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**Report on the Mongolian
Presidential Election**

June 6, 1993

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EXECUTIVE SUMMARY

The June 1993 Presidential Election in Mongolia was judged free and fair by the IFES Election Observation Team. This view was based on their own observations, as well as the assessment of knowledgeable in-country election observers. It was a conclusion in which both major parties or party groupings concurred.

The three-person team interviewed, both before and after election day, leaders of the parties involved in the election, as well as electoral commissions at national and provincial levels. In selecting polling stations to observe on election day, the team was guided by information regarding areas of possible interference in the process.

On election day, the team visited thirty-nine polling stations in the Capital City area, the surrounding Central Province, and the more distant Hovsgol Province. At the polls, the team interviewed local poll officials, observers appointed by both parties to the contest, and voters. Where problems emerged, they were investigated, generally with good results. After the polls closed at 10:00 P.M., team members observed the counting of ballots, and in some cases were able to follow them to the next highest stage in the process (the subdistrict or Somon level).

The team was impressed by the general goodwill of all involved, from the Central Election Commission down to the precinct officials and the voters themselves. Members were impressed by the honest efforts of those involved, including the architects of the electoral system, to involve as many Mongolian citizens as possible in the process. In view of their success, aspects of the Mongolian electoral system deserve to be emulated elsewhere.

Since the ruling MPRP party can be said to have lost the election, the outcome represented an important step toward the evolution of a true multiparty system in Mongolia. However, since the individual winner was the incumbent President, and remains a member of the MPRP, and since his victory was apparently based primarily on his personal appeal to the voters, the outcome did not demonstrate that the opposition parties have yet attained a capability to win a general election and come to power individually or through coalition. The evolution of a true multiparty system is still in the future.

The team found a number of possible weaknesses in the electoral system or the way in which it was managed. Its impressions and recommendations were conveyed to the Central Electoral Commission and the Hovsgol Electoral Commission, and to some degree to the competing parties. The team recommended that: the political balance within the electoral commissions at every level be improved; membership on the board of governors for the public media be balanced among the major parties, thereby reducing the credibility of accusations of bias in media programming prior to elections; the system of preparing local voting lists and allocating ballots be made clearer to all participants; women be given a more substantial role in electoral administration, particularly in chairperson positions; steps be taken to reduce the number of invalid

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ballots; as one step, posters describing the voting process should be placed inside the entrance to every polling station; precinct election results should be published in a timely manner, so that officials or local observers can rapidly determine whether manipulations have occurred in the tabulation process after the completion of counting at local levels; and steps should be taken to improve communication among foreign election observers, so that they might better coordinate their efforts. Among other recommendations, the team recommended that the NGO sector in Mongolia be strengthened so that it might serve a supporting role in observing elections, civic education, and other aspects of the democratization process.

I. INTRODUCTION

The June 6, 1993 Presidential Election in Mongolia can be considered to have been the fourth election in four years. The first multiparty legislative elections were held in July 1990. After a new constitution became effective, a second multiparty election was held in June, 1992. In October, 1992, elections were held for governors and other local officials and councilmen throughout the country. These elections were all won easily by the Mongolian People's Revolutionary Party (MPRP). Although this is the same self-described "socialist" party that has ruled the country since the 1920s, it now accepts in theory the multiparty framework and the Western concept of a market economy. As a result of these elections, the MPRP has 70 of 76 members of the legislature, has all 18 governorships and almost 90% of the Somon (county) chairmen. However, it should be noted that, taken together, the opposition parties received 44% of the popular vote in the 1992 legislative elections.

Under the new constitution, legislative power is vested in the State Great Khural. The administrative head of the government is the Prime Minister, appointed by the President with the concurrence of the legislature. Presidential powers are limited and to some degree ceremonial. The President may veto acts of parliament, but these are easily overridden, given the present composition of parliament. The three most important people in the system are seen to be the head of the legislature, the President, and the Prime Minister; the effective relative power of these positions appears to be still evolving.

The June 6 election was the first competitive presidential election. It was a two-person contest between the incumbent, President Punsalmaagin Orchibat, and the challenger, Lodongin Tudev. Both candidates are members of the MPRP, although from different factions within the party. At a party meeting this spring, Orchibat was rejected as the candidate of the party in favor of Tudev, a well-known writer and editor. Subsequently, the opposition parties met together and decided to make President Orchibat their "Coalition" candidate. The main parties in the coalition were the Mongolian National Democratic Party (itself a coalition of two of the leading opposition parties in the last election) and the Social Democratic Party (that receives some help from the German Social Democrats).

All of those consulted agreed that the campaign was remarkably lack-luster. Neither side appeared to have a great deal of money to spend. There were only one or two posters

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in the capital, very few pamphlets were available, and rallies were notable by their absence. Many claimed that this was the restrained Mongolian way, but the restraint was much more evident than in the 1992 legislative election. Another explanation was that there had been too many elections close together and the Mongolians were simply tired of elections. Another reason may have been the understanding that the position of President was to be essentially nonpartisan, representative of all Mongolians. As such, the campaign should not be strident, and, in particular, the candidates and their followers should not attack either individual on policy or other grounds. In any event, the main campaign took place on the radio and television. Both sides had considerable free access to these media and could supplement their free time with additional time. Both campaigned essentially for continuing the reforms of the last few years and for the enhancement of the Mongolian cultural tradition. Tudev appeared to want to moderate the changes, talked more of morality, and apparently used many "difficult words" (thereby attracting intellectuals, even from the opposition, but turning off many average voters). It must also be said that the incumbent's natural advantages were enhanced by the low-key campaign.

For electoral purposes the country was divided into 33 electoral districts. Twelve of these were in the capital, Ulaanbaatar, 3 were constituted by smaller independent cities, and 18 represented the eighteen provinces ("aimaqs") in the country. There were 349 subdistricts, or "somens", and 1535 polling stations. The Central Electoral Commission had been selected by parliament, and Commissions at district, subdistrict, and local levels were similarly appointed.

Training was provided to the members of the Commissions, generally by the Commissions at the next level above. The team's inquiries confirmed that such training had been undertaken, even for the Commissioners of local polling stations far removed from the cities.

Local Commissions administer the local precinct elections: on election day, their members check the passbooks of the voters, check off their names on the registry or add the names if they are not on the list, hand out ballots, make sure secrecy is preserved, answer voter questions, solve disputes, make sure the ballots are properly deposited in the boxes, make sure the passports are stamped on exit, count the ballots, and take the ballots and tallies to the subdistrict level.

Elections are held on Sunday. Polls open at 7:00 A.M. and close at 10:00 P.M. Ballots

are then counted at the polls, and any ballots judged to be invalid are examined and separated. Unused ballots are likewise counted carefully and separated. At the subdistrict level, tallies are checked and any anomalies ironed out in full view of local and subdistrict Commissioners and party observers. Complaints can be carried during the process to Commissioners at any level, or later to the courts.

Note: Additional information on the background, the constitution, and the electoral system may be found in the IFES Report: Mongolia: An Assessment of the Election to the Great People's Khural, June 1992. The electoral system is essentially the same as that described there, with the minor changes noted below in the course of this report.

II. OBSERVATION TEAM METHODS AND OPERATIONS

In fulfilling its observation responsibilities, the team undertook the following activities:

1. The team met with officials of the Central Electoral Commission to receive a briefing on the preparation for the election. It also met with U.S. Embassy and USAID officers to exchange views on the election, and to help decide on the best deployment of the team on election day.
2. The team next met with the two candidates and with leaders of the political parties. It specifically requested their views on the election campaign, and on issues or problems they anticipated on election day. Since they were the parties least in control of the process, the team received complaints and expectations for election day problems primarily from the leaders of the Coalition parties.
3. In the two days immediately preceding the election, the team attempted to follow up on these complaints. To this end, visits were arranged with the government press, the state press, the national television, the national radio, the Central Electoral Commission and the Capital City Electoral Commission, as well as Electoral Commissions in the Central Province and Hovsgol Province.
4. These concerns were also pursued in a pre-election visit to nine polling sites in Ulaanbaatar and Zuun Mod (capital of the Central Province) on the day preceding the election. Questions were asked concerning these potential problems, and the team able to get a sense of the extent to which Central Election Commission instructions had been

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carried out. It also provided us with a sense of the readiness of the local committees for the next day.

5. In order to introduce some degree of consistency into the observation, a questionnaire was developed (see Appendix B). It took the following factors into account: general issues relevant to the satisfactory running of an election; the need to speak to officials and party observers on both sides, and voters; the need to test whether the concerns of the Coalition would be realized on election day; and the limited time available -- less than half an hour could be spent at any one site.

6. On election day, responsibilities were divided in order to achieve wider coverage. One member of the team covered Ulaanbaatar and environs -- where about a third of the country's population lives; one member worked in and around a nearby provincial town suggested by the Coalition as an area about which they were concerned; and the third member visited a distant rural province, where the American Embassy suggested there might be problems. Emphasis was placed more than in the last observation mission on rural areas because it was suggested to the team that if the election were to be "stolen", it would be in these areas.

7. Each team member was at a polling station before 7:00 A.M. to witness the ceremonies that accompany the opening of the polls. Then, using the general format of the questionnaire, members of the team spoke to Commission chairpersons, local party observers, and voters; and spent time observing the voting process, paying particular attention to respect for secrecy, orderly and open registration, recording of voters on the registry, possible attempts to influence voters and the ability of the observers to carry out their functions effectively. (The general format of the questionnaire was followed by US Embassy observers as well.) In the few cases where problems were observed these were reported to local Commission chairpersons. In a few cases a member of the team accompanied the travelling ballot boxes taken to voters who were unable to come to the polling stations. In one case a member went with the ballot box to a prison and facilitated the voting of 40 pre-trial prisoners.

8. Each team member was at a polling station to witness the closing of a polling station at 10:00 P.M. After this the team member stayed on, both to observe the ballot counting process and to investigate the method of submitting the information to the next level in the election result recording system.

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9. On the day following the election, team members contacted leaders of the two parties or coalitions in Ulaanbaatar and in Hovsgol province in the north. One party requested a second meeting. Team members asked for assessments of the election. They made it clear that they were ready to receive, and give attention to, any complaints that might be raised, particularly if they were accompanied by supporting documents. Although several issues were raised, no supporting documents were received during the week following the election.

10. The team attended a series of press conferences held at the Ministry of Foreign Affairs; two by the Central Election Commission; one by the Coalition of Democratic Parties; one by the MPRP; and one by the Prime Minister.

11. The team reported its findings to the Chairman of the Central Election Commission and the Provincial Election Commission in Hovsgol. With each it discussed its findings and made tentative recommendations. It also reported its observations to the U.S. Embassy.

12. Since the team was advised that a press conference would not lend itself to productive exchange, in lieu of a conference, a room was rented in the hotel to receive the media from 1:30 to 5:00 P.M. on June 9. Interviews were conducted by the television and radio services, as well as two newspapers. This experience also gave the team additional insight into the role of the media.

III. PRE-ELECTION ISSUES

On the day before the election, the team discussed issues and problems related to the election with the electoral commissions, the U.S. Embassy, and the major parties. In addition, a briefing was given to one member of the team by Aubrey Carlson, Desk Officer for Chinese and Mongolian Affairs, in Washington. Representatives of the Coalition parties were particularly nervous about possibilities for abuse of the process by the incumbent party and bureaucracy.

1. The Floating of the Local Currency

It was observed that the Prime Minister had announced what amounted to an effective

devaluation of the local currency in the period immediately preceding the election. This had led to a substantial rise in prices throughout the country, most noticeably in the cost of petroleum, and therefore in the price of all transportation. Some suggested that this was done by the MPRP with the intention of undermining the candidacy of Orchibat; they went on to claim that the MPRP had followed this announcement with a vigorous campaign attacking Orchibat for this decision. The MPRP responded that this was a policy change to which both parties had long agreed (a point with which the Coalition concurred), and the timing of the announcement was in accordance with a deadline set by the International Monetary Fund. To have delayed the announcement would therefore have been as much a politically motivated action as to announce it at the time. This decision may have had an immediate effect, but different assessments were later made as to its impact, and as to whether the public held the President or the MPRP responsible.

The team discussed the question with a number of people, and concluded that even if the decision had been made with the intention of undermining Orchibat's candidacy, the widespread use of the timing of such announcements by democratic governments in other countries suggested that this should not be regarded as a flagrant violation of democratic norms.

2. Changes in Public Radio and Television Personnel

The team was informed that in the period immediately before the election senior positions in public television and radio had been changed. The new people were said to be older and more easily influenced by MPRP directives. The team confirmed that changes were made, but found differing interpretations of the nature and purpose of the changes. While these actions were apparently legal, the team was of the opinion that substantial changes of high-level personnel in the public media immediately before the elections sent the wrong signals.

The Coalition complained that as the election approached more time and more favorable programming had been given the candidacy of Tudev. Some claimed, specifically, that the Saturday six days before the election had been filled with programs favorable to Tudev. In a press conference two days before the election, opposition spokespersons asserted that they were able to produce a documented record of this uneven treatment. The team questioned officials at both radio and television about this. The officials explained the rules of equality of access: both sides received equal amounts of free time,

and, in addition, they both could buy additional time. They asserted that any differences in coverage would be due to differences in the amount of air time bought by the two sides. They also pointed out that they received complaints from both sides. Team members suggested that they might have to produce evidence of programmatic content, particularly for the Saturday in question. Both officials said that the claims lacked validity, that they had records of the programs, and were ready to produce them if were necessary. In the period after the election, Coalition leaders were given the opportunity to raise any issues. They chose not to mention this matter at their press conference; nor did they raise it with the IFES team. There may actually have been grounds for criticism from the Tudev camp. The team learned later that a historical program on Saturday night before the election -- a day that was to be free of campaigning -- prominently and positively featured Orchibat's role as President.

Whether or not the independence of the government media was undermined immediately prior to the election, it was easy for a nervous Coalition to imagine it was. Trust was undermined. This raised the broader question of the continuing government control of the media.

3. Changes in the Names of Ulaanbaatar Constituencies

In the months before the election, the names of some constituencies in the Capital were changed. The ostensible purpose of this action was to alter the symbolic influence of the previous period under Communist rule and put greater emphasis on Mongolian history. This was an action to which all parties had agreed in principle. However the Coalition suggested that the purpose of this alteration only a few months before the election might be to provide polling officials an opportunity to deny access to the polls to citizens who had failed to have this change registered in their passports. The team took up this matter with officials at both central and local levels both before the election and on election day. Respondents made two points. First, a systematic public campaign was mounted to inform voters of the change, as well as to inform them of the necessity of the having the new name reflected in their passports. Some voters were fined for late registration while others were not. Second, the small numbers of voters who had not made the change would not be turned away in any event. It is possible that the systematic questioning of various officials by the team might have helped clarify the need to allow such voters to vote. This questioning apparently led to instructions being given to poll officials in the capital the day before the election that no one was to be denied the right to vote because of a local name change. On the day preceding the election, eight polling site

chairpersons were asked about this issue. They all understood the problem and reassured the team that they would not prevent these voters from voting for this reason. On the election day the issue was raised again: no voters were found to have been turned away for this reason.

4. Differences in the Number of Ballots Delivered and Received

It was pointed out that there was a divergence in the official tally of ballot papers distributed and the number received by polling stations. It was not clear where the extra ballot papers were located. This issue was followed up with the Central Electoral Commission, the Capital Electoral Commission, the Hovsgol (provincial) and Hatgal (subdistrict) Commission. The issue appeared difficult to clarify. One reason was the variety of registration lists existing in the system. This lead directly to a sense of uncertainty of total numbers of voters and numbers of voters registered at each polling station. Another factor was that "floating voters" (See IV-5 below) were allowed to vote away from the area in which they were registered. Therefore, it was planned to provide all polling Commissions with additional ballot papers, and to hold some more at district headquarters in case shortages arose. But no one was able to explain the difference in numbers convincingly. The real test, it was said by those who felt that there was no problem, was in comparing the number of votes cast with the number of ballot papers used at each polling station. On election day a comparison of these numbers satisfied all parties, and after the election the Coalition did not pursue the issue.

Though the parties did not object to the rather weak ballot security measures currently in place, there is a concern that in future multiparty elections problems could develop in this area. In order to strengthen the integrity of the system, strict control during the process of printing and distributing of the ballots should be adopted. In addition, the number of ballots released by the center and received at the district level should be documented and made publicly available. In the future, authorities may also want to consider use of security paper to deter counterfeiting of ballots and official forms.

5. MPRP Dominance of the Electoral System

As in previous elections, there was apprehension that the MPRP would take advantage of its dominance of positions at the local polling stations as well as at all other levels to manipulate the elections to its advantage. An apparent change from previous elections was that there were more "nonpartisan" officials than before -- although the meaning of

"nonpartisan" remained unclear. Many nonpartisan commissioners were believed by the coalition to be MPRP sympathizers. In any event, the effects of this disparity did not prove to be significant.

6. Positioning of Coalition Commissioners at Polling Stations

A further matter that was brought to the team's attention was that during the previous election Coalition officials at the polling stations had been placed towards the end of the voting process, thereby excluding them from the key stages of the balloting process during which voters might be influenced. For example, a Coalition Commissioner might be given the responsibility of stamping the passport of voters after they had placed their ballots in the box. Such a Commissioner would be too far away to hear what was going on at the table checking the identification of voters as they came in -- ostensibly the more critical part of the process. The team included this possibility as an issue to be pursued on election day. In the event, such positioning was noted as a possible problem only in Hovsgol. However, to the extent Coalition Commissioners were a minority at most stations they were obviously disadvantaged.

IV. ELECTION DAY OBSERVATIONS

1. Approximately seventy-five political party observers were interviewed; with very few exceptions these people had no problems to mention. This is a major finding since the observers represented both sides, reported that they were free to move around within the station, and remained at the polling stations all day. Although most reported that they had received training, some may have taken their duties passively. Yet, certainly they had the opportunity to observe any major violations that might have occurred.

2. Over 130 voters were interviewed. In very brief exchanges with them, they were asked the four questions on the questionnaire. Four said they were uncertain about the secrecy of their ballots; ten expressed some hesitancy about the honesty of the counting system (but before the counting had occurred). But in most cases it was no more than hesitancy; they said it depended on the people responsible. Only three actually expressed distrust in the officials responsible. This is a small and unscientific example. But given the outcome, since most of those interviewed were probably Coalition supporters, which suggests general trust in the system at the local level.

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3. The team checked the location of the Commissioners of the different parties to see if there was any arrangement that might disadvantage Coalition officials. Admittedly, the team's checks were irregular, and it was not always clear that the team member had a full understanding of the situation. Commissioners move around, go for lunch etc, and respondents were not always certain of the party affiliations of particular commissioners. The team's sense was that Coalition Commissioners were seriously disadvantaged because of their numbers, especially since the election day lasts fifteen hours. The problem is particularly acute when mobile ballot boxes need to be accompanied. When more than several mobile ballot boxes are used and, especially when they are sent out simultaneously, it is difficult for observers to determine the integrity of the voting process. But on the question of positioning of officials there was not a systematic pattern in and around Ulaanbaatar and Zuum Mod, but this pattern may have existed in Hovsgol.

4. Very few voters were turned away for any reason. In several polling stations in the Ulaanbaatar area 3 to 5 people were turned away; elsewhere none or one were reported. In all cases this was due to voters not having passports in their hands. Some people in this category were asked to go home and come back later.

5. "Floating Voters", or voters requesting to vote outside their home districts were common. Such voters were supposed to have documents from their home districts giving them permission to vote elsewhere, but some may have voted without these documents. This was part of the general desire of all involved to allow citizens to participate. The situation also reflected a realization that local registries had not kept up with population movement. In addition, it was not clear whether voters' names were crossed off in their home districts before the permission form allowing them to vote elsewhere on election day was issued.

6. It was confirmed in all three areas covered by the team that the MPRP evidently dominated most polling stations (in some cases perhaps through "nonpartisan" commissioners). It was not the impression of the team that they abused the power given them by this dominance. But they were in a position to do so.

7. "Mobile Ballot Boxes" allow persons not able to reach a polling station to vote. The creation of this alternative results from the same desire for inclusion that has led to the floating voter concept. Special ballot boxes are taken as requested to hospitals, rest homes, clinics, jails (for prisoners who have not yet been tried) and the homes of the

very old or disabled. When it is known that such a mobile box is coming to a distant area, those nearby may chose to vote there as well -- the result is a complex of mini-polling stations attached to regular stations. In spite of its obvious advantages, the team members found that in practice it produced an additional element of confusion. All members of the team responded positively to this in principle; yet they were also concerned that it was open to abuse and also caused confusion. Since stations could not know how many ballots might be needed on a mobile mission in at least one case this lead to a last minute request for more ballots (fortunately, they could be brought along in a team member's jeep). The limited number of Coalition commissioners and observers at most polling stations meant that if several mobile missions were conducted at the same time, as they were, it was almost impossible to have them adequately covered without depleting the Coalition coverage at the polling station itself.

V. POST-ELECTION EVENTS AND ISSUES

By the morning following the election, the overall results were already evident. Final results, although not yet official, were announced two days later. On a nationwide basis Orchibat received about 58% of the vote, Tudev 38% and 3.5% of ballots were declared invalid. While some concern was expressed by the opposition parties that the legislature would not accept the outcome as they must before it becomes official, the leaders of the MPRP who had backed Tudev's candidacy, and the Prime Minister had both held press conferences in which they accepted the victory of Orchibat.

The Coalition leaders complained to the team privately about several problems their representatives had noted. These included: inadequacies in the registration system allowed people to obtain more than one passport, and some were observed voting more than once; passports were not always stamped, allowing people to go to another station and vote again; crowded tables allowed people to vote for someone else; lack of records of how many voted at some stations allowed commission members to vote for any number of voters who had abstained; doctors and nurses sometimes might have voted for patients using the mobile ballot boxes; and some commissioners advised voters how to vote. It was hard to judge how sure interviewees were that these events had actually occurred; the presentation appeared vague, mixing possibilities with what were said to be actual observations. In a subsequent press conference, the Coalition leaders said that they had discovered a number of errors in the process, but they had been corrected as soon as discovered, so that the elections were generally free and fair. The team told

privately that the Coalition intended to take several of the issues to the courts. However, at least until parliament endorses the election as having been "free and fair" they would be unlikely to do so.

In the final meeting with the Chief Election Commissioner, the team remarked on the large number of invalid ballots, particularly since the winner must according to the law receive a majority of the ballots cast. Team members told that the Mongolian language does not distinguish between majority and plurality, but apparently they read the law as meaning more than 50% of all ballots cast. Thus, if the results had been closer, for example, Orchibat 49%, Tudev 47%, and invalid ballots 4%, then a new election would have been necessary.

The last major briefing was held on the Thursday following the election by the Commissioner of Elections. He announced that only one local polling station had "broken the law" by beginning its count at 9:15 instead of 10:00 P.M. All ballots in this precinct would be declared invalid and the election would be held again on June 14. Only after this would the Commission take the final result to parliament. However, with only about 400 votes, this new voting could make no change in the overall outcome.

VI. SOCIAL ANALYSIS AND GENDER ISSUES

Mongolians have not had extensive experience with public opinion surveys or polls; to the extent they are undertaken, their coverage of the country as a whole is inadequate. In preparation for the Presidential election, polls were carried out by each of the major parties in Ulaanbaatar and selected Aimaqs (provinces). The team did not have the opportunity to study their findings but they were explained by an independent researcher who has been analyzing Mongolian polling data for several years. He said that the findings of the three polls were in agreement, although naturally they were interpreted differently. In only one category, that of older people and pensioners, did the polls show solid support for Tudev's candidacy. The results in all other categories -- young people, rural people (mainly herdspeople), medium and small business people, white collar workers, and intelligentsia -- showed a plurality of respondents for Orchibat. The polls did not report ethnic differences because ethnic minorities make up little more than five percent of the population, live far away from the capital, and because common wisdom insists that ethnic differences are not relevant to the elections. The polls separated the totals for men and women, but found little difference in their responses.

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The polls suggested that most people were more concerned about the characteristics of candidates than the programs they espoused. Respondents compared the prestige, experience, and education of the candidates, and in these terms estimated the likely economic consequences of the election. Some respondents were also concerned about the impact of a particular candidate's election on progress towards democracy.

It was not possible given the time and information available to the team to carry out a detailed analysis of the differential roles of men and women in this particular election or in politics in general. However, it is possible to make the following observations about women's political participation at various levels:

Members of Parliament: There are only three out of seventy-six women members of Parliament, and no Cabinet Ministers. As compared with the previous period of socialist government this represents a major decline. Under the old socialist system there were "set asides" or quotas for officially sanctioned groups of women, trade unionists, veterans, military, etc. Whether or not these official groups were in any way represent of the groups they claimed to represent is subject to debate.

Party campaign committees: At the party campaign committee level, it would appear that there are very few women in senior positions in the Coalition parties, and none in the MPRP. Certainly none of the most senior officers were women. In all conversations with the parties, only one woman participated. Also at both major press conferences after the election there were no women present on the panel of senior party personnel.

Voters: On election day the team noted of ratios of men to women voters present at the time when members of the team visited polling sites. Team members also tried to keep a record of the ratio of men to women polling officials and local political party observers. As far as voters are concerned it seemed that as many women as men voted. This is not surprising. There is about a one hundred percent literacy rate in the country; nearly all men and women are used to voting. Under the old political system they were required to vote. Further since the overall percentage poll was about 92%, this of itself indicates that most women vote.

In most visits to polling stations, voters were interviewed as they exited the polling sites. The team expressly made a point of interviewing an equal number of men and women. Not a great deal was evident regarding any possible gender differences from interviews since most voters were satisfied with most aspect of the election about which they were

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interviewed. There was, for example, no pattern of difference in answers about information or confidence in the system. However, it did become clear that when a husband and wife were interviewed jointly, the wife deferred to her husband, pointing to him as the one who should be answering and moving just slightly away, or behind him. When the team member made a point of asking her and she would answer, she answered as her husband had done. This may have been an indication that the husband is expected to deal with these sorts of matters or it may have been a form of social reticence. This pattern was discussed in interviews with a number of people after the election. All thought voting decisions would tend to be based on family discussion. Some suggested that the husband's view would generally prevail automatically; others argued that the decision would be based on agreement between the two.

Poll Officials: In terms of officials responsible for managing the polling locations, numbers differed from one location to another. In general, about 30% to 40% of the local commissioners were women. The highest ratio of men to women was 50-50. By contrast, in Ulaanbaatar No 84 and East Delger there was only one woman present out of about ten or twelve Commissioners. In two small stations in Hovsgol, there appeared to be none. Female chairpersons were rare, commission secretaries slightly less so. However, while men generally dominated local Commissions, female commissioners were generally effective and far from passive.

Party Observers: The gender balance of observers differed widely. For example, in Ulaanbaatar and West Zuum Mod there were two men and two women; in Nalaikh Polling Site 107 there were five males and no females. In those sites visited women may have made up about 30% of observers.

The Media: At press conferences and during media interviews women were very much in the minority; still, they appeared to raise as many questions as the men. Thus, it would appear that even though in many political roles women are in the minority, politics is not completely a male preserve. The women who are involved act with confidence and self-assurance.

Non Governmental Organizations: Although there is a list of over 60 NGOs which has been distributed to the donor community, it would seem reasonable to assume that in general NGOs are not very highly evolved in Mongolia, and that this would be true of women's NGOs in the field of public and political affairs. Nevertheless the existence of four women's NGOs with a potential role in public and political affairs was brought to

the team's attention. These were Women for Social Progress and Liberal Women's Brain Pool, both of which were started by women in the Democratic Parties, the Women's Federation which originates with the MPRP, and the Association of Women Entrepreneurs which is mainly concerned with women in business.

The team asked a few general questions on women's participation in politics at interviews with three women civil servants and with two male members of the press. Mostly the emphasis was on urban women, but there were implications for rural women as well. The following themes emerged. Improvement in the economy was their most urgent need. Their situation had deteriorated in recent times, and the lives of women and their families have become considerably more difficult. Women were almost all literate and a good number were well educated. They therefore had the capacity to move into more senior positions in the private and public sector. Most women were required to work for a living. In urban areas, no family could live off one person's salary. Women take the major responsibility for both house and family. The ability to cope with both responsibilities leads to a certain pride in this achievement, but it also leads to some resentment among some women. A logical consequence of these combined responsibilities is that most women are basically too busy to have the time to spend on political participation. This limitation reinforced a well established pattern of male political dominance. Since what amounted to a quota requirement in the previous socialist system had been withdrawn, this had led to a diminution in women's role in politics.

VII. RECOMMENDATIONS

1. The electoral commissions at every level should be appointed in a balanced manner that reduces in so far as possible the apprehension that the Commissions may act in a biased or unfair manner. The Commissions should be seen by all participants as neutral bodies to which complaints and suggestions may be brought at any time with the expectation that the complaints will receive a fair hearing. How best to achieve this in the Mongolian context is unclear. Perhaps the best that can be done is to make sure that the Commissions have a balanced number of members from the main parties expected to participate in the next planned election.
2. Belief in the fairness of the print and broadcast media is an essential aspect of modern democracy. This can be achieved either through an effective pluralism of ownership and

party allegiance in the media or through the creation of public media that are perceived to be effectively isolated from control by the government or a particular party. Due to the history and present condition of Mongolia, in the near future emphasis should be placed on the public media, until such time as the private media become a more vibrant part of the picture. For the public media, the best solution might be the establishment of a media board that is perceived to be balanced through the inclusion in its membership of representatives of the major political groupings.

3. Electoral "registration lists" need to be derived in a more coherent, standardized, and transparent manner, and the number of ballots dispatched to polls should bear a fixed relationship to these lists. Where flexibility is required because of known movements of people in and out of polling areas, the reasons for the departure from the norm in this relationship should be made clear to all involved before the election. (However, the inclusiveness of the system should not be compromised through requiring all voters to register in something like the American manner.)

4. While women already play a major part in the election process, especially at the local level, an effort should be made to ensure their representation on local Commissions in rural areas, and to increase their numbers on Commissions at higher levels in the system. As this suggestion is gradually implemented, it should be possible to appoint a larger proportion of women as "chairmen" at all levels.

5. The electoral system needs to offer more convincing evidence for the district and national totals that are reported subsequent to the balloting. A major step would be to publish election results by precinct in a timely fashion. Since thousands of poll observers throughout the country know exactly what the results are in their precincts, this would allow those who doubt the process a method of checking that is not now available. In future elections, the result would be greater faith in the process on the part of both winners and losers.

6. The problem of invalid ballots potentially rendering an election null needs to be addressed. One or more of the following methods should be considered. First, efforts should be made to reduce the chance of ballots being invalidated through increasing the availability of information to the voter. It would seem particularly desirable to put up posters at the entrance to every polling station that would describe the voting process simply and clearly. This also would reduce the need for verbal instructions before balloting, thereby lessening the fears that are often attached to the giving of such

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instructions. As an added check, voters might be asked whether they are sure they have correctly followed instructions immediately before placing the ballot in the box. (If voters make a mistake before placing the ballot in the box, they have a right to obtain a new ballot.) However, this too could lead to overtones of intimidation in certain circumstances. A written reminder of instructions posted near the ballot box might serve this purpose.

Another approach to reduce the number of invalid ballots would be to reestablish some of the discretion seen in the last election where the head of a local polling station might declare any ballot where a voter's clear intention was evident to be a valid ballot (in this election it appeared that most of the "invalid" ballots did show a clear intention). Since the chairman of a local commission would never make such a decision in private, misuse of such leeway would be unlikely. Alternatively, such a decision could be made by a majority of the local election commissioners -- a process witnessed by the team at several polling places. A final approach would be to remove the invalid ballots from the final totals for the candidates (which would have made the election outcome closer to 60-40 in this case).

7. In the future the Central Election Commission should make an effort to bring the various observation groups from different countries together for meetings before and after the election. This would increase the value and credibility of foreign observation, and thus ultimately enhance the legitimacy of the election in the eyes of domestic and foreign audiences.

8. An attempt should be made to increase the role of local NGOs in the democratization process. Such groups are now only peripherally involved and only beginning to become developed, but a number of candidate groups exist and should be encouraged to develop programs in areas such as civic education and women's involvement in political life. Specifically, the possibility of developing impartial NGOs that would act as watchdogs during the campaign and electoral process should be investigated. In the Mongolian political context, it seems difficult for the participants to imagine a group that is truly impartial. But perhaps this is in itself a reason to make the effort. Elections need to take place in an atmosphere that allows for neutral ground.

VIII. CONCLUSIONS AND GENERAL OBSERVATIONS

The election was a success. The process was sometimes confusing and inaccurate, but the efforts of all parts of the system were exceptional and clearly well intentioned. If they had wished, the "system", dominated by the cadres of the MPRP could have stolen the election. That they did not make any substantial effort to do so may be traced to several factors. First, the party was not united behind its candidate. Throughout the system there were MPRP persons who did not support, or did not support enthusiastically the party's candidate. But it is likely to be as important that Mongolians at all levels place a great deal of weight on the election process. At the local level, where dissimulation is perhaps less likely, MPRP, nonpartisan, and Coalition representatives were remarkably well-intentioned, diligent, and by and large trustful of one another. They seemed to expect the system to work and it did.

The team members believe that previous election experiences, including the observer missions and pre-election surveys that have been done in the past, contributed to the result. For example, one aspect of the previous election that the IFES team criticized in 1992 as being insufficiently controlled, the preelection casting of ballots by those who expected to be out of the country, was not used in this election. This was perhaps a gain, but also reduced inclusiveness. Unfortunately, security-related measures of this type serve to reduce the inclusiveness of the process.

Another example is the effective response of the Election Commission to the criticism of the 1992 IFES team that the automatic placing of the MPRP party at the top of the ballot (based on year of party registration) was not democratic. This may have played a part in the creation for this election of a novel procedure by which every even ballot had Orchibat's name first and every odd ballot had Tudev's. While this procedure cannot be used in most elections, its originality and the evidence it provides for thoughtful and effective response to a criticism should be applauded.

A final example is the apparent concern this time to not bring pressure on voters to vote. The 1992 IFES team had noted this pressure in some areas, and argued that this was too reminiscent of the practice under the previous socialist or revolutionary regime in which voting for the candidates of the single party was part of a compulsory political system. The team was assured that this would no longer be the practice in this election, and this change probably played a part in the lowered turnout (92%). The team judges this a gain for democracy during this transitional period, which is not to say that compulsory voting

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may not at a future time be desirable.

The election of President Orchibat represents a step away from the domination of Mongolian political life by a single party. It made clear that the MPRP is no longer a tightly organized monolithic party that is able to name a candidate and guarantee his or her election. Voters voted their consciences, and this included even party activists. However, observations suggest that the opposition parties aligned together in the Coalition remain much weaker than the Revolutionary Party. They did not have the money to get out to many rural areas or to compete well in the media, and they seem to lack a structure that will make possible raising adequate campaign funds in the future. Their announcement to the team that they had lost the election just before the voters gave it to them by a wide margin suggests the continued narrowness of their contacts and organization. On the other hand, they did manage to place observers in even very rural areas (sometimes by sending them in from the cities for the day of election), and to give them some training.

The conclusion of the team members is that the opposition parties are getting stronger, but that they still have significant weaknesses in organization. Fundamentally, Orchibat won the election through the built-in advantages of the incumbency and the way the average Mongolian perceived him. Nevertheless, in winning under the banner of the Coalition, he has given these parties an opportunity to grow into the more effective forces a two-party or multiparty state requires. On the other hand, the MPRP may take as its lesson from the election that it needs to be more open to the concerns and interests of the average voter; it can no longer operate as an elite group driven by a special vision of the world that is outside the ken of most Mongolians. If this is taken to heart, this too will contribute to strengthening Mongolian democracy.

**Washington, D.C.
July 1, 1993**

APPENDIX A: POLLING SITES VISITED ON ELECTION DAY

LOCATION	POLLING STATION NUMBER
<u>Ulaanbaatar City</u>	43, 37, 39, 45, 47, 48, 32, 34, 31, 33, 88, 84, 82, 2, 7, 12
<u>Central Province</u>	
Nalaikh	108, 107, 110, 109
Zuum Mod	75, 80
East Delger	78
Natsagdorf	79
Lans	76
Bayyanhoshuv	77
Cent. Sergelen	55
Zulegs	
Bertin	58
<u>Hovsgol Province</u>	
Moron	95, 93, 99
Algerdene Somon	
Shuvut	1
Somon Center	5
Sagamburgas	4
Hatgal City	102, 103, 101
Tunel Somon	
Beeg	59
Tunel Center	56

APPENDIX B: PEOPLE CONTACTED

N. Altanhuyag
Deputy Chairman
Campaign Coalition Group
Mongolian Social Democratic Party

Tsedengombo Baasanjav
Secretary General
Mongolian National Democratic Party

Bazarin Balgan
Assistant to the Standing Commission on Internal Affairs
The State Great Khural

Dugardorjiin Bayanduuren
Secretary of the Central Election Commission
State Great Hural

B. Batbayar
Chairman
Mongolian Social Democratic Party

B. Bold
Reporter
Mongolian State Radio
Domestic Service

Horloogiin Bulgan (translator and guide)
Advisor of the Foreign Relations Department
State Great Hural

L. Byambajargal
Vice Chairman
International Secretary
Mongolian Social Democratic Party

Didier Canesse
Press Attache
French Embassy in Russia (observer)

Aubrey Carlson
Desk Officer
Chinese and Mongolian Affairs
U.S. Department of State

Budragchaagiin Dash-Yondon
Secretary General
Mongolian People's Revolutionary Party

Cholon
Member of Hovsgol Electoral Commission (and guide)

Thomas Dowling,
Political Officer and Deputy
Chief of Mission
U.S. Embassy/Ulaanbaatar

Jargalantyn Elbegsaihan
Deputy Secretary General
the State Great Hural

Davaadorjin Ganbold
Member
State Great Hural;
Chairman
Mongolian National Democratic Party

O. Gereltuya
Liaison Officer
The Asia Foundation

G. Chinggis
Peace Corps
(Sociologist and election analyst)

Peter Hannam
Mongolia Correspondent
Reuters News Service

Tsevlee Horloogiin
Director General
"News of Government" Newspaper

Hasbat Hulan
Secretary for International Affairs
Mongolian National Democratic Party

Jangal
Montsame News Agency

Joseph Lake

U.S. Ambassador to Mongolia

Sodnomyn Lkhagvasuren
Chairman
Central Election Committee

D. Lamjav
Campaign Coalition Group
Mongolian Social Democratic Party

Garamiin Manaljav
Presidium Secretary
Khural of Citizen Representatives of the Capital City

William Nance
USAID Representative in Mongolia

T. Nergui
Correspondent
Ardyn Erh Newspaper

Gendenjin Nyamdoo
Member
Constitutional Court of Mongolia

Nyamochir
Mayor
Hatgal Somon, Hovsgol

A. Ogtorguina
Reporter Mongolian State Radio (foreign service)

Monh Ondonhuugiin
Executive Secretary of Mongol Radio

Namsrain Rinchindorj
Secretary General of the Secretariat
Great Khural

Jargal Saihan
Moron Somon Electoral Commission

D. Samdan
Campaign Coalition Group
Mongolian Social Democratic Party

Sanduq
Chairman
Hatgal Somon Electoral Commission

Jigmeddorjun Tegshtur
Consultant External Relations
Great Khural

Alaina Tepliz,
U.S. Embassy/Ulaanbaatar

Dembereliin Tserenjav
Journalist
Onoodor (Today) Newspaper

Ms. Tungalag
Secretary
Capital City Electoral Commission

Ulzebat,
Chairman
Hovsgol Provincial Electoral Commission

Ms. Uranchimeg
Member
Moron Somon Electoral Commission

J. Yolk
Correspondent
Mongolian State Television

In addition the team spoke with local Commission chairpersons at each polling station, with over 85 local party observers, about 130 voters, and several journalists and reporters.

APPENDIX C: Questionnaire Checklist used by Observation Team

A) OBSERVE AND RECORD

1. Location of polling site: Name..... No.....
2. Free Movement of Voters:.....
If necessary check time taken for voting.....
3. Mood/Environment: Relaxed/Tense Organized/Disorganized
4. Presence of Observers of MPRP..... of Coalition
5. Freedom of movement, and of observation, by observers
- If not what restrictions.....
6. Arrangements for ensuring secrecy of ballot
7. Rough idea of male/female participation as a) voters
- b) officials..... c) observers.....

B) ASK AND RECORD a) Poll officials

1. How many voters registered.....
2. How many people have voted..... Note Time
3. How many ballots received
4. Recording of voters numbered sequentially.....(check list)
5. How many people were turned away
- For what reasons.....
-
6. Were there any differences/disagreements over rulings
- What were they about.....
7. How were they settled
8. How many floating/early/at home voters were there.....
9. Which officials are from which Party

b) Poll observers (one from each party)

1. Are voters experiencing any problems.....
 Examples.....
2. Is secrecy being carefully respected.....
 Examples of problems
3. Are observers free to observe and move around.....
 Examples of restrictions
4. Have there been any disputes/differences
- Examples

c) Voters (men and women)

(Explain: Our purpose; ensure anonymity; not asking how they voted)

1. Did you have enough information about the two candidates.....
2. Did you experience any problems in voting.....
Examples.....
3. Do you feel confident that your vote will be secret.....
If not why not
4. Do you feel confident the votes will be counted carefully
If not why not

APPENDIX D: Sample Ballot



Bullet Paper, Mongolia

Нарийн бичгийн дарга

Дарга

ТЭМДЭГ

Хэсгийн хорооны

Овог нэр	Нэр дэвшүүлсэн нам
1. Пунсалмаагийн Очирбат	МҮАН, МСДН
2. Лодонгийн Түдэв	МАХН

(Та дор дурьдсан нэр дэвшигчдээс аль нэгийг нь Монгол Улсын Ерөнхийлөгчөөр сонгохыг хүсч байвал нэрийн өмнөх дугаарыг дугуйлна үү)

АЙМАГ, ДҮҮРЭГ Р ХЭСЭГ
СОНГУУЛИЙН

Саналын хүүдас

Саналын хүүдас

АЙМАГ, ДҮҮРЭГ Р ХЭСЭГ
СОНГУУЛИЙН

(Та дор дурьдсан нэр дэвшигчдээс аль нэгийг нь Монгол Улсын Ерөнхийлөгчөөр сонгохыг хүсч байвал нэрийн өмнөх дугаарыг дугуйлна үү)

Овог нэр	Нэр дэвшүүлсэн нам
1. Лодонгийн Түдэв	МАХН
2. Пунсалмаагийн Очирбат	МҮАН, МСДН

Хэсгийн хорооны

ТЭМДЭГ

Дарга

Нарийн бичгийн дарга

APPENDIX E: Electoral Law



LAW ON THE ELECTION OF
THE PRESIDENT OF MONGOLIA



GENERAL PROVISIONS

Article 1. Purpose of the Law

The purpose of the present Law shall be to regulate relations pertaining to the preparation for and holding of the elections of the President of Mongolia.

Article 2. Legislation on presidential elections

The legislation on presidential elections shall consist of the Constitution of Mongolia, the present Law and other legislative acts issued in accordance with them.

Article 3. Basic election principles

1. Presidential elections (hereinafter referred to as "elections") shall be conducted in two stages, as provided by Article 31, paragraph 1 of the Constitution.

2. At the primary stage of the elections Mongolian citizens eligible to vote shall participate in electing President on the basis of universal, free and direct suffrage by secret ballot.

3. The primary elections shall be universal. Mongolian citizens who, on the day of the election, are residing in the country and have reached the age of 18 years, shall have the right to vote, irrespective of their ethnic origin, language, race, sex, social origin and status, income, occupation, post, religion, opinion, education. Those who have been certified insane by medical conclusion and who are under detention shall not be eligible to participate in elections.

4. The primary elections shall be direct. An elector shall vote in person for the President.

5. An elector shall cast his/her vote by secret ballot. No voter shall be barred to freely make his/her choice.

6. At the second stage the State Great Khural shall acknowledge as President-elect the candidate who has obtained a majority of the votes cast in the primary elections and pass a law recognizing his/her full powers .

Article 4. Nomination of candidate for President

1. The political parties which have seats in the State Great Khural shall individually or jointly nominate a candidate for President in accordance with Article 31, paragraph 2 of the Constitution of Mongolia.

2. A person shall not be renominated for the same elections.

Article 5. Administration of the elections

1. Elections shall be administered by election committees at the levels of state administrative and territorial units as well as towns, villages and districts therein.

2. State central and local bodies and officials shall assist in the preparation for and holding of elections in conformity with applicable laws.

Article 6. Transparency in the preparation for and holding of elections

1. The preparation for and holding of elections shall be conducted publicly. This provision shall not apply to secret ballot.

2. It shall be the duty of state press and information agencies to promptly inform the public of the process of the preparation for and holding of elections, as well as their outcome.

3. The news distributed by other central and local press and information agencies shall be correct and objective.

Article 7. Fund requirements for election campaign

1. The following election administration expenses shall be funded from state budget:

1) expenses for printing and preparing the curriculum vitae of the candidates, the certificates of the candidates, party election campaign officers and of observers, as well as ballot papers, elector movement cards, election returns and report forms, and election committee seals and stamps;

2) expenses related to election committees' office supplies, postage, communication, transportation and official trips;

3) other expenses authorized by the State Great Khural.

2. The amount of expenses to be funded from state budget shall be determined by the State Great Khural.

3. Remuneration for the work of election committee members shall be paid by their respective employer agencies taking into account their average monthly salaries or wages. Shall a pensioner or unemployed person be employed as an election committee member, he/she shall be remunerated from local budget upon the recommendation of the election committee concerned and taking into account the work performed by him/her.

4. Polling stations shall be provided to election committees free of charge by national and local budget units and state run organizations as well as by private business entities on the basis of their mutual arrangement.

Governors of administrative and territorial units concerned shall be responsible for providing election committees with polling stations, transportation, communication and other necessary facilities.

5. The nominating party shall establish election campaign funds within five days after the registration of its nominee, open a bank account for the funds and inform the General Election Committee and the public thereof. Contributions of the candidate, nominating party as well as of supporting parties, organizations and individuals shall be deposited with and be used through the account.

Contributions of supporting parties, organizations and individuals to election campaign shall be made in cash only and be deposited with the bank account so designated.

No contributions to election campaign shall be received, made or used other than through the bank account so designated.

No contributions shall be accepted during the preparation for and holding of elections (from the calling until the end of the elections) from state budget or mixed public property organizations (affecting any part of public property), foreign organizations (from foreign participants of joint entities) and from foreign nationals and stateless persons.

No part of aid resources shall be sold and used for election campaign purposes.

The total amount of election campaign contributions by supporting parties, organizations and individuals shall not exceed ten million tugrigs.

6. Election campaign funds shall be utilized to cover expenses related to advertising of the candidates, their meetings with electors, the organization of public meetings and gatherings, as well as office supplies, postage, transportation, communication and business trips of the candidates and party election campaign bodies and officers and other expenses authorized by the regulations of the General Election Committee.

The procedures for the establishment of election campaign funds and their utilization and reporting shall be approved by the General Election Committee in consultation with the Ministry of Finance.

7. The bank account transactions of the candidate's election campaign funds shall be frozen for the candidate with the end of the voting day of the primary elections.

8. The reports on the use of election campaign funds shall be submitted to the General Election Committee by the nominating party and organization representing the parties which jointly put forward the candidate, within a month after the freeze of the bank account so designated. The General Election Committee shall consider the reports and publish its conclusions in the state central press within three months after the end of the elections.

9. The fund balance in the election campaign account for the candidate shall be collected for state revenue. Election campaign funds used for unauthorized purposes and not through the account shall be reimbursed.

Article 8. Legal guarantees for election rights

1. It shall be prohibited for candidates and party election bodies and officers to participate in reviewing by state organizations the implementation of elections laws.

2. Should a violation of election laws be qualified as a criminal offense, the person concerned shall be imposed penalties under the Criminal Code.

3. A fine of 500-10 000 tugrigs shall be levied by court on persons, who can not be imposed a criminal charge for their violation of election laws by the acts to bar the enjoyment by electors of election rights or the performance by an election committee and its officers of their duties, to misuse electors' religious belief, to vote on others' behalf, to solicitate votes and to deliberately obstruct vote casting and counting, etc.

4. A fine of 200-2000 tugrigs shall be levied by court on officials, who can not be imposed disciplinary charge for their failure to perform their duties specified in Article 5, paragraph 2 and Article 16, paragraphs 4, 5 of this Law.

5. A fine of 500-10 000 tugrigs shall be levied by court on candidates, officials and party election officers for their failure to comply with the election committee demands that they stop violating the provisions specified in Article 28, paragraph 2 of this Law.

6. A fine of 1000-5000 tugrigs by court shall be levied on governors and senior officials of government agencies, who can not be imposed disciplinary charge for their failure to perform their duties specified in Article 7, paragraph 4 and Article 17 paragraph 3 and Article 29, paragraph 2 and Article 30, paragraph 2 of this Law.

7. A fine of 3000-50 000 tugrigs shall be levied by court on press and information agencies which have violated the provisions of Article 28, paragraphs 2,3 of this Law.

8. A fine of 500-10 000 tugrigs shall be levied by court on persons, who can not be imposed criminal charge for their violation of the provisions specified in Article 27, paragraph 4 of this Law.

9. A fine of 1000-5000 tugrigs shall be levied by court on election committee officers, who have violated the provisions of Article 11, paragraph 3 and Article 35, paragraph 2 of this Law.

10. A fine of 1000-5000 tugrigs shall be levied by court on citizens employed in election committees but have failed to perform or have not duly performed their duties.

11. Organizations, officials and citizens, charged under the provisions of this Article, may appeal or make complaints against court decisions in accordance with the laws concerned.

CHAPTER TWO

CALLING ELECTION AND ESTABLISHING
CONSTITUENCIES

Article 9. Calling an election

The State Great Khural shall call an election not later than 75 days before the polling day.

Article 10. Constituencies and their
establishment.

1. For the purposes of vote casting and counting, the Khural Presidium of Representatives of soums and districts' citizens shall establish constituencies 70 days before the polling day and shall announce the name, place and headquarters of constituencies. In exceptional cases, such as movement to and settlement of a large number of citizens in other place, a constituency can be established or moved 5 days before the polling day.

2. A constituency may consist of up to 2000 electors, but not more than 6000 electors in the capital and other cities.



CHAPTER THREE

ELECTION ADMINISTRATION ORGANIZATIONS
AND THEIR FUNCTIONS

Article 11. Election committees

1. The following organizations shall be responsible for the preparation for and holding of elections:

- 1). General Committee of the State Great Khural on election (the General Election Committee);
- 2) local committee on election (local election committee);
- 3) division committee on election (division election committee);

2. A local election committee shall establish subsidiary committees in its soums or comparable administrative and territorial units.

3. The chairman, secretary and officers of an election committee shall not campaign for a candidate.

Article 12. The General Election Committee of
the State Great Khural and
its functions

1. The General Election Committee of the State Great Khural (hereinafter referred to as "The General Election Committee") shall independently carry out its activities, and its functions, composition, requirements imposed thereon, term of its establishment shall be determined in accordance with Article 11 of the Law on election of the State Great Khural of Mongolia.

Article 13. Local election committees and their functions:

1. The General Election Committee, in order to prepare for and hold elections in aimaqs and capital city districts, and to collect and report the returns, shall establish local election committees with the composition of a chairman, secretary and members 65 days before the polling day, taking into account the recommendations of the Khural Presidium of Representatives of citizens of aimaqs and capital city districts, and inform the public thereof.

The number of local election committee members shall be determined by the General Election Committee given the work load and party representation therein.

2. Local election committees shall perform following functions within their constituencies:

1) to plan and arrange for the preparation and holding of elections;

2) to examine the implementation of election laws and ensure their uniform observance, and to provide an integrated guidance for the activities of subsidiary and division election committees;

3) to coordinate election activities of relevant local state bodies;

4) to hear reports on election activities submitted by subsidiary and division election committees as well as by the heads of relevant local state bodies and undertake necessary measures.

5) to examine and rectify petitions against decisions of subsidiary committees and other disputes and complaints having to do with the violation of election laws;

6) to sum up and submit to the General Election Committee the election returns collected from subsidiary and division election committees;

7) to arrange for and hold re-elections;

8) to perform other functions provided by relevant laws and carry out directives of the General Election Committee.

Article 14. Subsidiary committees and their functions

1. A local election committee shall establish subsidiary committees with the composition of a chairman, secretary and up to 5 members 60 days before the polling day, taking into account the recommendations of the Khural Presidium of Representatives of citizens of relevant soums and comparable administrative and territorial units and inform the public thereof.

2. A subsidiary committee shall perform the relevant functions of a local election committee on behalf and upon the recommendations of the latter concerning the preparation for and holding of elections in the locality concerned.

Article 15. Division election committees and their functions

1. A local election committee shall establish division committees with the composition of a chairman, secretary and members 55 days before the polling day, taking into account the recommendations of the Presidium of the People's Khural of citizens of a relevant bagh and khoroo and inform the public thereof.

The number of division election committee members shall be determined by the local election committee given the number of electors, work load and party representation therein.

2. A division election committee shall perform following functions:

1) to notify electors of its address and timetable as well as polling day and hours;

2) to follow and register electors' movement;

3) to prepare and verify the list of division electors;

4) to prepare a polling station, ballot papers and boxes and arrange for polls;

5) to sum up election returns and submit it to the local subsidiary committee concerned;

6) to sort out election documents and turn over them to the local subsidiary committee concerned;

7) to rectify and submit authorities concerned disputes and complaints having to do with the preparation for and holding of elections;

8) to perform directives of a local election committee and other functions as provided by relevant laws.

Article 16: Organization of election committee work.

1. Election committees shall consider at their meetings issues relating to their functions and take decisions and adopt resolutions thereon by a majority vote of its members. Not less than two thirds of members shall make a quorum.

Chairmen of the General Election Committee and local and subsidiary election committees shall issue directives on administration matters.

2. Local and subsidiary election committees, as well as division committees may, given their work requirements and expense extent, employ committee members temporarily suspending them from their basic work.

3. Complaints may be submitted to local election committees, if they concern decisions of subsidiary and division election committees and to the General Election Committee, if they concern decisions of local election committee, unless otherwise stipulated by law. Complaints shall be considered and rectified within 10 working days after they were received.

4. Election committees are entitled to make legitimate requests to parties, public organizations and individuals in connection with the preparation for and holding of elections, and the organizations and individuals concerned shall respond to the requests within 5 working days after they were submitted.

5. State, party and non-governmental organizations and officials are obliged to implement election committee decisions taken in accordance with their powers.

CHAPTER FOUR

ELECTOR LIST

Article 17. Elector list and its compilation and making public

1. An elector list shall be compiled for each election division and the number of electors shall be integrated in election committees.

2. An elector list shall contain the full name, age, residence address, passport and register numbers of all electors residing permanently or temporarily in the constituency concerned at the time of the list compilation. Each elector can only appear on one elector list.

3. Governors of soums, districts, baghs and khoros shall compile in duplicate lists of electors, residing in their respective administrative and territorial units, in accordance with address reference, and in the forms approved by the General Election Committee, and shall submit them to division election committees 50 days before the polling day.

Chief staff officers of police, hospitals, rest houses and sanatoria are obliged to provide information necessary for the compilation of elector list.

4. The division election committee shall compile in duplicate the elector list, not less than 45 days before the polling day, in the form approved by the General Election Committee and make public the list signed by the chairman of the division election committee not less than 15 days, or in case of hospitals, rest houses and sanatoria 7 days before the polling day.

Article 18. Complaints concerning elector list

1. An elector is entitled to lodge a complaint to the division election committee concerned if his/her name was not registered or was not duly registered.

2. The division election committee shall examine the complaint within 3 working days after the receipt and make corrections in the electors list, or decide to disregard the complaint and respond accordingly. If the elector concerned does not agree with the decision he/she may appeal to the court.

Article 19. Elector movement

1. In case an elector moves to another election division before the polling day, he/she shall obtain a movement card, and have his/her name removed from the old elector list and be registered with the elector list of the new place moved to.

CHAPTER FIVE

NOMINATION AND REGISTRATION OF
CANDIDATES FOR PRESIDENT

Article 20. Term of nomination

Nomination shall commence 7 days after the calling an election and last for 15 days.

Article 21. Nomination by individual party

A central organ of the party (hereinafter referred to as "party"), which has seats in the State Great Khural shall nominate a candidate for President. A central party organ shall be party congress, party conference, and plenum or other similar bodies when the congress is not in session.

Article 22. Joint nomination by parties

1. When jointly nominating a candidate, parties shall, at the meeting of their central organs, decide and make an agreement on their joint participation in elections.

2. The agreement on joint participation in elections shall contain provisions concerning the reciprocal rights and commitments of the parties, an organization to represent the parties in elections, full names and posts of the persons included in the governing body of the organization, as well as the amount of the contributions to be made by the parties to the election campaign fund and other matters agreed upon.

The agreement shall be stamped and signed by the leaders of the parties joined for the elections.

3. The parties joined shall nominate a candidate for President by the decision of the organization to represent them in elections.

4. A party which made an agreement on joint participation in elections shall not individually nominate a candidate for President or establish a separate election campaign fund.

5. The name of the candidate shall be removed from the candidate registry by the General Election Committee if the parties cancel the agreement on their joint participation in elections and renounce their decision on the nomination of the candidate for President.

Article 23. Candidates and their registration

1. A person formally registered with the General Election Committee and acquired a certificate shall be considered a candidate for President.

2. The General Election Committee shall register the candidate and issue a certificate for him/her 25 days after the calling of an election.

3. The central party organ or the organization representing the parties joined for the elections shall attach to the decision on the nomination of the candidate for President following documents: a written acceptance by the candidate of the nomination, the candidate's election platform developed in accordance with Presidential powers as provided by the Constitution, curriculum vitae prepared in accordance with the form provided by the the General Election Committee, birth certificate (or any other document certifying that the candidate is Mongolian in origin if the birth certificate is not available), a document issued by soum or district Governors to certify that the candidate has, at least for last 5 years, been continuously residing in his/her country, and medical conclusion.

When registering the candidate, verification shall be made whether the presented documents are genuine and complete and the nomination process has been proceeded in accordance with relevant laws.

4. The General Election Committee shall make public the registration of the candidates within 3 working days after the registration.

Article 24. Canceling nomination decision,
and recalling the candidate

1. A candidate is entitled to withdraw from the election process, or party or parties joined for the elections may also call back and replace their candidate.

Party or parties joined for the elections shall immediately notify the General Election Committee of their replacement decision. The General Election Committee shall make public its decision to consider the nomination invalid, as well as the candidate's withdrawal or recalling by the party or parties joined for the elections.

2. Party or parties joined for the elections shall not be permitted to replace their candidate if they fail to inform 21 days prior to the polling day the General Election Committee of their decision to recall the candidate.

Article 25. Replacing the candidate

The party concerned or the parties joined for the elections may nominate a new candidate and have him/her registered with the General Election Committee 18 days before the polling day in case the previous candidate has died or a party or parties joined for the elections recalled their candidate before the term specified in Article 24 of the present Law.

Article 26. Assisting the candidate

1. The nominating party (the representing organization in case of the parties which jointly nominated a candidate) shall establish a party election body responsible for the organization of the candidate's election preparation and campaign advertisements and notify the General Election Committee of its establishment.

2. The General Election Committee shall register and issue a certificate for the chief and officers of the party election body.

Article 27. Guarantees for the candidate's
campaign activities.

1. The candidate shall enjoy the right to expound his/her election platform, freely express his/her views, make advertisements through press and information means and to obtain, in accordance with relevant procedures, necessary data and other reference materials from the organizations concerned.

2. The candidate shall be taken under protection when required. Expenses for the protection shall be covered from state budget.

3. It shall be prohibited, without the permission of the General Election Committee, to subject the candidate to criminal liability, arrest, suspend or detain (unless he/she was arrested while committing a crime or being at the place with clear evidence of a crime), impose by court disciplinary charge, search him/her or his/her residence and office, and to dismiss from his/her work at an administration initiative.

4. It shall be prohibited to slander the candidate, damage his/her reputation, dignity and the confidentiality of his/her private life and correspondence.

5. The employing administration shall relieve the candidate from his/her work and render every assistance in his/her election campaign in accordance with relevant laws.

6. The President of Mongolia, if nominated for re-election, shall continue to carry out his/her duties. But he/she can not instruct any authority or official and/or have decisions taken in connection with presidential election matters.

Article 28. Election campaign

1. Meetings, gatherings or agitation centres may be organized by the candidate to introduce his/her election platform, freely express his/her views, and/or by a party or parties joined for the elections to advertise their candidate.

2. Election campaign shall end 24 hours before the polling day. It shall be prohibited to make any advertisement from this period until the end of the polls, and to conduct opinion polls or publish its results during a week prior to the polling day.

3. Free and equal access shall be provided for each candidate in state radio and television, or state-controlled newspaper and periodicals for his/her election advertisement.

4. There shall be a charge for any of candidate advertisements made for the time other than allocated by the General Election Committee in state radio and television, or state-controlled newspaper and periodicals.

Article 29. Meetings of the candidate
with electors

1. The candidate may meet his/her electors in the period up to 24 hours before the polling.

2. Governors of relevant administrative and territorial units shall render every possible assistance to the candidate when the latter meets his/her electors.

CHAPTER 51

POLLS, PRIMARY ELECTION OUTCOME

Article 30. Polling station and term

1. Polls shall be conducted at the polling station between 07 a.m. and 10 p.m. on the polling day. A division election committee shall keep the public informed of the place and time of the polls during the period of 14 days prior to the polling day.

2. Soum or district governors shall be responsible to provide their constituencies with facilities with voting booths and ballot boxes enough for electors to ballot in secret.

Article 31. Ballot papers

1. Ballot papers shall be printed in accordance to the form approved by the General Election Committee and be transmitted by the Committee to local election committees and from the them to division election committees through subsidiary committees not less than 5 days before the polling day.

2. On the ballot paper there shall be printed the candidate's full name followed by, in brackets, the name of the nominating party or parties joined for the elections. Print order of candidates' names shall be fixed by the General Election Committee with the names placed in rotation on the principle of equality and due consideration given to constituency size and elector numbers.

3. Ballot papers shall be stamped and signed by the chairman and secretary of a division election committee. Ballot papers without signature and stamp shall not be used for polls.

Article 32. Administration of polls

1. On the polling day, at 7 a.m. members of a division election committee shall, in the presence of electors' representatives, check and seal all ballot boxes, and give start to the polls. Party observers and information agency representatives may be present at the opening.

2. An observer has to be registered with a subsidiary election committee and have a certificate. The observer may just monitor whether vote casting and counting and summing up of election returns were proceeded according to election laws, but he/she shall not interfere in the functions of an election committee.

The procedures for the participation of foreign observers in elections shall be established by the General Election Committee.

3. A division election committee shall check against elector list the passport or other certificates of each elector, and provide him/her with a ballot paper.

Electors moved during polls shall be registered with supplementary elector list and be provided with ballot papers after their passports, or other certificates and movement cards have been checked.

4. The fact of elector's vote casting shall be marked on his/her passport and elector list.

Article 33. Vote casting

1. An elector shall come to the polling station and cast his/her vote in person. However, votes of those electors, who can not come to the polling station due to illness or some other valid reasons shall be taken with a sealed ballot box by not less than 2 division election committee members who come to them at their request.

2. To cast his/her vote, an elector shall get a ballot paper, enter a voting booth and circle the number preceding the full name of a preferred candidate from among others, listed in the ballot paper, and put the paper into a ballot box.

3. In case an elector made a mistake and put a wrong mark when filling in a ballot paper, he/she shall notify and return it to the division election committee before putting into the ballot box and may get a new ballot paper.

An election division committee shall make a record of and keep the ballot paper returned.

4. No person, except an elector, shall be present in the voting booth. An elector, who is not able to fill in the ballot paper in person, may be assisted by his/her trustee. However, any party election officer, election committee member or observer can not be allowed to assist as a trustee.

Article 34. Considering ballot paper invalid

A ballot paper shall be considered invalid in following cases:

- 1) vote wasn't cast in specified form;
- 2) the ballot paper didn't have the signature of the chairman and secretary and stamp of the division election committee concerned;
- 3) the ballot paper was not marked, and/or name of more than one candidates was marked, or had marks other than specified in this Law;
- 4) all candidates' names were crossed out;
- 5) the mark made before the candidate's name was altered.

Article 35. Vote counting

1. Vote counting shall be proceeded in transparency. Representatives of observers, electors as well as press and information agencies may be present during vote counting.

2. A division election committee shall announce at 10 p.m. the beginning of vote counting and open ballot boxes after unused ballot papers were counted and sealed. It shall be prohibited to open ballot boxes before the count time or make interruptions during vote counting.

3. A division election committee, on the basis of an elector list, shall count the total number of its constituency electors, the number of electors got ballot papers, the number of total or valid and invalid ballot papers taken out of ballot boxes and the number of votes cast for each candidate.

4. A division election committee shall consider the election returns, decide upon and announce conclusions at its meeting and immediately submit them to the local or subsidiary election committee concerned.

Article 36. Summing up and submitting election returns

1. A local election committee, on the basis of its subsidiary and division committee conclusions, shall integrate data on the total number of its constituency electors, the number of electors got ballot papers, the number of valid and invalid ballot papers, and the number of votes cast for each candidate.

2. A local election committee shall prepare and consider, within 3 days and through its meeting, the returns of the elections held within its constituency and notify them to the General Election Committee within 2 days.

Article 37. Primary election returns

1. The General Election Committee shall prepare, on the basis of local election committee conclusions, total primary election returns for each candidate.

2. The total election returns shall be determined by the total ballot papers taken out of ballot boxes.

CHAPTER SEVEN

CONSIDERING INVALID AND RE-CONDUCTING POLLS

Article 38. Considering invalid and reconducting polls in election division

1. A local election committee shall consider invalid division elections when:

1) polls were conducted in a place other than so designated and announced and/or conducted on a day other than previously announced in all cases except such certain developments as fire, flood etc;

2) ballot boxes were lost after voting began, and/or opened before the time stipulated in the Law (this shall not apply to paragraph 3 of the present Article);

3) any act of intimidation directed at election committee members and electors was proved to have influenced electors' votes and election outcome and;

4) violations of the election law, such as fraud and abuse of their rights and functions by election committee members and officials of other agencies, seriously affected the election outcome.

2. Polls shall be re-conducted within 7 days after a local election committee has considered the elections invalid. Decision to re-conduct polls shall be made by a local election committee. The decision shall contain information on the place and day of the polls to be re-conducted. Polls can be re-conducted on a working day. All the electors of a division election shall be involved in the polls if voting has been concluded invalid throughout the division.

3. The votes of those who could not come to the polls because of the reasons specified in Article 33, paragraph 1 of the present Law, shall be considered invalid if their ballot boxes were lost or opened before the time stipulated in the Law. In this case the voters who cast their votes in those ballot boxes shall be requested to participate in the polls to be re-conducted.

Article 39. Re-conducting polls in case
none of the candidates
won majority of votes

1. The two candidates who won the largest number of electors' votes shall contest for re-election if none of the candidates won a majority vote.

2. The General Election Committee shall re-conduct an election within 14 days after the primary elections if the circumstance in paragraph 1 of this Article occurs.

CHAPTER EIGHT

PRESENTING THE ELECTION OUTCOME TO STATE GREAT KHURAL AND PASSING LAW RECOGNIZING THE CANDIDATE AS PRESIDENT AND HIS FULL POWERS

Article 40. Proposing to the State Great Khural to consider the elections invalid and to re-conduct elections

1. The General Election Committee shall, within 30 days after the end of the elections, propose to the State Great Khural to consider the elections invalid and to re-conduct a new election in cases/when:

1) 50 per cent of all the electors registered in elector lists didn't participate in the primary elections;

2) neither of the candidates won a majority vote of the electors participated in re-elections;

3) the polls were not conducted in conformity with the Law;

2. In case the State Great Khural considered the polls invalid on the ground of this Article, paragraph 1(1), it shall announce the re-conducting of polls within 60 days after taking such a decision. In case the State Great Khural considered the polls invalid on the ground of this Article, paragraph 1(2), it shall announce a re-election within 7 days after taking such a decision. If the State Great Khural considered the polls invalid on the ground of this Article, paragraph 1(3), it shall examine the matter in detail and decide to re-conduct either polls or election in accordance with this paragraph. Local, subsidiary and division election committees shall be established anew in case of re-voting and re-election. The relevant provisions of this Law shall be applied to such activities as the preparation for and holding of Presidential election, the nomination of candidates, election campaign, etc.

Article 41. Passing a law recognizing
Presidential full powers

1. Notwithstanding the provisions of Article 40, paragraph 1 of this Law, the candidate, who secured a majority vote of the electors participated in the primary elections, shall be considered President-elect in accordance with Article 31, paragraphs 4 and 5 of the Constitution, and the Chairman of the General Election Committee shall, within 30 days after the elections, propose to the State Great Khural to pass a law recognizing full powers of the President.

2. The State Great Khural shall consider the General Election Committee report on the final results of the primary elections and a Constitutional Court judgment if there is any.

Members of the State Great Khural may put questions to the Chairman of the General Election Committee and Chairman of the Constitutional Court after the report and/or judgment were heard.

3. The members of the State Great Khural shall vote on each of the following points concerning the candidate and the primary elections:

1) validity of the primary elections;

2) absence of incompatibility reasons for the candidate to be elected as President ("incompatibility reasons" shall mean failure by the candidate to meet the requirements specified in Article 30, paragraph 2 of the Constitution; an offense committed by the candidate was proved by court after the primary elections or if the candidate has been certified insane upon a medical conclusion).

4. The candidate shall be considered President-elect and a law recognizing Presidential full powers shall be adopted in case a majority of the members of the State Great Khural voted in the affirmative for each matter specified in this Article, paragraph 3.

5. An elucidation voting shall take place on each of the points specified in Article 40, paragraph 1 in case a majority of the members of the State Great Khural didn't vote in the affirmative on the points specified in this Article, paragraph 3(1). The candidate shall be considered President-elect and a law recognizing the full powers of President shall be adopted as provided in this Article, paragraph 4 in case the members of the State Great Khural did not vote in the affirmative on the points specified in Article 40, paragraph 1. The procedure specified in Article 40, paragraph 2 of this Law shall be applied under other circumstances.

6. The State Great Khural shall call and hold a re-election for President in the event of the death of the candidate or the State Great Khural didn't consider the candidate President-elect and adopt a law recognizing the full power of the President on the ground that the candidate failed to meet the requirements, specified in this Article, paragraph 3.

CHAPTER NINE

CALLING AND HOLDING ELECTION IN CASE PRESIDENTIAL FULL POWERS END BEFORE TERMS

SETTLEMENT OF DISPUTES RELATING TO PRESIDENTIAL ELECTION

Article 42. Calling and holding election in case Presidential full powers end before terms.

1. The State Great Khural shall call and hold within 4 months a new Presidential election in the event of the resignation, death or voluntary office leave of the President.

2. The provisions of this Law shall be applicable when calling and holding a new Presidential election in case Presidential full powers end before the terms.

Article 43. Settlement of Disputes relating
to Presidential election

Any dispute relating to the Presidential election shall be settled by the Constitutional Court, courts and/or General Election Committee within the jurisdiction and in accordance with procedure, as prescribed by laws.

Article 44. Entry into force

This Law shall enter into force on 1st March, 1993.

CHAIRMAN OF THE STATE GREAT KHURAL

GENERAL SECRETARY OF THE SECRETARIAT
OF THE STATE GREAT KHURAL

15th February, 1993

Ulaanbaatar

APPENDIX F: Regulations Concerning Foreign Observers



STATUTORY RULES FOR THE FOREIGN
OBSERVERS WITNESSING THE ELECTIONS
OF THE PRESIDENT OF MONGOLIA



Adopted by the General
Election Committee of
Mongolia on 12 May, 1993

STATUTORY RULES FOR THE FOREIGN
OBSERVERS WITNESSING THE ELECTIONS
OF THE PRESIDENT OF MONGOLIA

1. "Foreign observers" mean the representatives of foreign states and public organizations, international organizations and diplomatic missions accredited in Mongolia as well as persons invited as guests by the State Great Hural, the Mongolian Inter-Parliamentary Group, the General Election Committee, political parties and public organizations who have expressed their desire to observe the Election of the President of Mongolia.
2. Foreign observers will witness the election campaign, the voting and counting of votes.
3. All the foreign observers will have the following rights:
 - a) to study the election law;
 - b) to study the structure of local election committees and electoral rules on spot;
 - c) to have an access to the General Election Committee and to any local election committee, subcommittee and division committee to familiarize with their activities and compositions;
 - d) to collect information on the total number of voters in any of the local election committees;
 - e) to be present at the local election committees, at the electoral subcommittees and the division election committees during the voting and counting of votes;
 - f) to take a photo and to make a video-recording of the voting process and counting of votes at the local election committees, at the electoral subcommittees and at the division election committees;

- g) to meet the candidates for President, their close assistants, voters and representatives of the electoral constituencies;
- h) to meet the representatives of the political parties participating in the elections as well as of the public organizations and labour collectives;
- i) to study procedures of settling disputes arising during the elections and decisions taken by the General Election Committee on disputes.

4. The competent authorities of Mongolia shall provide the foreign observers with the following opportunities:

- a) to exercise freely the rights specified in the paragraph 3 of the present Statutory Rules;
- b) to have a free access to the local election committees, the electoral subcommittees and the division election committees;
- c) to take home the materials collected during the elections as observers.

5. Foreign observers shall respect the laws and regulations of Mongolia and abstain from illegally interfering in the election process, collecting votes and during counting of votes from having discussions on election issues, making remarks and engaging in propagandizing activities.

6. All expenses including accommodation, meals, transport, travel and other costs for escort and interpreters shall be covered by the foreign observers.

7. These authorities which have invited the foreign observers will be responsible for organizational matters arising out of the fulfillment of the rights and duties of the foreign observers.

8. A foreign observer, while on duty, shall use the observer's identity card issued by the General Election Committee.

9. Foreign observers shall give to the Mongolian side the conclusions of the election's observation.

_____ & & _____