



# Russian Federation Presidential Election 14 March 2004

## INTERNATIONAL ELECTION OBSERVATION MISSION

---

### Statement of Preliminary Findings and Conclusions

**Moscow, 15 March 2004** – The International Election Observation Mission (IEOM) for the 14 March 2004 Presidential Election in the Russian Federation is a co-operative undertaking of the Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) and the Parliamentary Assembly of the Council of Europe (PACE).

---

### PRELIMINARY CONCLUSIONS

---

The IEOM was established in response to invitations from the Central Election Commission of the Russian Federation and the Chairman of the State Duma of the Federal Assembly of the Russian Federation. The IEOM observed the election to assess its compliance with the 1990 OSCE Copenhagen Document, national legislation of the Russian Federation and other election-related commitments.

The 14 March 2004 Presidential election was generally well administered. The Central Election Commission (CEC) demonstrated professionalism in the technical preparations for the election. However, the election process overall did not adequately reflect principles necessary for a healthy democratic election process: essential elements of the OSCE commitments and Council of Europe standards for democratic elections, such as a vibrant political discourse and meaningful pluralism, were lacking. The election process failed to meet important commitments concerning treatment by the State-controlled media on a non-discriminatory basis, and secrecy of the ballot.

The nature of the election process, whereby the incumbent refrained in most respects from conventional campaign discourse, limits the possibilities to draw conclusions about the robustness of the framework for democratic elections when tested in a more competitive environment. The incumbent maintained a high measure of public approval ratings throughout the presidential contest, as reflected in the preliminary results, and faced a field of opponents who commanded little apparent public support.

The Presidential election came barely three months after elections to the State Duma. Those elections had produced a significant shift in the configuration of Russian parliamentary politics, and had left a number of political parties preoccupied with the consequences of a loss of a federal parliamentary presence or a weakened party machinery. In this setting, the majority of presidential candidates entered the race without party backing or with fragmented party support.

On election day, voting and counting were carried out in a generally calm and peaceful manner. However, the conduct of elections for a multiplicity of other public offices in many parts of the country, held contemporaneously with the Presidential election, burdened the election administration and created conditions conducive to accidental or deliberate procedural irregularities.

The following positive aspects of the Presidential election process should be recognized:

- There was a genuine wish to enfranchise as many people as possible, including significant financial outlays to enable voting in remote locations and a flexible approach to the establishment of special polling stations;
- The CEC gave strong professional leadership to the country's vast election administration, which functioned in an efficient and generally open manner in the pre-election period, although a more mixed picture emerged on election day, particularly during counting;
- The legal framework promotes openness and transparency both in the organization and conduct of the election, although in certain aspects it is unduly complex;
- Televised debates, albeit devalued by the non-participation of the incumbent, provided an opportunity for candidates to present their message to voters.

The possibility for meaningful competition was undermined in a number of ways not attributable to recognized advantages of incumbency:

- The State-controlled media displayed clear bias in favour of the incumbent in news presentation and coverage of the campaign;
- The CEC failed to take adequate remedial action towards bias in the State-controlled media;
- Some of the official "get out the vote" campaigning, including one of the CEC's widely-aired public information announcements shown on countrywide television, contained imagery and messages which could be understood to favour the incumbent;
- Localised instances of election-related abuse of official function, whilst met with an appropriately robust response by the electoral authorities in some instances, reflected a lack of democratic culture, accountability and responsibility, particularly in areas distant from the capital;
- One candidate was clearly obstructed on more than one occasion in campaigning.

The following also raised concern:

- The threshold of 2 million signatures to be collected in support of persons seeking registration as candidates (other than the nominees of State Duma parties/blocs) is an unreasonable hurdle, and one that invites malpractice.

On election day, the conduct of voting in most polling stations was positively assessed by IEOM observers. A significant irregularity that was widely observed, however, was the persistence of the practice of open voting. In a high proportion of the polling stations where it was observed, open voting was actively encouraged by the responsible election commission. Instances of group voting were also noted in over one third of polling stations observed. There were isolated cases of more serious irregularities, such as unauthorized persons apparently directing the work of polling stations. There were also instances in which IEOM observers were obstructed in their access at a Territorial Election Commission (TEC) or Precinct Election Commission (PEC), or were required while inside polling stations to submit to the control of police officers.

Counting and tabulation were more problematic, with one quarter of counts being assessed negatively by observers. In many instances the transparency of the process was not safeguarded. One instance of result falsification and one instance of manipulating supplementary voter lists were directly observed. Deliberate circumvention of data entry safeguards associated with the GAS Vyborg automated tabulation system was observed at a Moscow TEC.

The final assessment of these elections will depend, in part, on the completion of counting and tabulation, the announcement of final results and the complaints and appeals process.

This preliminary statement will be followed by a final report, issued approximately one month after the elections. The OSCE/ODIHR and Council of Europe stand ready to assist the authorities and civil society of the Russian Federation in continuing to improve its electoral process.

---

## **PRELIMINARY FINDINGS**

---

### **Background**

The 14 March 2004 election was the third election for President since the dissolution of the Soviet Union in 1991 and the adoption of the 1993 Constitution of the Russian Federation. The Office of President of the Russian Federation embraces exceptional and wide-ranging executive powers.

The previous four years in office of incumbent President Vladimir Putin were chiefly characterised by a reviving economy, a consolidation of state power at the centre, and above all by the perception of stability that was broadly endorsed by the population at large. The consequent overwhelming popularity of the incumbent produced a sense of predictability in the outcome of the 2004 Presidential Election. This was compounded by the apparently limited popularity of opponents arrayed against him, the better known of whom were lacking a political party support base, while the others had little profile nationally. In the course of the campaign none of the rival candidates articulated any expectation of being able to defeat the incumbent, whilst one openly supported him.

### **Legislative Framework**

The presidential election is regulated principally by the Presidential Election Law<sup>1</sup> (PEL) and the Basic Guarantees of Electoral Rights Law.<sup>2</sup> The PEL is a detailed legislative act that in most respects complies with international standards and OSCE commitments.

A nominee from a party or bloc that has had its proportional list elected to the current State Duma gains automatic registration as a presidential candidate. Such nominees are unduly advantaged thereby, given the complex nomination and registration requirements for others. In particular, the requirement for a nominee to collect 2 million signatures in support of their registration, with no more than 50,000 coming from any one Federal Subject, is an unreasonably high hurdle. It is symptomatic of the problems this invites, that the signature documents of three of the four self-nominated candidates were revealed by the CEC's verification exercise to contain falsified data, a matter referred to the prosecutor's office. There were credible allegations of administrative resources being deployed to assist the signature collection supporting the incumbent's registration.

The PEL ensures a degree of transparency in publication of results and access of candidates, their representatives, proxies and non-voting members of election commissions, as well as journalists, to all stages of the electoral process. However, transparency was found to be wanting in some aspects. Notably, guaranteed access to commissions applies to formal sessions and commissions' work with sensitive materials. The law also does not require public announcement of sessions of commissions, but only notification to persons who are entitled to be present. While the CEC, many Subject Election Commissions (SEC) and some TECs publicised their sessions in any event, a public display/announcement of sessions would serve to advance the transparency of the work of the commissions.

---

<sup>1</sup> Federal Law of 10 January 2003, No. 19-FL *On the Election of the President of the Russian Federation*.

<sup>2</sup> Federal Law of 12 June 2002, No. 67-FL *On the Basic Guarantees of Electoral Right and the Rights to Participation in Referenda of the Citizens of the Russian Federation*.

## **Election Administration**

The election of the President of the Russian Federation is administered by four levels of election commissions, involving close to one million commission members. The CEC, the 89 SECs and the approximately 2,750 TECs are permanent bodies with a four-year mandate. PECs, numbering approximately 95,000, were appointed specifically for these elections, although the majority of PEC members had previous experience drawn mainly from having administered the recent State Duma elections. In recognition of the exceptional scale of the operation, the CEC should be credited with ensuring that the election administration was generally efficient and well co-ordinated.

There were concerns, however, about decisions to hold other elections on 14 March in many parts of the Russian Federation (ranging from elections for the heads of Federal Subjects down to the level of municipal and district councils), and their implications for the workload of affected PECs and TECs. In some places the number of elections taking place simultaneously was as high as seven. Doubts about the capacity of some PECs to complete the counting and protocolling of ballots in a procedurally correct, accurate and timely manner were borne out by IEOM observations on election day in, for example Voronezh and Sverdlovsk regions, where breaches in procedure observed at certain PECs appeared to be attributable to haste.

The CEC had announced on 10 February that there were 109.1 million persons registered to vote. As voter lists were subsequently updated, the CEC did not periodically announce a revised total of registered voters, as it had been recommended to do by the OSCE/ODIHR following the 2003 State Duma elections.

There was a commendably inclusive approach to the exercise of voters' rights. In addition to making significant financial outlays on dispatching mobile ballot boxes to remote locations for early voting, many SECs adopted measures to facilitate access to voting for as many voters as possible. These measures included, for example, the formation of polling stations at the airport and train station in Yekaterinburg exclusively for persons with absentee voting certificates (AVCs), and of polling stations especially for students in St Petersburg and Novosibirsk. Most SECs also established a special polling station where persons without residency registration or with temporary registration were able to vote. However, in Novosibirsk, Kemerovo and Volgograd provision was made for such persons at one ordinary polling station in each TEC, thereby considerably multiplying the number of polling stations giving access to unregistered persons. IEOM observers in Novosibirsk were told the day before election day that there would be no cross-checking between these PECs concerning such voters, meaning in effect no safeguard against multiple voting.

Many TEC chairpersons and secretaries encountered by IEOM observers are employees of the local administration or institutions connected to it, raising concerns that the election administration's separation from bodies of state power was not being adequately maintained. An example confirming these concerns occurred on election day at the Khamovniki TEC (Moscow), where the three senior commission members, all administration appointees, carried on the work of the TEC with other administration representatives, physically apart from other TEC members who were prevented by security personnel from entering the TEC operations room.

Representation of candidates through the appointment of non-voting members to commissions at all levels is an important transparency safeguard. Regrettably, below the level of the CEC and some SECs, presidential candidates failed to make such appointments, apparently for lack of sufficient numbers of supporters willing or able to take on the role of non-voting commission member.

## **Election Campaign**

Five of the seven candidates were registered for the election as self-nominees on the basis of signature collection, despite the apparent discouragement of this route to registration by the high threshold in the law. Contributing to the high proportion of self-nominated candidates was the fact that, following the December 2003 State Duma elections, established opposition parties were preoccupied with the consequences of their loss of a federal parliamentary presence, or in some instances had weakened party machinery. Neither of the two State Duma party-nominated candidates was his party's best known or potential leading contender.

The incumbent President entered the election campaign with consistently high public approval ratings. Barely three months earlier, the association of Mr. Putin with United Russia had contributed to that party's appeal to voters in the December 2003 State Duma elections, from which it had emerged with a two-thirds State Duma majority. However, Mr. Putin chose to run as a "self-nominated" presidential candidate rather than as United Russia's nominee.

President Putin dismissed the government on 24 February and subsequently nominated a new Prime Minister. These actions, and the later formation of a new government, largely diverted media and public attention away from an election campaign that was already low-key.

Mr. Putin faced a field of six registered opponents of whom two of the better known, Irina Hakamada and Sergey Glazev, were running without a political party support base, while others were relatively unknown. One candidate, Ivan Rybkin, withdrew a week before election day, leaving six candidates in total on the ballot paper.

The low-key campaign and apparent predictability of the election outcome produced concerns about voter turnout, and consequently a vigorous "get out the vote" advertising campaign was put in place by the electoral administration and some local authorities. There was clear evidence that the imagery and messages in some of this advertising were not neutral, however, but could be understood to promote the incumbent. Notably, a public information announcement by the Central Election Commission screened on State-controlled countrywide television contained numerous elements identical to campaign advertising produced by United Russia in the recent State Duma elections. Subliminal pro-Putin messages were unmistakable in the wording of "get out the vote" posters produced by the South Moscow district prefecture.<sup>3</sup>

Other local initiatives to raise turnout were problematic, but were met with an appropriate response from the authorities: in Khabarovsk a hospital director was reprimanded for asking people seeking admission to hospital to produce an absentee voting certificate, while in St Petersburg a housing administrator was ordered by the SEC to withdraw a letter sent to housing superintendents in one city district instructing them to ensure a 70 percent turnout for the elections.

Political pressure on election commissions was credibly alleged in Bashkortostan, where PEC chairpersons in the town of Neftekamsk were ordered at a meeting with a representative of the republican president to produce a high turnout and to encourage voters to vote for the incumbent.

Sergey Glazev was clearly obstructed in getting his campaign message across to voters in some locations. This was most evident in Nizhny Novgorod, where the electricity supply was cut off at a venue where he was due to give a press conference. In Yekaterinburg and Novosibirsk it was alleged that an absence of local media coverage of Glazev campaign visits was at the recommendation of local authorities or media owners.

---

<sup>3</sup> E.g. "Reliability, the main thing on the way!" – in Russian "Nadezhnost – glavnoe v puti!"

## **Media**

Despite a pluralistic environment, State-controlled television channels with countrywide outreach represent a dominant source of public information on political life in the Russian Federation. The Russian media still does not serve as a forum for the exchange of opinions, public debate, investigation and commentary that would offer the public fully informed, analysed and assessed views of persons and groups seeking elected office. For the 2004 election, a strong and independent media providing balanced coverage of the campaign, thereby enabling the electorate to make an informed choice, were lacking. This is likely to remain so until the State-controlled broadcasters are transformed into a genuinely independent public service media.

The State-controlled TV channels monitored by the EOM generally complied with the free airtime provisions of the election law.<sup>4</sup> Mr. Putin chose, as was his right, not to utilise free airtime and not to participate in televised debates among candidates. He therefore left to debate amongst themselves the remainder of his electoral rivals. The democratic deficit thus created in the campaign environment by the other candidates' lack of opportunity to address questions and comments to the incumbent President on his performance in office was compounded by the general absence of critical mass media posing such questions in its reporting.

Mr. Glazev complained to the CEC that some of his free campaign broadcasts were not aired on State-controlled television and radio, as required in law. The CEC found that Radio Russia had not broadcast Mr. Glazev's spot on 24 February due to "technical problems", and that First Channel had broadcast a television spot at a different time than scheduled, which, according to the CEC, "did not mean that the channel had failed to fulfill its legal obligation towards candidate Glazev". The CEC, however, reminded the State-controlled television of the obligation to follow the schedule of the free airtime allocation as set by the CEC.

Outside the free airtime, the media news and information coverage during the election campaign was characterised by extensive reporting of Mr. Putin's activities. As recipients of State resources, State-controlled media have an enhanced duty to ensure balanced and fair treatment between candidates. By displaying clear favouritism towards the incumbent, the State media comprehensively failed to meet its legal obligation to provide equal treatment to all candidates. As he was entitled to do, Mr. Putin effectively refrained in most respects from conventional campaign discourse, but on the State-controlled TV channels he received coverage far beyond what was reasonably proportionate to his role as Head of State. In the four weeks preceding the election, First Channel provided in total more than four hours of its political and election news coverage to Mr. Putin. All of the coverage was overwhelmingly positive. The next most covered candidate received some 21 minutes of the primetime news coverage. The other two State-controlled TV channels adopted a similar approach.

First Channel and TV Russia, the two countrywide State-controlled television stations, failed to honour guarantees given to the CEC in the context of its adjudication of complaints about a lengthy broadcast of Mr. Putin's opening campaign meeting [see Complaints and Appeals, below]. Not only did the State-controlled TV channels fail to allocate equivalent coverage of other candidates' meetings with their election proxies, but they also significantly failed to guarantee equal news treatment over the course of the entire election campaign. This clear breach of the legal provision for equal treatment of candidates was not pursued. Given past problems of media bias in electoral coverage, the CEC's acceptance of the TV channels' guarantees did not provide for effective remedy, and the violation continued without any sanction.

In contrast to the coverage by State-controlled TV channels, private broadcasters monitored by the IEOM provided more balanced coverage, with a greater diversity of views. For example, Ren TV

---

<sup>4</sup> The IEOM has monitored three State-controlled TV channels: First Channel, TV Russia and TV Centre.

allocated 35 minutes of its primetime news coverage to Mr. Putin, but 35 percent of this coverage was negative. Another private broadcaster NTV offered its viewers a more balanced picture of the main contestants and the State leadership in its analytical programmes such as *Svoboda Slova* and *Namedni*.

Most regional media outlets are economically dependent on local authorities, and as such lack editorial independence. Regional television generally devoted very little news coverage to candidates' campaign activities. In their primetime news, the regional State-controlled and private broadcasters were biased in favour of the incumbent: out of 20 regional media outlets monitored by the IEOM, 13 showed overt support to Mr. Putin, including six which devoted all of their election-related news broadcasting to him; three of the monitored outlets gave no coverage at all to the candidates. IEOM observers noted in the regions a reluctance by many journalists to approach contentious issues.

The print media provided a plurality of views, but showed strong bias either in favour of or against Mr. Putin.

### **Pre-election Complaints and Appeals**

Dr. Hakamada and Mr. Kharitonov separately complained to the CEC about a lengthy broadcast of Mr. Putin's meeting on 12 February with his campaign proxies which was shown live on one of the State-controlled channels and received significant coverage especially in the subsequent news broadcasts of State-controlled TV stations. Dr. Hakamada and Mr. Kharitonov contended that the coverage breached the principle of equal treatment of candidates in information programmes,<sup>5</sup> with Mr. Kharitonov further arguing that the airtime should have been paid for on the grounds that it constituted campaigning.<sup>6</sup>

While the CEC identified the amount of airtime given to Mr. Putin's speech in a single day (12 February, 57 minutes on First Channel and 62 minutes on TV Russia) to be "more than is usually given to a report of campaign events" and "under certain conditions, the presentation of election-campaign events of this candidate may be viewed as favouritism", it rejected both complaints. The CEC ruled that the programming was aired at the TV channels' own initiative in reflecting public interest and to inform the electorate, and as such it was impossible to prove the intent of the State-controlled TV channels to campaign in favour of Mr. Putin. The CEC did not find any discrimination against the two complainants by the State-controlled TV channels as there was no evidence that the two channels would refuse to broadcast coverage of similar events by other candidates.

Dr. Hakamada appealed the CEC's decision to the Supreme Court, which on 1 March referred the matter back to the CEC on a point of procedure. The CEC on 9 March again rejected the complaint on the basis of the same findings, but within the administrative code.

Dr. Hakamada made a number of complaints to various courts including lodging a civil libel suit against rival candidate Sergey Mironov, while Mr. Glazev lodged complaints of libel, "black PR" and the failure of State-controlled media to broadcast his free airtime clips, as well as complaining to the office of the prosecutor. Additionally supporters of Dr. Hakamada complained to the CEC inter alia about its "get out the vote" public announcements closely resembling United Russia campaign advertising; the complaint was rejected.

---

<sup>5</sup> By law (PEL Article 46.2; BGL Article 45.2), candidates are to have equal access to the media.

<sup>6</sup> On the basis of BGL Article 48.5, which states that election campaigning shall be paid for exclusively from relevant electoral funds.

## **Domestic Observers**

The rights of candidate-nominated observers to monitor the election process are well protected by the election laws both in the pre-election period and in the voting and counting periods. It is regrettable that none of the opposition candidates appeared able to deploy observers in any significant numbers on election day, and thus apply this important transparency safeguard.

The legal provisions to allow a fuller role for domestic non-partisan observers remain lacking. There is an absence of provisions for any domestic non-partisan observers to have access to the electoral administration prior to election day, and the requirement to be an “All-Russia” public association to qualify to observe on election day appears disproportionate in a country the size of the Russian Federation. On election day, domestic observers were present in approximately one third of polling stations visited by IEOM observers.

## **Election Day – Voting, Counting and Tabulation**

IEOM observers made a positive assessment of voting in 95 percent of polling stations visited. However, breaches of secrecy of the vote occurred to a significant extent. Open voting was observed in 20 percent of polling stations, with little or no discouragement from PEC members and in many cases with their active facilitation, for example by the provision of tables and chairs which voters could use instead of entering voting booths. Instances of group voting were also noted in over one third of polling stations observed. The persistence of open voting and group voting, which are breaches of paragraph 7.4 of the OSCE Copenhagen Commitments, are particularly regrettable as, in response to an OSCE/ODIHR recommendation following the 2003 State Duma elections, the CEC had assured the IEOM that revised instructions had been issued to all electoral commissions to prevent such practices. Moreover, the experimental use of automated vote scanning machines in around 500 polling stations in Moscow and St Petersburg included instructions about the handling of ballot papers that failed to guarantee that the voter’s choice would not be visible. The violation of the secrecy of the vote that this invited was observed on election day in 16 percent of polling stations visited where scanning machines were in use.

There were observed instances in which procedures relating to mobile ballot boxes were not strictly adhered to, with ballot papers being despatched from polling stations in greater quantities than there were corresponding requests from voters. The OSCE/ODIHR had made a specific recommendation on this issue following the 2003 State Duma elections. In all other respects, however, voting procedures were generally complied with.

Allegations received by IEOM observers in Khabarovsk in the days before the election that students would be compelled to turn out to vote appeared to be confirmed by election day observation at a dozen PECs including 0158 and 0173 of Krasnoflotsky TEC and PEC 0190 of Tsentralny TEC, as students who voted had a stamp entered into their student identity document (the document that is also required, inter alia, to register to sit examinations) by youth organization staff.

Counting and tabulation were more problematic. In Moscow, Krasnodar and Khabarovsk, for example, the failure by many observed PECs to follow procedures during the sorting and counting of ballot papers resulted in a lack of transparency. Moreover, there were instances in which another key transparency safeguard, the issuing of protocols to domestic and international observers, was not done until the original protocols had been checked, and in some cases altered without recount, at the responsible TECs.

At PEC 0123 of Tagansky TEC, Moscow, observers saw strong evidence of manipulating supplementary voter lists to carry out ballot box stuffing. At PEC 0187 of Tsentralny TEC, Khabarovsk, no vote count took place and a fictitious protocol was compiled and submitted to the



TEC. At Novo Peredelkino TEC in Moscow there was deliberate circumvention of data entry safeguards associated with the GAS Vybory automated tabulation system, and other control safeguards were breached in several TECs during the automated tabulation process.

*This statement is also available in Russian  
However, the English text remains the only official version*

---

## **MISSION INFORMATION & ACKNOWLEDGEMENTS**

---

Mr. Julian Peel Yates (UK) is Head of the long-term OSCE/ODIHR Election Observation Mission. Mr. Rudolf Bindig (Germany) leads the PACE delegation.

The IEOM issues this statement before the final certification of the election results and before a complete analysis of the IEOM observation findings. The OSCE/ODIHR and PACE will issue a comprehensive report shortly after the completion of the electoral process.

This statement is based on the election preparation and campaign observations of 17 election experts of the OSCE/ODIHR EOM stationed in Moscow and 34 long-term observers deployed in 16 regions for three weeks prior to the election day. The statement also incorporates the election day findings of 340 short-term observers, including 12 from the PACE, reporting from some 1,600 polling stations out of a total of some 95,000 countrywide.

The IEOM wishes to express its appreciation to the Ministry of Foreign Affairs, the Central Election Commission, and other authorities of the Russian Federation for their co-operation and assistance during the course of the observation.

For further information, please contact:

- Mr. Julian Peel Yates, Head of the OSCE/ODIHR Election Observation Mission, in Russia (Tel.: +7-095-243-20-69) until 19 March;
- Ms. Urdur Gunnarsdottir, OSCE/ODIHR Spokesperson, or Ms. Holly Ruthrauff, OSCE/ODIHR Election Adviser, in Warsaw (Tel.: +48-22-520-0600);
- Mr. Vladimir Dronov, PACE Secretariat, in Strasbourg (Tel.: +33-3-88412707).

Address: Hotel "Ukraina" (6<sup>th</sup> floor)  
Kutuzovski Prospekt  
Moscow

Tel.: +7 095 243 20-69 / 20-98 / 22-80  
Fax: +7 095 243 26-00  
e-mail: eom@osce.ru