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EPDE Policy Alert #9

Armenian Local Elections Rescheduled And Expanded Due To Municipal Amalgamations

Armenia is holding its most important¹ local (city council) elections in recent years this autumn, as the proportional party list system is expanding at the municipal level. A delayed municipal amalgamation process has pushed back dates but is now complete.

We Interrupt Your Regularly Scheduled Election Programming

While many countries tend to hold all their local elections (at least within the same region) on the same day, Armenia takes a more staggered approach, to spread out the administrative workload more evenly. Typically, the Central Electoral Commission will set three or four local election dates per year; mayoral and city council elections will be held in different communities on the day closest to the end of the incumbents' five-year terms.

- For 2020, these dates were March 15, June 14 and October 18.
- For 2021, they were (originally) March 14, September 26 and October 17.

However, when a **State of Emergency** was declared on March 16, 2020, the Constitution prevented any elections from being held, including local elections, until the provision was lifted, which did not take place until September 2020. Thus, the June 14, 2020 date was skipped.

Then, war broke out in and around Nagorno-Karabakh on September 27, 2020, and the **martial law clause** of the Constitution was invoked, which also proscribes the holding of elections. Martial law was not lifted until March 24, 2021. Thus, even the March 14, 2021 date was skipped, although a ceasefire had been signed back in November 2020.

Thus, a large number of elections were to be held on September 26, 2021, including the second- and third-largest cities of Gyumri and Vanadzor. However, following the early parliamentary election on June 20, 2021, the **September 26 date was canceled** by the Central Electoral Commission (CEC) and replaced with November 14. Since the parties represented in the National Assembly had changed, it was reasoned that the new parties needed time to train and certify their Precinct Electoral Commission (PEC) appointees. A more pressing reason, however, was that the Government wished to complete its municipal amalgamation process (which had been delayed due to the COVID-19 pandemic, then the war, then the country's political crisis) before cities elected their new council members. Later, December 5 was added

¹ H. Nazaretyan and H. Manougian. "From National to Municipal Elections," *EVN Report*, July 18, 2021. <https://www.evnreport.com/elections/from-national-to-municipal-elections>



as an additional local election date. Thus, the revised local election dates for 2021, are **October 17, November 14 and December 5**.

Dreaming Of The Big City

As part of territorial administration reforms, a process of combining municipalities (cities and towns) began back in 2016. A number of cities (ex. Dilijan, Goris, and Meghri) had already absorbed their neighbouring villages during a trial stage and it was decided to roll out the approach country-wide. After a series of delays, a proposal to consolidate Armenia's 502 municipalities into just 78 was published for public comment at the end of August 2021. It passed through the two required readings in Parliament, as Bill G-017, in one day on September 24 and was signed into law by the President on October 4.

The 38 newly-amalgamated municipalities created by Bill G-017 will elect their new city councils on December 5. The timelines are extremely tight, as political parties must submit their candidate lists by October 31 to participate. The two opposition factions in parliament (Armenia Alliance and I'm Honoured Alliance) had urged President Armen Sarkissian not to sign the law and instead send it for review to the Constitutional Court, arguing that the constitutional provision to consult with the affected municipalities was not adequately met. They may yet attempt to apply to the Constitutional Court themselves, but the electoral process has already begun.

(Almost) Everything In Proportion

Until now, except for the three largest cities of Yerevan, Gyumri, and Vanadzor, mayors and city councils in Armenia have been elected directly, using a majoritarian First-Past-The-Post system. Candidates could be endorsed by a political party, but they all stood for election individually.

In June 2020, a tri-partisan bill² reformed the municipal electoral system, such that cities with at least 4,000 registered voters would use the system of proportional party lists used in Yerevan, Gyumri and Vanadzor. Under this method, voters choose only their preferred party and city council seats are allocated proportionally to the parties based on their vote share. Mayors are no longer elected directly, but selected by the city council.

To a large extent, the municipal amalgamation process targeted larger cities of at least 4,000 registered voters. However, there were two that were still under this threshold after amalgamation. A few villages populated predominantly by ethnic minorities were also left untouched. These smaller communities will continue to use the majoritarian system and directly elect their mayors.

² H. Manougian. "Policy Alert # 3 - Armenia to expand proportional representation to municipal elections with tri-partisan bill," *European Platform for Democratic Elections*, May 7, 2020. <https://www.epde.org/en/news/details/policy-alert-3-armenia-to-expand-proportional-representation-to-municipal-elections-with-tri-partisan-bill.html>



The proportional model is expected to help political party institutionalization and also expand the representation of women, as candidate lists must meet a 1-in-3 gender quota. A July 2020 report³ by OxYGen NGO had found that a majority of city councils in Armenia had zero women representatives, and the country-wide average was 9.8%.

The reform also lowered the electoral threshold at the municipal level from 6% and 8% for political parties and alliances, respectively, to 4% and 6%. Other issues relating to bonus seats and the election of mayor by secret ballot, which led to boycotts of city council sessions in Gyumri and Vanadzor in 2016,⁴ have also been addressed.

Autumn 2021 marks the first time these amendments will apply, as a majority of the country, including all 10 regional capitals (but not Yerevan), will elect new city councils.

Under New Management

As no local elections have been held for a year and a half, the five-year terms of some mayors have already expired. In a controversial move, Nikol Pashinyan's Civil Contract Party government has taken advantage of the situation to remove incumbent mayors and replace them with loyalist appointees, who serve as Acting Mayor ahead of the next election in which they head the Civil Contract party list. This has occurred in Dilijan, Tatev and Meghri,⁵ three of the six cities holding a proportional city council election on October 17.

Armenia's 10 regions outside Yerevan are led by a regional governor, who is appointed by the Government. It is a powerful position, with greater resources at its disposal than the mayor of the regional capitals, despite not being elected. In Gyumri, the regional governor is heading the Civil Contract party list. In Tegh, in Syunik region, the Civil Contract party list is headed by the nephew of the regional governor.

Back in October 2018, when the Civil Contract Party's candidate lost the mayoral election in Kapan, Pashinyan celebrated the loss as evidence that democracy had come to Armenia. This time around, it seems that government-controlled levers are being used to maximize the incumbency advantage, even if it is artificial.

³ "Women's Political Participation in the Republic of Armenia," OxYGen Foundation, July 2020. https://oxygen.org.am/wp-content/uploads/2021/03/Women-PP_ENG.pdf

⁴ H. Manougian. "Why the 2016 Gyumri and Vanadzor Municipal Election Results Were Boycotted," *EVN Report*, November 20, 2019. <https://www.evnreport.com/politics/why-the-2016-gyumri-and-vanadzor-municipal-election-results-were-boycotted>

⁵ H. Manougian. "2021 Municipal Elections in Gyumri and Other Cities," *EVN Report*, September 14, 2021. <https://www.evnreport.com/elections/2021-municipal-elections-in-gyumri-and-other-cities>



Three Styles of Ballot

It will be a challenge to explain to voters how to fill out their ballot, as different versions will be used in different places. In towns with under 4,000 registered voters that will continue to use the majoritarian system, voters will receive two separate ballots for mayor and city council. They will be asked to use a pen and indicate with a check mark who their preferred candidate is.

In Gyumri and Vanadzor (as well as Yerevan, though they do not have an election in 2021), the same system that is used for parliamentary elections is in force. In this system, there is no need to use a pen. The voter receives separate ballot papers for each political party and places one in an envelope, which they drop into the ballot box. The unused ballot papers are disposed of in a receptacle at the voting booth. This system was introduced to solve the specific problem of “carousel voting”, where a party agent would give a voter a pre-marked ballot to cast (outside the polling station) and ask them to return the blank one they receive (which they would then mark and pass to the next voter). By eliminating the need for a pen, the system also makes it more difficult for the voter to make an identifiable marking on the ballot paper, which would violate the secrecy of the vote.

Unfortunately, during its reform of the Electoral Code in May 2021, the Government decided to use a different third approach for local elections in cities with 4,000 to 70,000 registered voters. In these cases, voters will receive one ballot paper with the names of all participating political parties on it. While in Gyumri and Vanadzor the parties’ order is decided through a random selection, in these smaller cities the parties will be placed in alphabetical order.

The system will once again require the use of a pen and roll back provisions against carousel voting. As a third voting method, it also complicates the task of voter education. Although it uses up more paper, it would have been preferable to keep the original method for all proportional elections in the country.

Also, the Electoral Code does not require that polling stations have livestreaming cameras installed, which is the case for parliamentary elections.

COVID-19 Risk Mitigation

During the parliamentary election in June, there were no special provisions for people currently infected with COVID-19 to vote; they were expected to walk into the polling station with everybody else. The country was fortunate in that the June 20 date was essentially a nadir of active cases, with less than 4,000 countrywide.

While there are still no special voting provisions for people with COVID-19, with the spread of the Delta variant, the number of cases has climbed considerably. The official number of active cases is over 18,000 but the actual number can be expected to be even higher as not everybody exhibiting symptoms is bothering to pay for a test.



Though the autumn 2021 local elections are not countrywide, they do represent a majority of the population. Administrators once again face a constitutional challenge. Enforcing quarantine restrictions on infected individuals would effectively violate their constitutional right to vote. However, allowing them to come in person to the polling location can put others at risk.

A new Ministry of Health order requires all employed individuals to get vaccinated (or pay for biweekly tests), which has driven up vaccination numbers. However, it does not cover retired seniors, who are most at risk.

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This issue is part of a series of EPDE Policy Alerts to inform relevant stakeholders and decision makers in the European Union, the Eastern Partnership, and globally about reforms in the field of electoral legislation and administration. Please feel free to forward and share our analysis.

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