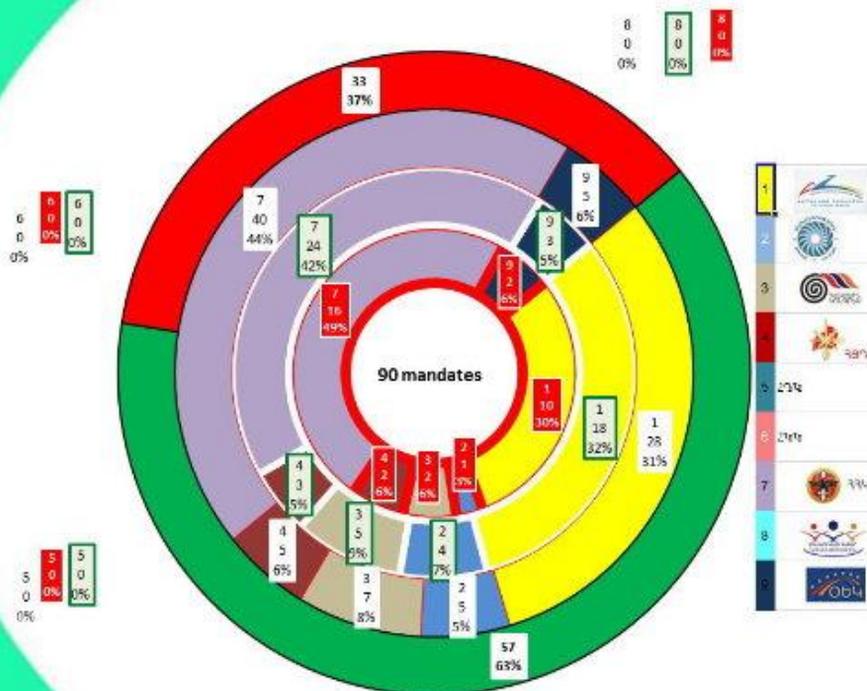


LYUDVIG KHACHATRYAN



# THE ELECTORAL RIGHTS AND FALSIFICATIONS OF ELECTIONS

# **THE ELECTORAL RIGHTS AND FALSIFICATIONS OF ELECTIONS**

The book is written as a result of studying of elections of many countries and basically twenty years' with scrupulous research of elections of Armenia.

The book presents the basic theoretical and practical legal characteristics, which are the fundamental for elections, as well as principles of the suffrage and electoral systems in different countries. The main objectives of the book are technologies of election falsification, possibilities of their prevention and methods revealing instances of falsification.

We offer a new method to compute precisely the falsifications within voting process. Additionally, the method shows clearly the legality or illegality of the decisions on the election results. One of the chapters of the book describes electronic analyzing program to oversee elections and their results. Mathematical analytical calculations of the participation of voters and results of elections have been carried out through an electronic monitoring program for elections. The analysis and conclusions obtained by our method are based on election results officially published in Russia and Armenia.

For many electoral systems we suggest a mechanism that reveals the falsifications by comparing different election numbers (figures) and method that defines exactly the possible changes of the distribution of mandates caused by falsification.

Additionally, the book recommends norms of law that can help to improve electoral legislation and thereby organize fair elections.

This book is intended for readers who are interested in elections and the suffrage. It can be useful for policy makers, experts in suffrage, for members of electoral commissions, proxies and observers, as well as students studying suffrage.

# **CONTENTS OF THE BOOK**

BOOK REVIEW (RECENSION).....	4
ABUOT ELECTRONIC MONITORING PROGRAM.....	8
<b>CHAPTER I.THE ELECTORAL RIGHTS AND SYSTEMS OF ELECTIONS</b>	<b>9</b>
<b>CHAPTER II. ELECTTORAL SYSTEMS AND ELECTED AUTHORITY</b>	<b>15</b>
FALSIFICATIONS OF ELECTIONS AND WAYS OF THEIR PREVENTION.....	18
<b>CHAPTER III.LOGISTICS OF THE FALSIFICATIONS OF THE ELECTIONS</b>	<b>18</b>
ROLE OF FALSIFICATION OF ELECTIONS IN GOVERNMENT SYSTEM .....	18
ROLE OF THE INTERNATIONAL COMMUNITIES IN FALSIFICATIONS OF ELECTIONS..	21
<b>CHAPTER IV.TECHNOLOGIES OF ELECTION FALSIFICATION</b>	<b>24</b>
<b>CHAPTER Y. POSSIBILITY OF REDUCING ELECTION FRAUD</b>	<b>31</b>
LEGISLATIVE NORMS AGAINST ELECTION FRAUD .....	32
ELECTORAL COMMISSIONS AND THEIR ACTIVITY .....	33
RULES FOR ORGANIZING AND CONDUCT OF ELECTIONS .....	34
THE PUBLICATION OF THE DATA OF THE ELECTIONS .....	35
EXACT COUNT OF RESULTS .....	36
THE ORGANIZATION OF ELECTIONS USING ELECTRONIC VOTING MACHINES .....	37
IMPORTANCE OF THE FULL ANALYSIS OF ELECTION NUMBERS .....	38
ARMENIAIN ELECTIONS 2007-2008 .....	40
ANALYSIS OF THE RUSSIA'S PARLIAMENT ELECTIONS IN 2011.....	42
ANALYSIS OF VOTING RESULTS FOR ELECTIONS OF ARMENIA IN 2012-2013	49
2012 NATIONAL ASSEMBLY PROPORTIONAL LIST OF ELECTIONS.....	51
PRESIDENTIAL ELECTIONS OF ARMENIA IN 2013.....	59
<b>CHAPTER YI. OBJECTIVE ESTIMATION OF ELECTIONS</b>	<b>78</b>
ELECTION NUMBERS .....	79
COMPARISON METHOD OF OF ELECTION NUMBERS .....	80
EXACT CALCULATION OF RESULTS OF ELECTIONS FOR DISTRIBUTION OF MANDATES ..	94
<b>CONCLUSION.....</b>	<b>99</b>
<b>REFERENCES.....</b>	<b>100</b>

## **BOOK REVIEW TO THE WORK -"THE ELECTORAL RIGHTS AND FALSIFICATIONS OF ELECTIONS"**

Lyudvig Khachatryan did the analytical work, which is original and interesting. The author, not being a lawyer by education, is a skilled expert in election laws and in the course of the referendum and electoral processes, since 1990-1991, has done analyses of the laws and elections for objective scientific work.

Work is based on a study of the elections in many countries and primarily as a result of scrupulous analysis of election processes in the Republic of Armenia. I want to notice, considered basic questions and approaches to these issues in the book could contribute to the formation of the government through fair elections in any country.

The mechanisms of a mathematical estimation of fairness of elections, for process of voting, determination of results and the accepted decisions on results of elections, which are applicable for various electoral systems, offered by author, are especially successful.

The author proposes a mathematical method for determining the legality or degree of legitimacy of the elected authorities, considering the official results published in these countries. For that the approaches of the possibilities for preventions of falsifications, methodology calculations of results of elections and methods for estimations of their results are written with special attentiveness.

I consider it necessary to note that I do not agree with the political assessments of the author expressed relatively of some elections in Republic of Armenia which are not proved from the legal point of view.

In any case L.Khachatryan's work can be useful for those who are interested in elections, especially for politicians, members of electoral commissions, authorised representatives, observers, as well as teachers and students.

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(It is written for the book published 2010. Translated from Armenian by author)

Lyudvig Khachatryan's book is extremely important and actual for the public.

The author took an active part in all elections processes, since 1989, at the beginning of serious democratic transformations in Armenia.

He was:

- The author of projects of laws, to amend the Constitution and the law for parliamentary elections for Armenian SSR in 1989.
- A member of the Republican Electoral Commission, 1990.
- Author of the draft law on referendum in the Republic of Armenia.
- Secretary of the Republican Referendum Commission in 1991-1996.
- The expert of the state-legal commission of Armenian parliament.
- The author of projects about election laws and draft election legislation of Armenia.
- Author of e-monitoring program of the elections.

The author of the book has seen and has studied the existing problems in an electoral system in all aspect. For this reason this book is particularly valuable and very contemporary.

Presidential, parliamentary and local elections in Armenia, since 1989, has shown a lot of existed problems: that is imperfection of legislative framework, a low technological level of maintenance of election process, a huge number of infringements in elections, inequalities of participants of election campaigns before the law, in particular of large-scale fraud in separate election campaigns, and absence of political will at the authorities (in any given period) to organize fair, transparent and democratic elections.

Of course the Armenian authorities and political parties operating within the framework of the National Assembly, claimed responsibility to organize elections in accordance with European requirements and standards after joining in January 2001, the Council of Europe. However, the time shows that there are still many problems, which are why time has come to systematize and analyze problems and present them to the Armenian and international public, for the best understanding of election's difficulties in Armenia and the similar countries.

In my opinion the major aspects of the book are that the author of the book presents the original concept - "a method of comparison of election numbers". The main idea of the author is that, for an estimation of scale of infringements and falsifications in elections are enough to have official data of election results. This data includes the reports from electoral precincts and the basic figures of an electoral system (the total number of voters of an electoral precinct, numbers of participants in an electoral precinct, the ballot papers in ballot box, quantity of the canceled ballot papers, the void ballot papered.). And the problem of an objective estimation of scale of infringements and falsifications on elections and their possible minimization are a paramount task for the countries where honesty of elections is in doubt.

Definitely, the author:

- rationalizes and comments the detailed list and an explanation of terms, used in election processes;
- shows the basic electoral systems existing in the world, comprehensively opens mechanisms of calculation of numbers for distribution of mandates in multi-party election systems;
- investigates communication between electoral systems with future political systems formed on this basis;
- Comprehensive investigates and systematizes of the violations that occurred in different years, in various elections (presidential, parliamentary and local, for example in Armenia);
- gives recommendations and specific proposals for the purpose of reduction, or minimization of elections rules infringements and the falsifications, these recommendations include also necessary legislative changes;
- Has examined the problems which have arisen in all elections (presidential, parliamentary and local) in Armenia, since 1999, in detail, on the basis of its method - "the method of comparison of election numbers";

Let's notice, in the book, Ludvig Khachatryan in some cases gives political estimations of elections, and also estimation for international observers in elections, how much effectively and impartially they operated.

The main difficulty in the book is presence of a large number of mathematical symbols and formulas. To some extent it surely complicates perception and comprehension of the material in the book. However, the fact that the book is intended for the experts, for people dealing with electoral systems, for lawyers of the suffrage, for political and public figures for whom elections are a part of their professional work, and also for the international experts who are engaged in perfection of the international suffrage and observing the elections, it compensates this drawback.

In conclusion I would like to say, that the most part of **Chapters** has original character. Besides that, the “method of comparison of election numbers” can help, both to estimate, and reduce the level of possible violations and election fraud. “The method of comparison of election numbers” is quite universal and can be recommended for consideration for mission of OSCE and CE which periodically monitor the elections.

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and Regional Cooperation (ACGRC)  
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((It is written for the book published 2010. Translated from Russian by author)

One of the chapters of the book describes electronic analyzing program to oversee elections and their results. The program compares dozens of election numbers of a given polling station, separates out precincts, where election numbers differ markedly and thereby establishes the scale of the falsification. Moreover, the program estimates the voting rate (Physical possible speed of voting) for each voting station and according to the officially published data during the voting process shows when its upper physical possible permissibility is violated by falsification.

During the voting day, throughout all precincts it has been checked the participation exceeding the physical capacity of voting process and precincts with such participation have been sorted out. The results of voting and comparative analytical data have been calculated and have been shown immediately.

There have been revealed and separated out those precincts, where breaches of legal requirements and electoral procedures, inaccuracies, ballot stuffing, as well as mismatches in the numbers of voters, ballot papers, ballot envelopes, participation, votes and other voting numbers have been detected.

Mathematical analytical calculations of the participation of voters and results of elections have been carried out through an electronic monitoring program for elections, developed and conducted by the author. The monitoring program is based on the methods, described in the book. Based on the electronic monitoring program, the book presents analysis of the electoral processes during 2011 parliamentary (State Duma) elections in Russia and parliamentary and presidential elections held in Armenia in 2003 - 2013.

The project of analysis of the voting processes of the 2012 National Assembly (Parliament), 2013 presidential and 2013 Yerevan City Council elections in Armenia was implemented by Transparency International Anticorruption Center (TIAC) public organization with the team lead by the author of the book. The project was supported by Open Society Foundation – Budapest Human Rights Initiative and Open Society – Foundations – Armenia. The analysis results was published in booklet (ELECTRONIC MONITORING OF 2012-2013 ELECTIONS IN THE REPUBLIC OF ARMENIA) and included in this book too.

Instructions on how to use the program of electronic monitoring of elections and complete and detailed results of the monitoring with corresponding diagrams, charts, explanations and analysis are published on the author's web site [www.electionscount.info](http://www.electionscount.info) and TIAC web site: [www.transparency.am](http://www.transparency.am) (see 2012 and 2013 national elections and Yerevan City Council 2013 elections or visit <http://elections.transparency.am/>). The users of the web site have a chance to compare, check and find out possible inaccuracies in the officially published voters lists. They also can find out the recording speed of registration of the voters, who came to vote, and changes of voting distributions depending on the numbers of participated voters in the electoral precincts. They also can look and compare the election numbers and graphic charts formed from the comparison with each other.

### **IMPORTANCE OF THE FULL ANALYSIS OF ELECTION NUMBERS**

Let's present circumstance which is important for disclosing of falsification and its estimation. Discrepancy of election numbers is characteristic to the falsifications. Therefore the analysis of election numbers can open the fact, reveal, how much the process of voting and calculation of votes is fairly, and if to compare (to correlate) them with other events connected with an election can be estimated a falsifications in elections.

The all-round analysis of election numbers has a great importance for estimation the falsifications of the elections for the reason that if elections were held, without any deviation from the laws, then there would be no discrepancy between these figures. To Say election numbers, we mean all those figures which are connected with elections.

Election numbers it is quantity of voters, envelopes and ballot papers allocation to a polling station, number of participants in voting in certain intervals of time, the used envelopes and the ballot papers which have been not used, the extinguished envelopes and ballot papers, quantity of participants in voting, signatures of voters, quantity of envelopes and ballot papers in the ballot-box, the distributed votes valid and void ballot papers est.

Election numbers must conform to one another. For example, the quantity of participants in voting in a polling station should be equal to the number of voters' signatures in the lists and the number of ballots in ballot boxes, but cannot be greater than the number of voters in the polling station Etc.

Obviously, the discrepancy between election figures show that in the polling station there was a deviation from the laws, otherwise, if the voter does not execute action in conformity to the law then it should have been recorded in the minutes of the committee. And if the commission has not filed a report and there are such discrepancies between election numbers, which should not be, it means that the commission operated not properly, to say it mildly.

In other words, for example, if the voter signed the electoral list, but did not vote, then the fact should be recorded. It is even worse, if in

the ballot-box will appear more ballot papers, than quantity of participants, so there was a dump of ballot papers in a ballot box by permission of the election precinct commission.

The fact of discrepancies between the election numbers proving to falsification of elections, often considered as technical error as not influenced to result of election, and that in this case, the vote and their results are forged ignored. The quantity numbers of voters in a precinct or full quantity of voters taken part in the vote which can change the distribution of mandates and the person, who is elected, often are not taken in an attention, what is important to assess the election results.

Depending on an electoral system, certain norms of laws it is possible to count up the minimum number of errors changing a parity of distribution of mandates. And if discrepancies of election numbers compare with the number of errors, it is possible to give a quantitative and quality assessment of the election. If the sum of numbers of mismatch between election numbers of all polling stations greater than the minimum number of errors, then awarding the mandate to someone from the candidates means a manifestation of a subjective approach to the election. The minimum number of errors changing a parity of distribution of mandates depends on the established numbers at law and electoral system. In any case, having data of election numbers in an election it is possible to define the minimum number of errors changing a parity of distribution of mandates. It is possible that one voice can change the parity of distribution of mandates, so the minimum number of errors changing a parity of distribution of mandates is equal to unit. For example, a single vote can suffice election has not fallen through or someone could be elected.

Mapping and comparison of the election numbers among themselves may determine whether the vote and the vote count carried out in accordance with the law, and to detect fraud. Clearly, if there is a mismatch at the polling station of election numbers, therein there were violations.

For example, there are many discrepancies between the election numbers, according to official data on Russia's parliament elections 2011 and on almost all previous elections in Armenia.

### ARMENIAN ELECTIONS 2007-2008

Let's compare official data of parliamentary proportional elections of 2007 in Armenia.

- Number of voters before voting in the country was 2298931; in the end of vote increase 2319722.
- The absolute number of voters has changed on 71569 in 1492 precincts, in 636 precincts has increased on 46180, and in 856 precincts has decreased by 25389 voters.
- There were on 12,535 participants more than the number of voters was in day of voting at 49 precincts.
- There were more than 100% of the votes at 15 precincts.
- There were 16,660 election numbers inconsistencies in the 1310 polling stations.
- Officially recorded 14,665 inaccuracies in the 1145 precincts.
- Number of ballot papers in ballot boxes on 1286 exceeded to the number of envelopes in the ballot boxes in 191 precincts.
- Number of ballot papers in ballot boxes on 1481 exceeded to the number of participating at 142 precincts.
- The number of envelopes in the ballot boxes more by 6,302 than participants in 515 precincts.

In many stations election numbers, which should be identical to simultaneously for proportional and for majority elections, are mismatched. There were criminal cases against some members of the election commissions but the election results are considered valid.

Mapping and comparison of official data of the presidential elections, in Armenia 2008, shows that:

- Number of voters before voting in the country was 2317700; in the end of vote increase and become 232883.
- In the voting lists the date of the day and month of birth were not indicated for the 70045 voters;
- Comparing the officially published figures, is obtained dump of ballots, number of ballots in ballot boxes more by 21984 than the number of participants in 55 precincts.
- There were more than 200% of the votes; it is 9360, in 22 precincts.

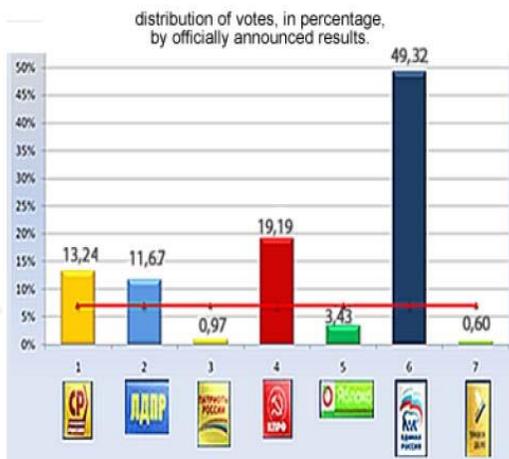
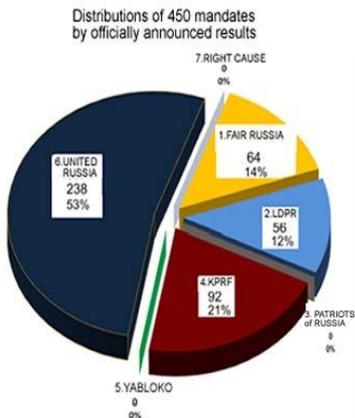
- More than 90% of participants recorded in 191 precincts;
- There were recorded 36000 votes more than the capacity of stations, i.e. physical ability to serving voting in stations for one day, it were in 195 precincts, unfortunately there is not official data for one hour.
- There were discrepancies of election numbers among themselves in 637 precincts, thus, if to take only one maximum figure of discrepancy of election numbers, on each precincts, their sum will be 10988, but meanwhile officially were reported 6720 discrepancies;

## RUSSIA'S PARLIAMENT ELECTIONS 2011

## ANALYSIS OF THE RUSSIA'S PARLIAMENT ELECTIONS BY RESULTS OF COMPARISON OF ELECTION NUMBERS OFFICIALLY PUBLISHED ON A WEBSITE CIKRF.RU 2011.

We present Results of analyses for really possible (probable) results of elections, taking into consideration discrepancies between the election numbers, by use of “the method of definition of falsifications, in mathematical way, and their influence on result of elections” described in this book.

We present conceptualization results of comparison of election numbers officially published on a website cikrf.ru, on a basis of "method of comparison of election numbers and method of **exact calculation of results of elections for distribution of mandates**".



Below are shown results of analyses comparison among themselves election numbers, by data on districts. The analyses could be more precisely if author had data from - There were more than 200% of the votes; it is 9360, in 22 precincts. Here are results of analyses of data for 2746 districts, including the 2 foreign;

1. for the pure 937 districts where election numbers coincide among themselves
2. for the not pure 1089 districts where election numbers do not coincide among themselves
3. for the districts where the ballots in ballot boxes is more than quantity the voters who have taken part in vote.

For example;

The name of the election commission	Number of the voters in the list	Number of the ballots received by the local election commission	Number of the ballots given to voters	Number of the canceled ballots	Number of invalid ballots	Number of ballots in boxes
<i>The Chuvash Republic - Chuvashiya Sverdlovsk area - Kamensk-Ural</i> Marposadsky	18633	18025	13904	4120	477	13905
Kamyshlovsky	21058	19150	12226	6924	247	12227

4. by districts considering improbable big percent of participation of voters in voting. For example;

More than 99 % participations are fixed in 48 districts with the total number of voters 1061107, with distribution of votes in percentage.



- 1 Political Party the FAIR RUSSIA
- 2 Political Party “Liberal-democratic party of Russia”
- 3 Political Party “PATRIOTS of RUSSIA”
- 4 Political Party “Communist party of the Russian Federation”
- 5 Political Party “Russian United Democratic Party “YABLOKO”
- 6 The All-Russia Political Party “UNITED RUSSIA”
- 7 All-Russia Political Party “RIGHT CAUSE”

The general diagram for distribution of mandates turns out in pure and dirty districts, comparing every possible variant, considering the least possibility of change of distribution of mandates.

External circle of the diagram:



Amount of allocated mandates by dirty districts, the share of mandates falling to districts where there are discrepancies of election numbers among themselves.



Amount of allocated mandates by pure districts, the share of mandates falling to districts where there are no discrepancies of election numbers among themselves.

The second circle:

- N The number for the political party in the ballot.
- M Amount of the mandates counted up for parties and percent from the general number of mandates, for all districts.
- a% Percent from the total number of mandates, the share of mandates falling to the political party.

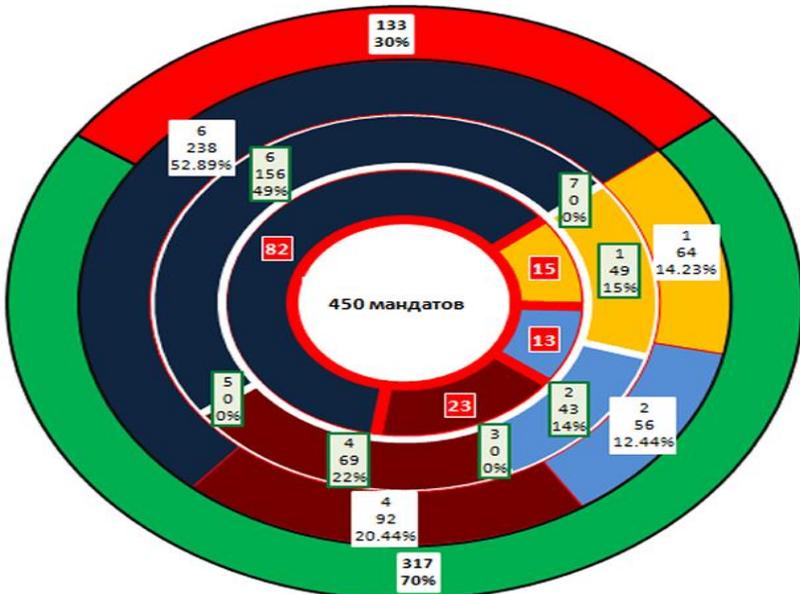
The third circle:

- N The number for the political party in the ballot.
- Mn Amount of the mandates counted up for parties and percent from the number of mandates, for all pure districts.
- a% Percent from the total number of mandates, the share of mandates falling to the political party.

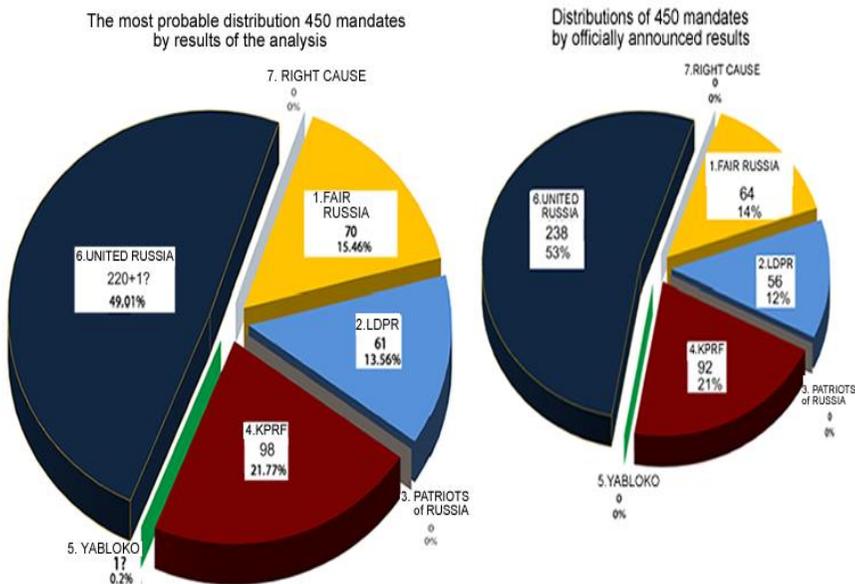
Internal circle:



Amount of the mandates counted up for parties on dirty districts, where election numbers do not coincide among themselves, number of mandates is located in a red part of a circle.



Using a method of comparison of election numbers and the method of definition of falsifications, in mathematical way, and their influence on result of elections, taking into account the above-stated results of the analysis, which is made by officially published data, with attempt to consider a variant for possible least change of distribution of mandates, is resumed the next most probable distribution of mandates.



If there would be full data of election numbers from all polling stations, and not just from districts, it would be possible with the large accuracy to define real, instead of most possibly possible, results of elections, i.e. with high accuracy to estimate degree of cleanliness of the organization of a voting procedure and calculation of results of votes, though the done analyses on the basis of election numbers from districts enough not bad shows degree of honesty of election results.

2. According to officially published data about participation of the periodicity for 3 hours there are a lot of electoral precincts where the quickness of poll is less probable.

The polling stations can serve only some voters by one or two lists a certain period of time. We can reveal the falsifications if we consider the minimum possible time, in seconds, which can be spent in accordance with the procedure for the registration of voters in the voter list, even without taking into account the time spent in the voting booth and ballot box and comparing it with the precincts data.

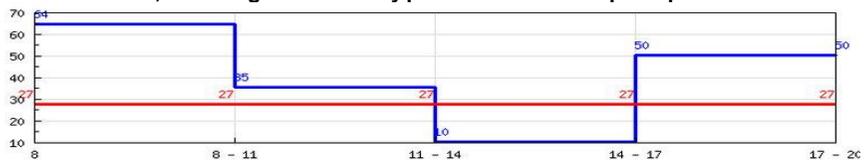
If we observe those electoral precincts, which have registered much more participation from the possible permission, and without stop, during 3 hours in the case of continuous stream of voters it is less possible or impossible participation, its quantity will reach more than 100%, moreover with high percentage of participation, average of 75%.

For example we introduce the graphic chart for one of the electoral precincts, N 40/32, which has been calculated and formed based on the published data about participation.

Here for one person in one list the average minimum quickness of registration has been calculated impossibly 21 seconds. Therefore with 2 lists for simultaneous registration in the election district the time of registration for participation in poll has been calculated twice less than 21 seconds. In the indicated election district in two lists of voters has been recorded average minimum impossible quickness of 10 seconds. So it means 1071 voters during 3 hours.

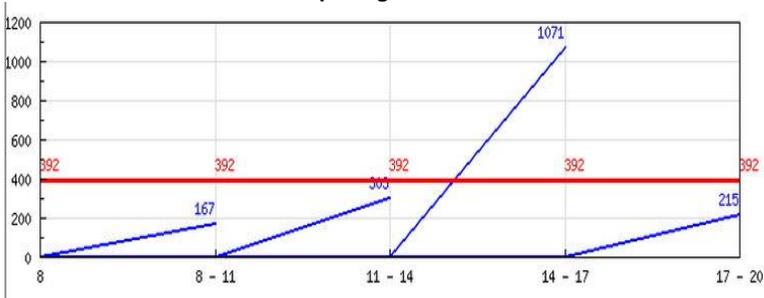
**Precinct N 40/32**

**Comparison of the average voting time, for every voter, with the indicated physically possible average time in seconds, during 3 hours in the case of continuous stream of voters, according to the officially published data about participation**



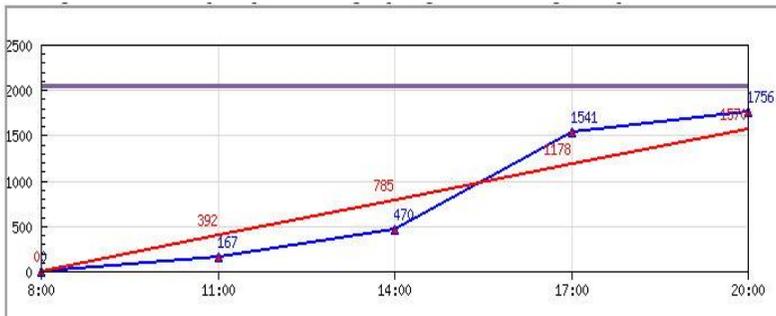
- The average spent time in seconds for one voter in polling station in current three hours period
- The possible minimum average spent time in seconds for one voter in polling station in current three hours period

Diagrams for amount of participation in voting in a three hours for selected polling station



- The possible maximum number of participants in voting, each three hours, by chosen possible maximum speed, for one voter
- Amount of participation in voting in a three hours for selected polling station

Diagrams for amount of participation in voting on polling stations according official published information



- Total number of electors in polling station.
- The possible number of participants in voting, at the corresponding time, according chosen possible maximum speed, for one voter
- The number of participants in voting according Official published information, in three hours periods

The average percentage of participation in more than 100 indicated electoral precincts is 75%.

Moreover, the participation in 70 electoral precincts outnumbers 70%.

The participation in 30 electoral precincts outnumbers 80%.

The participation in 10 electoral precincts outnumbers 90%.

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1. What main principles of the suffrage and electoral systems?
2. What authorities will be formed depending on electoral systems?
3. What is the logic of falsifications?
4. What possible technologies of falsifications and how to prevent falsifications of elections?
5. How to identify electoral riggings through the mathematical analytical calculations using officially published data?
6. How mathematically to define influence of falsifications on result of elections?

You will find the qualified answers to the specified questions in this book.

### The electoral rights and falsifications of elections

The book presents principles of the suffrage and acting electoral systems in different countries. The main objectives of the book are election falsification technologies, possibilities of their prevention and falsification revealing methods.

We offer a new method to compute precisely the falsifications within voting process. Additionally, the method shows clearly the legality or illegality of the decisions on the election results. The analysis and conclusions obtained by our method are based on election results officially published in (CIS countries).

For many electoral systems we suggest a mechanism that reveals the falsifications by comparing different election numbers (figures) and a method that defines exactly the possible changes of the distribution of mandates caused by falsifications.

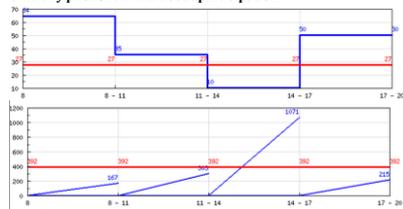
The book is intended for readers interested in elections and the suffrage. It can be useful for policy makers, for experts of the suffrage, for electoral commission members, for proxies and observers and for students and senior pupils studying the law.

Additionally, the book suggests norms of law that can help us to improve the electoral legislation and thereby organize fair elections.

### Electronic monitoring program

We suggest an electronic analyzing program to control elections and their results. The program compares dozens of election numbers of a given polling place, separates out precincts where election numbers differ markedly and thereby establishes scale of the falsification. Moreover, the program estimates the voting rate for each voting place and during the voting process shows on-line when its upper physical possible permissibility is violated by falsification.

Example:: ANALYSIS OF VOTING RESULTS FOR NATIONAL ASSEMBLY PROPORTIONAL LIST ELECTIONS OF ARMENIA 2012  
**Comparison of the average voting time, for every voter, with the indicated physically possible average time in seconds, during 3 hours in the case of continuous stream of voters, according to the officially published data about participation.**



### Electronic voting

The electronic analyzing program becomes more efficient when an electronic voting is organized. For this purpose one can use electronic machines that distinguish fingerprints and maintains the principle one person-one vote. The vantage of the electronic machine is that it performs transparent voting and concurrently prints out bulletins in order to have a control on the machine.

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The first version of book published in Armenian language 2010, which presents analysis of elections in Armenia, has this registrations data

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Հեղինակային հրատարակություն, 2010թ. Երևան  
148 էջ  
ՀՏՂ 34.2.8  
ԳՄՂ 67.99(2)05  
Խ 282

ISBN 978-9939-53-733-7

