

# ELECTIONS IN TURKEY: FAIR OR FRAUD-RIDDEN?

*Even though elections in Turkey are generally considered “free and fair” by the international community, there are procedures that cast a shadow of doubt. This is particularly the case regarding some practices of the Supreme Election Board (YSK) – the body responsible for the elections. At a time of dramatic political polarization, as well as three approaching elections, this article draws attention to the potential for election fraud in Turkey.*

Cem Toker\*



\* Cem Toker is the Chairman of the Liberal Democratic Party (LDP) in Turkey.

**A**n article questioning the legitimacy of Turkey's electoral system may come as a shock to many casual observers. After all, aside from having a high threshold for parties to gain representation in Parliament<sup>1</sup> and serious problems regarding media freedom, Turkey is generally known for having professional management of its elections.<sup>2</sup> However, there are irregularities that are often overlooked. Disruptive power outages in Ankara and Istanbul during the vote-counting and data-entry hours in 2009, for example, led opposition parties to claim that results were tilted. As demonstrated below, this case is one of many causes for concern in Turkey's upcoming elections.

Further, election results have in recent years taken on increasing importance as a tool of political dominance. During his 11-year rule, Prime Minister Recep Tayyip Erdoğan has justified most of his government's democratically controversial policies with the crude understanding of "majority rule." He points to the election results that gave his party an absolute majority in parliament, identifying this majority as "the national will" and therefore justification for leading the country in whatever way he sees fit. According to Erdoğan, "the biggest theft is the theft of the 'national will'."<sup>3</sup> This article suggests that the Supreme Election Board (YSK), advertently or inadvertently, might be involved in manipulating the "national will."

Particularly given the current political polarization in the country, it is important that international election observers dig deeply below the surface to scrutinize the fairness and openness of the three upcoming elections in Turkey: local in March 2014, presidential in the summer of 2014, and parliamentary in the spring of 2015. Rather than simply observing procedures at polling stations, this article suggests that the focus should be on the number and custodial chain of flow of ballots before and after the elections, data entry at local election offices after the polls close, and most importantly, the transmission of data and main server-related procedures.

This article therefore focuses on the practices of the YSK, which handles all elections and related voter registration processes in Turkey. The YSK is comprised of senior judges whose rulings regarding the elections cannot be appealed to any other legal body including the Constitutional Court, and is thus an extremely powerful

1 The 10 percent national election threshold, the highest in the world, leads to grossly disproportional representation in the Turkish Parliament. For example, the 2002 elections granted nearly 65 percent of parliamentary seats to the AKP, it had only received 32 percent of the popular vote. Nevertheless, every act of the government is justified as a so-called reflection of the "national will."

2 While Turkey is known as the country with the most jailed journalists, limits on a free press extend far beyond imprisonment. For a good discussion of the complex business links between the AKP and media barons that serve to "muzzle" criticism, see: "The Turkish Media Muzzle," *Al-Jazeera*, 2 April 2013, <http://www.aljazeera.com/programmes/listeningpost/2013/04/201342104340948788.html>

3 "Turkish PM Erdoğan slams media, investors, opposition," *Hurriyet Daily News*, 28 January 2014, <http://www.hurriyetdailynews.com/Default.aspx?pageID=238&nid=61665&NewsCatID=338>

institution of Turkey's electoral system. The following section investigates irregularities observed in the run-up to Turkey's approaching elections, justifying this article's cause for concern.

### *Fluctuating Voter Numbers*

According to the official numbers of the YSK, the number of registered voters went up by 1.02 percent between 2002-7. It is surprising that the total number of voters between 2007-14 increased by 29 percent. More surprising is that the population of Turkey increased by less than 10 percent in this latter period.<sup>4</sup> As the figure below demonstrates, although Turkey's population has grown steadily, the number of registered voters reflects inexplicably sharp fluctuations.

Year	% of AKP Vote	Registered Voters	Population
2002 (P)	34.28%	41,407,027	65.2 million
2004 (L)	54.80%	43,552,931	66.8 million
2007 (P) (R)	46.58%	42,571,284	69.5 million
2009 (L)	38.39%	48,049,446	71.2 million
2010 (R)	n/a	49,495,493	72.0 million
2011 (P)	49.83%	50,189,930	73.0 million
2014 (L)		54,971,000	76.6 million (est)

(P): Parliamentary

(L): Local

(R): Referendum

The YSK justifies the decline in the number of registered voters by nearly 2 million between 2004-7 –despite population growth of nearly 3 million– with the “elimination of duplicate entries from the voter records,”<sup>5</sup> without providing any official proof.<sup>6</sup> On the other hand, the sudden increase of nearly 5.5 million voters between 2007-10 –an increase of over 10 million voters in just four years– is explained by the YSK by pointing to the switch from a “voluntary registration system” to an “address-based voter system” in 2008.<sup>7</sup>

4 “Seçmen sayısında şüpheli artış,” [Suspicious increase in the number of voters], *Cumhuriyet*, 26 November 2013, [http://www.cumhuriyet.com.tr/haber/turkiye/13081/Secmen\\_sayisinda\\_supheli\\_artis.html](http://www.cumhuriyet.com.tr/haber/turkiye/13081/Secmen_sayisinda_supheli_artis.html)

5 Prior to the 2007 general election, the YSK would make the list of registered voters publicly available before the elections. Those whose names did not appear on the lists could then voluntarily register. This system was vulnerable to multi-registry of individuals from various locations, thus enabling them to vote more than once in the same election.

6 “Seçmen sayısında büyük çelişki,” [Huge discrepancy in electorate numbers], *Bugün*, 30 April 2011, <http://politika.bugun.com.tr/ysknin-son-bombasi-haberi/152697>

7 “Seçmen sayısı iki seçim arasında ne kadar arttı?” [How much did the electorate numbers increase between two elections?], *Milliyet*, 31 May 2011, <http://siyaset.milliyet.com.tr/secmen-sayisi-iki-secim-arasinda-ne-kadar-artti-/siyaset/siyasetdetay/31.05.2011/1396959/default.htm>

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According to this system, introduced prior to the 2009 local elections, every Turkish citizen was supposedly registered by the government based on the physical address at which he or she resided. The YSK used this database to update its voter registry. However, there were large numbers of press reports and citizen complaints throughout the country of voter registries of people living on the fifth or sixth floors of a three-story building, and of multiple families shown as residing

in the same flat. In a controversial and unprecedented decision, the Turkish Statistics Institution (TUIK) decided on 20 November 2008 to destroy all records used for “address-based voter registry” –less than a year after it was made public. Despite objections from political parties and opinion leaders, the agency destroyed all data.<sup>8</sup>

In another controversial decision, in 2009 the YSK decided –after decades of use– to stop the practice of placing dye on the index finger of the voters in order to avoid duplicate voting. Furthermore, YSK refused to publish the results of the 2010 referendum on ballot box basis, meaning it was impossible to find out the breakdown of votes at a ballot box, only aggregate figures were shared. When a number of political parties and figures, including CHP Konya Deputy Atilla Kart, challenged the logic behind this ruling, the only official explanation from YSK was that it was an “administrative ruling.”<sup>9</sup>

It should also be noted that Turkey first began using the software developed by Sun Microsystems called Computer Supported Centralized Voter Roll System (SECSIS) in 2007, before the parliamentary elections. The technical debate surrounding the controversy of this system still continues in Turkey.<sup>10</sup> Critics suggest that this system is vulnerable to electronic manipulation and programming, thus also having the potential to skew ballot box results.

8 Tarhan Erdem, “Adrese dayalı seçmen kütükleri evrakının imhası,” [The destruction of address-based electoral registry documents], *Radikal*, 5 December 2008,

[http://www.radikal.com.tr/yazarlar/tarhan\\_erdem/adrese\\_dayali\\_secmen\\_kutukleri\\_evrakinin\\_imhasi-911433](http://www.radikal.com.tr/yazarlar/tarhan_erdem/adrese_dayali_secmen_kutukleri_evrakinin_imhasi-911433)

9 Oktay Ekşi, “Saydamlıktan neden korkuyoruz?,” [Why are we afraid of transparency?], *Hürriyet*, 11 August 2007, [http://www.hurriyet.com.tr/yazarlar/7067113\\_p.asp](http://www.hurriyet.com.tr/yazarlar/7067113_p.asp)

10 “SEÇSİS alarm veriyor, YSK sessiz,” [SEÇSİS is giving alarm signals, YSK remains silent], *Radikal*, 6 September 2010, [http://www.radikal.com.tr/turkiye/secsis\\_alarm\\_veriyor\\_ysk\\_sessiz-1017480](http://www.radikal.com.tr/turkiye/secsis_alarm_veriyor_ysk_sessiz-1017480)

### *Disappearing Ballots*

Suspicion of ballot irregularities was perhaps most prominent following the 2011 Parliamentary elections. Prior to these elections, the YSK decided to have 19 million (or 38 percent) more ballots printed than the number of registered voters, ordering nearly 69 million ballots. It should be noted that in all previous elections, the YSK traditionally has only ordered around 5-10 percent extra ballots printed. Despite the fact that under no circumstances may a citizen who is given a ballot at the polling station request that it be replaced with a new one, no official explanation was provided regarding the need for 19 million additional ballots.

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Five days after the June 2011 parliamentary elections, in a letter to YSK (correspondence #14760), the Liberal Democratic Party (LDP) questioned the fate and the storage locations of these extra 19 million ballots, as well as the approximately 6.5 million unused ballots belonging to voters who did not go to the polls. After all, transporting, storing, and maintaining the custodial chain of possession of nearly 26 million ballots plus that many envelopes would present a challenge to YSK.

In its response to the LDP on 22 June 2011 (Correspondence #3849), the YSK indicated that all used and unused ballots are kept in local election boards for two years. They are then shipped to the “General Directorate of Archives”, –which operates under the jurisdiction of the Prime Ministry– and shredded.

In August 2013, the LDP sent an official letter to the General Directorate of Archives inquiring whether the destruction of previous elections’ used and unused ballots is in their official job description. Rather than providing a yes or no answer, the officials at the General Directorate of Archives suggested that the LDP pose this question to the YSK. LDP then insisted upon an answer to the initial question, pointing out that the YSK is not responsible for defining the mission of the General Directorate for Archives. Eventually officials stated to the LDP that it was not among the Directorate’s responsibilities to shred and destroy the ballots.

Only after LDP presented the YSK letter of 2011 to the General Directorate of Archives, indicating that all ballots are handed over to the archives agency to be shredded would the agency admit that ballots were received from YSK in the summer of 2013 and destroyed in one of their facilities.

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These contradictory statements and inconsistent official responses from government agencies simply strengthen conspiracy theories regarding the already controversial practice of printing 19 million extra ballots and their whereabouts. According to some segments of Turkish public opinion, these extra ballots were discreetly distributed to local officials of the AKP after being stamped

“yes” for the ruling party. These ballots were then handed over to trusted party members –especially in rural areas– where voters would deposit the pre-stamped ballot into the ballot box, and keep the one issued to them at the polls. After the elections, they were supposedly monetarily rewarded upon submission of the blank ballot to a party official.

It is no secret that, after each election, used and unused ballots turn up in dumpsters in Turkey. Since they are believed not to be in quantities significant enough to change the outcome of the elections, however, no legal steps have been taken so far.

In order to address this problem, the LDP urged the YSK to code ballots with numbers indicating the city, town, and polling station to which they are assigned. In its response, officials at the YSK indicated that all information printed on the ballots is governed by the respective election laws and a legislative amendment would be required in order to place codes on the ballots. Through direct contact and media, the LDP has called upon parties represented in parliament to initiate this change. However, no party has responded to the LDP’s call so far.

### ***Transparency and Oversight Concerns***

In the summer of 2013, the YSK announced that it would scan and make public every official ballot over the Internet. Since there will be nearly 200,000 ballot boxes in Turkey during the 2014 local elections, publishing all ballots before the period

in which objections to declared outcomes can be made expires –usually within 72 hours following the elections– would require a monumental effort. As of February 2014, almost two months before the elections, it is not yet clear whether the YSK will have the resources to accomplish this task.

After the LDP inquired earlier in January 2014 as to whether the YSK still intended to publish election results on a per-ballot box basis, the YSK responded vaguely that it will make all efforts to ensure that Turkish voters benefit from state of the art technology in tracking election results. This was far from a clarification of the issue.

It should also be noted that, although the entire election process and its oversight are assigned to the YSK, which is part of the judicial branch, the software and electronic components of the elections continue to remain in the control of agencies that are part of the executive branch:

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- The list of registered voters and their addresses is provided to the YSK by the General Directorate of Population, serving under the Ministry of Interior.
- A database called UYAP, controlled only by the Ministry of Justice, is used for the flow of election results electronically from local data entry to the main server.
- All Internet lines are under the scrutiny and jurisdiction of the Ministry of Transportation.

### **Conclusion**

Any informed citizen, after putting the pieces of this puzzle together, would have reasonable doubt about the controversial practices utilized before and after each election since the AKP came to power in 2002.

A loss in showing in the elections would take away AKP's ability to justify its controversial policies with the argument that this is the choice of the nation. It would increase the chances that AKP affiliates be pressured to give account for corruption and other violations. Given the tense and polarized climate following mass protest against Erdoğan's heavy-handed rule during the Gezi protests, and the public outcry in the wake of the corruption investigations initiated against AKP insiders on 17 December, the potential seems high for the AKP to try to use whatever means available to establish that it is not losing ground among the public. Historical irregularities at the ballot box and beyond suggest that electoral manipulation may be one of these means.

Elements of Turkey's civil society are preparing to counteract any such efforts that may arise. Several local citizens' initiatives are hoping to match official YSK results to those observed by nonpartisan volunteers at the polling stations. One of the largest of these citizen initiatives is located in Istanbul, called "Oy ve Ötesi" or "Vote and Beyond" ([www.oyveotesi.org](http://www.oyveotesi.org)). Volunteers will transmit numbers on the official logs to a database where cumulative totals for all parties are tracked. The totals will then be compared to the official results published. The initiative, however, is struggling to assign volunteers to monitor the counting and logging of votes at 33,000 ballot boxes in nearly 1,600 polling stations in Istanbul. Further, this initiative will be useful only if YSK publishes the official results on per-ballot box basis before the objection period ends.

Given limited domestic capacity to ensure transparency, and the concerns regarding the potential for vote-rigging outlined above, the international election observers and community should closely monitor all phases of the three consecutive elections to take place in 2014 and 2015 in Turkey. Ensuring free, democratic, and fair elections allowing for a peaceful transition of power in Turkey is vital especially in a period when Turkish democracy is promoted as a model to regimes struggling to transition to democracy in the Arab world.

International agencies, like OSCE's Office for Democratic Institutions and Human Rights based in Warsaw and The Election Observation Mission of The Parliamentary Assembly of Council of Europe can have unhindered access to monitor electronic data entry and to the main servers during and after the elections. Turkish press, political parties, and citizen initiative groups are mostly banned from observing these steps.

Despite all the democratization rhetoric from the AKP government in the last 11 years, Turkey has steadily dropped down to 88th place in Economist Intelligence Unit Democracy Index in 2012 and continues to be listed a “hybrid regime”.<sup>11</sup> For Turkey, as a member of NATO since 1952 and as a country involved in EU membership talks for the last decade, conducting fair and democratic elections should be one of the primary prerequisites. After all, it is more than fair to expect Turkey to meet the standards of the union of nations she has been pursuing to become a part of.

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11 “Democracy index 2012: Democracy at a standstill,” *The Economist Intelligence Unit*, March 2013, [https://portoncv.gov.cv/dhub/porton\\_por\\_global.open\\_file?p\\_doc\\_id=1034](https://portoncv.gov.cv/dhub/porton_por_global.open_file?p_doc_id=1034)