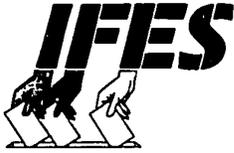


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Mongolia
An Assessment of the Election
to the Great People's Hural
June 1992

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EXECUTIVE SUMMARY

To the surprise of many, in the June 28, 1992 elections, the Mongolian People's Revolutionary Party, the former ruling communist party, won 70 of the 76 seats in the new parliament despite opposition from nine other coalitions and parties. Yet the results of the election make sense in context of the electoral system and the Mongolian political environment. The election irregularities that were observed occurred on a scale insufficient to have significantly altered the outcome. Instead, the reasons for the MPRP victory stem primarily from the system of representation and the state of the political party system rather than from any corruption of the election process.

The election system and level of voter education made it likely for voters to cast all their votes for candidates within the same party (rather than splitting their votes between parties). Such a system of representation, in the absence of competing parties of roughly equal size, overwhelmingly favors the dominant party. As a result, a party that carries over 50% of the vote throughout most districts of the country, as did the MPRP, will garner a disproportionate number of seats in the legislature.

Reinforcing the effect of Mongolia's multi-member majoritarian system of representation is a splintered opposition. There are thirteen recognized political parties in Mongolia. Three of these, namely, the Mongolian Democratic Party, the Mongolian National Progress Party, and the United Party, joined together in a coalition that turned out to be the MPRP's major opposition, while the Mongolian Social Democratic Party formed the secondary opposition. The remaining eight parties offered an additional seven choices on most ballots.

The resulting fragmentation of the 44% opposition vote was itself sufficient to account for the sweeping MPRP victory. But other factors played a contributing role as well.

First, the MPRP was, prior to the emergency elections held in July of 1990, the only official political party in the nation. It is therefore the best organized party throughout the entire country. Moreover, despite the 1990 street demonstrations and demands for reform, the MPRP never really suffered the kind of public disgrace heaped on the Communist Party of the Soviet Union. Indeed, by its leadership in espousing some political reforms and a skillful campaign to blame the country's economic woe on the opposition, it managed to portray itself in a favorable light. In contrast, the opposition parties are young, disorganized, and in some cases narrowly focused on special interests. Nor do any of them seem to have sufficient strength in any one region or district to constitute a serious force. Indeed, it is important to note that the MPRP was the only political party that fielded a full slate of candidates -- a slate equal in number to the number seats up for election -- in every electoral district. No opposition party chose, or managed, to do this.

Finally, some of the opposition leaders had earned public scorn owing either to personal scandals or else to their involvement in such public scandals as the loss of some \$80,000,000 in foreign currency on the commodities market (lending credence to the MPRP's campaign to blame them for the economic hardships).

There were a few patterned election irregularities that may have worked in favor of the MPRP. For example, their members dominated virtually all the precinct polling boards and sometimes provided inappropriate voter instruction; the MPRP was first on every ballot in the country; and the MPRP dominated the local governments that organized the election and prepared the voter registry. Yet, in the view of the IFES delegation, these factors did not much alter the election outcome.

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These views were shared not only by observer teams from Russia and the European Community and more importantly by the leaders of the Mongolian opposition parties in their post-election press conference.

I. INTRODUCTION

Mongolia comprises 604,103 square miles of magnificent and largely unspoiled land situated between Russia to the north and the People's Republic of China to the south. Over one third of its 2,000,000 inhabitants reside in the capital city of Ulaanbaatar (600,000 pop.), in the second city of Darhan (65,000 pop.), or in Erdenet (50,000 pop.). The remainder, some of them nomadic, are distributed throughout the eighteen Aimaks (political subdivisions roughly akin to large counties in the United States). The vast majority of the people are of Mongolian descent, and about 75% of them are 35 years of age or younger with 40% below the age of 16.

Mongolia's history has been shaped primarily by its landlocked isolation between two giant neighbors. Its dominant historical figure is Ghengis Khan whose military conquests from the Pacific to the Mediterranean contributed to a rich and unique culture. Since those imperial days, China and Russia have competed for political and economic dominance over Mongolia. Indeed, the land called Inner Mongolia remains a province in northern China. Beginning in 1924, the current nation of Mongolia, once referred to as Outer Mongolia, came under the influence of the Soviet Union and modeled itself on the Soviet political and economic system.

It is not surprising, then, that Mongolia is today undergoing the same sort of political and economic reforms and upheavals that currently beset the countries of Eastern Europe and the former Soviet Union.

Mongolian leaders seem keenly aware of their new international status and are especially sensitive to the fact that they are wedged between a now weakened Russia and a strong China. It is perhaps for this reason that leaders of the Mongolian People's Revolutionary Party (MPRP) -- the former Communist party that has foresworn communism in its party platform -- has nevertheless maintained party-to-party relations with the communist parties of the People's Republic of China, North Korea, and Cuba. Indeed, as recently as April 1992, the vice chairman of the MPRP attended a funeral in North Korea where he signed a protocol commending the socialist path as the only way toward economic development. Moreover, the Mongolian government has recently hosted discussions with high ranking members of the Chinese military.

On the other hand, a senior MPRP official privately advised one member of the IFES delegation that Mongolia sees its economic and political independence as hinging on the role of the United States. The image was captured by his statement, "Mongolia is a pot that must now hang from a tripod." Moreover, under the leadership of the MPRP, Mongolia has recently taken great strides toward democratization as endorsed by their new constitution and the June 28 legislative elections. They have also taken steps toward privatization -- especially in the agricultural and business sectors -- with the extent and pace of future privatization to be determined in some measure by the newly elected government.

It seems reasonable to suppose that the Mongolian government will pursue a policy of securing ties with each of the three powers -- Russia, China, and the United States. And their success at this balance of powers strategy may well depend as much on the responsiveness of each of the three powers as on Mongolian internal politics. For while there is some suspicion that the conservative wing of the MPRP might be prepared to tilt in favor of China in hopes of the kind of assistance they previously received from the USSR, Mongolians seem pragmatic enough to discern where their own best interests lie.

The extent to which Western assistance, Western investment, and access to Western markets can bring Mongolia out of its current dire economic straights may therefore be the deciding factor in shaping future Mongolian policies.

It is against this backdrop that the International Foundation for Electoral System (IFES) delegation received funds from the U.S. Agency for International Development, Bureau for Asia to observe the national legislative elections conducted in Mongolia on June 28, 1992. These were the first elections conducted in Mongolia under its new constitution adopted in January 1992. And the results proved startling to almost everyone including, one suspects, the MPRP. For preliminary returns suggest that, with roughly 91% of the eligible electorate voting, the MPRP has won an overwhelming majority (as many as 70 of the 76 seats) in the State Great Hural.

This somewhat unexpected outcome, is best understood in context. The following section, therefore, concerns the current political setting, the constitutional system, the political party system, and the election system.

II. THE MONGOLIAN POLITICAL SETTING

Political developments in Mongolia have, from 1924 to this day, closely paralleled those in the former Soviet Union. Mongolia's previous constitution, for example, included:

- A Great People's Hural which functioned much like the USSR's Congress of People's Deputies (meeting only occasionally during its five-year term to elect the Baga (small) Hural and the President to confirm major decisions);
- A Baga Hural which functioned much like the USSR's Supreme Soviet serving as the primary legislative body;
- A five - member Politburo which functioned like its Soviet counterpart; and
- A President and Prime Minister who functioned like their Soviet counterparts.

These national institutions were, until 1990, dominated exclusively by the Mongolian People's Revolutionary Party (MPRP).

Given such parallel development, it is not entirely surprising that the reforms instituted in Mongolia since 1984 have also closely followed those undertaken in the Soviet Union during the same period. There was, for example, a gradual political and economic liberalization from 1984 to 1989 which coincided with similar liberation in the Soviet Union. Further, in the spring of 1990, the MPRP renounced its monopoly of political power and replaced senior governmental and party officials. Finally, the Mongolian Great People's Hural in March of 1990 amended the constitution as did the USSR's Congress of People's Deputies by eliminating single-party control of the government, by slightly restructuring the national legislative bodies, and by authorizing the eventual direct election of the President. They also called for new elections to be held in July of 1990 -- one year earlier than originally scheduled.

In July 1990, the first multi-party elections in seventy years were held to fill 430 seats in the Great People's Hural as well as to determine, by proportional vote, the distribution of seats in the 52-member Baga Hural. Several features of those elections deserve mention inasmuch as they highlight themes that continue to weave through current debates and discussions.

The first significant feature of the 1990 elections was the system of representation chosen for each of the Hurals. In the Great People's Hural, each of the 430 seats represented a single geographic district. But the districts were designed such that about 370 seats represented rural areas (containing around two thirds of the population) while only about 60 seats represented the remaining third of the population residing in urban areas. This bias in favor of the rural (traditionally more conservative) population was a recurring issue in the delegation's interviews with reformers and conservatives alike.

In contrast to the single-member-district system of representation in the Great People's Hural, seats in the Baga Hural were distributed amongst the political parties in accordance with the nationwide proportion of votes cast for political party preference. This system, too, fell under some criticism because opposition parties believed that having only newly formed with little opportunity organize throughout the countryside, felt that it gave the MPRP undue advantage.

In the end, the MPRP won about 85% of the seats in the Great People's Hural and about 60% of the seats in the Baga Hural. The issue of what might be the most desirable system of representation for Mongolia continues to be a topic of discussion.

A second significant feature of the July 1990 elections was the cumbersome nominating process. A multi-party system was new to Mongolian politics, and there appear to have been some difficulties in accommodating the traditional nominating procedure to the existence of more than one party.

Rather than permitting each qualified political party to nominate one candidate for each of the 430 seats in the Great People's Hural, the Mongolian government chose instead to continue the traditional Soviet-style nomination process. Thus, any officially recognized group of 150 persons in cities or 50 persons in rural areas could nominate a candidate -- regardless of political party affiliation. The consequences were two-fold: a proliferation of candidates for each seat (as many as 70 in one race alone) many of whom were of the same political party; and complaints from the newly formed political parties that this nomination process favored the MPRP due to its well established nationwide organization.

The proliferation of candidates for each seat in the Great People's Hural was originally to be resolved in the same manner as provided for in USSR elections -- by district "caucuses" which would winnow the many candidates for each seat down to a few. But under intense pressure from the newly formed political parties, the government instead opted for what they called a "primary" election whose purpose was to reduce the field of candidates for each seat to the top two vote getters in each district -- presumably without regard to their political party affiliation. Such a "primary" was conducted on July 22, 1990.

The general election for the Great People's Hural, conducted one week later on 29 July 1990, was a run-off election between the top two vote getters in each district. It also included a separate ballot on party preference for the purpose of assigning seats in the Baga Hural to the political parties in accordance with their proportion of the vote.

Because this nomination process was expensive, cumbersome, aroused charges of political bias, and seems unsuited to a multi-party setting, alternative nominating procedures are now being actively considered.

A number of other potentially troubling features of the July 1990 elections deserve brief mention:

- Although each of the qualified political parties at the time received limited financial assistance from the government, the fairness of the arrangement stirred complaints from some of the smaller parties (though it must be said that any public financing scheme is likely to draw complaints of one kind or another);
- Similarly, there were complaints about the ease of access to the media for the purposes of campaigning;
- The electoral commissions at the national, regional, and local levels responsible for conducting the elections appeared to be dominated by members of the MPRP rather than representing a political party balance;

- The method of casting a vote still followed the Soviet style of crossing out unwanted candidates rather than indicating a positive choice. This process was viewed by some as being burdensome on voters when the ballot contained more than five or so names and seems to have resulted in an unusually high number of spoiled ballots;
- Similar to procedures in the USSR, if all names were crossed off the ballot in sufficient numbers to deny any candidate the absolute majority of votes cast, the election for that seat was nullified and a new election in that district was conducted within 30 days. This is an expensive process that could delay the final seating indefinitely; and
- There appeared to be gaps in the training of election officials and the voter education process.

It is with this recent experience in mind that the Great People's Hural assembled, selected a president and vice president, members of the Baga Hural, and began considering a new constitution and new election laws for the Republic of Mongolia.

III. THE NEW MONGOLIAN CONSTITUTIONAL SYSTEM

This section describes, the new Mongolian constitutional system as it relates to the election system. For the purposes of this report a constitutional system is defined as including the form of government, the structure of government, and the system of representation.

A. Form of Government

"Form of government" refers to the horizontal distribution of powers among institutions at the national level.

Mongolia has adopted a modified form of parliamentary/prime-ministerial government. Article 21 of the new constitution calls for a single-chamber State Great Hural containing 76 members to be popularly elected for a term of four years. Articles 30 and 31 establish a four-year Presidency -- candidates for which are to be nominated by political parties represented in the State Great Hural but elected by an absolute majority of a popular vote.

Part III of the constitution establishes a "government." As in most parliamentary/prime ministerial arrangements, the Mongolian government is to be composed of a Prime Minister and other members (Article 39, Section 1) who then constitute the "highest executive body of the State" with appropriate executive powers as specified in Article 38. The Prime Minister is to be appointed by the State Great Hural on the basis of a

proposal from the President made after his consultation with the majority party or all parties of the State Great Hural (Article 33, Section 2). The other members of the Mongolian government must also be approved by the State Great Hural upon their nomination by the Prime Minister (Article 39, Sections 2 and 3).

It is not entirely clear whether the Prime Minister or other members of the government must be members of the Hural or, conversely, whether any member of the Hural so appointed would have to resign his seat. And this is a matter of some immediate importance inasmuch as, given the almost embarrassing margin of victory of the MPRP in the June 28 legislative elections, either mechanism would provide the MPRP an opportunity to allow for better representation of the opposition. This would be accomplished by naming unelected members of the opposition to the government or else, by careful appointments to the government from within the Hural, vacating seats that would then be filled by opposition members.

Finally, Chapter Three, Part IV of the constitution creates a judicial branch composed of a Supreme Court and lower general courts that are to hear all cases except constitutional disputes which are, according to Chapter Five of the constitution, reserved to a special Constitutional Court. Which court would hear cases involving elections would seem to depend, on the specific issues involved-- whether the case is purely a matter of election irregularities or whether it is one involving fundamental constitutional rights.

B. Structure of Government

"Structure of government" refers to the vertical distribution of power across national, regional, and local units of government.

Article 2, Sections 1 and 2 of the Mongolian constitution define Mongolia as a "unitary state" to be "divided into administrative units only." Chapter Four of the constitution amplifies this principle by authorizing the establishment of the following lower administrative units: Aimaks and a capital city (Aimaks to be divided into Somons and Somons into Buks; and the capital city into Districts and Districts into Horoos).

Each of these levels are to be governed by an elected Hural (Article 59, Section 3 and Article 63, Section 1) and by a Governor proposed by the respective Hural but appointed, in most cases, by the executive of the next higher level (Article 60, Section 2). All Governors are to serve four-year terms (Article 60, Section 2) unless they resign (Article 61, Section 3). Similarly, the Hurals of Aimaks and the capital city are to be elected for four-year terms (Article 59, Section 3), although the terms of office of the lower level Hurals seem to be left to subsequent law.

The delegation was unable to ascertain when these local Hurals are to be elected -- although, as noted below in the section on Administering the Election System, the role of the local Governors (or, in current parlance, "Chairmen") in the election of June 28 was such as to make this more than a trivial concern.

C. System of Representation

"System of representation" refers to the method by which popular votes are translated into the selection of individuals to fill public offices.

Although the manner of electing the President of Mongolia is clearly delineated in Article 31 of the constitution, Article 21, Section 4 and Article 59, Section 3 leaves the manner of electing the State Great Hural to subsequent legislation.

Accordingly, Article 8 of the new Mongolian election law declares that the system of representation for the State Great Hural shall be based on multi-member constituencies organized by the State Great Hural 70 days before polling day.

Legislation was passed specifically for the June 28 election that divided the country into 26 electoral districts -- each of which was entitled to elect, according to its population, anywhere from two (2) to four (4) members amounting to a nationwide total of 76 members in the Hural.

With the addition of Article 35, Section 2 of the election law (which requires each voter to cast exactly as many votes for candidates as there are seats eligible for election in his district), the Mongolian system of representation in the June 28 elections amounted to a multi-member majoritarian system.

Article 41, Section 1(a) of the election law forces a majority of participation in each electoral district by invalidating the election in any district in which fewer than fifty percent (50%) of the eligible voters cast a ballot. And, interestingly, Article 42, Section 1 of the election law provides that any vacancy created in the Hural will be filled by the next highest vote winner in the original election.

There are two aspects of this arrangement that warrant comment.

First, it should be noted that majoritarian systems of representation, be they either single-member or multi-member district, favor a two-party system. In the absence of an opposition party of roughly equal size, majoritarian systems overwhelmingly favor a dominant political party. And in the delegation's view, this more than any other factor accounted for the sweeping victory of the MPRP.

Evidence supporting this view lies in the fact that (according to the 9 opposition political parties and coalitions in their joint press conference of June 30) approximately 50% of the votes were for the MPRP while the other 50% of the votes were distributed among the 9 opposition choices. This being the general pattern nationwide, the MPRP victory seems less surprising.

Quick to take the point, the overall reaction of the opposition parties to this turn of events was two-fold: (1) they publicly announced in their press conference that they

had agreed in principle to form a single opposition party, and (2) they expressed privately to members of the delegation their uneasiness with this system of representation. Which course they pursue will be interesting to watch.

The opposition parties may try to form a majority opposition party or coalition. And although it is difficult to envision all the current opposition parties coming together under one umbrella coalition -- representing, as they do, such a wide spectrum of views both to the left and to the right of the MPRP -- it is possible (and not uncommon in single-party-dominant legislatures) that the MPRP could split along conservative and progressive lines. Should the MPRP progressives then join with the larger components of the opposition, they would bring about a formidable united opposition which could, under the current system of representation, turn the tables and sweep the next legislative elections.

Should a majority opposition prove too difficult to pull together, the current opposition parties may press for changing the system of representation. And although at this juncture they are hardly in a position to accomplish this single handedly, their desire to do so might combine conveniently with the MPRP's embarrassment of riches and with voter frustration about being forced to vote for as many candidates as there are seats to be filled.

One solution to all three concerns would be to require voters to vote for only one candidate in each district with each district's seats in the Hural being apportioned to parties in accordance with their proportion of the vote, and with each party's seats being filled by its highest winning candidate(s). In other words, a change to a modified system of proportional representation.

The second point about the current system of representation focuses on the method of filling vacancies. There are potentially three ways a vacancy in the Hural could occur: death, resignation, or (though we are not certain of this) appointment to the Prime Minister's cabinet or "government" (which might require resignation from the Hural). Already there were rumors that, faced with an embarrassingly huge victory, the MPRP might prevail upon some of its members to resign where such a vacancy would result in the automatic election of an opposition candidate. A careful selection of cabinet ministers could, if they are forced to resign the Hural, achieve the same purpose even more artfully.

IV. THE MONGOLIAN POLITICAL PARTY SYSTEM

The Mongolian political party system is fluid, and for the reasons cited above, it is likely to remain so for the foreseeable future.

In the June 28 elections, there were 13 political parties in play which, through coalitions, presented a maximum of ten choices to voters (although not all parties offered candidates in every district).

The Mongolian People's Revolutionary Party (MPRP) is the former ruling communist party of Mongolia. Explicit references to Marxism were left out of the party platform, however, few believe that this party, which has not even changed its name as have many other former ruling communist parties in other countries, has been entirely reformed.

As the beneficiary of the essentially one-party state, the MPRP is today the largest and best organized party. It held the majority of seats in both houses of the legislature that wrote the constitution and the election law. And, importantly, it holds virtually every public office at the local levels of government. Unlike the Communist Party of Russia, it has never really been publicly disgraced and have, in fact, managed to stay in the cautious forefront of economic and especially democratic reforms. As a result of this policy, however, two factions have emerged within the party -- the progressives who favor continued reform as a matter of political (and possibly national) survival and the conservatives who favored the old order and generally resist any fundamental changes from it.

The primary opposition to the MPRP in the June 28 election was a coalition of three parties (who nevertheless joined with the MPRP in the previous legislature and government):

The Mongolian Democratic Party (MDP) is slightly liberal in the Mongolian context and is akin to Western conservative parties.

The Mongolian National Progress Party (PNP) is a middle of the road party akin to Western liberal parties.

The newly formed United Party (UP) which was formed by the merger of the old Mongolian Republican party, the Mongolian Free Labor (by which they meant Free Enterprise) Party, and a faction of the MDP.

There was also a second tier of opposition to the MPRP:

The Mongolian Social Democratic Party (SDP) is, in the Mongolian context, rather more conservative than the opposition coalition but slightly more liberal than the MPRP from whose progressive wing, it seems, it emerged. By remaining aloof from the MPRP/coalition government and by remaining separate from the opposition coalition, the SDP was no doubt hoping to lay claim to being the "outsiders" -- thus benefiting from any public disenchantment and frustration with the MPRP/coalition "insiders."

In addition to these major players, there are several minor parties -- some of which are special interest parties of limited appeal.

The Mongolian Renaissance Party (MRP) appears to be a recent and somewhat more progressive offshoot of the Social Democratic Party. Its raison d'etre, which is not

clear, may hinge on the reputation and personality of its leader.

The Mongolian Independence Party (MIP) appears to be even more conservative than the conservative wing of the MPRP, only with nationalist xenophobic tendencies.

The Mongolian Bourgeois Party (MBP) is a breakaway progressive faction of the MPRP which sees emerging entrepreneurs as its constituency.

The United Party of Private Owners (UPPO) seems to be a special interest group whose policies may well resemble those of the Bourgeois (though this is only speculation).

The United Party of Herdsman and Farmers (UPHF) is a somewhat nationalist conservative group interested in the privatization of livestock.

The Green Party is an ecologically oriented single-issue party.

And finally, the Mongolian People's Party (MPP) and the Mongolian Religious Democratic Party (the Buddhists) joined in a socially conservative, special interest coalition.

It should be noted that, the MPRP was the only political party to field a full complement of candidates in each and every electoral district. No opposition party or coalition accomplished this feat. The suspicion arises that there was some sort of informal agreement amongst at least some of the opposition forces not to challenge each other in certain districts. In 12 of the 26 districts, for example, the combined number of coalition and SDP candidates exactly equalled the number of seats up for election.

If such a strategy was indeed attempted, it was both poorly executed and ill advised. Poorly executed because it was apparently not accompanied by any campaign instructing voters how to split their votes. Ill advised because (a) it made all the opposition parties look weak in comparison to the MPRP, and (b) its success requires an electorate more sophisticated than most Mongolian voters are likely to be at this point in their democratic experience. When instructed to vote for three candidates (no more and no less), most Mongolian voters -- indeed most voters anywhere -- are likely to vote for the only party that offers three candidates. The idea of splitting your votes between two parties for a total of three candidates must surely seem alien to a people disciplined to one party elections.

It is anticipated that the Mongolian political party system will continue to evolve rapidly over the next five years with mergers, splinterings, and coalitions occurring at a dizzying rate. This is the inevitable result of novelty, political inexperience, and uncertainty about the system of representation. Already, in the seven months from December of 1991 to June of 1992, two political parties have splintered. One merged with a new political party and the splinter of a third. Six new parties formed and five parties formed two coalitions.

After the next legislative elections scheduled for 1996, things are likely to settle down. How they settle depends largely on the system of representation adopted for the next legislative elections. If they retain the multi-member majoritarian system of this election, one can expect the emergence of two dominant parties with a few impassioned but marginal special interest parties. Should they modify their system of representation in one of the ways described above in the section on System of Representation, then one can expect probably no more than three or four important parties -- again with a couple of impassioned but marginal special interest parties.

There is also the distinct possibility that Mongolian democracy will continue on its present course -- a single-party-dominant system in which the major political struggles take place within the governing party rather than among parties. This outcome is particularly likely if the MPRP can continue to involve opposition figures in government, thereby diffusing responsibility for any failures that occur in the near future.

V. THE MONGOLIAN ELECTION SYSTEM

In parallel with the December Report of the International Delegation Studying the Development of the Mongolian Election System, the following observations on the June 28, 1992 Mongolian legislative elections are organized according to the ten primary functions of an election system.

A. Legislating the Election System

In most respects, the new Mongolian election law is well crafted. It is clear and well organized and, notably, incorporates many of the suggestions made by the international team that visited in December, 1991. Although this law will no doubt have to be amended and expanded, it is certainly a creditable first step.

It is also noteworthy that, aside from second thoughts on the system of representation, that the delegation heard no complaints about the election law from any of the opposition parties, nor, complaints about the election process itself. It should be said, however, that with their relative sophistication in such matters (compared to the inexperience of the opposition), the MPRP may have inserted a few subtle provisions into the law that benefited them in the election. These are noted below along with some administrative and procedural concerns that the delegation's observations triggered.

B. Administering the Election

Chapter 3 of the Mongolian election law establishes three tiers of election administration:

- A national Central Election Commission;

- Electoral District Commissions (with the option of having sub-district commissions if needed); and
- Division (or Precinct) Commissions.

The Chairman, Secretary, and members of the Central Election Commission are appointed by the State Great Hural for terms of five years with only the Chairman and Secretary being full time. The law does not, however, specify either the number of members or the criteria for selecting them other than eliminating any candidate for the State Great Hural. Nor does it specify the internal operating procedures of the Commission -- for example, whether or not they are to vote on important matters.

The current Central Election Commission is composed of 15 members who were said to represent the various political parties, although the delegation was unable to determine its exact composition or the complete scope of its activities. The bulk of the work for the June 28 election seems to have fallen on the Chairman, Sodnomyn Lkhagvasuren, who, because of his recent appointment and lack of previous experience in the field, certainly had his hands full but acquitted himself admirably. There was no evidence or even suggestion that he in any way abused the public trust.

If anything, and perhaps because of the time constraints, the Central Election Commission seems to have exercised too little authority. Their training program was restricted to briefing the District Election Commissions on the new law and procedures. There was no time for them to prepare written procedures manuals or job aids. It would be useful if they did so for future elections in order to achieve a greater uniformity of procedures from district to district. This is especially true in the important area of voter registration, as noted in that section below.

At least 60 days before the election, the Central Election Commission appoints the Chairmen, Secretaries, and members of the Electoral District Commissions which vary in size from district to district. Again the law is silent on the criteria for appointment except for candidacy to the State Great Hural. As a matter of practice, the District Commissions represented multiple parties -- although the delegation was unable to ascertain the political party affiliation of the District Chairmen and Secretaries. It is likely, however, that almost all of these officials were current or former members of the MPRP. Political affiliation should be of interest to the parties as well the electorate inasmuch as the District Commissions are charged with resolving problems and complaints arising from the divisions (polling places) on election day.

The District Commissions seem to have devised the detailed election procedures to be followed in all the divisions (polling places) within their district. For while the delegation observed slightly different procedures being followed from district to district, the members did not observe variations within districts. Differences were especially marked with regard to voter check-in procedures as well as the appropriate roles of members of the division election commissioners. Such variations would be minimized by procedures manuals and job aids promulgated and distributed by the Central Election

Commission.

At least 50 days before the election, the Chairmen, Secretaries, and members of the Division (or polling place) Commissions are to be appointed by the presidium members of the local Hurals -- usually around nine members per division. Why they are appointed by the local government rather than by the District Election Commission may be one of those legal subtleties referred to earlier. Once again, the law is silent on the criteria for appointment except for candidacy to the State Great Hural and therein lies a major problem.

As noted earlier, the MPRP holds virtually every important local public office. In effect the MPRP selected the Chairmen, Secretaries, and commission members of virtually every polling place. The results seemed more than coincidental. For while each division commission did contain representatives of several of the opposition parties, they also contained a number of "non-party members" who, upon being asked, admitted to being former MPRP members.

More disturbing still, in the city of Ulaanbaatar, where opposition parties have their strongest base, nearly every Chairman and every Secretary -- 19 out of the 20 visited -- were members of the MPRP. The one exception was a military officer who disavowed any party affiliation. And in many instances, the division Chairmen or Secretaries were themselves local public officials with important powers over the local citizenry. It bore the appearance -- and in some places, possibly the consequence -- of Tammany Hall appointing their local ward healers to chair each polling place. It is not clear whether this pattern persisted throughout the countryside where the MPRP has a relatively stronger electoral base and where the consequences of this system of appointment would be even more intimidating to some voters.

The results of this arrangement were potentially serious -- though probably not decisive to the overall outcome. For the Chairmen and Secretaries of the Division Election Commissions bear formidable responsibilities:

- They develop the voter registration list;
- They personally deliver a voting authority card to each voter in advance of election day;
- They administer advance balloting by voters who will be away on election day;
- They safeguard all ballots cast in advance;
- They authorize all "transfer" voters who have changed residence since receiving their voting authority card;
- They initial all ballots before they are cast;

- They supervise the polling operation on election day;
- They determine the physical positioning of the political party observers in the polling place; and
- In some instances, they personally instruct voters on how to go about casting their ballot.

The opportunities for outright fraud are legion. But even short of outright fraud, the prospects of unspoken voter intimidation are obvious. For in the historical context of one-party elections in which voting was more than merely encouraged, when the local party politician of that same party (from whom all good and bad things have always flowed) comes knocking at the door to deliver your voting authority card, when that same person is supervising the polling place, and especially when that same person gives you fairly pointed instructions on how to cast your ballot, what is the ordinary Mongolian to think?

While this sort of intimidation may not have had much influence on the committed opposition voter in downtown Ulaanbaatar, it influenced the poorer and less-informed residents of the outlying precincts and countryside. Indeed, in one such division on the outskirts of Ulaanbaatar, the Secretary of the division commission complained that the MPRP were telling people how to vote: "And that's the way they are going to vote!", he stated "This democracy business is an inner-city idea. It hasn't reached out here yet." This with the nodding agreement of two opposition party observers in the polling place. Not surprisingly, this election official was himself a member of the MPRP.

At yet another polling place in another poor area outlying the capital, an opposition party observer complained privately that the division Chairman was personally instructing each and every voter on how to cast his votes for three candidates while pointing specifically to the three MPRP candidates on the ballot. The observer did not, however, know how or to whom to file an official complaint in order to stop it.

Thereafter, the delegation paid closer attention to how voters were being instructed. And, in fact, in every polling place we subsequently visited in Ulaanbaatar, the MPRP poll workers and some of the non-party poll workers instructed voters how to cast their ballot while indicating with a pen or forefinger the box of MPRP candidates.

So systematic was this behavior that there can be little question that they were trained to do this. If the MPRP used this opportunity to influence voters, questions naturally arise about what other opportunities they might have seized in developing the voter registration lists, in personally delivering the voter authority cards, and in receiving and safeguarding the advance ballots.

In view of these problems -- or even the possibility of these problems -- the Mongolian government may want to consider amending the election law to the effect that:

- No Chairman, Secretary, or member of any District or Division Commission shall be a public office holder or an officer of any political party;
- No Chairman and Secretary of any election commission at any level shall be of the same political party;
- The Chairmen, Secretaries, and members of Division Commissions shall be appointed by their respective District Election Commissions; and
- Registered political parties shall submit a list of their nominees to the appropriate appointing authority from which all appointments to District and Division election commissions shall be made.

Further, the Central Election Commission may want to consider issuing instructions restricting division Chairmen and Secretaries to supervisory rather than active roles in the polling place.

C. Drawing Boundaries

As previously noted, the system of representation in the 1992 Mongolian legislative elections was a multi-member majoritarian one in which each electoral district was accorded a number of seats roughly proportional to its population. It is a fair and obvious question whether there was any attempt at gerrymandering. This question is especially important in view of the criticism of the 1990 elections in which rural areas were clearly over-represented.

A careful analysis of the number of eligible voters per seat -- based on estimates from the 1990 election -- nevertheless reveals no attempt at distortion. The deviation from the expected norm of approximately 13,000 voters per seat (derived by dividing the national eligible electorate by 76 seats in the Hural) is about plus or minus 2,500 with a high of about 16,000 per seat to a low of about 11,000 per seat. Although this 20% deviation from the expected norm would be unacceptable in the United States, it is not unreasonable in the demography of Mongolia -- especially considering that they tried to respect traditional political boundaries.

More important still is the fact that the eight primarily urban districts averaged 12,880 eligible voters per seat while the remaining 18 primarily rural districts averaged 13,176 eligible voters per seat -- if anything, a reversal of the disproportionate rural representation in the 1990 elections. Looking at it another way, about one third of Mongolia's voters are urban and about one third of the seats in the Hural are urban.

D. Providing Ballot Access

The delegation heard no complaints concerning the election laws, procedures, or requirements for forming a political party. Moreover, the Mongolian election law provides for non-party, independent candidacies of which 18 participated in the elections.

E. Registering Voters

The manner in which voter lists were prepared in each division (precinct) remains unclear. In some divisions the delegation was informed that the lists were based on the civil registry which also yields one's national identity card. In other divisions it was stated that it was based on the rationing list recently devised for the rationing of scarce supplies. The difference is more than trivial since the rationing list seems to have been wildly inflated. Stranger still, the rationing list includes only the name of the head of household so that it is difficult to see how a voter list could be derived from it.

In any event, the confusion over the matter along with the possibility that different divisions prepared their voter lists differently suggests the need for clearer direction. Accordingly, the Central Election Commission might consider issuing a definitive procedures manual for developing the voter registry in each division.

Once the list of voters was prepared in each division, each voter was issued a voting authority card which he was then obliged to present, along with his national identity card, at the polls on election day. It is unclear to us why this supplementary card is necessary. National identity cards are expensive to produce and this requirement involves procedures that are vulnerable to error, confusion, or even abuse. Therefore, the Mongolian government might want to consider amending the election law to eliminate the voting authority card while basing the voter registry and the right to vote solely on the civil registry/national identity card system. Rather than stamping the voting authority card of each person who has voted, the national identity card could be either stamped or punched.

The counter argument that not all Mongolians of voting age are on the civil registry or have a national identity card really has no standing inasmuch as the current law already requires that voters present their national identity card in order to vote.

What that counter argument does suggest is the need to focus resources on improving the civil registry system rather than circumventing it. Therefore, the delegation recommends facilitating the generation of the voter registry. The Government of Mongolia might want to consider moving toward a nationwide, computerized civil registry from which the Central Election Commission could readily generate voter lists for each division.

F. Campaign Regulation and Financing

Parties, coalitions, or independent candidates are required to bear their own campaign expenses and to do so only through a special bank account designated for that purpose and open to inspection by the Central Election Commission. The account is to receive all contributions and fund all expenses. There are perfectly sensible restrictions on who may make contributions.

In addition to their private expenditures, the political parties were accorded time slots on national television. Slots were twenty-minute segments before the evening movie and were distributed amongst the parties by lot. No one seemed unhappy with the arrangement.

The delegation heard of only one complaint regarding the financing of the political campaigns. In Hentiy Province, a monastery was accused of providing money to the MPRP. The monastery insisted it provided money to all parties equally. The question of whether the monastery had been slandered was in the courts at the time of our visit.

Of the other campaign regulations, there were reports and evidence of only two significant violations. In both instances political parties were caught distributing pocket-sized campaign calendars to voters on election day in violation of the election law. In at least one case, according to the Chairman of the Central Election Commission, the perpetrators were caught and fined.

G. Providing Public Information

The election commission at all levels did an extraordinary job of informing and educating the public in at least two respects.

First, the method of voting has been changed from the traditional Soviet method of crossing out all unwanted candidates to the method more common in the West of positively indicating one's choice(s). The novelty of this technique combined with the fact that voters were required to vote for no more or no fewer candidates than the number of seats up for election required an intensive voter education effort which was everywhere in evidence. Indeed, it was impressive that most voters seemed to know the rules. And in case they did not, they were, as noted previously, given last-minute instruction.

The final measure of success of the information campaign will be the number of ballots declared invalid for failure to cast the correct number of votes. The numbers should be examined by the Central Election Commission.

A second aspect of providing voter information is informing voters on where and when to vote. Mongolian voters seemed exceptionally aware, as measured by a 91% turnout, among other things. In fact, some of the polling places randomly selected to visit were so obscure that neither our drivers nor interpreters knew exactly where they

were. But when we reached the neighborhood, the drivers merely pulled over and asked people on the street (in one case children) who invariably and unhesitatingly directed us precisely to the polling place.

H. Balloting

Some of the problems observed in balloting are identified in the above section on Administering the Election inasmuch as their cause seemed to be traced to the manner of appointing the election officials -- especially at the division (precinct) level. But the balloting function encompasses a variety of other features and activities.

The balloting process worked well. Where physically possible, entrances and exits to the polling place were separate to allow traffic to flow through easily. Poll workers seemed adequately trained and knowledgeable. Few problems arose. At times the lines grew long, but nobody grew impatient. Occasionally, the secrecy of the ballot may have been compromised by inadequate voting privacy or couples voting together. These incidents seemed innocent and innocuous.

The most troubling aspect of the balloting was the ballot itself. In what may have been another legal subtlety, the election law decrees that placement of parties on the ballot will be according to the legal date of party registration. Not surprisingly, the MPRP was the first party to have registered and was therefore first on the ballot throughout the whole country. Moreover, the instruction to the voter on the number of candidates to vote for was printed directly over the MPRP box. And as noted earlier, the MPRP was the only party to field a full slate of candidates in every district. These examples, combined with the pointed instructions given to voters by MPRP pollworkers, may be an example of overachieving. Indeed, a plausible case could be made that all these things taken together constituted undue influence over the voters. This is especially true in those districts where the difference between winning and losing was a matter of only a few hundred votes.

In view of the evidence and the common sense observation that being first on the ballot gives that party or candidate a certain advantage, and in order to avoid the possibility or even the appearance of systematic favoritism, the Government of Mongolia might want to consider amending the election law in order to decide the ballot position of political parties nationwide by lot or else ensure an equitable scheme of rotating the ballot position of political parties by district. Neither change would increase ballot printing costs since each district's ballots must be printed separately.

The second troubling aspect of balloting was the sensitive area of absentee balloting. This part of election administration is the most prone to fraud and therefore deserves special emphasis.

There are three ways in which a Mongolian can cast what is known as an absentee ballot. The first method is for those who are going to be away to cast an "advance ballot" with his division committee's Chairman and Secretary. With their initials, the

ballot is legal. The voter marks his choices and seals the ballot in an envelope which is then retained by the Chairman and Secretary until election night. The security of this process would seem to depend entirely on the Chairman and Secretary being of opposing political parties, hence the delegation's earlier recommendation to that end. In addition, the delegation was surprised at the number of such ballots cast by a population that does not seem that mobile -- 47 in a precinct of approximately 2,500, 50 from a precinct of about 3,000. While these numbers seem small, with ten to twenty precincts in a district, they begin to add up. While the delegation's sample of many districts was small, the margin of victory was only a few hundred votes or less, these numbers could be decisive.

The second method of voting absentee is for those unable to come to the polling place on election day. In such cases, and upon proper application, a ballot and a mobile ballot box is dispatched to the voter's residence during voting hours. While there were no apparent problems in the process itself (multi-party teams accompanied the boxes and party observers were invited to go along), there were occasionally unusual volumes of votes so cast. In one precinct, 15% of the vote at the time of visit had been cast in this way. Again, it would be interesting to examine the number of such ballots cast division by division.

It is also possible for Mongolians who have changed residence between the time they received their voting authority card in their old domicile and election day to cast a ballot in the polling place of their new domicile. They must obtain an official notice from the Chairman of their old division and present the notice along with the old voting authority card and national identity papers to the Chairman of their new electoral division. Although no problems were observed, the numbers were nearly on the same order of magnitude as with advance voters. These division totals would also be of interest.

I. Tabulating the Vote

The vote counting process was slow and tedious. All books were balanced and votes counted by the poll workers following the close of the polls which were then locked. In some cases this process lasted over 24 hours. As this was the first election under the new constitution, extra caution and care seemed appropriate. Perhaps in time, however, procedures will be streamlined in order to issue results sooner.

Finally, there seemed to be more political party observers present to watch the count than to watch the voting process. The delegation noticed also that during the voting process, male poll workers seemed in charge but during the counting and auditing process, the female poll workers seemed to take charge.

J. Certifying the Results

Although preliminary turnout figures were announced by the Central Election Commission on the next day, the final results were still being compiled at the time this



report was being written. Detailed division by division figures will take longer to be published. The IFES delegation hopes that the division by division figures will include:

- The total number of eligible voters;
- The total number of voters, including:
 - the number of advance voters,
 - the number of absentee box voters,
 - the number of transfer voters; and
- The total number of votes cast for each candidate of each political party.

Such information would be valuable to the political parties, political candidates, political scientists, the media, and the official archives of Mongolia.

Finally, there appear to have been no causes for invalidating and reconducting an election in any district or any division.

VI. VOTER AND CIVIC EDUCATION

It is vital that Mongolians appreciate the desirability of power sharing among different groups through the electoral process. However, free and fair elections alone are insufficient to create the underpinnings of a healthy democracy. The damage done to groups, individuals and civil society at large during years of communist rule must be taken into account. One way of approaching the development of civil society is an emphasis on voter and civic education. Yet civic education should not be confused with the indoctrination experienced in totalitarian countries.

Democratic civic education is a continuous process of examining a country's political, social and economic environment and the manner in which this environment affects each member of society. As Mongolia emerges from decades of communist control over all forms of information, it is crucial that citizens educate themselves regarding the fundamental values and principles needed to make free choices among a bewildering range of alternatives. In the face of continuing economic hardship, many may begin to doubt that democracy provides the best framework for securing individual rights and promoting the general welfare of society. Civic education programs which seek to inform people of the rights and responsibilities inherent in a democratic society and the consequences of transition to the free market and democracy are therefore particularly timely and important.

A series of civic education seminars as part of a one of multi-year project could focus on the following topics:

- Current political, economic and cultural considerations of Mongolia



citizens and resident foreign nationals;

- The values and institutions of democratic society (reaching goals through democratic institutions; individual responsibilities inherent in a democratic system);
- Essential elements of democratic governments (free, fair and competitive elections; role of separation of powers; respect for rule of law);
- Role of political parties in the democratic process;
- Role of an independent press in the democratic process; and
- Economic consequences of democratic and free-market transition.

Leadership seminars for members of key groups in governmental and non-governmental sectors could also be held on the following skills in order to train them to disseminate the message they have learned to others for maximum impact:

- **Personal skills:** the personal qualities and patterns of behavior of an individual that build respect and trust among group members.
- **Analytical Skills:** the skills used in defining problems, gathering information, identifying trends, and comparing courses of action.
- **Social skills:** the skills of integration with other people that encourage productive functioning of a group.
- **Organizational skills:** the skills to articulate ideas and emotions accurately, to persuade others to work toward group goals, and to build group support for action.

VII. CONCLUSION

It is difficult to predict at this point what effect the June 28 elections will have on future Mongolian politics. There are three possible scenarios to consider.

Should Mongolia retain its multi-member majoritarian system of representation for the 1996 legislative elections, one might expect the emergence of two dominant political parties with a few minor ones. The prospects of such a scenario were enhanced by the opposition leaders who, in their combined post-election press conference, announced their intention of uniting under a single opposition banner. Prospects for such a development would be further enhanced were the factions within the MPRP to split under the burden of government -- a fate not uncommon to single parties that dominate a legislature in difficult times -- with the progressive faction joining the opposition.

Mongolia might decide to change to a minority system of representation such that voters could vote for only a single candidate to fill multiple seats within each district or to a modified system of proportional representation. In which case no more than three of four important parties would emerge -- again with a few minor ones.

Finally, it is possible that the current single-party dominant system will continue to prevail. Public frustration with continued economic hardships (which may wrongly associated with the reforms rather than with the withdrawal of Soviet aid) is likely to continue.

Future political developments in Mongolia depend in large measure on three factors: the state of the Mongolian economy over the next few years, the presidential election scheduled in 1993, and the extent of progress Mongolians make in civic and political party development.