



Office for Democratic Institutions and Human Rights

# MONGOLIA

## PARLIAMENTARY ELECTIONS

28 June 2024

### ODIHR NEEDS ASSESSMENT MISSION REPORT

12-15 March 2024



Warsaw  
26 April 2024

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**MONGOLIA**  
**PARLIAMENTARY ELECTIONS**  
**28 June 2024**

**ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

Following an official invitation from the authorities of Mongolia to observe the 28 June parliamentary elections, and in accordance with its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) undertook a Needs Assessment Mission (NAM) from 12 to 15 March. The NAM comprised Vladimir Misev, ODIHR Senior Adviser on New Voting Technologies, and Goran Petrov, ODIHR Election Adviser.

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

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

**II. EXECUTIVE SUMMARY**

On 28 June 2024, voters will elect 126 members of parliament (MPs) for a four-year term under a changed electoral system, with 78 MPs elected in 13 majoritarian districts and 48 MPs in a nationwide proportional contest. The Constitution was amended three times since 2019 and the 2023 changes increased the number of MPs from 76 to 126; the declared aim was to enhance parliamentary representation, including of women and to balance the policy considerations between local and national issues.

The electoral legal framework has been substantially revised since the previous parliamentary elections. Some of the most substantial changes include the possibility of voting from abroad in parliamentary elections, requiring increased gender representation, additional eligibility criteria and procedures for registration of parties and candidates, public funding, regulation related to donations, use of funds and reporting. The number of majoritarian districts was reduced from 29 to 13 and Parliament informed the ODIHR NAM of efforts to equalize the number of voters required to elect each MP; however, a number ODIHR NAM interlocutors noted significant discrepancies in this respect. The ODIHR NAM interlocutors positively assessed most of the changes, but some also noted that several important aspects were not addressed, including on the equality of vote, candidacy restrictions, rules on campaigning, media coverage, freedom of expression, regulation of voter registration and the transparency and oversight of campaign finance.

A four-tiered structure led by the General Election Commission (GEC) is responsible for administering the elections. Lower-level commissions are temporary structures that will be established by 14 May. All members must receive certificates following mandatory training and should not be political party members. Only one of the nine GEC members is a woman and there are no requirements for gender representation for any election commissions. Most ODIHR NAM

interlocutors expressed confidence in the election administration to conduct elections professionally and transparently but some noted concerns related to the voting and counting process.

All polling stations should have electronic devices which scan the voters' choices and store the ballots. While many ODIHR NAM interlocutors expressed confidence in the machine vote count, some stated that its programming could be manipulated but remarked on the lack of evidence to support such claims. Several ODIHR NAM interlocutors raised concerns about the voters' understanding of the voting procedures and their ability to cast a properly filled-in ballot, given its complexity, increased number of candidates on the ballot and the stringent rules on ballot validity. The GEC informed the ODIHR NAM that it was determining the best ballot design to address some of these concerns.

Voter registration is passive, and voter lists are generated from the national civil register. Many ODIHR NAM interlocutors expressed concerns about the accuracy of the voter registers, with some alleging that the entries of 'inactive' voters are replaced with entries of voters who are incentivized to support specific candidates. To prevent the malpractice of organized moving of voters, the law precludes civil and voter re-registration in the last 60 days before elections, but some ODIHR NAM interlocutors questioned the efficacy of this measure. There are approximately 2,260,000 registered voters.

Eligible voters of at least 25 years of age may stand for election to parliament. The law imposes restrictions on candidacy which a number of ODIHR NAM interlocutors saw as potentially limiting voters' choices. To be eligible to run, a party or coalition must obtain approval from the State Audit Office. Some ODIHR NAM interlocutors noted a long-standing practice of parties securing donation pledges from candidates, in exchange for ballot access, which may reduce the diversity and lead to dependence of elected MPs on financial interests. Following the June 2023 amendments, contestants must nominate at least 30 per cent of majoritarian candidates of each gender and every other candidate on the proportional lists must be of a different gender.

The campaign starts 18 days and finishes a day before the elections. Most ODIHR NAM interlocutors underlined that the campaign unofficially already started, but also commented that the short official campaign mostly benefits the well-established parties. The law prohibits offering cash, free or discounted goods and services, and new welfare programmes but some ODIHR NAM interlocutors noted that vote-buying is a persistent problem, accentuated by the economic hardship. Some ODIHR NAM interlocutors raised concerns about the recent government attempts to pass legislation allowing content restriction on social networks. The campaign is expected to focus on economy, unemployment and inflation, regional and infrastructural development and anti-corruption policies.

Campaigns may be financed from donations by citizens and legal entities or from party and candidate assets. All transactions should be made through a designated bank account. The parties and coalitions can spend up to MNT 6.4 billion (approximately EUR 1.75 million), further limited per district. Several ODIHR NAM interlocutors regarded the expenditure limits as too high, giving an advantage to the largest political parties. Moreover, some ODIHR NAM interlocutors noted that the lack of sufficient resources to campaign can negatively impact opportunities for women and young candidates. Parties and coalitions must submit the final report within 45 days and individual candidates within 30 days of elections. Some ODIHR NAM interlocutors noted a need for a more proportionate and dissuasive set of sanctions on campaign finance violations.

Plurality of media outlets operates in the country, with television being the most popular media, however, according to many ODIHR NAM interlocutors the lack of transparency in funding and reliance on support from political actors impacts media's credibility and relevance. The law protects

the freedom of expression, but some ODIHR NAM interlocutors considered this is easily circumvented and also described an overly restrictive information space. Opinion polls are banned in the election year until election day, and defamation remains a criminal offense. The Mongolian National Broadcaster (MNB) is required to be impartial and provide diverse perspectives. Private outlets may broadcast paid content, and all contestants must be provided equal conditions based on the regular pricelist. MNB plans extensive coverage of the campaign; however some ODIHR NAM interlocutors claimed that it lacks independence from the ruling party.

Complaints on the decisions of an election commission can be submitted to a higher commission, which decides within three working days. Complaints on the GEC decisions on election results are submitted to the Constitutional Court; by law, any citizen can do so. Complaints or appeals on all other GEC decisions and election-related decisions of other state authorities are heard by the Administrative Court of Appeals in the first instance and the Supreme Court in the second and final instance. However, there are no expedited deadlines for the courts to adjudicate election-related appeals, which, according to some ODIHR NAM interlocutors, does not guarantee an effective legal remedy.

The law provides for citizen and international observation and the presence of candidates' representatives. CSOs operate with limited financial and human resources, insufficient state support, bureaucratic obstacles and weak public participation. The Civil Society Coalition for Fair Elections intends to conduct long-term observation of voter registration, the campaign, and the use of technology in elections, and plans to deploy observers on election day.

All ODIHR NAM interlocutors underlined the benefit of external election observation in contributing to building trust in the conduct of credible elections. Many ODIHR NAM interlocutors underscored the need to observe the upcoming elections with a countrywide presence both during the campaign and on election day. In addition, ODIHR NAM interlocutors highlighted the need for observation and assessment of the newly amended election-related legislation and the revised electoral system, the conduct of the election campaign and its coverage in the media, and the campaign oversight of traditional and online media, as well as of the contestants' activities, including the finances used during the election campaign.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 28 June parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 26 long-term observers from OSCE participating States to follow the electoral process countrywide and 250 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring component.

### **III. FINDINGS**

#### **A. BACKGROUND**

Mongolia is a semi-presidential republic. Legislative power is vested in the unicameral *State Great Khural* (Parliament). Executive power is exercised by the government, led by the Prime Minister, who is confirmed by Parliament. The President is directly elected and can only be nominated by the parliamentary parties.<sup>1</sup> The President holds certain powers related to foreign and defense policies.

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<sup>1</sup> The incumbent president, Mr. Ukhnaagiin Khürelsükh, was nominated by the Mongolian People's Party.

Following the last parliamentary elections held in June 2020, the Mongolian People's Party (MPP) won 62 of the 76 seats. The remaining seats were won by the Democratic Party (DP, 11 seats) and Our Coalition (1 seat), the Right Person Electorate Coalition (1 seat) and one independent member of parliament (MP). The current Parliament has 13 women MPs (17 per cent).

The Constitution has been amended three times since 2019, and the electoral system has been revised ahead of all recent parliamentary elections.<sup>2</sup> The May 2023 constitutional reform introduced a mixed electoral system and increased the size of Parliament from 76 to 126. The government's declared aim is to enhance parliamentary representation, enhance the participation of women in Parliament, to strengthen legislators' service to constituents, and to balance the policy considerations between local and general issues related to national development.<sup>3</sup> Most ODIHR NAM interlocutors were supportive of the changes as they could strengthen the political system, but some warned that the changes may lead to further consolidation of power by the ruling party.

Several days of violent mass protests broke out in December 2022 in relation to coal mining corruption scandals, leading to several high-profile arrests and the formation of the parliamentary committee to that effect.<sup>4</sup> Mongolia has recently experienced considerable natural disasters, including severe flooding in the capital and the impact of harsh weather on the economy.

ODIHR has previously observed four elections in Mongolia.<sup>5</sup> Most recently, ODIHR deployed a Special Election Assessment Mission for the 9 June 2021 presidential election. The final report issued in October 2021 contains 28 recommendations, including 7 priority ones, for the authorities to improve the electoral process and bring it closer in line with OSCE commitments.<sup>6</sup>

## **B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM**

Parliamentary elections are primarily regulated by the 1992 Constitution (last amended in 2023), the 2019 Parliamentary Elections Law (PEL, last amended in June 2023), the 2006 Law on the Central Election Body (last amended in 2023) and the new Law on Political Parties (revised and adopted in July 2023).<sup>7</sup> Mongolia is a party to major international and regional instruments related to the holding of democratic elections.<sup>8</sup>

On 31 May 2023, Parliament approved a constitutional amendment that increased the number of MP seats from 76 to 126 and changed the electoral system to a mix of majoritarian and proportional

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<sup>2</sup> The 2019 constitutional amendments strengthened the prime minister's powers, capped the number of MPs who can hold ministerial positions to four, and limited the maximum term of the presidency from two four-year terms to one six-year term.

<sup>3</sup> On 27 June 2022, the Constitutional Court [overruled](#) its 2016 judgment stating that proportional representation violated direct suffrage rights and concluded that Parliament could choose among any election systems based on universal, free, equal and direct suffrage by secret ballot.

<sup>4</sup> Another recent high-profile corruption affair surrounded the purchase of 1,000 green busses in June 2023 for the capital public transport and an alleged misappropriation of funds through the purchase of cheaper retrofitted old vehicles, which led to several arrests and resignation by some officials.

<sup>5</sup> See previous [ODIHR election observation reports on Mongolia](#).

<sup>6</sup> In paragraph 25 of the [1999 OSCE Istanbul Document](#), OSCE participating States committed themselves "to follow up promptly the ODIHR's election assessment and recommendations."

<sup>7</sup> The legal framework also includes the Law on Anti-Corruption, the laws governing the judicial system and the functioning of the national broadcaster, and supplementary regulations and decisions of the General Election Commission.

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

contests. All ODIHR NAM interlocutors considered this as a significant change that will impact the make-up of the legislature, although many remarked that the new setup remains favourable to the largest political parties.

The electoral legal framework has been substantially revised since the previous elections. On 16 June 2023, the Parliament adopted amendments to the PEL, which introduced many changes, including the possibility for voting from abroad in parliamentary elections and early voting for certain categories of voters, and increased gender representation requirements among candidates.<sup>9</sup> It also revised the eligibility criteria and procedures for registration of political parties and coalitions as election contestants, procedures for voter list maintenance and updates, and numerous other changes. However, several priority ODIHR recommendations are yet to be address, including those related to enhancing stability and public confidence in the election process, equality of the vote, restrictions on the right to stand, freedom of expression and the framework for campaigning, transparency of campaign financing, and allowing for effective and timely redress of election disputes.

On 7 July 2023, the Parliament passed a revised Law on Political Parties on the proposal of the President. The amendments introduce numerous changes on the formation, financing and activities of parties, including public funding for parties that won over one per cent of votes, regulation related to donations, use of funds and reporting, a 40 per cent gender representation requirement for each gender in party leadership positions.<sup>10</sup>

The ODIHR NAM interlocutors assessed that most of the legislative changes are a step in the right direction, but they also raised several important aspects that were not addressed, including the equality of vote, candidacy restrictions, rules on campaigning, media coverage and freedom of expression, regulation of voter registration, transparency and oversight of campaign finance and election observation.

Within the newly introduced mixed electoral system, 78 MPs will be elected by majority vote in a single round of voting in 13 constituencies, and the remaining 48 MPs will be elected by proportional representation from a single countrywide constituency. In December 2023, Parliament passed a resolution to establish the electoral districts and a number of MPs elected in each district. The number of districts was reduced from 29 to 13, and the resolution does not disclose the detailed criteria for determining the division.<sup>11</sup> While the representatives of Parliament informed the ODIHR NAM of efforts to equalize the number of voters required to elect each MP, a number of ODIHR NAM interlocutors pointed to the significant discrepancies.<sup>12</sup> Voter turnout must be at least 50 per cent in a constituency for the result to be valid. Otherwise, repeat elections are held within a week in those districts.

To participate in the proportional seat distribution, a political party must win at least 4 per cent of valid votes, a two-party coalition 5 per cent, and coalitions with three or more parties 7 per cent. A method of largest remainder determines the number of mandates each party or coalition won. In each district, all nominated candidates are ordered by the number of votes they received, and win the mandates on the first-past-the-post principle.

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<sup>9</sup> See also the May 2023 ODIHR [Comments](#) on the Draft Proposals for Amendments to the Law on Parliamentary Elections.

<sup>10</sup> See also the June 2022 [Joint Opinion](#) by ODIHR and the Venice Commission on the draft Law on Political Parties.

<sup>11</sup> The law generally prescribes that the districts are created considering the population and territorial sizes, and administrative divisions.

<sup>12</sup> For example, in three of the 13 districts, there are approximately twice as many voters registered for each MP seat compared to the national average.

## C. ELECTION ADMINISTRATION

Parliamentary elections are administered by a four-tiered structure led by the General Election Commission (GEC), comprising 22 Territorial Election Commissions (TECs), 339 District Election Commissions (DECs), and 2,187 Precinct Election Commissions (PECs). The June 2023 amendments introduced the possibility for voters residing abroad to vote in diplomatic missions.<sup>13</sup> A separate commission is established within the MFA for the out-of-country voting, with subordinate PECs established in the diplomatic representations no later than 14 May. Most ODIHR NAM interlocutors expressed confidence in the election administration to conduct elections professionally and transparently but some noted concerns about the conduct of voting and counting.

Parliament appoints the GEC members for six-year terms and no limitation on number of terms. The GEC has a chairperson, general secretary and commissioners. Five members are nominated by the Parliamentary Standing Committee on State Structure, two by the President, and two by the Supreme Court from among civil servants.<sup>14</sup> Only one of the nine GEC members is a woman and there are no requirements for gender representation for any election commissions.

Lower-level commissions are temporary structures established before every election. Their members are drawn from among public employees, with preference given to those with prior experience. TECs have up to nine members and are appointed by the GEC by 19 April. TECs are to appoint the nine-member DECs and seven-member PECs by 14 May. All members must receive certificates following mandatory training and should not be political party members. The GEC informed the ODIHR NAM that it is implementing a voter education programme over broadcast media and social networks in close collaboration with several civil society organizations in preparing the content, including specifically for targeting younger voters.<sup>15</sup>

The law gives persons with disabilities the right to vote secretly and independently or with assistance. The PEL mandates that all PECs be accessible and that at least one booth in all polling stations should be equipped for voters with limited mobility.

## D. VOTING TECHNOLOGIES

All polling stations should have electronic devices for combined scanning, counting, and storing ballots. While some ODIHR NAM interlocutors expressed confidence in the machine vote count, some stated that its programming could be manipulated but remarked on the lack of evidence to support such claims. To mitigate concerns, the June 2023 amendments to the PEL oblige all PECs to manually recount all ballots.<sup>16</sup> However, while the law provides that the machine-counted results are official, it does not stipulate a procedure in case of a discrepancy arising from the manual recount. According to the ODIHR NAM interlocutors, contestants are provided an opportunity to test the functionality of randomly picked devices before they are deployed to the regions, but some consider such tests insufficient. Despite a previous ODIHR recommendation, the law does not foresee independent verification and certification of the devices.

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<sup>13</sup> Such a possibility was first introduced for the 2021 presidential election and a total of 7,394 citizens registered to vote in 44 polling stations in 30 countries.

<sup>14</sup> The chairperson and secretary, who are permanent members of the GEC, are selected by the Parliament upon the proposal of its speaker. Other commission members serve part-time. While the current GEC's mandate began in 2019, eight members, including the chairperson and secretary, were newly appointed in 2020 and January 2024 due to resignations.

<sup>15</sup> The voter education content prepared by the GEC is available only in Mongolian.

<sup>16</sup> This requirement was introduced in the 2021 presidential election. In the previous parliamentary elections, up to 50 per cent of randomly selected polling stations conducted a manual recount.



Voters mark the ballot in a private booth and then submit it in a privacy sleeve to the vote-counting device, which scans the ballot and stores it in the ballot box. Several ODIHR NAM interlocutors raised concerns about the voters' understanding of the voting procedure and their ability to cast a properly filled-in ballot, given its complexity and the rules on ballot validity. The law requires that both races be included on a single ballot paper. The GEC informed the ODIHR NAM that it was determining the best ballot design, given the constraints for a machine-readable ballot.<sup>17</sup> The GEC noted that the voters could not vote only for one contest or cast an invalid ballot; however, the machine would be programmed to accept a fully blank ballot.<sup>18</sup>

The law does not require publishing election results immediately after the tabulation or publishing or posting PEC-level results at any time. During the vote count, observers may receive copies of results produced by the vote-counting devices.

## **E. VOTER REGISTRATION**

Citizens at least 18 years of age on election day have the right to vote, except those declared legally incapacitated, based on intellectual or psychosocial disability or serving a prison sentence regardless of the gravity of the crime committed.

Voter registration is passive. Voter lists are generated from the national civil register managed by the General Authority for State Registration (GASR).<sup>19</sup> The GASR maintains and verifies the voter and resolves complaints related to voter registration. On election day, voters must present their identification cards and have their fingerprints checked against the biometric register. According to the GASR, there are approximately 2,260,000 registered voters.

By law, voters can verify their records online, request changes, and lodge a complaint in case of lacking or incorrect registration until at least 14 days before election day. By law, political parties, coalitions, candidates, and civil society may request to observe the preparation of voter lists. For this purpose, the GASR informed the ODIHR NAM that it plans to provide two voter register snapshots to parties twenty days and three days before the elections.

Some ODIHR NAM interlocutors expressed concerns about the accuracy of the voter registers, with some alleging that the entries of 'inactive' voters are replaced with entries of voters who are incentivized to support specific candidates. To prevent the malpractice of organized moving of voters temporarily to other districts for electoral gain, the law precludes civil and voter re-registration in the last 60 days before elections; however, some ODIHR NAM interlocutors questioned the efficacy of this measure.

## **F. PARTY AND CANDIDATE REGISTRATION**

Eligible voters of at least 25 years of age may stand for election to the Parliament. The law imposes several restrictions on candidacy, including based on intellectual or psychosocial disability, incomplete military service, and a criminal record that has not expired or been expunged. Additionally, prospective candidates cannot have overdue loans or income taxes. The law requires

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<sup>17</sup> The GEC explained to the ODIHR NAM it was considering whether to have both races laid out on one side of the ballot or have a double-sided ballot.

<sup>18</sup> For majoritarian contests, voters are required to fill in the exact number of boxes as the number of MPs elected in their district, which varies from 2 to 10, depending on the district. For the proportional race, voters must vote for only one list. Any other voting combination, except leaving a fully blank ballot, leads to an invalid choice, which the vote-counting machine does not accept. Voters can replace a spoilt ballot once.

<sup>19</sup> Each precinct must have between 200 and 2,000 voters in the districts or up to 3,000 in provincial centres.

the high-level public servants and executives of companies with state capital who want to run as candidates to resign at the start of the calendar year of the elections. Candidacy is prohibited for any person charged in a corruption case. A number of ODIHR NAM interlocutors stated that some of the eligibility criteria are unduly restrictive and may limit voters' choices.

Registered political parties and coalitions must declare their intention to participate in elections to the GEC at least 60 days before election day.<sup>20</sup> To be formally registered, parties must by law submit to the Supreme Court a list with a minimum of 801 party members with their contact information, and a range of other documents, including the party's founding charter and list of assets. However, some ODIHR NAM interlocutors considered that the additional administrative requirements imposed by the Court may lead to denial of registration regardless of the level of citizens' support.<sup>21</sup>

To be eligible to run, a registered party or coalition must obtain approval from the State Audit Office (SAO) that its platform complies with the government's long-term development policy and that its budget proposals align with the Law on Fiscal Stability, which some ODIHR NAM interlocutors characterized as an excessive requirement and a policy constraint.<sup>22</sup> Following the June 2023 amendments, the registration of parties with past violations on reporting election expenditures will not be accepted; however, the law does not specify which reporting violations would lead to exclusion. Registered parties do not have to prove minimum electoral support before competing in elections. The GEC has five days after submission to confirm the registration of the party or coalition to stand in elections.

Candidates can be nominated by the political parties or coalitions registered by the GEC or run independently. Independent candidates must collect at least 801 supporting signatures to run in majoritarian races. Candidate nominations should be submitted from 14 to 20 May. Prospective candidates must submit their income and asset declarations to the Independent Authority Against Corruption within three days of being nominated.<sup>23</sup> All nominated candidates must submit several documents from various state institutions to confirm their eligibility by 25 May. The GEC should confirm all candidates by 1 June. Candidates cannot run multiple districts or simultaneously in the majoritarian and proportional contests, and political parties may not nominate members of other parties.

Parties and coalitions can nominate up to as many candidates as the number of seats available in each district: 78 for majoritarian races and 48 for proportional contests.<sup>24</sup> Following the June 2023 amendments, a political party or coalition must nominate at least 30 per cent of candidates of each gender for the races in the majoritarian districts.<sup>25</sup> For the proportional contests, every other candidate must be of the opposite gender ('zipper' system). Most ODIHR NAM interlocutors expressed hope that this will significantly increase the proportion of women in Parliament.

Several ODIHR NAM interlocutors also drew attention to the long-standing practice of parties securing pledges from prospective candidates to donate to the campaign, in exchange for a placement

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<sup>20</sup> Currently, there are 37 registered political parties.

<sup>21</sup> The Supreme Court informed the ODIHR NAM that it contacts all listed party members to check if the provided information is correct and if their membership is genuine. It additionally requires that these conditions must be satisfied for each of the first 801 listed members, regardless of how many members are listed in total. If there is an omission, the court will deny the party registration.

<sup>22</sup> See [Mongolia Sustainable Development Vision 2030](#).

<sup>23</sup> Public employees required to submit declarations annually are exempt from this requirement.

<sup>24</sup> To participate in the distribution of majoritarian seats, a party must nominate a minimum of 50 per cent of the number of MPs elected in a given district.

<sup>25</sup> The law also stipulates that, from the 2028 elections, this will be increased to at least 40 per cent.

on the ballot. This practice may reduce the diversity of candidates and lead to possible dependence of elected MPs on financial interests (see also *Campaign Finance*).

Parties are listed on the ballot in the order of their formal party registration with the Supreme Court, regardless of their registration with the GEC to stand in specific elections. A number of ODIHR NAM interlocutors saw this as giving the ruling party and other parties that historically registered among the first parties an undue advantage.<sup>26</sup>

## G. ELECTION CAMPAIGN

The campaign starts 18 days and finishes a day before election day (midnight 26 June). The law prescribes in detail how the candidates may organize their campaigns, listing the permitted activities and rules on the number of campaign staff, assets and printed materials. ODIHR has previously recommended easing the restrictive framework for campaigning. While most of the ODIHR NAM interlocutors underlined that the campaigning is unofficially already taking place, they also commented that the rather short official campaign period disproportionately benefits the well-established political parties.

Campaigning in public institutions is prohibited. The law does not include provisions for separation of candidacy and official duty, but it requires all prospective candidates who are higher level officials or managers of state-owned companies to resign by 1 January of the election year. The PEL prohibits anyone from distributing cash and providing free or discounted goods and services. However, some ODIHR NAM interlocutors noted that vote-buying is a persistent problem, inseparable from direct informal aid that some incumbents provide to citizens, especially due to economic hardship. Despite a previous ODIHR recommendation, the use of administrative resources and canvassing of public employees for campaigning purposes remains largely underregulated.<sup>27</sup>

The political parties that ODIHR NAM met with stated they plan to use all available campaigning methods, in person and over media, including the Internet. They noted that the main topics would include economic issues, unemployment, inflation, social welfare, environmental issues and the fight against corruption.

Most ODIHR NAM interlocutors anticipated that a large portion of the campaign would occur on social networks. The law defines internet use for campaign purposes, and the candidates must register their websites and social network profiles with the election administration.<sup>28</sup> Since 2019, the Communications Regulatory Commission (CRC) has established a direct communication channel with Meta and can request the removal of content upon the information provided by the police and other state institutions.<sup>29</sup> Some ODIHR NAM interlocutors raised concerns about the recent attempts of the government to pass legislation permitting it to restrict certain types of content posted on social networks.<sup>30</sup>

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<sup>26</sup> Notably, the MPP is [listed](#) first in all recent elections, and DP follows as the second listed.

<sup>27</sup> The 2023 amendments to the PEL introduced a prohibition of promising or implementing social welfare programs from the beginning of the year until election day, if they were not projected in the state budget of the respective year.

<sup>28</sup> The contestants are, by law, prohibited from using unregistered websites and fake accounts for campaigning.

<sup>29</sup> The CRC informed the ODIHR NAM that Meta satisfied up to 50 per cent of content removal requests.

<sup>30</sup> In January 2024, Parliament adopted a Law on the Protection of Human Rights on Social Networks in an expedited procedure and without public consultation. This law would give state agencies the power to remove or request the removal of content deemed harmful to "national unity" or disclosing "state and official secrets." On 30 January, the President [vetoed](#) the law, and Parliament did not move to override it, which it may do by a two-thirds majority vote.

Some ODIHR NAM interlocutors raised the issue of disinformation, including through foreign interference and the use of AI-produced content, but many downplayed its impact on the elections. Some warned about the false narratives spread through populist campaign rhetoric.

## H. CAMPAIGN FINANCE

Parties and coalitions that received more than 1 per cent of votes in the last parliamentary elections are eligible for annual public funding based on the number of votes as well as the number of seats won.<sup>31</sup> Several ODIHR NAM interlocutors considered that such a public funding system disproportionately benefits the two largest parties, MPP and DP.

Parliamentary election campaigns may be financed from donations by citizens and legal entities or from party and candidate assets. All transactions should be made through a designated bank account registered with the SAO; donations in cash are not permitted. Following the June 2023 amendments, the campaign donation limits were increased to MNT 10 million (approx. EUR 2,755) for individuals (from MNT 5 million) and MNT 30 million (approx. EUR 8,267) for legal entities (increased from MNT 20 million).<sup>32</sup> Donors must demonstrate a source of income and may not have outstanding debts or unpaid taxes. Foreign donations, including by international organizations, are prohibited. State-owned companies, trade unions, and religious organizations are prohibited from donating. In-kind donations are allowed and must be reported according to the market price.

On 29 February, the SAO published the expenditure limits based on the methodology established by the GEC, considering the size of districts and the number of registered voters. The parties and coalitions can spend up to approximately MNT 6.4 billion (raised from BNT 5.9 billion in 2020), further limited per district. Depending on the district, candidates may spend up to approximately MNT 0.9 to 1.5 billion.<sup>33</sup> Several ODIHR NAM interlocutors regarded the expenditure limits as too high, giving a disproportionate advantage to the largest, well-established political parties and the incumbents. They also noted that the combination of high limits and campaigning costs negatively impacts campaigning opportunities for women and young candidates, especially for majoritarian contests.

The SAO is the primary entity overseeing campaign finance but has limited authority to detect violations or enforce regulations.<sup>34</sup> The bank that provides a designated campaign account must submit details of all transactions to the SAO within 30 days of the election. Parties and coalitions must submit the final report, audited by an independent auditor, to the SAO within 45 days and individual candidates within 30 days of elections. The SAO must review and publish the final campaign finance report within 60 days of receipt. Following the June 2023 amendments to the PEL, the SAO must publish information on all citizens donating more than MNT 1 million and all legal entities donating more than MNT 2 million. In addition, the Anti-Corruption Agency is now required to publish on its website the asset and income declarations of all candidates at least 22 days before election day. Some ODIHR NAM interlocutors described a need for a more proportionate and dissuasive set of sanctions on campaign finance violations.

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<sup>31</sup> The newly amended Law on Political Parties also envisages a one-time bonus for parties that have elected MPs more than required by the gender quota and for any elected MPs with disabilities.

<sup>32</sup> The current exchange rate for Mongolian Tugrik: 1 EUR equals approx. MNT 3,678.

<sup>33</sup> Each candidate nominated on a proportional list may donate to their nominating parties up to the average spending limit of the individual district candidates.

<sup>34</sup> Instead, the information on potential violations is sent to other relevant institutions, such as the Tax Inspectorate.

## I. MEDIA

There are over 240 media outlets, including more than 120 television and 60 radio stations broadcasting nationwide. Television is the most popular media, accounting for at least 60 per cent of the market.<sup>35</sup> According to the ODIHR NAM interlocutors, there is a lack of transparency in the media market funding and reliance on support from political actors, which impacts the media's credibility and the relevance of news content.

The media legal framework comprises the 1992 Constitution, the 1998 Law on Freedom of Media, the 1995 Law on Telecommunications and the 2019 Law on Broadcasting. The Constitution guarantees freedom of expression, and state censorship is forbidden. However, some ODIHR NAM interlocutors considered the protection clauses of the Law on Freedom of Media not sufficiently developed and easily circumvented. On the other hand, some also expressed an opinion that there is an overregulation of the media, which results in an overly restrictive information space. The Law on Media Freedom holds media outlets liable for the content of political advertising and statements made by the electoral contestants. The PEL forbids the conduct and publication of opinion polls in the election year, and promoting the boycotting of elections in the election year is also forbidden. Defamation effectively remains a criminal offense despite a previous ODIHR recommendation.<sup>36</sup>

Mongolian National Broadcaster (MNB), the only public media group, consists of five TV channels, with its first channel being one of the most popular TV channels, as well as three radio services and two websites. The MNB is legally obliged to report impartially and provide diverse perspectives.<sup>37</sup> The MNB must broadcast campaign programmes and debates as unpaid programmes according to the schedule that the MNB will submit for approval to the CRC in April.<sup>38</sup> The MNB produces content, including news programmes, in minority languages, sign language, or subtitles. Some ODIHR NAM interlocutors claimed that the public broadcaster lacks independence from the ruling party and further indicated that most private media are generally affiliated with political interests, negatively impacting the quality of political information presented on TV and radio.

Private broadcasters who wish to broadcast campaign programmes must inform the CRC of their intention to do so with a 30-day notice. Only private outlets may broadcast paid content, and all contestants must be provided equal conditions based on the regular pricelist. The total time dedicated to advertisements per broadcaster per day may not exceed one hour, and a single party may purchase up to 15 minutes.

The CRC monitors all national and regional broadcasters during the campaign period for compliance with content and time requirements. It has the authority to prevent or stop violations, including by informing police or election commissions to take action.<sup>39</sup> The CRC conducts the monitoring

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<sup>35</sup> See the 2023 Reporters without Borders [media landscape information page on Mongolia](#).

<sup>36</sup> In 2017, defamation was abolished as a criminal offense and included in the Law on Administrative Offenses but granted the police significant discretionary power to investigate and prosecute journalists and citizens. In January 2020, Parliament reintroduced a defamation clause into criminal law under the term of distribution of false information, effectively negating its previous decision to abolish criminal responsibility. In December 2023, the editor-in-chief of the news website zarig.mn was [detained](#) for spreading false information and released on bail on 16 February.

<sup>37</sup> The MNB is governed by its National Council, comprising 15 members (seven nominated by Parliament, four by the President and four by the Government). The council appoints its Director-General.

<sup>38</sup> The order of coverage in campaign programmes and debates is based on the order of registration of political parties, coalitions and candidates under equal conditions.

<sup>39</sup> The CRC can suspend a broadcaster for up to three months in case it promotes a campaign outside the campaign period.

according to a regulation approved by the GEC but drafted based on the CRC's input.<sup>40</sup> In addition, the Authority for Fair Competition and Consumer Protection (AFCCP) monitors the principles of impartiality and equal treatment of contestants, the prohibition on publishing opinion polls before elections, and the prohibition on media contracts with contestants under favourable conditions. Media covering the campaign are obliged to publish a report on their campaign coverage within ten days after the election and also submit it to the AFCCP.

## J. ELECTION DISPUTE RESOLUTION

Several laws on administrative and criminal violations regulate procedures for election dispute resolution. The PEL contains limited provisions for adjudicating complaints by the election management bodies. Some ODIHR NAM interlocutors conveyed the view of the persistent lack of public trust in the independence of the judiciary.<sup>41</sup>

The GASR considers complaints on voter registration for State Registration. If the complaint is satisfied, the GASR must change the voter list at least three days before election day. Following the June 2023 amendments, the GEC has the right to request relevant documents *ex officio* and issue orders to institutions to resolve inaccuracies related to voter list entries.

Complaints on the decisions of an election commission can be submitted to a higher commission, which decides and responds to the complainant within three working days; these decisions can be further appealed to a higher commission. Complaints on the GEC decisions on election results are submitted to the Constitutional Court as the final instance; by law, any citizen can submit a complaint to the Court. Complaints or appeals on all other GEC decisions and election-related decisions of other state authorities are heard by the Administrative Court of Appeals in the first instance and the Supreme Court in the second and final instance.<sup>42</sup>

The Administrative Court of Appeals is not obliged to consider the appeals under an expedited procedure; the Law on Procedure of the Administrative Court provides a 30-day period to decide on election-related appeals.<sup>43</sup> The Supreme Court further applies the same adjudication deadlines.<sup>44</sup> Some ODIHR NAM interlocutors state that the timeframe for filing and adjudicating disputes is not aligned to the electoral calendar, despite a prior ODIHR recommendation, and therefore, does not guarantee an effective legal remedy.

## K. CITIZEN AND INTERNATIONAL OBSERVERS

The law provides for citizen and international observation and the presence of candidates' representatives. Parties, coalitions, candidates, and non-governmental organizations registered with the GEC can appoint up to two election observers for each polling station. There is no limit to the number of PECs an organization wishes to observe; however, each PEC organizes an accreditation process separately. The GEC accredits international observers.

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<sup>40</sup> The monitoring is conducted by private company contracted by the CRC. The reports of the monitoring are not publicly available.

<sup>41</sup> See the 2023 [Preliminary Observations](#) of the Special Rapporteur on the independence of judges and lawyers raising concerns about the lack of trust in the judiciary and the use of social networks to disparage judges, including by holders of public office. See also the [2020 ODIHR Opinion on the Laws on Courts, on Judicial Administration and on the Legal Status of Judges](#), which concluded that modalities for judicial appointments “fail to provide for a fair, impartial, open, transparent and merit-based selection process guaranteeing appointment of the most qualified and experienced candidates”.

<sup>42</sup> By law, the GEC decisions are not suspended while the courts adjudicate the appeals.

<sup>43</sup> The Court can extend the deadline for an additional ten days.

<sup>44</sup> The PEL stipulates that all election disputes must be resolved during the calendar year.

The CSOs in Mongolia operate in a challenging environment, with limited financial and human resources, insufficient state support, bureaucratic obstacles and negative treatment by the authorities and weak public participation.<sup>45</sup> The Civil Society Coalition for Fair Elections intends to conduct long-term observation of voter registration and campaign coverage, including over social networks, campaign finance, and the use of ICT in elections, and to deploy some two hundred observers on election day, mainly in the capital. Some political parties informed the ODIHR NAM that they would deploy many observers on election day.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

All ODIHR NAM interlocutors underlined the benefit of external election observation in contributing to building trust in the conduct of credible elections. Many ODIHR NAM interlocutors underscored the need to observe the upcoming elections with a countrywide presence both during the campaign and on election day. In addition, ODIHR NAM interlocutors highlighted the need for observation and assessment of the newly amended election-related legislation and the revised electoral system, the conduct of the election campaign and its coverage in the media, and the campaign oversight of traditional and online media, as well as of the contestants' activities, including the finances used during the election campaign.

Based on the findings of this report, the ODIHR NAM recommends the deployment of an Election Observation Mission (EOM) for the 28 June parliamentary elections. In addition to a core team of experts, the ODIHR NAM recommends the secondment of 26 long-term observers from OSCE participating States to follow the electoral process countrywide and 250 short-term observers to follow election day proceedings. In line with ODIHR's standard methodology, the EOM would include a media monitoring component.

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<sup>45</sup> A number of stakeholders have described a need to consolidate and harmonize the legal framework, including the Civil Code that regulates all legal entities and the 1997 Law on Non-Governmental Organizations, to ensure a comprehensive policy to safeguard the growing civil society sector. See, for instance, [the 2024 report](#) by the International Center for Not-for-Profit Law.

## **ANNEX: LIST OF MEETINGS**

### **Officials and Institutions**

#### **Ministry of Foreign Affairs**

Mr. Baasankhuu Purev, Deputy Director, Department of Multilateral Co-operation  
Ms. Enerel Enkhtaivan, Second Secretary, Department of Multilateral Co-operation

#### **General Election Commission**

Mr. Delgernaran Purvee, Chairperson  
Mr. Bayanduuren Dugardorj, Head, Administrative Office

#### **General Authority for State Registration**

Mr. Tsolmon Gankhuyag, Head, Department of Administration  
Mr. Tuguldur Tuul, Head, Department of Civil State Registration  
Mr. Ariunbold Sharav, Head, Department of Information Technology  
Ms. Ganjargal Tugsjargal, Head, Division of Partnership and Training  
Ms. Narantsetseg Nyandag, Officer, Department of Civil State Registration

#### **Communication Regulatory Commission**

Mr. Zolbayar Enkhbayar, Director General, Broadcasting Regulatory Department  
Mr. Togtokhsuren Nergui, Head of Policy and Planning Division, Broadcasting Regulatory Department  
Mr. Batbold Toiruul, Head of Division, Internet Network and Security Division  
Mr. Ochirpurev Davaajdorj, Foreign Relations Officer, Cooperation Division

#### **State Audit Office**

Mr. Enkhbold Delger, Principal Auditor, Director of Performance-Compliance Audit Department  
Ms. Bayarmaa Khorjav, Audit Manager, Performance-Compliance Audit Department  
Mr. Battulga Duger, Audit Manager, Performance-Compliance Audit Department  
Ms. Batchimeg Byambasuren, Audit Manager, Performance-Compliance Audit Department  
Ms. Nurzed Lkhagvasuren, International Relations Manager, Administration and Legal Department  
Mr. Amarjargalan Batbileg, International Relations Analyst, Administration and Legal Department

#### **Authority for Fair Competition and Consumer Protection**

Mr. Bilguun Boldbaatar, Chairperson  
Mr. Terbish Tsoros, Head, Department of consumer right protection and advertising  
Ms. Nomin-Erdene Purevdash, Senior Specialist, Department of Competition Regulation and Market Research  
Mr. Enkhzorig Soyolsaikhan, Head, Department of Competition Regulation and Market Research  
Mr. Batbaatar Munaa, Head, Public Relations and Co-operation Department

#### **Independent Authority Against Corruption**

Mr. Baasannyam Zagraa, Director, Administration Department  
Mr. Ikhumurun Khishigbayar, Director, Prevention and Public Awareness Department  
Mr. Davaatogtokh Myagmartseren, Head, Department of the Anti-Corruption Program Implementation  
Mr. Enkhbold Tulga, Head, Department of Inspection and Analysis

#### **Standing Committee on State Structure, State Great Khural**

Mr. Enkhbold Nyamaa, MP, Head of the Committee



### **Supreme Court**

Mr. Tsogt Tsend, Justice

### **Administrative Court of Appeals**

Mr. Baatarkhuu Dorjgochoo, Chief Judge

Ms. Unurjargal Dalantai, Head of Administration

### **Political Party Representatives**

Ms. Adiyasuren Amgalan, MP, Democratic Party

Mr. Sugar Munkhtsooj, Public Relations Committee Director, Democratic Party

Mr. Battsojt Tumendelger, Capital City Council Representative, Democratic Party

Mr. Erdenebold Nyamsuren, Advisor, Democratic Party

Mr. Enkhbaatar Nyamaa, Party Secretary, Mongolian People's Party

Mr. Tselmuun Manlaijav, Head, International Relations Department, Mongolian People's Party

Mr. Naranbayar, Purevsuren Board Member, Party External Relations, National Labour Party

Mr. Uurtsaikh Dashdondog, Board Member, Party Legal Matters, National Labour Party

### **Media Organizations**

Ms. Amartuvshin Amarsaikhan, Project Manager, Media Council of Mongolia

Ms. Ganchimeg Namsrai, Project Manager, Media Council of Mongolia

Ms. Onon Batmunkh, Executive Director, Globe International Center

Mr. Galbaatar Lkhagvasuren, Lawyer, Globe International Center

Ms. Ulziisaikhan Delgertsetseg, Editor-in-Chief, Ug.mn

Ms. Budmaa Ser-Od, Mongolian National Radio

Ms. Narantsogt Buyandelger, Mass.mn

Mr. Chultem Bayarsaikhan, Local Television Association

Mr. Gombojav Otgonbayar, Acting General Director, Mongolian National Broadcaster

Mr. Tuvshinbayar Baatar, International Relations Officer, Mongolian National Broadcaster

Ms. Tsend Tsend-Ayush, Chief News Editor, Mongolian National Broadcaster

Ms. Uuganchimeg Ganbold, Chief Editor, TV5

### **Civil Society and Academia**

Mr. Gerelt-Od Erdenebileg, Researcher, Political Science, National University of Education

Ms. Enkhsetseg Dagva, Governance Program Manager, Open Society Forum

Mr. Enkhjargal Sukhbaatar, Executive Director, MIDAS

Ms. Anuudari Ayush Executive Director, Women for Change

Ms. Mandkhaikhatan Tsevegmid, Executive Director, Youth Policy Watch

### **International Community**<sup>46</sup>

Representatives of diplomatic missions of Belgium, Czech Republic, France, Germany, Hungary, Italy, the Russian Federation, Sweden, Switzerland, Türkiye and United States.

Ms. Matilda Dimovska, Resident Representative, UNDP in Mongolia

Mr. Christophe Forax, Deputy Head, EU Delegation to Mongolia

Ms. Ganchimeg Mijiddorj, Policy Officer, EU Delegation to Mongolia

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<sup>46</sup> The ODIHR NAM extended an invitation to representations of all OSCE participating States resident in Mongolia.