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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF LATVIA

**DRAFT LAW
ON ELECTIONS OF THE FIFTH SAEIMA**

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DRAFT LAW

On Elections of the Fifth Saeima

(adopted at the June 9, 1922 joint general meeting of the Constitutional Assembly of Latvia and at the June 14, 1992 joint general meeting of the Constitutional Assembly of Latvia and Saeima; proclaimed on June 9, 1925 and amended on June 5, 1928.)

**Chapter I
THE RIGHT TO VOTE**

1. All citizens of Latvia who are older than 21 on the first day of the elections are entitled to vote.

Alternative: ... older than 18 (this alternative can be adopted only by a referendum).

2. Persons who are considered mentally insane according to the procedures stipulated by law, as well as other persons who are under guardianship, do not have the right to vote.

3. Voting rights are lost by:

- 1) persons who are fulfilling court sentences in penitentiaries;
- 2) detained, accused or charged persons, if imprisonment for them is considered a security measure. These persons lose only the right to vote, but can be elected;

Alternative: delete the last sentence.

**Chapter II
ELECTORAL COMMISSIONS**

First alternative

4. To conduct the Saeima (Parliament of Latvia) elections, a Central Electoral Commission is to be formed which consists of eight citizens of the Republic of Latvia. Six members of the Central Electoral Commission are elected by the Supreme Council, one member is elected from current judges by the Supreme Court and one member is elected by the Supreme Council upon the proposal of the World Federation of Free Latvians.

Second alternative

4. To conduct the Saeima (Parliament of Latvia) elections, a Central Electoral Commission is to be formed which consists of eight citizens of the Republic of Latvia. Three members of the Central Electoral Commission are elected by the Supreme Council, three members are elected by the Citizens' Congress and one member is elected from current judges by the Supreme Court; and one member is confirmed by the Supreme Council upon the proposal of the World Federation of Free Latvians.

5. The Central Electoral Commission is to be formed no later than 150 days before the election day of the Fifth Saeima.

6. The Central Electoral Commission is convened for its first meeting by the Supreme Council Presidium and the Commission elects a Chairperson and a Secretary.

7. The Central Electoral Commission conducts the elections, issues the necessary regulations and instructions and ensures the establishment of the local election institutions in accordance with this Law, as well as their implementation of assigned tasks.

8. All State and local government institutions must fulfill the regulations and instructions of the Central Electoral Commission, as well as those instructions issued by the local electoral commission in accordance with the Central Electoral Commission regulations and instructions.

9. Not suitable.

10. For the Saeima elections, Latvia is divided into five electoral regions: 1) Riga, 2) Vidzeme, 3) Latgale, 4) Kurzeme, 5) Zemgale.

Note: the Riga electoral region includes the city of Riga;

Vidzeme - Alūksne district, Cēsis, Gulbene, Limbaži, Madona, Ogre districts, Riga region (excluding the city of Riga); the city of Jūrmala, Valka and Valmiera districts.

Latgale - Balvi district, Daugavpils district and the city of Daugavpils, Krāslava, Ludza, and Preiļi districts, Rēzekne district and the city of Rēzekne.

Kurzeme - Kuldīga district, Liepāja district and the city of Liepāja, Saldus and Talsi districts, Ventspils district and the city of Ventspils.

Zemgale - Aizkraukle, Bauska and Dobeles districts, Jelgava district and the city of Jelgava, Jēkabpils and Tukums districts.

11. To conduct the Saeima elections, a Regional Electoral Commission is to be established in every electoral region:

Riga region	- in Riga.
Vidzeme region	- in Valmiera.
Latgale region	- in Rēzekne.
Kurzeme region	- in Liepāja.
Zemgale region	- in Jelgava.

12. The Regional Electoral Commissions are formed in the following manner:

1) Riga region	- the Riga City Council elects three members of the commission, the Central Electoral Commission and the Riga Regional Court each designate one representative;
2) Vidzeme region	- the Valmiera City and District Councils each elect one member of the commission, the Central Electoral Commission designates two representatives and the Riga Regional Court - one representative;

- 3) Latgale region - the Rēzekne City and District Councils each elect one member of the commission, the Central Electoral Commission designates two representatives and the Latgale Regional Court - one representative;
- 4) Kurzeme region - the Liepāja City and District Councils each elect one member of the commission, the Central Electoral Commission designates two representatives and the Liepāja Regional Court - one representative;
- 5) Zemgale region - the Jelgava City and District Councils each elect one member of the commission, the Central Electoral Commission designates two representatives and the Jelgava Regional Court - one representative.

12¹. To count votes in each district a District Electoral Commission is to be established, which is formed in the following way: the District Council and the district's city councils or temporary boards each elects one commission member; the local people's court appoints one member from the judges and the Central Electoral Commission appoints one member.

12². To count votes in each Riga city district a Riga City's District Electoral Commission is formed, which is formed in the following way: the Riga City Council and Riga City District Council or temporary board each elects five commission members; the local people's court appoints one member from the judges and the Central Electoral Commission appoints one member.

13. In each city and rural district which has its own local government, at least one electoral sub-district is to be established. The Republic* cities and Riga city districts are to be divided into several electoral sub-districts. The division into electoral sub-districts is carried out by the local governments of the cities, Riga city districts and rural districts.

14. In every electoral sub-district, elections are conducted and supervised by the electoral sub-district's electoral commission which consists of five to fifteen voters who are elected by the boards of the rural districts, cities or the Riga city districts.

Note: If a rural district, city or Riga city district Board does not elect an electoral commission, then the Central Electoral Commission appoints a local electoral commission.

15. The State pays all expenses associated with the conduction of these elections. The Central Electoral Commission determines the distribution of these resources among the regional, district and sub-district electoral commissions.

Chapter III SUBMISSION OF CANDIDATE LISTS

16. The Central Electoral Commission determines the date until which the voters have the right to submit candidate lists, but a minimum thirty-day period must exist between the last day for the submission of candidate lists and the first election day.

* Republic cities include: Riga, Daugavpils, Liepāja, Jūrmala, Jelgava, Ventspils, Rēzekne

17. The candidate lists are submitted to the Regional Electoral Commissions. The number of deputies to be elected in the electoral region is determined by the Central Electoral Commission in proportion to the number of electors ascertained by the Citizenship and Immigration Department in accordance with the Republic of Latvia Residents' Registry as of the day that Fifth Saeima elections are proclaimed.

The number of deputies to be elected in every electoral region is determined in the following way:

- 1) the number of all electors of Latvia is to be divided by one hundred;
- 2) the number of electors in every electoral region in Latvia is to be divided by the figure obtained in sub-paragraph 1. The whole figures obtained in this way determine the number of deputies to be elected in each region;
- 3) if the obtained whole numbers in sub-paragraph 2 is less than 100, then the number of deputies to be elected in that region is to be increased by one, first in the region where the fractional number is the greatest, and then in the region where the fractional number is the second largest, etc;
- 4) if the fractional numbers are equal for two regions, the number of deputies to be elected is to be increased in the region where the number obtained from the sub-paragraph 2 is the smallest;
- 5) if the fractional numbers, as well as the whole numbers are equal for two regions, the number of deputies to be elected is to be increased not in these regions but in the region with the next greatest fractional number. If there is no such region, the region, where the number of deputies to be elected to be increased, is determined by drawing lots.

The number of deputies to be elected from an electoral region is to be published in the newspaper "Diena" no later than one hundred days prior to the first election day.

17¹. Regional Electoral Commissions accept only those candidate lists, whose petitioners can provide either a receipt or a copy of a receipt from the Bank of Latvia or from any branch of the Bank showing a pecurity deposit collateral equal to ten minimal monthly salaries (utilizing the salary rate existing on the proclamation day of the elections) into the Central Electoral Commission account. The Bank of Latvia provides the depositor of the collateral a receipt and four copies which states who has deposited the money, the name of the candidate list for which the collateral is deposited and the deposit date. The deposited collateral is returned to the depositor, if at least one from the deputy candidate list is elected to the Saeima. The collateral which was deposited for the candidate list, from which no deputy has been elected to the Saeima, is to be transferred to the income account of the Central Electoral Commission.

18. The candidate list must state the full name, age, residence and the occupation of each candidate. In addition, a written declaration by the nominees must be submitted, stating, that they accept the nomination. The list of candidates and other statements must be without deletions and corrections and clearly legible. If a candidate list is composed of a larger number of candidates than the number of deputies to be elected in that electoral region, then the rest of the candidates, which are listed as the last ones, are not to be included.

19. One and the same candidate can be enlisted only for one candidate list in an electoral region. If one candidate is enlisted in a region on more than one list, he/she is deleted in all the lists.

20. Every submitted list of candidates must be signed by at least one hundred electors. The first three signatories are to be considered as proposers for the list of candidates and assume the responsibility for all the validity of the submitted papers. Every elector can sign only one list of candidates.

21. Any citizen of Latvia, even one not residing within the electoral region, may stand as a candidate, if he/she satisfies other qualifications stipulated by the law on elections.

22. Rejected in 05.06.28.

23. Not suitable.

24. Not suitable.

25. Not suitable.

26. Not suitable.

27. The submitted list of candidates cannot be recalled.

28. The Central Electoral Commission enumerates, by casting lots, the list of candidates in the order that the first numbers are given to those lists which have been submitted in all electoral regions, then to those lists which have been submitted in four regions, etc. Also it must be achieved that the candidate lists submitted under the same heading in several regions must maintain the same number in all regions, taking into account the order of numbers that no number should be omitted in the sequence. The Central Electoral Commission publishes the candidate lists on separate forms and delivers them to the commissions in the electoral sub-districts. The forms must contain: 1) the name of the electoral region; 2) the number allotted on the list of candidates; 3) the name of the party or group of electors who made the nominations; and 4) the full names of the nominated candidates.

29. One delegate from each organization or group of electors which has submitted the list of candidates for the region can participate without the right of the deciding vote at the meetings of the regional, district and sub-district electoral commissions. The delegates for such lists of candidates must produce to the electoral commission chairperson an authorization from the respective organization or that local branch on behalf of which he/she participates at the meeting or an authorization from the first three proposers of the candidate list.

Chapter IV THE ELECTION PROCEDURE

30. The election days are determined by the Supreme Council in accordance with the Satversme (the Constitution of the Republic of Latvia). A notice of the elections must be published in the newspaper "Diena" at least 120 days prior to the first election day.

31. Notices with all the lists of nominated candidates in a region must be openly displayed no later than ten days prior to the elections in every voting sub-district.

31¹. Each list of candidates is printed on a separate sheet of paper which is divided into that number of sections (ballots) that corresponds to the number of deputies to be elected. In the area next to the printed name of the candidate enough space should be allotted to fill in the name of the preferred candidate. Regional electoral commissions must deliver to the sub-district electoral commissions printed lists of candidates in a quantity that enables the sub-district electoral commission to send to every elector one copy of every list of candidates formulated in the region. No later than seven days before the elections every voter is sent a copy of each list of nominated candidates in the region.

32. The polling station must be open from 8 a.m. to 8 p.m. to receive the election ballots.

33. The time period when the polling station is open and its location are notified no later than ten days prior to the elections. In the countryside this notice is issued by the Rural District Board, reporting to each house separately, but in the cities it is done by the City Board or Riga city District Board with announcements in visible areas.

34. On entrance to the polling station the electoral commission checks whether the citizens who have arrived are electors who have not yet voted.

35. At the polling station every voter receives from the electoral commission an envelope certified with the seal of the Regional Electoral Commission where the elector must insert one list of candidates either unchanged or also with the names of the undesirable candidates deleted, and in place of those deleted other candidate names which are located on another list of candidates in the same regional election can be inserted in the vacant sections. The name of every candidate can be written in only once.

36. In the polling station an isolated compartment or booth is provided where the voter can insert one ballot into the envelope in private. The sealed envelopes are handed over in person by the voter in an open commission meeting to a member of the election commission, who in the presence of voters must deposit the envelope into a sealed ballot box.

Note: In the cases when individual voters, because of health or other reasons, cannot arrive at the polling stations, the sub-district electoral commission appoints two members of the commission to organize, upon the request of the voter, voting at his/her location.

37. After the ballot has been submitted, the chairperson of the electoral commission or his/her deputy marks in the voter's passport that the owner of this passport has participated in the elections. During elections soldiers are released from their service duties for a period which is necessary for voting and they receive their passports for this period.

Note: In the cases mentioned in the note of Article 36, the mark in the passports of the voters is made by one of the members of the electoral commission.

38. The control of election procedures at the polling stations is the responsibility of the chairperson of the electoral commission or his/her deputy, who must see that restrictions of franchise or the disruption of order, as well as the agitation of election is not permitted at the polling station or at its entrance.

39. A voter may vote only in person.

40. No one may submit more than one vote during the elections.

41. On both election days after 8 p.m. only those voters can submit votes who have until this time already arrived in the polling station. Afterwards the polling stations are locked and on the first election day ballot boxes with the submitted ballots are sealed with the stamp of the commission chairperson; also members of the commission and electors have the right to affix their seals. The ballot boxes are left in the polling stations under the supervision of either the commission or the police until the electoral commission, in the presence of the electors present, is convinced that the ballot boxes are in order.

42. Beginning with the opening of the polling station on the first day of elections, the electoral commission draws up a record on the course of the election. The electors possess the right that their complaints and protests are recorded in the record.

43. On the election days the sale of alcoholic drinks is prohibited.

44. Not suitable.

Chapter V THE COUNTING OF VOTES AND CALCULATION OF ELECTION RESULTS

45. The counting of the lists is conducted on the evening of the second day of the elections. The counting is accomplished by the sub-district electoral commission at an open meeting. The sub-district electoral commissions count only the submitted lists according to their numbers, sorting the valid lists from the invalid and the altered lists from the unaltered, and a record is compiled of these in two originals.

46. The number of voters, who participated in the elections, the number of envelopes received from the regional commissions, the number of envelopes remaining, the number of envelopes which prove to be in the ballot boxes after their opening, the number of submitted lists of candidates, for each list of candidates the number of separately submitted altered and unaltered lists and the number of invalid (spoiled) lists are registered in the record of the sub-district electoral commission. The invalid ballots are numbered and within the record the reason for rejections are written.

47. Invalid ballots are considered those which are from other electoral regional commissions, ballots signed by the voters, or also ballots with other marks of recognition or ballot papers inserted into the envelopes together with a sign of recognition, and those ballots which are put in an envelope with one or more ballots and their content is not the same. If the content of the ballots is the same, only one ballot is considered valid.

48. If there are discrepancies as to the validity of the ballots, the decision is made by majority vote of the electoral commission. The votes being equal, the chairperson's vote is decisive.

48¹. After the counting of votes and drawing of the record all valid and invalid ballots, which have been cast, as well as unused envelopes and one original of the record must be packed up, wrapped and sealed, moreover the voters present have the right to add their seals, which must be mentioned in the attached record. Afterwards the sub-district electoral commission immediately forwards all election materials to the district commission. A cover letter, which states, when and with whom the election materials have been forwarded, must be sent together with the election material.

48². District commissions receive and check the materials of the sub-district electoral commission and establish the number of ballots, which have been cast for every candidate in every sub-district, count all ballots, which have been cast for each list of candidates and finally count the number of all valid ballots. Afterwards the district commissions immediately forward all election materials to the regional commissions.

48³. The regional electoral commissions establish the results of all district electoral commissions.

49. Annuled on 05.06.28.

50. Regional electoral commissions must forward to the Central Electoral Commission election records from all sub-districts together with other election materials which the latter requests.

51. The Central Electoral Commission determines the deputies elected in sub-districts.

The seats of deputies in the sub-districts must be divided among candidate lists which in total have received the largest number of votes in Latvia. The number of these lists is such, that the total number of votes which have been cast for the rest of the lists, will not exceed 20 per cent of the total number of votes, which have been cast for all lists. If among the remaining lists there are such, which have received at least 2 per cent (variant - 3 per cent) of the total number of votes throughout the country, then these lists also participate in the distribution of deputies' seats.

In order to distribute the seats of the Saeima deputies among the lists of candidates submitted to the region, the following procedure (Saint Laqué's method) is applied:

- a) all the valid ballots, which have been cast for each list of candidates in the region, are counted;
- b) all the ballots, cast for each list of candidates, are to be divided consecutively by 1, 3, 5, 7, etc., until the figure has been reached which is equal to the number of proposed candidates in the list;
- c) the quotients obtained on all the lists of candidates in a region are to be numbered in a common diminishing order;
- d) the deputies' seats which are to be distributed in the region are consecutively received by those lists of candidates, which correspond to the largest quotients.

If the quotient, whose consecutive number is equal to the number of deputies who must be elected in the respective region, is equal to one or more of the succeeding quotients, the deputy's seat is obtained by the list, which has obtained the most seats throughout Latvia.

To annul Article 52.

53. Not suitable.

54. Not suitable.

55. Not suitable.

56. Not suitable.

56¹. The candidates proposed in each list must be grouped according to the number of votes which he/she has received. Those elected are those who have received the largest number of votes but those remaining can be enlisted among candidates in the order they are numbered depending upon the number of votes which have been cast for them. If the same number of votes has been cast for two or more of the candidates on one list, then they are arranged in the order proposed by the person(s) who submitted the list.

56². If, in accordance with Article 56¹ one and the same candidate is elected as a deputy in several regions, then the region to which he/she is elected is considered that region where he/she has received the most votes but in the rest of the regions, elected is the next candidate with the largest number of votes on the corresponding list.

Note: The number of votes submitted on a candidate is equal to the number of votes which have been submitted for the list in which he/she is mentioned, subtracting the number of ballots on which this candidate has been crossed out and adding on the number of ballots on which the candidate has been added.

57. If the elected Saeima deputy has died, declined or for some other reason lost his/her mandate, then the next candidate, from the same candidate list from which the previously elected deputy was elected, takes over his/her seat.

58. If due to the anticipated circumstances of the proceeding Article a list of candidates does not have enough candidates, then the procedure of Article 51 determines from which candidate list to take the absent deputy.

Chapter VI

ON PARTICIPATION IN THE SAEIMA ELECTIONS BY REPUBLIC OF LATVIA CITIZENS RESIDING ABROAD

59. The role of the electoral sub-district is fulfilled abroad by Republic of Latvia consular offices which are entrusted to register Republic of Latvia citizens living abroad.

60. On the proposal of the governing body of the consular office, the Central Electoral Commission appoints a local election commission consisting of 5 to 15 persons from the voters living in the corresponding country.

61. The list of candidates can be submitted by the voters residing abroad in the procedures stipulated by Chapter III of this Law.

62. The citizens of Latvia registered abroad can participate in Saeima elections in any of the five electoral regions of Latvia if they announce their selection of a region to their corresponding consular office electoral commission by the date that the last candidate list is submitted. Citizens of Latvia registered abroad, who have not notified their choice of electoral region, can participate in the elections in the Riga Region.

63. The Central Electoral Commission sends the lists of candidates, by regions to the electoral commissions formed abroad.

64. No later than 20 days prior to the election's first day, the consular office's electoral commission sends each registered voter one copy of the formulated candidate lists of each corresponding region, as well as, for the purpose of returning the elected list, an envelope stamped with the consular office's stamp and an envelope with the electoral sub-district's address.

65¹. Republic of Latvia citizens who during the period of the Saeima elections are sojourning abroad, can vote personally in the electoral sub-districts formed abroad according to the procedures stipulated by Articles 35 and 36 of this Law no later than the third day before the first election day in Latvia. After the ballot has been submitted, an electoral commission member makes a note in the voter's passport that the owner of the passport has participated in the elections.

Note: The sealed envelope can be sent by mail, depositing it into the second envelope with the address of the electoral sub-district.

66. The Electoral Commission deposits the sealed envelope into a sealed box.

67. The counting of ballots begins in the electoral sub-district two days prior to the first election day in Latvia. The counting of ballots occurs in accordance with Articles 45, 46, 47, 48, 48¹ and 48² of this Law. The Electoral Commission counts the ballots submitted for each list and each candidate and prepares separate record for each electoral region which it immediately sends to the Central Electoral Commission. The election ballots are grouped by region, sealed and sent to the Central Electoral Commission by diplomatic courier.

68. The Central Electoral Commission determines the final results of the Saeima elections taking into account all of the ballot counting protocols of the Election Commission established abroad.

Chapter VII CONCLUDING REGULATIONS

69. The complete election results, including results by the received count of votes of each electoral sub-district, each list and each candidate, may be summarized and published in a separate publication within six months' time, counting from the date of the elections.

70. After the publication, all election records of all electoral commissions are to be submitted to Latvia's State Archives.

71. The complete election results publicized in a separate publication are the common intellectual property of Republic of Latvia citizens. They must be freely available in the State libraries.