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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

AMENDMENTS TO THE ELECTORAL CODE OF
THE REPUBLIC OF ARMENIA
ADOPTED IN JULY 2002

Amendments to Electoral Code of the Republic of Armenia

Article 1.   Delete the words "and elections" in Clause 4, Article 1 of the Code.

Article 2.   Rephrase Clause 6, Article 2 of the Code as follows:
"6. Citizens who are military servicemen performing their military service or participating in military training may not participate in local self-government and National Assembly elections under majoritarian system."

Article 3.   Replace the words "Regional (Marz) Election Commission" with "Territorial Election Commission" in Clause 6 of Article 7; Clause 8 of Article 9; Clause 2 of Article 10; Clause 2 of Article 17; Clause 2 of Article 32; in the entire text of Article 33; Article 36; in the entire text of Article 37; Clause 3 of Article 39; in the entire text of Article 40; in the title and the entire text of Article 42; in the entire text of Articles 43; in the entire text of Article 44; in the entire text of Article 49; Clause 8 of Article 61; in the title and the entire text of Article 62; in the entire text of Article 63; Clause 3 of Article 80; Clause 2 of Article 82; in the entire text of Article 105; Clause 2 of Article 106; Article 107; in the entire text of Article 108, Clause 6 of Article 111; in the entire text of Articles 114; in the entire text of Article 116; Clause 7 of Article 117; Clause 5 of Article 119; Clause 1 of Article 123; in the entire text of Article 124; Clause 2 of Article 125; Article 127; Clause 2 of Article 130; in the entire text of Article 131; in the title and the entire text of Article 132; in the entire text of Article 133; in the entire text of Article 134; Clause 3 of Article 135; Article 137 and Clause 4 of Article 138.

Article 4. In Article 9 of the Code:
a)   Rephrase the second sentence in Clause 3 as follows: "Voter lists shall be reviewed in December and June of every year."
b)   Add the following new sentence in Clause 4: "The Central and Territorial Election Commissions shall exercise control over compilation and maintenance of voter lists in accordance with procedures set by the Central Election Commission."
c)   Clause 7, replace the words "In the event of the absence of a Diplomatic or Consular Mission of the Republic of Armenia in the state, which is the country of residence or where the voter is, the citizen" with "In the event of absence of a Diplomatic or Consular Mission of the Republic of Armenia in a foreign country, the RA citizen"
d)   Add the words "in voter lists" in Clause 9.

Article 5. In Article 10 of the Code:
a) Rephrase the second part of Clause 1 as follows: "During elections of local self-government bodies, every person who has the right to vote in local self-government elections is included in voter lists on common basis."
b) Add the following new paragraph after the second part of Clause 1: "Those military servicemen who are currently performing their military service or are in military training and who have not been taken off the records prior to being drafted for military service, may not be included in voter lists during local self-government and National Assembly elections under majoritarian system."
c) In Clause 3, add the words "under proportionate system" after the words "National Assembly."

Article 6.

a)   Add the word "patronymic" after the words "first name" in Article 11, Clause 1; Article 27, Clause 2; Article 55, Clause 2; Article 67, Clauses 7 and 9; Article 68, Clause 3; Article 69, Clauses 1 and 2; Article 82, Clause 1; Article 100, Clauses 3(2) and 5; Article 105, Clause 3; Article 106, Clause 1(1) and Article 123, Clause 4.

b)   Add the word "patronymics" after the words "first names" in Article 114, Clauses 2 and 4; Article 130, Clause 2; Article 132, Clause 2(2) and 2(3).

c)   In Article 11, Clause 3, replace the words "community head" with the words "community leader and appropriate passport authorities of the Ministry of Interior."

d)   Add a Clause 4 in Article 11 as follows: "The absence of patronymic the identification documents shall not be an impediment for participation in any electoral process (provided that all other information is consistent)."

Article 7.   In Article 12 of the Code:

a)   In Clause 5, delete the words "at least 7 days" and add the words "until the date of termination of authorities of Precinct Election Commission" at the end of the sentence.

b)   Edit the word "precinct" in Clause 6[1].

Article 8.   In Article 12, Clause 4 of the Code, replaced the words "4 days" with the words "2 days."

Article 9.   Delete the word "communities" from the beginning of Article 13, Clause 1 and add the words "organized with them" after the word "submit."

Article 10.   Rephrase Article 14, Clause 3 of the Code as follows:

"Any disputes about inaccuracies in voter lists may be taken to a court. The court shall be required to make a decision within five days; this decision is not subject to appeal. Voter lists are not subject to change in the two days before voting takes place as well as on the day of the voting, not even by a court decision."

Article 11.   In Article 15, Clause 3 of the Code, replace the words "before the formation of precincts" with the words "located up to 50 kilometers away from the nearest settlement … at least 45 days prior to the voting day." In Clause 6 of same Article, replace the words "3000 voters" with the words "2000 voters."

Article 12.   Insert Chapter 3[1] after "Chapter 3" of the Code with the following content: "Chapter 3[1]. Constituencies"

"Article 17[1]: Constituencies":

1.   In addition to election precincts, the territory of the Republic of Armenia shall be divided into constituencies for the purpose of organizing and conducting elections; the number of constituencies shall be equal to the number of majoritarian seats in the National Assembly; constituencies shall meet the following requirements:

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[1] *Stylistic change in the Armenian text, which does not effect any change in the English text - translator's note.*

1)   Constituencies shall include equal number of voters. Variation of up to 15% in the number of voters is allowed;

2)   Constituencies form an integral territory. It is not allowed to include in one constituency precincts that have no common borders;

3)   Constituencies are formed and numbered by the Central Election Commission, based on the number of voters registered in the area, as submitted by the Marzpets/Governors. Such data is submitted by communities, at least 95 days prior to elections.

2.   The Central Election Commission defines and publishes the voter lists and maps of constituencies at least 90 days prior to the voting day.

3.   Constituencies are not subject to change during extraordinary elections.

Article 13.   In Article 18, Clause 2 of the Code, delete the words "non-governmental organizations" and add the words "broadcasting time or volume, tariffs and other" words at the end of Clause 3.

Article 14.   In Article 19 of the Code, delete the word "etc.".

Article 15.
a)   In Article 20 of the Code, replace the words "state television" with "public television"; replace "state radio" with "public radio"; replace "state local radio and television" with "radio and television established by local self-government bodies"; replace "state periodicals" with "periodicals established by state and local self-governing bodies."

b)   In Article 22, substitute the words "state television and state radio" with "public television and public radio," and "state media" with "state and public media."

c)   In Articles 63(9), 81, 88(2) and 92(3)Substitute the word "state" with "public".

Article 16.   Rephrase Article 24, Clause 4 of the Code as follows: "Financial means of the commissions are provided in conformity with procedures established by the Government of the RA, based on budget estimates provided by the Central Election Commission. Chairpersons of electoral commissions manage the financial means and are responsible for using those means in accordance with procedures established by the Central Election Commission."

Article 17.   In Clause 11, Article 25 of the Code, substitute the words "one month after elections" with "15 days after elections," and add the new sentence before the last sentence: "Electoral commissions send their registered declarations to Oversight and Audit Service of the Central Election Commission within 3 days of receipt."

Article 18.   Insert the following sentence before the last sentence of Article 26 of the Code: "Having received declarations on the use of finances in campaign funds of candidates, parties and alliances from commissions that have registered them, pursuant to procedures established in Article 25(11) of the Code, the Oversight and Audit Service them within one month and submit the materials to the Central Election Commission for discussion. Materials about violations discovered as the result of discussion are sent, upon a decision of the Central Election Commission, to a court of the first instance."

Article 19.   In Article 27 of the Code:
a)   In Clause 2, substitute the word "leader" with "authorized representative"

b)   In Clause 3, substitute the word "leaders" with "authorized representative"

Article 20.   Add the following new Clause 6 in Article 29 of the Code: "6. Authorities of persons performing observation mission shall be terminated 10 days after the completion of the elections."

Article 21.   In Clause 1 of Article 30 of the Code:
a)   Add the following words at the end of sub-clause 2: "the proxy has the right to appeal the decisions, actions or inaction by electoral commissions."
b)   Delete sub-clause 3.

Article 22.   Rephrase Article 31 of the Code as follows:
1.   "For the purpose of organizing and conducting elections, a three-level system of electoral commissions is formed in the Republic: Central Election Commission, Territorial Election Commission, and Precinct Election Commission."
2.   A Territorial Election Commission is formed for each constituency.
3.   If the territory of a community is included in the structure of more than one constituency, then, 65 days prior to elections, the Central Election Commission determines which Territorial Election Commission would have the authority to organize and conduct the elections of local self-government in that particular community. The constituency of that Commission shall include the maximum number of voters from that particular community.
        During local self-government elections, that particular Territorial Election Commission shall coordinate the activities of all Precinct Election Commissions operating in the territory of the community."

Article 23.   In Article 33 of the Code:
a)   Rephrase Clause 2 as follows: "2. Members of the Central Election Commission (during the entire time period of the activity of the Central Election Commission) and members of territorial and precinct election commissions (during national elections) may be arrested or subjected to administrative or criminal judicial prosecution only upon the consent of the Central Election Commission."
b)   In Clause 3, replace the words "and the Secretary" with "the Secretary and the members."
c)   In Clause 9, substitute the words "during the period of national elections, the Chairman of the Regional Election Commission" with "during the period of national elections, also the Chairman of the Territorial Election Commission."

Article 24.   Replace Clauses 1 to 5 in Article 35 of the Code with new Clauses as follows:
1.   "Central Election Commission is comprised of:
        1) One member from every party (alliance) in the current or dissolved National Assembly;
        2) 3 members nominated by the President of the Republic;
        3) If a party (alliance) has not made its nomination pursuant to provisions of sub-clause 1) of this Clause by the deadline for forming the Central Elections Commission, the vacancy shall be filled by the appropriate faction.
2.   The new Central Election Commission is formed and starts its duties on the fortieth day after the National Assembly elections.
3.   The composition of the new Central Election Commission is announced by the Chairman of the previous Central Election Commission.

Article 25.   Delete Clause 8 of Article 36 of the Code.

Article 26.   In Article 37 of the Code:
a)   Rephrase Clause 2 as follows: "To form a Precinct Election Commission in accordance with the above-mentioned procedures, members of the Territorial Election Commission submit applications to the Chairman of their Commission not earlier than 24 and not later than 21 days prior to the voting date, until 6 p.m.
1)   Rephrase the second sentence of Clause 3 as follows: "The composition of the Precinct Election Commission is filled so that the number of members is not less than 9.

Article 27.   In Article 38 of the Code:
a)   Rephrase the title as follows: "Procedures for Removing the Chairman, the Deputy Chairman and the Secretary of an Election Commission from office, and for Early Termination of Powers of Members"
b)   Rephrase Clause 1 as follows: "The Chairman, the Deputy Chairman and the Secretary of an election commission may be removed from office by a decision adopted by at least two-thirds of the total votes of members of the appropriate commission. The Chairman of an election commission can be removed not later than 4 days before the election date. The same session that removes the Chairman from office elects a new Chairman in accordance with procedures established by this Code."
c)   Delete sub-clauses 2, 3 and 4 of Clause 2.
d)   Delete the second sentence of Clause 3.
e)   Delete Clause 4.

Article 28.   In Clause 2, Article 40 of the Code Delete the words with the exception of the decisions on summarization of results of the National Assembly majoritarian elections."

Article 29.   In Article 41 of the Code:
a)   In sub-clause 10 of Clause 1, delete the words "enterprises and".
b)   In sub-clause 23 of Clause 1, add the words "and new" before the word "elections".

Article 30.   In Clause 3 of Article 44 of the Code, add the words "accompanied by the Chairman or the Deputy Chairman of the Precinct Election Commission" after the word "precinct".

Article 31.   At the end of Article 45 of the Code, add the words: "as well as to ensure the safety of transferring the election documents from Precinct Election Commission to Territorial Election Commission."

Article 32.   Rephrase sub-clause 1, Clause 2, Article 47 of the Code as follows: "1) During the entire voting process, create conditions for orderly concurrent work for all members of the Precinct Election Commission and all persons who have the right to be present at the voting."

Article 33.   In Article 49 of the Code:
a)   Add the following new sentence after the first sentence in Clause 1: "ballot box may be made of transparent material."

b)   Delete Clause 4;
c)   Rephrase Clause 7 as follows: "Ballot papers are issued not earlier than 9 days and not later than 3 days prior to the voting day."
d)   Delete the words "precinct and" in Clause 12.

Article 34.   In Article 53 of the Code:
a)   In the first sentence of Clause 1, substitute the figure "8:00 p.m." with "12:00 a.m." and add the words "making an appropriate note in the register" at the end of the sentence.
b)   Add the words "and the seal package" after "ballot papers" in the second sentence of Clause 1.
c)   Rephrase Clause 2 as follows:
        "At 7:00 a.m. on the voting day, the Precinct Election Commission identifies at its session, by drawing a lot, the members to register the citizens (one member per 1,000 voters), to give out the ballot papers (one member per 1,000 voters), one member to stamp the ballot papers and one member to be responsible for the ballot box, as well as decides on the timetable of their shifts. The Chairman and the Deputy Chairman of the commission do not participate in the drawing. They may substitute other members of the commission during their temporary absence."
d)   In Clause 3, replace the words "opens the packed seal, verifies that the ballot box is empty, closes the ballot box and seals it. Then in the presence of the persons authorized to be present there, he/she opens the safe with the ballots" with the words "opens the fireproof safe, takes out the ballot papers and the packed seal, opens the packed seal, verifies that the ballot box is empty, closes and seals the ballot box". Add the words "and addresses of residential buildings included in the precinct – to the person responsible for sealing the ballot papers" before the word "relevant."

Article 35.   In Article 56 of the Code:
a)   In Clause 2, add the words "verifies that the voter is registered in that particular precinct" after the words "the member."
b)   Rephrase the first sentence of Clause 5 as follows: "On the voting day, the voter has no right to announce in the Precinct Center or in the vicinity which candidate he/she is going to vote for or against, or has already voted for or against."

Article 36.   In Article 57 of the Code:
a)   In Clause 1, add the words "identical to ones approved by the Central Election Commission" after the word "note."
b)   Rephrase Clause 4 as follows: "The voter comes out of the voting booth with his filled-out ballot folder four times and approaches the ballot box. The person responsible for the ballot box opens the ballot box slot and allows the voter to drop his/her ballot paper into the ballot box."

Article 37.   Add the following new Clause 4 to Article 58 of the Code:
"4. Ballots containing notes (marks) that are different from ones approved by the Central Election Commission are considered invalid."

Article 38.   In Article 60 of the Code:
a)   In sub-clause 3 of Clause 1, replace the word "list" with "lists" and the words "the list is sealed" with "the lists are sealed". Add the following sentence at the end of the

sub-clause: "Appropriate protocols are produced in the registers with the results of Clauses 1), 2) and 3)."

b)   In Clause 2, substitute the words ""against all" or "invalid"" with ""against all," "invalid" or "not approved note (mark)"".

c)   In Clause 4(1), substitute the words "given to the Precinct Election Commission" with the words "signed in conformity with procedures established by Clause 1, Article 53 of the Code," and add "the absolute value of the figure" after the word "the difference."

d)   Rephrase Clause 5 as follows: "Every operation mentioned in Clauses 3 and 4 of this Article shall be conducted in sequence, each one after the previous one is accomplished and the appropriate protocol is made in the register. According to Article 61 of this Code, two protocols, each in two copies, are created for the above-mentioned actions. A copy of each protocol is packed and sealed together with documents serving as a basis."

Article 39.   Rephrase Clause 1 of Article 61 of the Code as follows:
"1.   The voting results are summed up by the following two protocols:

Protocol Number 1
About the Summary Results of the Voting

1) The total number of voters according to voter lists;
2) The number of ballot papers signed in conformity procedures established by Clause 1, Article 53 of the Code (A);
3) The number of registered voters, who have received ballot papers, according to signatures (B);
4) The number of ballot papers cancelled by the commission (C);
5) The total number of ballots in the ballot box (D):
    a) the number of valid ballots in the ballot box;
    b) the number of invalid ballots in the ballot box.
6) The number of ballots cast against all candidates (parties)
7) The number of votes cast for each candidate (party);
8) The total number of votes cast for candidates (parties).

Protocol Number 2
On the Size of Discrepancies

1)   The number of ballots singed in conformity with procedures established by Article 53 (1) of the Code (A).
2)   The number of registered voters, who have received ballots, according to the signatures (B).
3)   The number of ballots cancelled by the Commission (C).
4)   The total number of ballots in the ballot box (D).
5)   The size of the first discrepancy /A-D-C/.
6)   The size of the second discrepancy /B-D/
7)   The total size of discrepancies /A-D-C/+/B-D/.

Article 40.   In Article 61, Clause 2, replaces the words "22 hours" with "18 hours."

Article 41.   Rephrase the last sentence of Clause 8, Article 61 of the Code as follows:

"The Chairman of the Precinct Election Commission submits within no more than 14 hours after the end of elections one copy of the summary protocol and the protocol on discrepancies, the seal, the register and the sealed package of ballots to the Chairman of the appropriate Territorial Election Commission, in conformity with procedures established by the Central Election Commission."

Article 42.   In Article 62 of the Code:
a)   In Clause 1, add the words "and parties" after the words "candicates".
b)   Substitute the words "in the region" in Clauses 1,3,4,5,7 and 8 with "in the constituency."
c)   In Clause 3, substitute the word "protocol" with the word "protocols"; substitute the words "within four days" with the words "not later than in 5 days", and rephrase sub-clauses 1 to 11 as follows:
      1)   the total number of voters by voter lists;
      2)   the number of ballots signed in conformity with procedures established by Clause 1, Article 53 of the Code (A);
      3)   the number of the registered voters, who have received ballots according to the signatures (B);
      4)   the number of ballots cancelled by the Commission (C);
      5)   the total number of ballots in the ballot box (D)
        a)   the number of valid ballots in the ballot box;
        b)   the number of invalid ballots in the ballot box;
      6)   the number of ballots cast against all candidates (parties);
      7)   the number of votes cast for each candidate (party);
      8)   the total number of votes cast for candidates (parties);
      9)   the size of discrepancies.
d)   In Clause 10, substitute the words "Regional Election Commission 2" with the words "those who have submitted special opinions to the Precinct Election Commission."

Article 43.   In Article 63 of the Code:
a)   In Clause 1, add the words "and parties" after the word "candidates."
b)   In Clause 3, substitute the words "in the regions" with "in constituencies."
c)   Rephrase sub-clauses 1 to 11 of Clause 3 as follows:
   1) the total number of voters by voter lists;
   2) the number of ballots signed in conformity with procedures established by Clause 1, Article 53 of the Code (A);
   3) the number of the registered voters, who have received ballots according to the signatures (B);
   4) the number of ballots cancelled by the Commission (C);
   5) the total number of ballots in the ballot box (D)
     c) the number of valid ballots in the ballot box;
     d) the number of invalid ballots in the ballot box;
   6) the number of ballots cast against all candidates (parties);
   7) the number of votes cast for each candidate (party);
   8) the total number of votes cast for candidates (parties);
   9) the size of discrepancies."

Article 44.   In Article 67 of the Code:

a)   Add a new sentence in Clause 1, stated as follows: "An alliance of parties nominates a presidential candidate by decisions ratified by permanently functioning bodies of its member parties."

b)   After the word "decision" in Clause 1, add the words "the decision ratified by permanently functioning bodies of parties-members of the alliance."

c)   After the word "body" in Clause 9, add the words "(permanently functioning bodies of parties-members of the alliance, on behalf of the alliance)," and replace the word "two" with "one."

Article 45.   In Clause 2, Article 73 and Clause 2, Article 74 of the Code, substitute the words "is paid back" with the words "is transferred to the state budget."

Article 46.   In Article 76 of the Code:

a)   Rephrase Clause 2 as follows: " In the event of registration of a presidential candidate becoming invalid, the sum of the election deposit (except in the event of the candidate's death) and the means left in the campaign fund are transferred to the state budget. In case of registration becoming invalid because of the candidate's death, the sum of the election deposit is transferred to his/her heirs."

b)   Delete Clauses 3, 4 and 5.

Article 47.   In Article 78 of the Code:

a) Substitute the word "invalid" in Clause 4 with "out of force."

b) Add the words "be arrested," after the word "cannot" in Clause 5.

Article 48.   In Clause 6, Article 79 of the Code, delete the words "are transferred to the account of the party, upon whose nomination he/she was registered, or".

Article 49.   Delete Clause 2, Article 80 of the Code.

Article 50.   Delete Clause 6, Article 81 of the Code.

Article 51.   Substitute the word "regional" in Clause 3, Article 82 and Clause 7, Article 114 of the Code with "constituency."

Article 52.   Substitute the word "in the regions" in Clause 1, Article 83 and Clause 1, Article 115 of the Code with "in constituencies."

Article 53.   Add a new sentence at the end of Clause 1, Article 85 of the Code: "If a candidate withdraws in the second round, then it is the candidate who has received the next highest number of votes in the first round of elections who participates in the second round instead of him/her; if there is no such candidate, then only one candidate runs in the second round."

Article 54.   Add the words "new and" before the word "extraordinary" in the title of Article 93 of the Code

Article 55.   In Article 95 of the Code:

   a)   In Clause 2, replace the words "56 deputies" with the words "75 deputies."

   b)   In Clause 3, replace the words "75 deputies" with the words "56 deputies."

Article 56.   Delete Article 98 of the Code

Article 57.   In Article 100 of the Code:
a)   At the end of Clause 1, add the following new sentence: "Party alliances submit applications to participate in the National Assembly elections under proportionate system to the Central Election Commission upon a decision ratified by the permanently functioning bodies of member parties."
b)   Add the words "party affiliation" before the words "the family name" in Clause 3(2);
c)   In Clause 5, add "his/her" after the word "party," substitute the word "body" with the words "by the decision of the body, and party alliances - by the decision ratified by the permanently functioning bodies of member parties."
d)   Add the figure "70" after the word "support[2]" and to delete the words "in the amount requested" in Clause 6.
e)   Delete Clause 7.

Article 58.   Replace the words "is paid back" with the words "is transferred to the state budget" in Clause 3, Article 102 of the Code.

Article 59.   Add a new sub-clause (4) in Clause 1, Article 103 of the Code:
      "4)   the party has been dissolved."

Article 60.   Add a new sentence at the end of Clause 1, Article 104 of the Code: "Party alliances do not nominate candidates for deputies of the National Assembly under the majoritarian system."

Article 61.   Add a new sentence at the end of Clause 3, Article 68 and Clause 3, Article 105 of the Code: "The registering election commission verifies within two days the legality of lists of the initiative group, in conformity with procedures established by the Central Election Commission."

Article 62.   In Clause 2, Article 97 of the Code, add the words "community heads" after the "Deputy Governors."

Article 63.   In Article 109 of the Code:
a) Rephrase Clause 2 as follows: "In the event of recognizing the registration of a candidate running for the National Assembly under majoritarian system invalid, the amount of his/her election deposit (except in case of death) and the means left in the campaign fund are transferred to the state budget. In case of recognizing the registration invalid because of the death, the amount of the election deposit is transferred to the candidate's heirs."
b) Delete Clauses 3 and 4.

Article 64.   In Article 111 of the Code:
a)   Substitute the words "to the election" with "to the voting day" in Clause 4.
b)   Substitute the words "of voting" in Clause 5 with "of voting day" and add "(ratified by the permanently functioning body of the alliance member parties)" after the word "bodies."

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[2] In the English text - before "official papers."

c)   Replace the words "on the party list" in Clause 6 with "nominated to the National Assembly under majoritarian and proportionate system," and delete the words "candidates nominated to the National Assembly under majoritarian system – upon the consent of the Regional Election Commission."   Delete the words "regional" in the second sentence, substitute the word "commissions" with "commission," and the words "are accepted" with "is accepted."

Article 65.   Add a new sentence at the end of Clause 2, Article 112 of the Code: "Party alliances do not make payments to candidate's campaign fund."

Article 66.   Delete the words "(party alliances)" in Clause 4, Article 114 of the Code:

Article 67.   In Article 115 of the Code:
a)   Delete the words "of the voting lists" in Clause 1.
b)   Add the words "in accordance with procedures established by the Central Election Commission" at the end of Clause 4.
c)   Write the word "parties" instead of "candidates" in Clause 9.

Article 68.   In Article 116 of the Code:
a)   Add a new sentence at the end of Clause 9 with the following content:
         "In case of recognizing the results of re-voting invalid during National Assembly elections under majoritarian system, new elections are conducted not earlier than 30 days and not later than 40 days after that decision comes into force."
b)   Delete the last sentence in Clause 10.
c)   To add a new Clause 11 with the following content: "New elections are held with new nomination of candidates and within the timeframe defined for extraordinary elections."

Article 69.   In Article 117 of the Code:
a)   Substitute the words "not later than 61" in Clause 3 with the words "not earlier than 75 and not later than 70."
b)   Replace the figure "45" with "40" in Clause 5.
c)   In Clause 6, replace the words "not later than 55 days before … until 12:00" with "not earlier than 75 and not later than 70 days prior … until 6 p.m."; replace the words "60, and not later than 55" with "65, and not later than 60."
d)   Add the words "not earlier than 40 and" before the word "days" in Clause 8.

Article 70.   In Article 118 of the Code:
a)   Replace the words "after the regular elections or ... of a deputy" in Clause 1 with the "... of the deputy."
b)   Rephrase Clause 2 as follows: "2. By-elections of the National Assembly under majoritarian system are held in accordance with procedures established for regular elections and within 80 days after a seat becomes vacant."

Article 71.   In Article 120 of the Code:
a)   In Clause 1, replace the word "head" with "council" and add a new sentence at the end of the Clause: "During community head elections, a one-mandate majoritarian constituency is formed in the territory of the community."
b)   In sub-clause 1, Clause 2, replace the word "five" with "seven".

c)   Add the word "each" after the words "of the community" in sub-clause 2, Clause 3.

d)   Add the words "of the number of voters" before the word "constituency" in sub-clause 3 of Clause 3 and substitute the word "variance" with "difference."

Article 72.   In Article 122 of the Code:

a)   In Clauses 1 and 2, add the words "In the district communities of the city of Yerevan – in the city of Yerevan" after the words "in the given community", and add the words "as well as persons envisaged by Article 2 of this Code" after the word "citizen."

b)   To restate Clause 3 as follows: "Members of the Constitutional Court, judges, employees of Internal Affairs, National Security and Defense agencies and of the Prosecutor's Office may not run for community heads and councils."

Article 73.   In Article 123 of the Code:

a)   Replace the word "residence" with "registration" in Clause 4.

b)   In Clause 5(3), rephrase the part of the sentence after the words "on being registered in the given community" as follows: "in the city of Yerevan, the citizen running for district community head or council member – reference that he/she has been registered in the city of Yerevan for the past year."

Article 74.   In Clause 4, Article 124 of the Code, replace the words "based on the court judgment, ... he/she is recognized registered or re-registered" with the words "he/she is recognized registered or re-registered by the court decision."

Article 75.   Article 125 of the Code:

a)   Replace the words "to voting" in the first sentence of Clause 2 with the words "to the voting day."

b)   Delete the second sentence of Clause 2, and Clauses 4 and 5.

c)   Rephrase Clause 3 as follows: "In the event of recognizing the registration of a candidate for community head or council member invalid (except in the event of death), the amount of his/her election deposit and the means left in his/her campaign fund are transferred to the state budget. In the event of recognizing the registration invalid because of death, the election deposit is returned to the heirs."

Article 76.   Delete the words "participating in the voting" in Article 127 of the Code.

Article 77.   In Clause 2, Article 131 of the Code, replace the words "in case there is a written application of two members of the Precinct Election Commission" with "Upon written request of the Precinct Election Commission member who has submitted a special opinion or the proxy of the candidate."

Article 78.   Add a new sentence in Clause 2, Article 133 of the Code: "In the event when candidates running for community head receive an equal number of votes, the community head mandate is decided by drawing a lot in accordance with procedures established by the Central Election Commission."

Article 79.   Replace the words "by the decision" and "the decision" in Clause 6, Article 134 of the Code with "by the verdict" and "the verdict" respectively.

Article 80.   In Article 137 of the Code, replace the words "court judgment" by the words "court verdict."

Article 81.   Rephrase Article 140 of the Code as follows:
1. The current Central Election Commission is dissolved and a new Central Election Commission is formed on the 5th day after the law comes into effect.
2. Within five days of its formation, the new Central Election Commission creates majoritarian constituencies for National Assembly
3. Regional Election Commissions are dissolved on the 15th day after the law comes into effect and Territorial Election Commissions are formed.

Article 82.   Add a new Article 141[1] in the Code as follows: "The Code comes into force the next day after the official publication."

LAW OF THE REPUBLIC OF ARMENIA

On "Law No. 115 on Amendments to the RA Electoral Code" becoming invalid

Article 1. Consider the "Law No. 115 on Amendments to the RA Electoral Code" invalid.
Article 2. This law comes into force the next day after official publication.

SUMMARY
On passage of suggestions regarding the Law on Amendments of Electoral Code of the
Republic of Armenia

Author	Article to which the suggestion refers	Content of Suggestion	Conclusion
ARF Faction	Article 38, second sentence of Article 61, Clause 8 of the Code	"The Chairman of the Precinct Election Commission submits within no more than 14 hours after the end of elections one copy of the summary protocol and the protocol on discrepancies, the seal, the register and the sealed package of ballots to the Chairman of the appropriate Territorial Election Commission, in conformity with procedures established by the Central Election Commission."	Passed
	Article 39, Sub-Clause 3	substitute the words "within four days" with the words "not later than in 5 days"	Passed
	Addition to Article 63, Clause 3 of the Law	"in Clause 3, replace the words "in 5 days" with the words "not later than in 6 days"	Passed
	Article 100 of the Code, 3rd sentence, new wording	"At least 25 percent of people included in party or alliance lists for National Assembly elections under proportionate system must be women."	Not passed
	New article	"This law comes into force on July 1, 2002"	
	Article 140 of the Code, new wording	"Article 140. Formation of Election Commissions. New election commissions are formed within no less than 20 days and no more than 30 days after July 1, on days set by the Government of the Republic of Armenia. Current election commissions continue to discharge their duties until new election commissions	Passed partially, with editorial changes

		are formed	
"Orinats Yerkir" faction	Article 2, Sub-Clause a)	Remove	Passed
	Article 2, Sub-Clause b), new wording	"6. Citizens who are military servicemen performing their military service or participating in military training shall be forbidden to participate in local self-government and National Assembly elections under majoritarian system."	Passed
	Article 5, Sub-Clause b), new wording	"Add the following new paragraph after the second part of Clause 1: "Those military servicemen, who have not been taken off the records prior to being drafted for military service, may not be included in voter lists during local self-government and National Assembly elections under majoritarian system."	Passed
	Article 4, Sub-Clause a), addition	"and submitted for official publication not later than until January 31 of each year, and at least 60 days before the voting day in the period of national elections."	Not passed
	Article 4, new Sub-Clause b)	"b). Rephrase Article 9, Clause 4 as follows: "Voter lists are compiled and maintained by passport agencies of authorized government bodies in the Ministry of Interior structure, under personal responsibility of these agencies' official. Community heads are required to provide direct assistance to these passport agencies by providing documents and other information about voters in the community at the request of the passport	Passed partially, with some editorial changes, article 9 of the draft has been removed, article 7^1 has been added

		agencies. The Central and Territorial Election Commissions exercise control over compilation and maintenance of voter lists in accordance with procedures set by the Central Election Commission." In view of the above, consider sub-clauses b) and c) of the draft as c) and d) respectively. The above suggestion would require to replace the words "community head" in Chapter 2, Articles 9 to 14 of the Code with words "appropriate passport agency of the authorized government body within the Ministry of Interior structure."	
	Article 9, new wording	"Article 9. Add the words "and political parties" after the words "each citizen" in Clause 1, Article 14 of the Code.	Not passed
	New article 9^1	"Article 9^1. Rephrase Clause 3, Article 14 of the Code as follows: "3. Any disputes about inaccuracies in voter lists may be taken to a court. The court shall be required to examine the complaints and make a decision on them within five days, but not later than 5 days prior to the voting day; this decision is not subject to appeal. The court decision is handed out in original, on the basis of the "one citizen, one decision" principle. The appropriate passport agency of the authorized government body within the structure of the Ministry of Interior is	Passed partially, with editorial changes, new Article 9^1 has been added

		required to make the necessary adjustments to voter lists in accordance with court decisions. Voter lists are not subject to change in the five days before voting takes place as well as on the day of the voting, not even by a court decision." Add Clauses 4 and 5 to Article 14 of the Code as follows: "4. Complaints about inaccuracies in voters lists received by territorial election commissions are to be reported to the appropriate passport agency of the authorized government body within the Ministry of Interior Structure within three days. The territorial election commission notifies the citizen (party) involved about this. 5. The territorial election commission is also required to notify the citizen (party) involved about the results of making adjustments to voter lists on the basis of the citizen's (party's) application.	
	Article 10, new part	In Clause 6, Article 15 of the Code, replace the words "3000 voters" with the words "2000 voters."	Passed
	Article 11	"Check the numeration of clauses in Article 11 and remove the word "constituencies" from Clause 2 of the Article."	Passed
	Article 16	"Replace the words "one month after the elections" with the words "15 days after elections are completed" in Clause 11, Article 25 of the Code."	Not passed

	Article 17, new paragraph	"In the first sentence of Article 26 of the Code, replace the words "Chairman of the Central Election Commission" with the words "the Central Election Commission."	Not passed
	Article 20, sub-clause a)	"add the words "identification documents of voters" after the words "meeting minutes" at the end of sub-clause a)	Not passed
	Article 22, sub-clause c)	"Rephrase as follows: "c) Remove sentences 2-5 from Clause 9, Article 33 of the Code and add the following: "The amount of salary paid to the Chairman, Deputy Chairman, Secretary and members of the Central Election Commission is determined by law. Chairmen, Deputy Chairmen and Secretaries of Territorial Election Commission receive a salary in the amount of 20 times minimal salary."	Not passed
	Article 25	Rephrase sub-clauses 1-2 of clause b) as follows: "1) 7 - in precincts with up to 1000 voters, 2) 9 – in precincts with 1001 to 2000 voters"	Passed partially
	Article 29	After the words "the Chairman or the Deputy Chairman", add the words "and 2 employees of the authorized government body within the Ministry of Interior structure and, if desired, also members of the election commission"; remove the period at the end of the sentence and add "in uniform container provided and sealed by the Central Election Commission."	Not passed

	Article 31. New Article 31[1]	"Article 31[1]. Replace the words "for each 750 voters" in Article 48, Clause 3 of the Code with the words "for each 500 voters."	Not passed
	Article 32, replace sub-clause a)	"a) Add a new sentence after the first sentence of Clause 1, as follows: "Ballot boxes must be made of transparent material so that the contents are visible."	Passed
	New Article 33[1]	Article 33[1] Remove the words "documents replacing the passport" from Article 55, Clause 3 of the Code	Not passed
	Article 34, new sub-clause	In Clause 1, write "making an appropriate mark in the voter's identification document" after the words "voter is handed a ballot paper."	Not passed
	Article 35, add sub-clause b)	After the words "the member responsible for the ballot box", add the words "checks the identification document, the presence of an appropriate mark in the voter's identification document that he/she has been given a ballot paper and verifies the voter's identify and that he/she is registered to vote in that particular precinct.	Passed partially
	Article 36	Sub-clause a) needs editing	Passed
	Article 37, new clause 2	"Add a new sub-clause 5 to Clause 1, Article 61 of the Code, as follows: "5) At least 30 days before the voting day, voters get written notification about the location of their precinct, the date and times of the voting, the voter's number in a voter list and the procedures for marking the ballot paper." In this regard, check the	Not passed

		numeration of sub-clauses 5-22 of Clause 1 of the Article."	
	Article 37. New Article 37[1]	"Article 37[1]. Replaces the words "in 12 hours" in Article 61, Clause 6, and the words "not later than in 22 hours" in Article 62, Clause 2, with the words "not later than in 18 hours" respectively	Suggestion for Article 62 passed partially
	Article 38	Replace the word "regional" with the word "constituency"	Passed
	Article 39	Make the sequence of provisions more clear	Passed
	Article 53, new sub-clause	"Rephrase the second sentence of the clause as follows: "At least 25 percent of people in party lists for National Assembly elections under proportionate system must be women, and one third must be representatives of marzes."	Not passed
	Article 64, sub-clause b)	Remove sub-clause b)	Not passed
	Article 72	Remove	Passed
	New Article 35[1]	"Article 35[1]. Add Clauses 4 and 5 to Article 58 of the Code, as follows: "4. Ballots containing notes (marks) that are different from ones approved by the Central Election Commission are considered invalid. 5. If the mark does not create any confusion about who that particular vote was cast for, but it goes outside the area allocated for the mark, such ballots may not be considered invalid."	Passed
	New Article 77	"Article 77. The Central Election Commission and Territorial Election	Passed partially, with some editorial changes.

		Commissions are formed on the basis of procedures provided for by this law within 30 days after this law comes into effect. This law comes into effect from the moment of official publication."	
Parliamentarians: 050 K. Karapetian 046 V. Baghdasarian 036 M. Movsissian 057 G. Karapetian 033 M. Ghazarian 006 A. Mkhitarian 051 H. Avetissian 043 H. Hakobian 060 V. Shahveldian 031 Zh. Galstian 015 S. Avetissian 032 E. Karapetian 030 H. Abrahamian 074 G. Melikian 024 M. Gasparian 01 P. Karapetian 63 S. Balasanian 53 V. Gyulzadian 38 H. Grigorian 72 V. Matevossian 35 H. Hakobian 62 V. Grigorian 42 H. Muradian 14 H. Hakobian 41 H. Hakobian 09 G. Madatian 03 G. Kostandian 55 M. Harutyunian 70 S. Khachatrian 37 H. Grigorian 73 G. Davtian 29 G. Arsenian 03 V. Hovhannissian 16 A. Arshakian 26 Zh. Gevorgian 54 S. Mikaelian 16. V. Zatikian 68 A. Hovhannissian 40 N. Gevorgian 04 L. Sargsian 87 A. Ketikian	Article 11, Clause 1	"Replace the words "37 constituencies" with words "65 constituencies"	Passed partially

10 Gh. Ulikhanian 28 M. Malkhasian 12 Kh. Sukiassian 38 S. Sargsian 22 N. Azizian 58. R. Amirkhanian 18 M. Hovhannissian 64 M. Sukiassian 71 G. Voskanian 47 V. Dallakian 86 M. Badeyan 45 M. Gasparian 066 S. Saghatelian 025 V. Grigorian 039 S. Sahakian 052 H. Kochinian 010 G. Hakobian 007 R. Gevorgian 061 S. Avetissian 023 H. Gharagyuzian 002 H. Pampukian 044 A. Poghossian			
	Add Article 52 after Article 51	"Article 52. Rephrase Clauses 2 and 3 of Article 95 of the Code as follows: 2. 66 parliamentarians are elected under proportionate system, from one multi-mandate constituency including the entire country, from lists of candidates submitted by parties. 3. 65 parliamentarians are elected under majoritarian system – one parliamentarian from each constituency." In this regard, consider Articles 52-76 of the draft as Articles 53-77 respectively.	Passed partially
	Consider invalid	The Law No. 115 on Amendments to Electoral Code, passed on December 22, 2000	Passed