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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
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DRAFT LAW
OF THE REPUBLIC OF ARMENIA
on amending and supplementing
the Electoral Code of the Republic of Armenia

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(Translation by OSCE)

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(CDL(2003)052)

Article 1. In Article 7 of the Electoral Code of the Republic of Armenia (HO-284 of 17 February 1999):

- a) In paragraph 4, the words “3 days prior to the voting day” shall be replaced with the words “on the day preceding the voting day”.
- b) Paragraph 6, the third and fourth sentences shall be reworded to read as follows: “During general elections (“general elections” shall include elections of the President and regular and extraordinary elections to the National Assembly), the Central Electoral Committee shall, at 9 am of the voting day, publish information on voting progress, and starting from noon, it shall publish, at three-hour intervals, up-to-date information on voter turnout as of the previous hour, and publish information on complaints and applications received and actions taken in relation thereto. The last announcement on voter turnout shall be made by the Central Electoral Committee (CEC) at 9pm, and starting from midnight, the CEC shall publish, at three-hour intervals, information on the results of the voting, and tabulate the results as per polling stations.”
- c) Paragraph 8 shall be reworded to read as follows: “In the cases referred to in Paragraph 6 hereof, the Central Electoral Committee shall publicize the information using live radio and television broadcast means”.

Article 2. In Article 9 of the Code:

- a) Remove from paragraph 3 the words “and shall be prepared in communities, by polling stations”.
- b) Paragraph 4 shall be reworded to read as follows: “Voter lists shall be compiled and maintained by the Passport and Visa Department of the Republic of Armenia Police in accordance with the procedures established by the Central Electoral Committee.

The Passport and Visa Department of the Republic of Armenia Police shall compile a unified list of voters (National Register of Voters), which shall be maintained by marzes, marzes by communities, and communities by polling stations, and shall be presented in print and electronic forms to the Central Electoral Committee twice a year.

The Central Electoral Committee and the Territorial Electoral Committees shall monitor the process of compiling and maintaining voter lists in accordance with procedures approved by the Central Electoral Committee.”

- c) Paragraph 8 shall be reworded to read as follows: “42 days in advance of the voting day, the Central Electoral Committee shall provide the voter lists (by polling station) to the Territorial

Electoral Committees, which shall provide the lists to the head of the institution managing the Polling Station territory 40 days ahead of the voting day.”

d) Paragraphs 9 and 10 shall be eliminated.

Article 3. Article 10(1)(1) of the Code shall be reworded to read as follows: “The voter lists shall include all the citizens who have voting rights and are registered in the community in question, as well as citizens who are temporarily or permanently residing in the community, but have no registration, and have filed, no later than 2 days before voting day, an application on inclusion in the voter list of their first and last names, to be examined under Article 14 hereof, to the Precinct Electoral Commission or, before the Precinct Electoral Committee is nominated—the territorial unit of the Passport Department of the Republic of Armenia Police in accordance with the procedures established by the Central Electoral Committee. The Chairman of the Precinct Electoral Committee shall provide immediate notice to the respective territorial policy authority of the Republic of Armenia of applications received, which, in turn, shall provide such notice to the Passport and Visa Department of the Republic of Armenia Police accompanied with a request to amend or supplement the National Register of Voters. The Central Electoral Committee shall be immediately notified of any amendment or supplement to the National Register of Voters.”

Article 4. In the first and second sentences of Article 12(6) of the Code, the words “of the community” shall be replaced with the words “of the respective passport authority of the Republic of Armenia police”.

Article 5. Article 14 of the Code shall be reworded to read as follows:

“1. Every citizen shall have the right to apply to the Precinct Electoral Committee no later than 2 days prior to the voting day concerning either errors in the voter lists, or requests of including or excluding him/her or another citizen into or from the voter list.

2. The Chairman of the Precinct Electoral Committee shall provide immediate notice to the respective territorial policy authority of the Republic of Armenia of applications received, which, in turn, shall provide such notice to the Passport and Visa Department of the Republic of Armenia Police accompanied with a request to amend or supplement the National Register of Voters. The Central Electoral Committee shall be immediately notified of any amendment or supplement to the National Register of Voters.”

3. Disputes concerning errors in the lists may be subject to judicial appeal. A court shall be obliged to adjudicate on such disputes within a maximum period of five days. The decision of court shall not be subject to an appeal.

During the 2 days preceding voting day, as well as on the voting day, voter lists may be changed only on the basis of judicial decisions. On the basis of a court decision, the Precinct Electoral Commission shall permit a citizen to take part in the voting in accordance with the procedures established by the Central Electoral Committee. The court shall provide immediate notice to the Passport and Visa Department of the Republic of Armenia Police and to the Central Electoral Committee of its decisions.”

Article 6. In Article 17¹ of the Code:

a) In Paragraph 1(1), the number “15” shall be replaced with the number “10”.

- b) Paragraph 1(3) shall be reworded to read as follows: “3. precincts shall be drawn up and numbered by the Central Electoral Committee on the basis of the number of voters in the National Voter Register as of 185 days prior to the voting day”.
- c) In Paragraph 2, the number “90” shall be replaced with the number “180”.

Article 7. In Article 11(3) of the Code, the words “Ministry of Interior” shall be replaced with the words “Republic of Armenia Police”. In Article 18(4)(2), 27(4), 34(4), 54(1), 97(2), and 97(3), the words “Ministry of Interior and National Security” shall be replaced with the words “Police and National Security Service”. In Article 45, the words “Ministry of Interior and National Security” shall be replaced with the words “Republic of Armenia Police”.

Article 8. In Article 20 of the Code:

- a) In Paragraph 3, add the words “citizens and legal entities” after the words “entities”.
- b) In Paragraph 4, add the words “citizens and legal entities” after the words “entities”.
- c) Add a new paragraph (Paragraph 10), to read as follows: “Monitoring of television and radio companies’ compliance with the procedures of election campaigning shall be performed by the National Television and Radio Committee, which shall report violations of such procedures to the Central Electoral Committee. On the basis of such reports, the Central Electoral Committee shall apply to a court requesting the ordering of sanctions prescribed by the legislation of the Republic of Armenia”.

Article 9. Remove from Article 22(2) the words “as well as”, and to add the words “as well as those founded by local governments” after the words “public”.

Article 10. In Article 29(3) of the Code, the words “ID cards issued to observers in accordance with submitted lists” shall be added after the words “authorization certificate”. A new paragraph shall be added to read as follows: “ID cards of persons carrying out an observer mission shall also be sealed by the organization that has obtained an authorization certificate to carry out an observer mission”.

Article 11. In Article 30 of the Code:

- a) To add the following to Paragraph 1(1): “To monitor the process of printing, transporting, and storing ballots in accordance with the procedures established by the Central Electoral Committee”.
- b) To add a new sub-paragraph (sub-paragraph 4) to Paragraph 1, to read as follows: “4. To move freely within the polling station to clearly observe the ballots and the ballot box, in accordance with procedures established by the Central Electoral Committee”.
- c) To add the words “in all of the election procedures” to Paragraph 5.

Article 12. In Article 34 of the Code:

- a) To add the following wording at the end of Paragraph 1: “, which have passed professional training courses on how to conduct elections in accordance with the procedures established by the Central Electoral Committee, and have consequently been certified”.
- b) To add the following wording at the end of Paragraph 4: “, as well as individuals who have been held liable by verdicts that have become lawful, for crimes specified in Articles 149-154 of the Criminal Code of the Republic of Armenia, if their conviction has not been extinguished or terminated in accordance with the established procedure”.

c) To add a new paragraph (Paragraph 5) to read as follows: “A member of an electoral committee may not participate in the election campaign”.

Article 13. In Article 35(2) of the Code, the word “40-th” shall be replaced with the word “60-th”.

Article 14. In Article 38(2)(7), add the words “but no later than 2 days prior to the voting day”.

Article 15. In Article 39(7) of the Code, the words “participants in the voting process” shall be replaced with the words “total number of committee members”, and the third sentence shall be removed.

Article 16. Article 41(1) of the Code shall be supplemented with a new paragraph (paragraph 29¹), to read as follows: “29¹) shall establish the procedure of holding training courses for candidates for committee membership and of issuing qualification certificates”.

Article 17. Remove from Article 42(11) of the Code the words “by the community head”.

Article 18. Supplement Article 45 of the Code with a second sentence to read as follows: “Electoral Committees shall be obliged to notify prosecution authorities within a five-day period of violations of law in connection with the process of organizing and conducting elections”.

Article 19. In Article 57(5) of the Code, the words “at the demand of 2 committee members or 2 proxies” shall be replaced with the words “at the demand of 1 committee member or 1 proxy”.

Article 20. In Article 67 of the Code:

- a) Paragraph 7(7) shall be eliminated.
- b) In Paragraph 10, the words “in the second and third paragraphs” shall be replaced with the words “in the seventh paragraph”.
- c) Paragraph 11 shall be eliminated.

Article 21. Article 68 (4) of the Code shall be eliminated.

Article 22. Articles 69 and 70 of the Code shall be eliminated.

Article 23. In Article 71(1) of the Code, the number “5,000” shall be replaced with the number “10,000”.

Article 24. In Article 71 of the Code:

- a) In Paragraph 2, the words “under the first and second paragraphs” shall be replaced with the words “under the second paragraph”.
- b) Paragraph 2(1) shall be eliminated.
- c) Paragraph 2(6) shall be reworded to read as follows: “...declarations of assets and income of the citizen who has been nominated as a candidate and of his proxies”.
- d) To add a new paragraph (Paragraph 2¹), to read as follows: “The procedure of declaring the assets and income of nominated candidates and their proxies shall be regulated under provisions of the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia.

According to the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia, candidates and their proxies, which have submitted declarations, shall submit copies of declarations verified by the authorized public agency, which shall be provided to them within a 3-day period after they apply”.

Article 25. In Article 73 of the Code:

- a) Paragraph 1(2) shall be eliminated.
- b) A new sub-paragraph shall be added to Paragraph 1, to read as follows: “In the event of errors or shortages in the documents presented for the registration of presidential candidates, the Central Electoral Committee shall allow 48 hours to correct the errors or to fill in the missing documents. In the event the errors are not corrected, or the missing documents not filled in during this period, registration shall be denied”.

Article 26. In Article 82(3) of the Code, the number “5” shall be replaced with the number “3”.

Article 27. Article 89(4) of the Code shall be eliminated.

Article 28. Article 92(2) of the Code shall be eliminated.

Article 29. In Article 99(8) of the Code, the words “party alliances” shall be added after the word “parties”.

Article 30. In Article 100 of the Code:

- a) Sub-paragraphs (3), (4), (5), and (7) of Paragraph 3 shall be eliminated.
- b) Paragraphs 6, 9, and 10 shall be eliminated.

Article 31. In Article 101 of the Code:

- a) Paragraph 1 shall be reworded to read as follows: “The party list shall be registered, if the party has submitted, within the period and in accordance with the procedure prescribed by this Code, the following:
 - 1) A receipt confirming the payment of an election deposit in the amount of 5,000-fold the minimum salary;
 - 2) A statement confirming that the candidates nominated in the party list have been citizens of the Republic of Armenia during the last five years;
 - 3) A statement to confirm that the candidates nominated in the party list have been permanently residing in the Republic of Armenia during the last five years; and
 - 4) Declarations of assets and income of the nominated candidates and the persons affiliated to them”.
- b) To add a new paragraph (Paragraph 1¹) to read as follows: “The procedure of declaring the assets and income of nominated candidates and their proxies shall be regulated under provisions of the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia.

According to the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia, candidates and their proxies, which have submitted declarations, shall submit copies of declarations verified by the authorized public

agency, which shall be provided to them within a 3-day period after they apply”. Remove the words “and if there are at least 30,000 valid signatures in the official sheets supporting his/her nomination”.

Article 32. In Article 102 of the Code:

- a) Remove Paragraph 1(1).
- b) Add a new sub-paragraph to Paragraph 1, to read as follows: “In the event of errors or shortages in the documents presented for the registration of a party list, the Central Electoral Committee shall allow 48 hours to correct the errors or to fill in the missing documents. In the event the errors are not corrected, or the missing documents not filled in during this period, registration shall be denied. If the errors are corrected, or the missing documents filled in, the party list shall be registered”.
- c) Add a new sub-paragraph to Paragraph 2, to read as follows: “In the event of errors or shortages in the documents presented for the registration of a citizen included in the party list, the Central Electoral Committee shall allow 48 hours to correct the errors or to fill in the missing documents. In the event the errors are not corrected, or the missing documents not filled in during this period, registration shall be denied.”

Article 33. In Article 104 of the Code:

- a) In the title, the words “and party alliances” shall be added after the words “parties”.
- b) Paragraph 1 shall be reworded to read as follows: “Parties and part alliances registered in the Republic of Armenia are entitled to nominate candidates in the majority contest of the National Assembly”.
- c) In Paragraph 2, the words “and party alliances” shall be added after the words “parties”.
- d) Add a new sub-paragraph to Paragraph 3, to read as follows: “Party alliances shall nominate candidates in the majority contest of the National Assembly on the basis of decisions ratified by the standing bodies of such parties that are members of the alliance”.

Article 34. Remove Article 105(4) of the Code.

Article 35. In Article 106 of the Code:

- a) In Paragraphs 1 and 2, “and party alliances” shall be added after the words “parties”.
- b) In Paragraph 1, the words “the decision ratified by the standing bodies of the parties that are members of the alliance” shall be added after the words “the decision so adopted”. Sub-paragraph 6 shall be removed.

Article 36. Article 107 of the Code shall be removed.

Article 37. In Article 108 of the Code:

- a) Paragraph 2(1) shall be removed and a new sub-paragraph (sub-paragraph 5) shall be added to read as follows: “5. ...declarations of assets and income of the citizen who has been nominated as a candidate and of his proxies”.
- b) To add a new paragraph (Paragraph 2¹), to read as follows: “The procedure of declaring the assets and income of nominated candidates and their proxies shall be regulated under provisions of the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia.

According to the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia, candidates and their proxies, which have submitted declarations, shall submit copies of declarations verified by the authorized public agency, which shall be provided to them within a 3-day period after they apply”.

- c) In Paragraph 2(2), the number “100” shall be replaced with the number “200”.
- d) Paragraph 4(1) shall be removed.
- e) A new sub-paragraph shall be added to Paragraph 4, to read as follows: ““In the event of errors or shortages in the documents presented for the registration of parliamentary candidates, the Territorial Electoral Committee shall allow 48 hours to correct the errors or to fill in the missing documents. In the event the errors are not corrected, or the missing documents not filled in during this period, registration shall be denied. If the errors are corrected, or the missing documents filled in, the party list shall be registered”.

Article 38. In Article 114 of the Code:

- a) In Paragraph 3, the words “by means of one printing house” shall be added to the first sentence.
- b) In Paragraph 7, the number “5” shall be replaced with the number “3”.

Article 39. Article 115(2) of the Code shall be reworded to read as follows: “Mandates designated for the party-proportional contest to the National Assembly shall be distributed between lists of parties and party alliances, which have gained, respectively, no less than 5 and 7 percent of the sum of [the total number of votes cast in favor of the lists of candidates of all the parties or party alliances standing the vote] and [the error figure]. If only one party or only one party alliance has scored the minimum 5 or 7 percent of the sum of [the total number of votes cast in favor of the lists of candidates of all the parties or party alliances standing the vote] and [the error figure], then the parties (or party alliances) that have gained the second and third highest percentages of votes shall take part in the distribution of mandates. If no more than 3 parties (party alliances) stand the party-proportional vote for the National Assembly, then all the parties (party alliances) shall take part in the mandate distribution”.

Article 40. In Article 117 of the Code:

- a) Remove from Paragraph 3 the sentence that reads: “shall receive from the Central Electoral Committee the official sheets supporting the nomination no earlier than 65 and no later than 60 days prior to the voting day”.
- b) Remove from Paragraph 6 the sentence that reads: “shall receive from the Territorial Electoral Committee the official sheets supporting the nomination no earlier than 65 and no later than 60 days prior to the voting day”.
- c) Remove Paragraph 9.

Article 41. In Article 123 of the Code:

- a) Paragraph 5(4) shall be reworded to read as follows: “4. ...declarations of assets and income of the citizen who has been nominated as a candidate and of his proxies”.
- b) To add a new paragraph (Paragraph 5¹), to read as follows: “The procedure of declaring the assets and income of nominated candidates and their proxies shall be regulated under provisions

of the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia.

According to the Republic of Armenia Law on the Disclosure of Assets and Income of Senior Officials of Authorities in the Republic of Armenia, candidates and their proxies, which have submitted declarations, shall submit copies of declarations verified by the authorized public agency, which shall be provided to them within a 3-day period after they apply”.

Article 42. Add to Article 124(2) of the Code a new paragraph to read as follows: ““In the event of errors or shortages in the documents presented for the registration of a nominated community head or councilor candidate, the Central Electoral Committee shall allow 48 hours to correct the errors or to fill in the missing documents. In the event the errors are not corrected, or the missing documents not filled in during this period, registration shall be denied. If the errors are corrected, or the missing documents filled in, the party list shall be registered”.

Article 43. In Article 130(4) of the Code, the number “5” shall be replaced with the number “3”.

Article 44. Article 134(4) of the Code shall be reworded to read as follows: “In any one multi-mandate majority territory, the seven candidates to the community councilor position that gain the most votes shall be deemed elected. In any two or three multi-mandate majority territory, the five candidates to the community councilor position that gain the most votes shall be deemed elected”.

Article 45. This Law shall become effective on January 1, 2005.