



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 18 March 2004

Restricted
CDL-EL(2004)009
Or. Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**INTERNAL RULES OF PROCEDURE
OF THE COUNCIL FOR DEMOCRATIC ELECTIONS**

**Adopted by the Council for Democratic Elections
at its 8th meeting
(Venice, 11 March 2004)**

The internal rules of procedure of the Council for Democratic Elections

Introduction.

The Council for Democratic Elections (hereinafter CDE) is a body set up following Resolution 1264 (2001)¹ of the Parliamentary Assembly of the Council of Europe, which among other issues invited the Venice Commission to “to set up a working group, comprising representatives of the Parliamentary Assembly, the CLRAE and possibly other organisations with experience in the matter, with the aim of discussing electoral issues on a regular basis”. Moreover the Parliamentary Assembly in its Resolution 1320 (2003) recommended giving a permanent character to the activities of the CDE.

Since its establishment in 2002, the CDE met on 7 occasions. During its 6th meeting, the CDE entrusted the Secretariat with the task of drafting the internal rules of procedure of the Council for Democratic Elections for its December meeting (Doc. CDL-EL-PV(2003)006). After examining the first draft presented for the 7th meeting of the CDE (Venice, 11 December 2003) members made a number of amendments and asked the Secretariat to prepare a new draft text. The draft rules of procedure of the CDE prepared and revised by the Secretariat are as follows.

INTERNAL RULES OF PROCEDURE OF THE COUNCIL FOR DEMOCRATIC ELECTIONS

Article 1

Members

The Council for Democratic Elections is made up of 9 members and 9 substitutes, as follows:

- 4 members and 4 substitutes appointed by the Venice Commission;
- 3 members and 3 substitutes appointed by the Parliamentary Assembly of the Council of Europe;
- 2 members and 2 substitutes appointed by the Congress of Local and Regional authorities of the Council of Europe, representing both Chambers.

Article 2

Term of office

1. Each institution decides on the duration of the term of office of the CDE members it appoints and informs the Secretariat of the CDE.
2. Each institution which appoints a member shall inform the Secretariat of his or her name, address and working languages. Not later than 8 weeks before the expiry of the term of office, the Secretary shall invite the institution concerned to proceed with the appointments for the new term.

¹ Text adopted by the Standing Committee, acting on behalf of the Assembly on 8 November 2001 (see Doc. 9267, report of the Political Affairs Committee, rapporteur Mr Clerfayt).

3. The term of office of a member shall expire:
 - a. at the end of the regular term established by each institution for its members, it being understood that he or she may continue to exercise his or her functions until the appointment of the new member;
 - b. when a member of the CDE is no longer a member of the institution that appointed him/her;
 - c. on the day a letter of resignation signed by the member is received by the Secretariat.
4. The provisions of these rules of procedure are applied *mutatis mutandis* to the substitutes.

Article 3

President of the CDE

1. Members of the CDE elect by a relative majority of votes a President for a term of two years.
2. If the term of office of the member elected President expires according to the provisions of Article 2 (3) of the present rules, the CDE is invited to elect a new President.

Article 4

Observers

1. The CDE may decide to invite international organisations and other international bodies to take part in its work as observers.
2. An observer has no right to vote.
3. An observer may make oral or written statements on the subjects being discussed.
4. Institutions invited to nominate an observer shall inform the Secretariat of the CDE of the name, address and working languages of their representative.

Article 5

Meetings of the CDE

1. Unless otherwise decided, the CDE shall hold its meetings on the day preceding the plenary meeting of the Venice Commission. Members, substitute members and observers mentioned in Article 4 may attend the meetings of the CDE.

2. Members of the Venice Commission, the Parliamentary Assembly and the Congress of Local and Regional Authorities who are not formal members of the CDE may attend its meetings with the agreement of the President of the CDE.
3. Meetings shall be *in camera* unless the CDE decides otherwise. Representatives of States or organisations co-operating with the CDE may, as appropriate, be invited to meetings. The President may invite special guests to attend a meeting of the CDE.
4. The CDE appoints rapporteurs on questions submitted to its attention. Members, substitute members, observers and external experts can be Rapporteurs of the CDE.
5. There shall be a quorum if 5 members and/or substitutes are present (including at least one representative per institution from the Venice Commission, the Parliamentary Assembly of the Council of Europe and the Congress of Local and Regional Authorities of the Council of Europe).
6. Each member shall have one vote. If a member cannot attend a meeting of CDE he/she informs the Secretariat indicating which substitute will represent him/her at the meeting and have the right to vote.
7. The CDE shall adopt its decisions by a majority of the members present at the meeting.
8. Each member, substitute and observer may request that his or her opinion be recorded in the meeting report.

Article 6

Convocation

After consultation with the President, the Secretary shall convene the meeting of the CDE by a letter or message addressed to the members, substitute members, and observers.

Article 7

Secretariat

The division of elections and referendums of the Secretariat of the Venice Commission acts as the Secretariat of the CDE.

Article 8

Agenda

The agenda shall be adopted at the beginning of each meeting on the basis of a draft prepared by the Secretariat and annexed to the convocation.

Article 9

Documents

1. The Secretariat is in charge of preparing and circulating all the documents intended to be examined by the CDE.
2. The documents submitted for adoption shall be, with the exception of urgent ones, sent beforehand to the members and substitute members for written comments; written comments shall be examined on a priority basis during the meeting.
3. In urgent cases, with the authorisation of the President, the opinion(s) of the rapporteur(s) may be sent on a preliminary basis before its formal adoption by the CDE to the institution which sought the opinion of the CDE.

Article 10

Languages

The working languages of the CDE shall be English and French.

Article 11

Reconsideration of a decision

When a decision has been taken on any particular matter, such matter shall not be re-opened except at the request of a member approved by a two-thirds majority of the votes cast.

Article 12

Meeting Reports

A draft meeting report shall be considered adopted 30 days after its circulation, provided no objection is notified within that period.

Article 13

Amendments

Amendments to these Rules shall be adopted by a two-thirds majority of the members present at the meeting, in full respect of Article 5 paragraph 5 of the present rules.