDAS, Women for Change, New Governance Initiatives, and Youth Policy Watch.

additional CSOs sought accreditation from the GEC, but were denied.⁶⁸ The GEC also accredited 17,947 observers from political parties that nominated candidates in the first round, and 14,242 observers from the DP and MPP in the runoff. While the organizations did not need to be re-accredited prior to the runoff, their observers had to re-apply at the polling stations they intended to monitor.

The civil society coalition monitored media, campaign finance and preparation of the VCE. The coalition also carried out additional independent testing of the VCE and GEC server shortly before the first round. In the run-up to the election, several CSOs, representing the coalition, issued press statements, highlighting media bias, the lack of transparency in campaign financing, and the accuracy and security of the new voting technologies. While there was little citizen observation between the rounds, civil society's efforts to raise awareness on key electoral issues provided the public with an important source of independent information. CSOs outside of the capital did not actively engage in the observation of the pre-election environment. A few organizations contributed to voter education, using a programme developed together with the GEC.

On election day, the coalition fielded 100 observers in Ulaanbaatar in the first round, and 40 during the runoff. Observers noted that the election was conducted in compliance with the legal framework. At the same time, the coalition documented problems with voters' marking of ballots, failure of some PECs to provide information to observers, and inaccessibility of polling stations to persons with disabilities. The coalition did not release a statement on the second round.

XIV. COMPLAINTS AND APPEALS

Every citizen and legal entity has the right to challenge decisions and activities pertaining to the electoral process. Complaints against actions or omissions of an election commission can be filed with the same commission, and the subsequent decision challenged with the higher one. GEC decisions can be challenged at the Administrative Court of Appeal at first instance and further appealed to the Supreme Court. The constitutionality of GEC decisions can be disputed in the Constitutional Court.

Plaintiffs can file complaints with election commissions within 10 days of the issuance of the disputed decision. The Administrative Court of Appeals has up to 40 days and the Supreme Court up to 21 days to adjudicate election-related cases. The Constitutional Court is not bound by a deadline. Administrative and criminal offences during the campaign are first investigated by the police, and adjudicated by district courts. The legal framework does not foresee a specific timeframe for investigating or adjudicating campaign-related offences.

Deadlines are unreasonably long and not aligned with the election calendar, precluding effective legal redress, contrary to the OSCE 1990 Copenhagen Document and other international standards.⁶⁹ Furthermore, this discordance creates uncertainty over the election outcome. Deadlines also conflict with the Constitution, as the president-elect should take office prior to the exhaustion of deadlines for appeal.⁷⁰

Deadlines to resolve electoral disputes should be reasonable and aligned with the election calendar.

⁶⁸ One CSO applied to the GEC to observe the election, but failed to respond to the GEC requests for additional information on the source of its funding. Prior to the second round, another CSO applied, but was rejected on the grounds that no new organizations would be accredited for the second round.

⁶⁹ Article 5.10 reads "everyone will have an effective means of redress against administrative decisions, so as to guarantee respect for fundamental rights and ensure legal integrity". Article 2.3 of the ICCPR states that "each State party...undertakes to ensure that any person whose rights and freedoms as herein recognized are violated shall have an effective remedy".

⁷⁰ Article 32.2 states that the president will take up office within 30 days after being elected.

In total, the GEC received 63 petitions by individuals, political parties and CSOs: 40 before the first round, and the rest between the two rounds. There were no reports on post-runoff complaints filed with the GEC. Of these, 24 were submitted by the DP or the DP candidate's campaign. The MPRP submitted six complaints, and the MPP four. Complaints predominantly related to the eligibility of candidates, voter lists, and breaches of campaign regulations.⁷¹ Complaints on eligibility were dismissed as the GEC considered them to be outside its jurisdiction. Overall, the GEC handled cases related to campaign violations in a timely, yet inconsistent manner.⁷² Corresponding GEC decisions did not contain a complete legal reasoning and were not published on its website. The GEC decision to deny the registration to the MPRP's initial candidate was the only one challenged in court.

A few complaints were filed with TECs and DEC, pertaining mostly to the composition of the election administration, location of polling stations and campaign regulations. As the GEC did not maintain a consolidated, nationwide log of all complaints filed with lower-level commissions, the total number, nature and resolution of complaints was unknown to the public. OSCE/ODIHR LEOM interlocutors in the provinces noted that relatively few formal complaints were lodged due to an alleged lack of trust in the mid-level election commissions' willingness to handle complaints impartially and fairly.

Prior to the first round, the police received some 500 campaign-related complaints, concerning defaced posters, defamation of candidates, alleged vote-buying and other issues.⁷³ During the first election day, the police received more than 150 complaints, including 86 on alleged vote-buying. Grievances against illegal financial incentives for voters became more frequent between rounds.⁷⁴ Unlike prior to the first round, the police did not release official consolidated information on the number or resolution of election-related cases. Plaintiffs often conceded to the OSCE/ODIHR LEOM that they did not have substantial evidence of alleged vote-buying.

Prior to the first round, the MPRP filed a complaint with the police on the account of alleged threats received by its candidate.⁷⁵ The case was transferred to the General Intelligence Agency, and was still under investigation after the election.

As noted, two prominent police investigations on alleged illegal financial dealings impacted the pre-election environment. The MPRP's candidacy was challenged a few days prior to the election when a private citizen filed a complaint with the GEC alleging that the candidate, despite legal prohibition, received campaign funds from a foreign religious organization.⁷⁶ On 23 June, the police confiscated MNT 1.08 billion in cash which, according to the police, was to be used to bribe voters on behalf of the DP. While the police handled both cases in an expedited manner, neither litigation was resolved prior to the election. The DP and MPRP interlocutors raised concerns that public discussion of these cases by the police and, in the MPRP case, the GEC, unfairly disadvantaged their candidates, since the allegations of misconduct were to date not proven in court.

Following the first round, the MPRP, citing irregularities in voter turnout figures, petitioned the Administrative Court of Appeals to cancel the election result. On July 5, the Court made a decision to

⁷¹ There were also requests for information and clarifications, proposals to amend legal provisions and requests for the GEC to act on election day procedures.

⁷² While three complaints were forwarded to the police, on other occasions the GEC advised plaintiffs to address the police directly.

⁷³ About 65 per cent of cases have been referred to the courts or dismissed prior to the first round of election.

⁷⁴ The Metropolitan Police Department informed the OSCE/ODHIR LEOM about some 60 cases on vote-buying.

⁷⁵ On 22 June, a package was delivered to the MPRP candidate's residence, reportedly containing three bullets.

⁷⁶ The complaint filed with the GEC on 21 June was based on published video footage. On the same day, the police determined that the video recording was genuine and passed the matter to the Bayanzurkh District Court (although without interviewing the candidate). Early the next day, the Court returned the matter to the police for additional investigation.

refuse the petition. The MPRP also petitioned the parliament to dissolve the GEC. There was no immediate response to this petition.

XV. ELECTION DAY (FIRST ROUND)

In accordance with standard election observation methodology, the OSCE/ODIHR LEOM did not undertake a systematic or comprehensive observation of election day. For the first round, the OSCE/ODIHR LEOM was joined by delegations from the OSCE Parliamentary Assembly and the European Parliament to form an International Election Observation Mission (IEOM). In the limited number of polling stations visited, election day progressed in an orderly manner. Polling station staff efficiently facilitated voting, adhering to established procedures. Female polling staff outnumbered men in all polling stations visited by the IEOM. Party observers were present in all polling stations visited, while citizen observers were encountered only in the capital.⁷⁷

On the day prior to the election, the OSCE/ODIHR LEOM followed mobile voting in eight provinces and Ulaanbaatar.⁷⁸ Procedures for mobile polling were generally followed; but the secrecy of the vote was not always upheld.

A. VOTING AND COUNTING

On election day there were no serious delays in the opening of polling stations, and required materials were present in all polling stations visited by the IEOM. No major issues were reported concerning the VCE. The introduction of ballot secrecy sleeves was a welcome innovation, addressing a previous OSCE/ODIHR recommendation. However, according to international observers their use was not always understood by election officials or voters. Consequently, the secrecy of the vote was at times compromised.

In response to a request by the DP, on 23 June, the GEC introduced indelible ink, but only for polling stations in the capital. Instructions on inking were communicated to PECs, and this last-minute procedural change was consistently implemented in all polling stations visited by the IEOM. However, using ink is a largely superfluous practice when voters are already authenticated through biometric verification. Placing a check against multiple voting only on a select group of voters is also questionable. Moreover, this practice potentially undermines the confidence in the technologies already employed.⁷⁹

B. TABULATION AND ANNOUNCEMENT OF RESULTS

After voting, PECs closed the VCEs, printed count totals, and transmitted preliminary results to the GEC over a secure network. While the LoE requires DEC to select up to 50 per cent of polling stations for manual recount, on 23 June, the GEC, in response to a demand by the DP, instructed commissions to manually count the maximum, or approximately half of all polling stations in the country. This request was at least partially prompted by cases of some DEC selecting the minimum to recount, or one polling station, during the 2016 elections. Such manual recounts and audit exercises can build confidence in automated counting by demonstrating to stakeholders that the technology is accurate and reliable. However, recounting half of all polling stations is largely superfluous, and potentially undermines stakeholders trust in the technology. Results of manual recounts confirmed the electronic

⁷⁷ The Coalition for Fair Elections deployed observers to 50 polling stations in 6 districts of Ulaanbaatar.

⁷⁸ In total, 28,045 registered voters applied for mobile voting in the first round.

⁷⁹ Neither TECs nor DEC visited by the OSCE/ODIHR LEOM received any substantial complaints about the use and functioning of the biometric identification of voters.

tabulation results. The ballots cast at diplomatic missions abroad were counted at the GEC in the presence of observers immediately after the close of polling.

The GEC received preliminary results from PECs throughout the evening until early the following morning. A lack of network coverage and difficulties in operating satellite transmitters prevented some rural polling stations from sending results immediately.⁸⁰ In addition, in Bayan-Ulgii *aimag*, several manual recounts were conducted prior to submitting results, contrary to GEC procedures and the LoE. According to the GEC, PECs did this to save time and minimize travel.⁸¹ These delays formed the basis for the MPRP's allegation that the results had been manipulated.⁸² In response, the GEC decided to recount in Bayan-Ulgii the additional 47 precincts that had not been recounted on election night. Notably, the MPRP refused to observe the recounts. The recounts confirmed the initial results from election day. A preliminary turnout of 1,318,511 voters or 66.54 per cent was announced after midnight. This figure was later revised to 1,357,788 voters or 68.27 per cent in the final results.⁸³

Preliminary vote totals by region and by candidate were televised live from the GEC throughout election night, enhancing overall transparency. However, disaggregated data by polling station was released neither through the media nor the GEC website. It was not until the evening of 30 June that the GEC placed the final results data online, and again only at the level of the *aimags* and the nine districts of Ulaanbaatar. This approach did not offer citizens sufficient means to scrutinize results, in contrast with international standards for transparency and access to information.⁸⁴

To increase transparency and accuracy of information provided to the public, the GEC should publish regular voter turnout data as well as full preliminary results disaggregated by polling stations on election day.

C. POST FIRST ROUND DEVELOPMENTS

The results of the first round were: DP – 517,478 votes (38.11 per cent), MPP – 411,748 votes (30.32 per cent), and MPRP – 409,899 votes (30.19 per cent); 18,663 (1.37 per cent) voters cast a blank ballot. The DP and MPP candidates advanced to the second round, which the GEC initially set for 9 July. After receiving multiple requests to schedule the runoff for an earlier date, the GEC, in an emergency session, decided to bring the date forward to 7 July, significantly compressing the timeline for organizing the runoff.⁸⁵

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

⁸⁰ A network cable was also sabotaged in Tsogt *soum* (county), Govi-Altai *aimag*, delaying the receipt of the data from the last polling station until 09:10 on 27 June.

⁸¹ In some rural areas, the PECs had to travel great distances to find both a sufficient network signal and transport materials to the DEC. To make only one trip, several PECs decided to complete all processes at the polling station prior to travelling.

⁸² On election night, MPRP supporters protesting the results attempted to force their way into the GEC, leading to a brief standoff with state security personnel.

⁸³ The difference in turnout figures also featured in the MPRP's accusations that votes had been manipulated. The GEC explained that the cause of the discrepancy was incomplete data gathered through the telephone relay of turnout figures from the lower level commissions. Figures for final turnout include voters abroad.

⁸⁴ Paragraph 19 of the General Comment No. 34 states: “[...] (s)tates parties should proactively put in the public domain Government information of public interest. States parties should make every effort to ensure easy, prompt, effective and practical access to such information”. See also paragraph 20 of the General Comment No. 25.

⁸⁵ Petitioners requested the election day be moved to 4 July (MPRP) and 6 July (DP and two DP-leaning civil society organizations). In its decision, the GEC did not cite a reason why it acquiesced to bring the election day forward, noting only that, considering the time needed for preparations, the election could take place no earlier than 7 July.

Results of the first round showed a clear urban-rural divide: the MPP and MPRP largely split up the countryside, while the DP carried Ulaanbaatar, reinforcing its long-standing sway over urban voters.

The political discourse between the two rounds centred on voter turnout and the prospect of casting blank ballots. Turnout became an issue because of a widely-held misperception that a failure to meet the 50 per cent threshold would lead to the cancellation of the election.⁸⁶ The DP viewed this eventuality as detrimental to its candidate.

Casting blank ballots was used as a protest strategy aimed at preventing either of the two candidates from obtaining the required 50 per cent plus one from all valid votes cast, and thus to trigger a new election. The initiative gained considerable momentum under the slogan *Tsagaan Songolt* (White Choice) and had a notable presence on social media, a key source of information for young urban voters. It was also picked up by broadcast media, with *TV9* (MPRP-leaning), *Mongol TV* (neutral) and to a lesser extent *Eagle News* (MPP-leaning) endorsing the initiative, while *CI* (DP-leaning) strongly opposed it. The MPRP candidate exploited the idea of *Tsagaan Songolt* in a press conference on 30 June, while the MPRP developed a five-day outreach strategy to promote the initiative. Positively, the GEC, in a response to a petition requesting to declare blank votes illegal, deemed such calls to constitute undue influence that restricts the free expression of the will of the voters, and is prohibited by the LoE.

XVI. ELECTION DAY (SECOND ROUND)

A. VOTING AND COUNTING

In the second round, election day was again calm, and voting progressed with no significant interruptions. Polling stations were staffed with the requisite number of commissioners, voter registration officers and support staff, despite concerns expressed earlier to OSCE/ODIHR LEOM. Female polling workers again outnumbered men. Observers from the MPP and DP were present in every polling station visited by the OSCE/ODIHR LEOM, while citizen observers were only present in some polling stations in Ulaanbaatar.⁸⁷

Voter turnout during early polling hours was markedly lower than in the first round, especially outside of Ulaanbaatar.⁸⁸ Vigorous and at times intrusive mobilization efforts by election commissions and local administrations to motivate voters were observed in several parts of the country.⁸⁹ The OSCE/ODIHR LEOM also witnessed the bussing of voters, and party observers were actively engaged in voter mobilization.⁹⁰

Voting procedures were largely followed, including the application of indelible ink in the capital. As in the first round, the system for biometric identification of voters worked without significant issues, and the ballot secrecy sleeves caused considerably less confusion than during the first election day. A few days prior to the runoff, the GEC instructed polling stations to retain all voter registration slips

⁸⁶ On 3 July, the OSCE/ODIHR LEOM inquired with more than 30 party representatives and election officials across eleven *aimags* and Ulaanbaatar, asking for clarification on the ramifications of a less than 50 per cent turnout. The majority of respondents believed, incorrectly, that a new election would have to be called.

⁸⁷ The Coalition for Fair Elections observed in 20 polling stations in Ulaanbaatar.

⁸⁸ Turnout was lower in all 21 *aimags* with the exception of Bayan-Ulgii.

⁸⁹ For example, in Ulaanbaatar, PECs informed *khoroos* governors who in turn appealed directly to citizens. In Tsetserleg, a governor called on people from a car with loudspeakers to go out and vote, a DEC in Darkhan and a PEC in Umnugovi did the same. In Khenti and in Darkhan, PEC members phoned residents during polling.

⁹⁰ Party observers frequently reported on turnout to alert if additional mobilization efforts were needed. In Bayan-Ulgii and in Bayankhögör the OSCE/ODIHR LEOM observed parties bussing voters to the polls.

generated after the biometric identification of the voters.⁹¹ This last-minute vote-buying mitigation measure appeared to be effectively communicated, and was respected by PECs.

In most of the country, the VCE operated properly. The need to repair the equipment was rare and was effectively dealt with by the GEC specialists. However, ballots in Tuv *aimag* were printed with an incorrect security barcode, and consequently could not be accepted by the VCE. To remedy the situation, the GEC collected and reprogrammed the equipment of all 84 polling stations in the *aimag*. Voting continued during this period, as ballots were cast into the auxiliary chamber of the ballot box and later run through the VCE once it had been reprogrammed.

B. TABULATION AND ANNOUNCEMENT OF RESULTS

After the close of polls, results were immediately sent by secure network to the GEC. As in the first round, half of all polling stations were randomly selected for manual recounts. The GEC decided to apply the manual recount to all polling stations in Tuv *aimag*. Recounts confirmed the VCE results. Counting of overseas ballots took place at the GEC; however, it could not be completed for two days as ballots had yet to arrive back from several countries.

The release of preliminary results data followed the same pattern as during the first round. While preliminary results were telecast live from the GEC beginning a few minutes after polls closed, they were not disaggregated by polling station, nor were they available on the GEC's or other official website, limiting the public's ability to independently review voting results. Voter turnout was reported at 60.67 per cent.

XVII. POST-ELECTION DEVELOPMENTS

On 9 July, official results appeared as aggregated data on the GEC's website. The DP candidate received 611,255 votes (50.61 per cent), MPP candidate 497,067 votes (41.16 per cent), while a notable 99,494 (8.23 per cent) voters cast a blank ballot. The DP candidate, having just cleared the 50 per cent threshold, was accordingly confirmed the winner. The DP candidate had publicly accepted the results of the election in the early hours of 8 July. The MPP candidate conceded defeat later that day.

The results of the second round paralleled those of the first. The capital was carried by the DP, with the exception of two districts, while the central and western *aimags* voted for the MPP. Overall, the DP did not lose a single district or *aimag* compared to the first round and gained several that had voted for the MPRP or the MPP in the first round.

The inauguration of the president-elect took place on 10 July, hours after the GEC published the official election results and before the official complaints period expired.⁹² On the same day, the president commenced his official duties.. The post-election environment remained tranquil, with no election-related disturbances or complaints challenging the election results.

⁹¹ During the first round, one copy of the voter registration slip was given to the voter. As reported to the OSCE/ODIHR LEOM by a number of interlocutors, this copy retained by the voter was to be surrendered later in a number of vote buying schemes.

⁹² Article 113.3 of the LoE foresees that petitions against the GEC decision to certify results can be lodged within 10 days after the decision.

XVIII. RECOMMENDATIONS

These recommendations, contained throughout the text, are offered to further enhance the conduct of elections in Mongolia and to support efforts to bring them fully in line with OSCE commitments, other international obligations, and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that Mongolia has yet to address. The OSCE/ODIHR stands ready to assist the authorities of Mongolia to further improve the electoral process and address the recommendations contained in this and previous reports.⁹³

A. PRIORITY RECOMMENDATIONS

1. The electoral legislation should be revised to eliminate inconsistencies, conflicting legal provisions and omissions, including with regard to a potential second round of a presidential election.
2. To reduce perceptions of bias in the election administration, there should be well-defined and transparent criteria for the appointment of lower-level election officials.
3. The GEC and lower-level commissions should consistently hold regular, open meetings allowing sufficient time for public notice. Agendas, minutes and decisions should be made public immediately.
4. Any suspension of the right to vote should be proportionate to the severity of the crime committed. In line with international obligations, limitations on voting rights of persons with mental or intellectual disabilities should be removed, whilst necessary support mechanisms to exercise their right to vote should be provided.
5. Undue restrictions on the right to stand for office should be removed, including the prohibition on independent candidates and those from non-parliamentary parties. The residency requirements could also be reconsidered.
6. Authorities could consider introducing requirements for parties and candidates to disclose campaign income and expenditure estimates before the end of the election campaign and to publish such reports online.
7. The LoE should be amended to clarify provisions regarding news content, the publication of opinion polls and paid advertisement, and clearly distinguish editorial content from political advertisement.
8. The LoE should be amended to ensure equal suffrage for any additional polling. Given the potential legal and logistical issues involved in additional polling, consideration should be given to removing this practice altogether.
9. Deadlines to resolve electoral disputes should be reasonable and aligned with the election calendar.

⁹³ In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

B. OTHER RECOMMENDATIONS

Legal Framework

10. To ensure a consistent application of electoral legislation across all levels of election administration, the law should provide the GEC with broader authority to issue regulations. The Supreme Court should consider exercising the powers granted to it by the Constitution, by providing interpretations of legal provision upon requests from the GEC.

Electoral System

11. Given the potential legal and logistical issues, consideration could be given to removing the practice of additional polling. If retained, the LoE should be amended to ensure equality of suffrage in any additional polling.

Election Administration

12. The GEC could undertake additional voter information efforts, including to further the public's understanding on the use of new voting technologies and electoral procedures.
13. To increase confidence in the VCE, the possibility for third-party verification of the source code for voting equipment should be clearly defined in the legal framework. The results of any independent scrutiny should be made available to the public.

Voter Registration

14. Given the technologies used in maintaining the voter registry, the transfer process could be simplified for voters. Restrictions on transfers within an *aimag* could be reconsidered for presidential elections.
15. To increase confidence in the voter registration process, citizen observers along with political parties could be invited to conduct independent audits of voter lists. Results of these audits should be made public.

Candidate Registration

16. The period for candidate nomination should be extended and concluded earlier in the election calendar to allow time sufficient for registration, review and, possible appeals.

Election Campaign

17. Consideration should be given to permitting a period of campaigning between the first and the second round.
18. The legal framework should clearly distinguish campaign activities from administrative functions of public officials, including mechanisms for safeguarding against the misuse of administrative resources.
19. During the campaign period, the government should refrain from adopting new initiatives that have significant implications for the state budget.

Campaign Finance

20. To improve transparency and the possibility for public scrutiny, candidates' asset and tax declarations should be published to allow sufficient time for review and address possible complaints.
21. The SAO should be given sufficient means to carry out regular and effective reviews of campaign expenditures during and after the campaign. Detailed SAO interim and final reports of audits could be made public, including online. The SAO's mandate could be further strengthened with increased sanctioning authority for campaign finance violations.

Media

22. Measures could be taken to ensure full transparency of media ownership by requiring the media regulator to clearly identify owners of media.
23. Legal safeguards for public media's financial autonomy and sustainability should be established and implemented in a manner that ensures its independence.
24. The system of appointing and dismissing the members to the CRC could be revised to further safeguard the independence of the media oversight body.
25. Consideration should be given to reviewing provisions, including disproportionately high fines that may unduly restrict freedom of expression online.
26. A single, independent body should be responsible for ensuring observance of media regulations and for handling media-related complaints. This authority should be afforded sufficient human and technical resources to effectively exercise its responsibilities.

Participation of Persons with Disabilities

27. To encourage equal participation of persons with disabilities in elections, the GEC should consider improving the accessibility of polling stations.

Election Day

28. To increase transparency and accuracy of information provided to the public, the GEC should publish regular voter turnout data as well as full preliminary results disaggregated by polling stations on election day.

ANNEX I – ELECTION RESULTS

First Round - 26 June

TEC	No. of Registered Voters	All Votes Cast	Turnout (per cent)	MPP Candidate		DP Candidate		MPRP Candidate		Blank Ballot	
				Votes Cast	Percentage	Votes Cast	Percentage	Votes Cast	Percentage	Votes Cast	Percentage
Arkhangai	59,599	39,922	66.98	12,059	30.21	12,398	31.06	14,932	37.40	533	1.34
Bayan-Ulgii	58,882	39,255	66.67	19,332	49.25	14,218	36.22	5,205	13.26	500	1.27
Bayankhongor	54,214	39,925	73.64	11,497	28.80	23,886	59.83	4,137	10.36	405	1.01
Bulgan	39,948	26,939	67.44	7,782	28.89	8,585	31.87	10,263	38.10	309	1.15
Darkhan-Uul	65,079	41,945	64.45	12,565	29.96	12,427	29.63	16,351	38.98	602	1.44
Dornod	50,197	30,738	61.23	8,092	26.33	10,288	33.47	11,914	38.76	444	1.44
Dornogovi	42,892	28,718	66.95	9,535	33.20	9,206	32.06	9,635	33.55	342	1.19
Dundgovi	29,281	19,771	67.52	5,142	26.01	5,414	27.38	9,004	45.54	211	1.07
Govi-Altai	35,985	24,432	67.89	9,592	39.26	6,565	26.87	8,101	33.16	174	0.71
Govi-Sumber	10,410	7,076	67.97	2,031	28.70	2,414	34.12	2,557	36.14	74	1.05
Khentii	47,331	31,670	66.91	7,804	24.64	11,253	35.53	12,162	38.40	451	1.42
Khovd	51,593	34,352	66.58	13,724	39.95	10,060	29.29	10,221	29.75	347	1.01
Khuvsgul	83,007	54,978	66.23	18,896	34.37	17,488	31.81	17,863	32.49	731	1.33
Orkhon	66,893	43,570	65.13	9,863	22.64	14,771	33.90	18,451	42.35	485	1.11
Selenge	69,976	46,690	66.72	15,619	33.45	14,844	31.79	15,519	33.24	708	1.52
Sukhbaatar	39,223	28,133	71.73	10,023	35.63	9,320	33.13	8,411	29.90	379	1.35
Tuv	61,158	41,181	67.34	16,546	40.18	11,253	27.33	12,855	31.22	527	1.28
Umnugovi	41,816	27,025	64.63	7,238	26.78	8,087	29.92	11,484	42.49	216	0.80
Uvs	49,386	34,050	68.95	16,698	49.04	10,355	30.41	6,703	19.69	294	0.86
Uvurkhangai	72,786	47,037	64.62	17,908	38.07	14,624	31.09	13,883	29.52	622	1.32
Zavkhan	45,279	31,524	69.62	12,505	39.67	12,022	38.14	6,726	21.34	271	0.86
Ulaanbaatar	906,747	634,090	69.93	166,302	26.23	275,021	43.37	182,782	28.83	9,985	1.57
Out-of-country	7,209	4,767	66.13	995	20.87	2,979	62.49	740	15.52	53	1.11
TOTAL	1,988,891	1,357,788	68.27	411,748	30.32	517,478	38.11	409,899	30.19	18,663	1.37

Second Round - 7 July

TEC	No. of Registered Voters	All Votes Cast	Turnout (per cent)	MPP Candidate		DP Candidate		Blank Ballot	
				Votes Cast	Percentage	Votes Cast	Percentage	Votes Cast	Percentage
Arkhangai	59,648	35,340	59.25	15,519	26.02	16,763	47.43	3,058	8.65
Bayan-Ulgii	58,991	38,470	65.21	21,306	36.12	16,201	42.11	963	2.50
Bayankhongor	54,271	35,705	65.79	11,944	22.01	23,085	64.65	676	1.89
Bulgan	39,978	23,159	57.93	9,360	23.41	11,568	49.95	2,231	9.63
Darkhan-Uul	65,126	36,227	55.63	16,154	24.80	16,496	45.54	3,577	9.87
Dornod	50,225	26,273	52.31	10,271	20.45	13,535	51.52	2,467	9.39
Dornogobi	42,932	25,987	60.53	12,456	29.01	11,657	44.86	1,874	7.21
Dundgobi	29,314	17,382	59.30	8,243	28.12	6,420	36.93	2,719	15.64
Govi-Altai	36,014	20,575	57.13	10,793	29.97	8,334	40.51	1,448	7.04
Govi-Sumber	10,413	6,561	63.01	3,331	31.99	2,764	42.13	466	7.10
Khentii	47,357	26,889	56.78	9,658	20.39	14,452	53.75	2,779	10.34
Khovd	51,638	29,783	57.68	14,451	27.99	13,135	44.10	2,197	7.38
Khuvsgul	83,054	49,058	59.07	21,550	25.95	24,135	49.20	3,373	6.88
Orkhon	66,947	37,266	55.66	12,452	18.60	20,042	53.78	4,772	12.81
Selenge	70,035	41,626	59.44	20,032	28.60	18,381	44.16	3,213	7.72
Sukhbaatar	39,243	23,969	61.08	10,860	27.67	11,628	48.51	1,481	6.18
Tuv	61,214	36,206	59.15	19,192	31.35	14,562	40.22	2,452	6.77
Umnugobi	41,845	21,308	50.92	8,412	20.10	10,258	48.14	2,638	12.38
Uvs	49,439	31,027	62.76	17,367	35.13	12,172	39.23	1,488	4.80
Uvurkhangai	72,817	41,700	57.27	20,209	27.75	19,001	45.57	2,490	5.97
Zavkhan	45,313	29,869	65.92	13,993	30.88	14,632	48.99	1,244	4.16
Ulaanbaatar	907,774	570,731	62.87	209,017	23.03	309,975	54.31	51,739	9.07
Out-of-country	7,209	2,676	37.12	497	6.89	2,030	75.86	149	5.57
TOTAL	1,990,797	1,207,787	60.67	497,067	24.97	611,226	50.61	99,494	8.24

ANNEX II – LIST OF OBSERVERS IN THE INTERNATIONAL ELECTION OBSERVATION MISSION

OSCE Parliamentary Assembly

FIRST NAME	LAST	COUNTRY	POSITION
GUGLIELMO	PICCHI	Italy	Special Co-ordinator
GEORGIOS	VAREMENOS	Greece	Head of Delegation
ANTON	HEINZL	Austria	MP
ROMAN	HAIDER	Austria	MP
ANNE-MARIE	MAES	Belgium	MP
BORIS	YACHEV	Bulgaria	MP
DEISLAVA	ATANASOVA	Bulgaria	MP
LADISLAV	VACLAVEK	Czech Republic	MP
RASMUS	JARLOV	Denmark	MP
EGON	JUTTNER	Germany	MP
LISA	CHAMBERS	Ireland	MP
FRANCESCO			MP
CARMELO MARIA	SCALIA	Italy	
CLAUDIO	FAVA	Italy	MP
JAN	LOPATA	Poland	MP
SLAWOMIR	NITRAS	Poland	MP
CELIL	GOCER	Turkey	MP
HATICE	ER AS	Turkey	Staff of Delegation
KATERINA	KOSARIKOVA	Czech Republic	Staff of Delegation
THALIA	PAPADOPOULOU	Greece	Staff of Delegation
ULVI	ALIZADA	Azerbaijan	OSCE PA Secretariat
ANDREAS	BAKER	Canada	OSCE PA Secretariat
IRYNA	SABASHUK	Ukraine	OSCE PA Secretariat

European Parliament

FIRST NAME	LAST NAME	COUNTRY	POSITION
LAIMA LIUCIJA	ANDRIKIENĖ	Lithuania	Head of Delegation
JOACHIM	ZELLER	Germany	MEP
IVAN	STEFANEC	Slovakia	MEP
ENRIQUE	GUERRERO SALOM	Spain	MEP
JAVIER	NART	Spain	MEP
GABRIELA	VIROSTKOVA	Slovakia	Political Groups
PHILLIPE	KAMARIS	France	EP Secretariat
CRISTINA	CASTAGNOLI	Italy	EP Secretariat
DANIELA	RECINELLA	Italy	EP Secretariat

OSCE/ODIHR LEOM Core Team

FIRST NAME	LAST NAME	COUNTRY	
GEERT-HINRICH	AHRENS	Germany	Head of Mission
ANNA	PAPIKYAN	Armenia	
MARIANNA	SKOPA	Greece	
AHMAD	RASULI	Kyrgyzstan	
INTA	LASE	Latvia	
TOMASZ	JANCZY	Poland	
ROMAN	RAILEAN	Romania	

SERGEY	RADCHENKO	Russia
JELENA	STEFANOVIĆ	Serbia
EGOR	TILPUNOV	Ukraine
GAVIN	WEISE	United Kingdom
NOAH	LANE	United States

OSCE/ODIHR LEOM Long-Term Observers

FIRST NAME	LAST NAME	COUNTRY
HRIPSIME	GRIGORYAN	Armenia
DENISE DORIS	WAPPEL	Austria
TOMAS	TRAMPOTA	Czech Republic
KATERINA	DUFFKOVA	Czech Republic
KIRSTEN PIA	MOGENSEN	Denmark
ADELINE	MARQUIS	France
LAURENT	CAMPIGOTTO	France
PETRA MARIA	BORNHOEFT	Germany
CAROLA	KASBURG	Germany
SILKE GISELA	TITTEL	Germany
PETER JOHN	EMERSON	Ireland
EVA-KRISTIN	PEDERSEN	Norway
CECILIE GULBRAAR	ORESTIS	Norway
CRISTIAN-DANIEL	BESLIU	Romania
YURI	SHAPOVALOV	Russian Federation
ELIZAVETA	BORISOVA	Russian Federation
KONSTANTIN	STOLIAROV	Russian Federation
VIDA	KOREN HOLM ROGALSKA	Sweden
ANNA	HEDLUND	Sweden
ALEXANDER	KASHUBIN	Uzbekistan

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension.

The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 150 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programmes annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website <http://www.osce.org/odihr>.