



Strasbourg, 21 March 2006

**Study no. 351 / 2005**

Restricted  
**CDL-EL(2006)004rev**  
**Or. Fr.**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT QUESTIONNAIRE  
TO THE MEMBERS OF THE VENICE COMMISSION  
ON THE SECRECY OF THE VOTE  
IN THE CONTEXT OF PARLIAMENTARY PROCEDURE**

**Adopted by the Council for Democratic Elections  
at its 16<sup>th</sup> meeting  
(Venice, 18 March 2006)**

**on the basis of comments by**

**Mr Dominique CHAGNOLLAUD (Member, Monaco)**

**A. Is there a constitutional and/or legislative provision of a general nature which guarantees secrecy of the vote in your country? If so, does this provision concern equally all types of election or only those which take place by direct vote?**

**B. Which elections take place by indirect vote?**

For each one :

1. who is authorised to vote and how is the electoral procedure organised?
2. is secrecy of vote formally required during voting; if so on the basis of what provisions (parliamentary rules of procedure etc)?
3. what practical arrangements are made to ensure its effectiveness?

**C. Should there be a violation of secrecy of vote, in the framework of an indirect vote**

1. what are the different types?
2. at what moment can it be proved? Is it limited to divulging the contents of the vote during voting?
3. are there any means of appeal and before whom (election judge, presidency of the Chamber, etc)?
4. to what extent and how can it be sanctioned?
5. are there any precedents or precise case-law?