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REPORT
OF THE COUNCIL OF EUROPE (CLRAE) OBSERVER DELEGATION
TO THE LOCAL (AND REGIONAL) ELECTIONS IN LATVIA
29 May 1994

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A. INTRODUCTION

1. Invitation

The President of the Parliamentary Assembly received an invitation from Mr. A. Kramins, the Chairman of the Central Electoral Committee of the Republic of Latvia to send an observer delegation for the Local Authorities elections, to be held on 29 May 1994. Mr. Martinez answered the invitation on 14 April 1994, indicating to the Latvian Authorities that the Parliamentary Assembly only observes parliamentary elections, but that the invitation had been forwarded to the CLRAE.

2. Composition of the delegation

Unfortunately, the Secretariat of CLRAE learned about this exchange of letter only on 10 May 1994. Considering the proximity of the date of the Latvian local elections with the opening of the constitutive session of the Congress of Local and Regional Authorities of Europe it has been difficult to gather a delegation of prominent members from the CLRAE.

For these reasons, the delegation was composed in the following way:

- Mr. Follke SCHÖTT, Local elected representative of the County Council of Stockholm (Sweden), appointed by Mr. Mollstedt, President of CLRAE.
- Mr. Jean MEYLAN, Local elected representative of the City of Lausanne (Switzerland), Secretary General of the Swiss Section of CEMR.
- Mr. Holger PYNDT, Danish Association of Local Authorities
- Mr. Nicolas LEVRAT Secretariat of the Council of Europe.

3. Programme and organisation of the visit

The visit of the delegation was organised by the Central Electoral Commission. The members of the delegation wish to express their thanks for the efficient organisation. Every effort was made by their host to facilitate the observation mission and the delegation had total freedom of movement, to observe without interference the electoral process in whatever way they wished.

The programme of the visit appears in Appendix 1.

4. Other observer delegations

The local and regional elections were followed by only a few international observers. Apart from the Council of Europe, the CSCE Bureau for Elections (based in Warsaw) sent one observer on Sunday 29 May to Daugavpils, a town with a large majority of Russian speaking (non-citizens), as well as a large number of Russian speaking citizens. The electoral process showed no major difficulty in this area, according to the CSCE observer.

A delegation from Estonia (Department of Local Government) did not notice any difficulty in the electoral process either.

Individual observers from political parties of Sweden and Denmark were also present. The CE delegation did not have contact with them after the polling day; however, no negative report was announced.

The delegation has been told by the President of the Local Electoral Commission that access was denied to so-called international observers who were not properly registered with the Central Electoral Commission.

B. BACKGROUND INFORMATION ON LATVIA

5. General information

The Republic of Latvia recovered its independence on 21 August 1991. It is a Parliamentary democracy of 64,000 km², with a total population of 2,680,000 according to a 1989 census (2,389,328 inhabitants registered in 1994) 1,715,938 of which are citizens (see paragraph 7 below for more details).

The country is governed according to a Constitution adopted in 1922, reinstated on 21 August 1991 and confirmed by the new Parliament on 6 July 1993.

The latest Parliamentary elections were held on 5-6 June 1993.

The country is undergoing major legislative reforms; in the field of local self-government, a basic law still has to be adopted.

6. Political situation

The Parliamentary elections were held a year before the local elections, on 5 and 6 June 1993. The results of these elections show the following political scene in Latvia:

- Election alliance "Latvian Way"	32.38% of votes	36 MPs
- Latvian National Independence Movement	13.35%	15
- Concord for Latvian-rebirth for economy	11.99%	13
- Latvian Farmers' Association	10.64%	12
- Equality and Rights	5.77%	7
- Alliance "For Fatherland and Liberty"	5.36%	6
- Latvian Christian Democrats' Association	5.01%	6
- Democratic Centre Party	4.76%	5

100 MPs

The quorum to be represented in Parliament is 4%. These 8 lists composed the Parliament, out of 23 lists running for these elections.

Following these electoral results, a government based on a coalition between "The Latvian Way" and the Latvian Farmers Association (LZS) is in power. On the political scene, this is a centre-right wing government.

7. The issue of citizenship

According to Article 5 of the Law on the Election of the Town/City "*Dome*", Regional Council and Rural Municipality Council, "The rights to elect the *Dome* (Council) are granted to the citizens of the Republic of Latvia...". Such a norm is not unusual in Europe, where most countries grant the right to vote only to their citizens; however in Latvia, the issue of citizenship is very delicate. In the recent history of the country mass deportation of the native population occurred, while a large number of immigrants settled in the country.

The composition of the registered residents in Latvia, according to the latest available figures, is as follows:

Registered residents:	2,389,328	
Latvians citizens:	1,715,938	(72.0%)

There is no direct link between citizenship and belonging to an ethnic group, and criteria relating to residence in the country at different periods of Latvian history also have to be taken into account. Due to these criteria, 277,352 ethnic Russians out of the 709,952 registered Russians living in Latvia have citizens' rights. This leaves 432,600 members of the Russian minority without Latvian citizenship; a few ethnic Latvians are also denied citizenship according to these criteria. There are also 86,714 citizens of Latvia who are neither Latvian ethnics nor Russian ethnics.

At the national level, some 28% of the residents are non-citizens and are therefore denied the right to take part in local elections. The issue is much more acute in large towns, where minorities sometimes account for more than half of the resident population. In towns like Jurmala or Riga, some 50% of the residents have no citizens' rights. In towns like Ljepaja or Daugavpils, the proportion of citizens to the total resident population is respectively 38% and 25%. In rural areas, the very large majority of the resident population are citizens.

From these figures, it clearly appears that the issue of representation of non-citizens, which in some local authorities represents a substantial share or even the majority of the population is a very serious one. Two solutions to this question are foreseen. First, a new law on citizenship (the existing law on citizenship was adopted in 1919, and has only received some amendments) is being prepared and should be adopted in the near future. Second, provisions exist for local elected representatives to constitute consultative bodies to represent the interests of non-citizens in local authorities where they make up a substantial share of the population.

For these reasons, even though the issue of citizenship was not clearly settled at the time of the local elections, all the communities and political forces met by the delegation accepted the holding of these elections, and even when requesting another definition of the right to vote, did not challenge their validity.

C. ORGANISATION OF THE ELECTIONS

These local and regional elections were organised according to the Law of the Republic of Latvia "On the Elections to the Towns/City *Dome* (traditional name for Council), Regional Council and Rural Municipality Council", passed at the *Saiema* on 13 January 1994, and promulgated by the President on 25 February 1994. This law was slightly amended by the *Saiema* on 17 February 1994.

8. Scope of the elections

The elections were held on 29 May in 26 regions, 76 towns/cities and 492 rural municipalities. These were the first free local elections since the independence of the country in May 1990 (see section 5).

- 318 representatives were elected for the 26 regions (18 regions with 11 representatives and 8 regions with 15 representatives)
- 807 representatives were elected in the 76 towns and cities (7 towns electing 7 representatives, 33 towns with 9 representatives, 29 towns with 11 representatives, 2 cities with 11 representatives, 4 cities with 15 representatives and the City of Riga with 60 elected representatives).
- 3,646 representatives were elected in 492 rural municipal districts (399 districts with 7 representatives, 85 with 9 representatives and 8 rural districts with 11 elected representatives).

The total number of local and regional representatives to be elected on 29 May 1994 was 4,771.

Cities and some large towns are not part of a region. Voters in these towns and cities were only requested to vote in the local elections.

The major change in representation occurred in the City of Riga. Under the former system, Riga had two tiers of local council; 6 district councils, and 1 city council. The new system has only one level of government for the City of Riga, with a city council of 60 elected representatives.

9. Electoral system

In all the constituencies, the election was based on **proportional representation**. Voters could either choose an electoral list, or pick candidates individually up to the number of seats to be allocated in their constituency. Choosing more candidates than the number of seats available, or ticking both a list name and individual candidates on the ballot paper would render the ballot void.

10. Right to vote

As examined under paragraph 7 above, the right to vote is limited to Latvian citizens. Furthermore, the Latvian citizens must have reached the age of 18 by the election day. A few restrictions linked to legal decisions (legal civil incapacity, serving sentence in jail) also exist.

Citizens did not have to register on electoral lists before the elections. Each person is entitled to vote in the local - and where applicable the regional - authority, either where (s)he is registered as living (this indication is to be found in the passport) or where his(her) real property is registered.

In towns and cities with several polling stations, the resident citizens were allowed to vote in any polling station of their choice; in the case of Riga which had 145 polling stations, this made the organisation of the vote (number of ballot papers to be present in each station) slightly more difficult.

Due to the absence of registers in the polling stations and in many cases the possibility for voters to choose the polling station in which to exercise their rights, a special stamp was applied on page 14 of passports to identify those citizens who had already voted.

11. Registration of candidates

Article 8 of the Electoral Law provides that citizens who have reached the age of 21 on election day, and who have "been registered as living in the territory of the corresponding self-government for at least 12 months prior to the election day" are eligible to local or regional councils. Article 9 spells out cases of ineligibility which, further to the usual reasons, linked to legal decisions, disqualify any employee or former employee of a secret service or an army of another country, special mention being made to the former USSR. This article also disqualifies those "who do not know the state language to the highest (third) level of the knowledge of the state language".

Lists of candidates can be submitted either by registered political organisations or, in the case of rural districts' and of towns/cities' *Dome*, by voters' associations (*ad hoc* associations). Lists have to be supported by at least 20 voters of the relevant constituency for rural municipal districts, and at least 50 voters for towns/cities or regional elections. A security deposit of 100 Lats (200 US\$) has to be deposited for each list. This amount is refunded if at least one candidate from the list is elected.

Nationwide, more than 1,800 lists were registered, regrouping some 12,000 candidates. This gives a ratio of less than 3 candidates per seat. This figure however covers very different realities. In the city of Ventspils, only one list had been registered, while in the City of Riga, 559 candidates on 16 lists gave a ratio of almost 10 candidates per seat available.

The registration of lists did not in general give rise to major problems. A few lists were rejected because of forged signatures or of signatures from non-voters in the considered constituency. One case of forged signatures on a socialist party list was ruled by a judge who had not received the proper powers from the *Saiemas* at the time of the judgement. An appeal is still pending on that case; the verdict of the appeal may lead to a new election in this case. Also as a result of invalidated lists, 2 constituencies (one municipal rural district (*Burte*) and the City of *Durve*) did not have a remaining list with a number of candidates equal to the number of seats. A date for complementary elections in these two constituencies is already fixed for the 28th of August.

12. Administrative organisation

a) Electoral Commissions

The whole electoral organisation is placed under the supervision of the Central Electoral Commission, an independent body appointed by the Parliament. This commission has the final responsibility (except in cases where an appeal to court is provided by the law) for the running of the polls and for the publication of results. However, the system is very decentralised and many responsibilities are given to local electoral commissions.

These local electoral commissions are appointed by the local (regional) council in each constituency. Some 10,000 persons are working for electoral commissions throughout the country.

The delegation expressed the fear that the method of appointment of the local electoral commissions may not provide sufficient representation for (political) minority interests in some constituencies; the observations on election day proved these worries to be unfounded. The delegation was also surprised by the large number of citizens involved in the organisation of the voting process; this, however, underlines that it is a good way to ensure citizens' participation in political life at local level, and the observations conducted in polling stations (see below para. 16) showed that these commissions accomplished their tasks with efficiency.

b) Ballot papers

The type of voting, ie the proportional system, with a possible choice for the elector of either a party list, or a selection of individual candidates from different lists, led the central electoral commission to decide on a single ballot paper with the names of all the candidates appearing on it. In most cases, this solution raised no specific difficulties. In the case of the City of Riga, however, where 559 candidates representing 16 lists had to appear on the same ballot paper, the result was a piece of paper measuring about 90 cm x 140 cm, covered with small print. Voters had difficulties opening such a ballot paper in the voting booth. Furthermore, reading the small print may have proved difficult for elderly voters, and the fact that the boxes next to list names and the boxes next to candidate names were of the same size may have caused the voter some confusion (which would have invalidated the vote). The reason for a single ballot paper including all the lists was mainly to deter frauds (voters introducing several ballot papers in the ballot box).

The results in Riga did not show a dramatic amount of invalid ballot papers; the observers would however suggest that a more practical type of ballot paper be envisaged for other elections.

13. Arrangements for counting and publishing the results

Each local electoral commission was to count on the spot the votes casts in its polling station. The results were then transmitted to regional electoral commissions, which in turn would forward them to the Central Electoral Commission.

The process worked smoothly and fairly quickly.

D. VISIT OF THE OBSERVER DELEGATION

The observer delegation from CLRAE was present on 28 and 29 May. Saturday 29 May was devoted to meetings with representatives from political parties, the Central Electoral Commission and local elected representatives who are members of local authorities associations.

On polling day, May 29, the delegation split into two groups. One visited the northern part of the country (the regions of Sigulda, Cesis, Valmiera, Rujiena and Salacgriva), while the other stayed in Riga and Jurmala. The delegation visited 31 polling stations altogether. Two polling stations in Riga were visited at the time of opening, while closing and counting of the ballots was observed in three polling stations. Visits were paid on Sunday the 29th in the evening to the Riga Electoral Commission (centralising the results from the 145 polling stations in Riga) and the Central Electoral Commission.

14. Meeting with representatives of political parties

The delegation had a meeting with representatives of the political parties that have deputies in the National Parliament. A broad invitation had been launched to the eight parties composing the Parliament. However, only four of them were present at the meeting. They were the Democratic Party, Latvia's Way, Equality and Right Party and "Fatherland and Freedom" Party.

These four political parties represented only a minority of the political forces competing for these local and regional elections, since a very large number of candidates were listed on voters' associations list, rather than on political parties' lists.

In general, the delegation observed that the political campaign had been very discrete, if existent at all. The representative of Latvia's Way (the main party in the ruling coalition) underlined that it was a very positive feature that the campaign had been very decent, and that no trash-bashing as had been observed before the Parliamentary election had taken place. In general, his party undermined the importance of these elections, and he admitted that it had not had a high profile in the political campaign.

The representatives from "Fatherland and Freedom" - the most "right wing" party - and from the "Equality and Right Party" - the most "left wing" which claims equal citizenship rights for Latvians and Russians - had an argument about citizenship and the right to vote. The delegation however noted that the representative from Equality and Right, despite his requests about the right to vote, did not contest the legality and the validity of the election according to the Law passed on 26 January 1994.

In general, all the Parties agreed that the law provided sufficient guarantees for the elections to be fair and democratic, and none foresaw major difficulties.

15. Meeting with representatives of local government

The Union of Local Authorities Associations groups several associations representing the interests of different types of local and regional authorities. The delegation met with six representatives of different types of local and regional authorities, all holding an electoral mandate at the local or regional level. One of these persons did not, according to the new election law, have citizens' rights and was therefore not allowed to vote, not to mention run for a mandate. She was interested in the political campaign in her municipal rural district and showed understanding for the fact that she could not participate in the vote. It is however hard to say whether such behaviour is representative of the non-citizens in Latvia.

As regards the issues of the political campaign, they were very clearly linked to the difficult economic situation of local government in Latvia. National political parties were supporting lists in most large local authorities, but the political background of a list seemed to matter less than the personality of the candidate. In rural districts most lists were put forward by voters' associations rather than by political parties.

Representatives from cities showed concern that a large part of the population in their constituencies had no right to vote. They were already considering ways to give some sort of representation in local decisions to the population that had not taken part in the election of the local council.

At regional level, all candidates' lists were presented by political parties. In the 26 regions, the number of lists ranged from one to seven. The local television channels were widely used in the regional election campaign.

16. Organisation of the polling stations

Polling stations were open on Sunday 29 May from 8 am to 8 pm. On voting day, the delegation was favourably impressed in all the polling stations it visited by the atmosphere of solemnity. Electoral commissions had obviously received clear and detailed instructions (a booklet had been edited by the Central Electoral Commission, and Chairpersons from electoral commissions had two information meetings with the Regional Electoral Commission prior to the elections) and were applying them carefully. Local initiative was however present and the polling stations in rural districts were always nicely decorated with flowers. In general, electoral commissions tried to create a good atmosphere, and several Chairpersons asked the delegation if their polling station looked as nice and was as well organised as the others.

The delegation was struck by the large majority of women in Local Electoral Commissions (an average of 80% in the stations visited).

As regards the organisation of the voting process, it was always carried out in a way to make it as simple and as clear as possible for the voters to perform their duty. All members of electoral commissions knew what to do and the delegation observed no confusion.

Examples of how to fill in a ballot paper were posted in voting booths, to make sure that the voters would fill in their papers properly. These indications were provided with fake party names (Party A, B, ...) and fake candidate names, so as to avoid influencing the voters' choice.

Voting booths happened to be too small in the majority of polling stations in Riga, owing to the very large size of the ballot paper. At some hours of peak attendance, voters filled in their ballot papers on tables outside the voting booths. This was always tolerated by the Chairpersons of electoral commissions, as was the case of families entering the voting booth together.

Old or disabled persons have the right, according to the Electoral Law, to be helped in the voting booth by a person of their choice, provided he/she is a Latvian citizen and not a member of the electoral commission.

Access to the polling station was most of the time checked by civilians, policemen or the military (depending on the areas). They checked the passports, allowing in only those who had a right to vote (Latvian nationals who had not yet cast their vote). This gave rise to a few incidents, such as people who had forgotten their passport or were not registered in the local authority they wanted to cast their vote in. Some people complained that they had sent their former USSR passport to the authorities and had not yet received their new Latvian passport. These cases were very few and the persons were not allowed in. In some polling stations Russian citizens were allowed to walk in to accompany voters, in others they were denied access to the polling station.

In general, security in and around the polling station seemed adequate. One polling station in Riga had to be closed down due to a bomb alert. The alert was unfounded and the voting process could resume two hours later.

All lists running for the election were allowed to have observers present at all time in the polling station. Few made use of this possibility. The observers we met had the intention of staying the whole day in the polling station. None of these observers formulated complaints or negative comments to the delegation. In some polling stations, the Chairperson had to discipline the observers. In one case, an observer entered the voting booth to counsel voters several times. After having been asked to behave differently without success, he was expelled from the polling station by the electoral commission. The delegation noted that some observers had an identification sign clearly showing their party membership. The delegation suggests that it would be advisable to clearly forbid observers to display such signs in the polling stations; one way of doing so might be to give to the observers an official identification tag.

Apart from these detailed observations, the delegation considers that all the polling stations visited were remarkably well organised, and that the electoral commission properly assisted the voters to make it easy for them to cast their vote and express their democratic choice.

17. Interviews with voters and non-citizens

Voters interviewed after the vote were not at all afraid to give their impressions. They had had no specific difficulty with the voting process. They had had adequate information about the procedures of voting by official television, radio and newspaper announcements.

Even in Riga city where ballot papers were very large and the fear of confusion had been expressed by some party representative, there were no problems for the voters. Several of the persons interviewed preferred to express themselves in the Russian language, and the interpreters diligently agreed to use Russian. These persons had no problem in understanding the instructions, even though they were only printed in Latvian.

In several cases, persons from a same family included citizens and non-citizens. They had come together to the polling station, and they all showed understanding about the existing situation, considering it as a necessary transitory period. Non-citizens did not express resentment, and said they would consider the result of the elections as validly appointing the government of their local authority.

18. Use of the Russian language

As mentioned above, official information about the local and regional elections were only provided in Latvian. A significant number of residents, including citizens, still prefer using the Russian language. They did not, however, have any difficulty in understanding the explanations.

Furthermore, we witnessed cases of Chairpersons of the electoral commissions answering requests for explanations from voters in Russian. Most electoral commissions visited by the delegation were asked if they were ready to provide information to voters in the Russian language. They all answered affirmatively.

The delegation understands and respect the motives for using only the national language in the official publications, but welcomes the flexibility of members of local electoral commissions which did everything in their capacity to make sure that citizens could cast their votes without confusion.

19. Closing of the stations and counting in the polling stations

The delegation witnessed the closing and the counting process in three different polling stations. No unexpected difficulty was noticed. In Riga city, the huge size of the ballot papers made the process of counting materially difficult.

The fear that a large number of ballot may be void due to the confusion of voters on the number of boxes they would be allowed to tick proved to be unfounded. A certain number of void ballots (about 1 to 2 % in Riga) were found during the first stage of the counting process. The Chairpersons of the electoral commissions did apply the precise indications they had in the written instruction to make decisions on the validity of the ballot papers. In some cases, however, some ballots were considered void (and were formally incorrect) even though the will of the voter was clearly expressed (i.e. when a voter had chosen a list by ticking the box next to it, as well as all the candidates on the list; choice of list and candidate makes the ballot invalid, but in this particular case the will seems clear).

Security was at all time guaranteed by the presence of police forces.

The counting in polling stations was generally over early into the night, and no major problem was reported.

20. Results of the elections

The Chairperson of the local electoral commission had the responsibility of bringing the results and the ballot papers to the regional electoral commission. This transfer was performed in special cars escorted by police. No security threat was reported.

The regional electoral commission collected the results and transmitted them to the central electoral commission. The process was fairly quick.

The **participation** of voters was lower than expected, with a national average of 58.5% of citizens having taken part in the election. In rural areas the average was higher with 61.9%, while in large towns, it was down to 53%. The lowest level of participation was in Jelgava with only 46.3% of voters. This is the only constituency which had less than 50% of registered voters showing at the poll. The highest average was in Daulgapils (a city with a very large majority of Russian-ethnic residents) with 78.7%. The delegation notes that participation was higher in areas with a large Russian population.

As regards the political results of the elections, ...

21. Press conference

The delegation gave a press conference on Monday morning. It was attended by some 15 Journalists, representing national and international press. Three radio stations as well as the national television were also present. The delegation expressed its favourable impression about the elections. A press release figures as Appendix 2.

E. CONCLUSIONS

The delegation considers that the local elections were free and fair, and allowed the Latvian citizens to democratically elect their local and regional representatives. These elections shall constitute a step towards a strong grass-roots democracy in Latvia. The delegation considers that even though the newly elected representatives have their political legitimacy from Latvian citizens only, they will cater for the best interests of all their resident population.

Appendices:

- Press Release



Local Government Elections in Latvia : fair and democratic

STRASBOURG, 31.05.94 - "The first free local government elections were fair and democratic. The results will reflect the will of the citizens of Latvia, in accordance with the electoral law", said Follke SCHÖTT, delegation head of the Congress of Local and Regional Authorities (CLRAE) of the Council of Europe.

The four-member delegation observed on Sunday 29 May the first local government elections in Latvia since the restoration of national independence in 1991.

Polling was observed by the members of the delegation in some 32 polling stations in Riga and different parts of the country, including areas populated by a majority of Russian-speaking citizens and non-citizens. Interviews with Russian-speaking voters did not reveal any difficulty for them to freely choose their local representatives. Electoral commissions in the visited polling stations were giving, upon request, oral explanations in Russian.

The members of the Council of Europe delegation had talks before the elections with representatives of most political parties, the different local authorities associations, the media and all the members of the central electoral commission. Their impression is that the organisation of the campaign provided equitable opportunities for all political parties.

On voting day, the group noted the confident atmosphere and a sense of solemn celebration on the part of voters, revealing the excellent preparation and an intelligent application of the detailed regulations by each electoral commission.

The delegation will submit a report with more detailed observations on this event to the appropriate bodies of the Council of Europe.

Members of the delegation:

- Follke SCHÖTT (Sweden)
- Jean MEYLAN (Switzerland)
- Holger PYNDT (Denmark)
- Nicolas LEVRAT (Council of Europe Secretariat)