



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 29 September 2006

Restricted  
**CDL-EL-OJ(2006)003ann**  
Or. Fr.

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

**18<sup>th</sup> MEETING**  
**OF THE COUNCIL FOR DEMOCRATIC ELECTIONS**  
**(Venice, 12 October 2006 at 9.45 a.m.)**

**DRAFT ANNOTATED AGENDA**

## **1. Adoption of the agenda**

The Council is invited to adopt its agenda as it appears in document CDL-EL-OJ(2006)003ann.

## **2. Guidelines on referendums**

At its last meeting, the Council for Democratic Elections examined a first version of the guidelines on referendums and decided to adopt the final version of this text at its October 2006 meeting. The discussion should focus on amendments proposed in writing.

The Council for Democratic Elections is therefore invited to examine the draft revised guidelines on referendums ([CDL-EL\(2006\)024rev](#)), with a view to adoption. In this text, those passages which are not taken from previous Venice Commission documents (the Code of good practice in electoral matters – [CDL-AD\(2002\)023rev](#) – and the guidelines for constitutional referendums at national level – [CDL-INF\(2001\)010](#) –) are indicated in italics.

The Council may decide to draw up a note or explanatory report to be annexed to these guidelines.

## **3. Specific rules on the voting rights of national minorities**

Following a proposal from the Office of the OSCE High Commissioner for National Minorities, the Council for Democratic Elections debated at its last meeting the issue of double voting rights for persons belonging to national minorities. The Office of the High Commissioner consequently prepared a document on this issue, on which Ms Durrieu, rapporteur appointed by the Council, commented ([CDL-EL\(2006\)029](#)). The Council is invited to examine these documents with a view to submitting them to the Sub-Commission on the protection of minorities and subsequently to the Commission in Plenary Session.

## **4. Belarus**

In its Resolution 1496 (2006) on “Belarus in the aftermath of the presidential election of 19 March 2006”, the Parliamentary Assembly of the Council of Europe, having condemned the undemocratic conduct of the presidential election of 19 March 2006 in Belarus invited “the Venice Commission to make proposals on how to amend the Belarusian Electoral Code and address the malpractice of the administration in electoral matters, with particular reference to the issues of the role of independent observers, the composition of the electoral commissions and the practice of early voting, if necessary by liaising with the appropriate Belarusian authorities” (point 14). Following this request a draft joint opinion by the Venice Commission and OSCE/ODIHR on the electoral legislation in the Republic of Belarus was drawn up ([CDL-EL\(2006\)030](#)). This text does not aspire to examine the electoral legislation (cf. [CDL-EL\(2006\)028](#)) in detail, but to underline the main problems, in particular those mentioned in the above-mentioned Resolution. The Council is invited to adopt the draft opinion with a view to forwarding it to the Parliamentary Assembly.

## **5. Statement by the Secretariat<sup>1</sup>**

a. The Venice Commission took part in Parliamentary Assembly observation missions on the occasion of the parliamentary elections in “the former Yugoslav Republic of Macedonia” (5 July) and in Montenegro (10 September), as well as the general election in Bosnia and Herzegovina (1 October). In addition, the Commission took part in the observation mission of the Congress of local and regional authorities of the Council of Europe on the occasion of the local elections in Georgia (5 October).

The notes and the report prepared by the rapporteurs and the Commission Secretariat for these missions were forwarded to the members of the Council for Democratic Elections for information and possible comments.

b. In March 2006, Mr Owen Masters, Venice Commission expert participated in a working meeting with representatives from the Office of the State Administration of Croatia on the drawing up of a new law on the direct election of mayors and heads of cantons. A revised version of the law was sent to the expert in September 2006. A opinion on the revised version of the law is under preparation.

c. The Secretariat of the Commission was represented at the last ACEEEO Annual Conference; this organisation has changed its name to “Association of European Election Officials”. The 2007 ACEEEO Conference will be held at the seat of the Council of Europe in Strasbourg, and will be immediately followed by the 4<sup>th</sup> Conference of European Electoral Management Bodies.

The Constitutional Court of Armenia has requested the Venice Commission to give an *amicus curiae* opinion in the framework of a question of the constitutionality of the participation of judges in electoral commissions. Mr Colliard is rapporteur on this issue. Owing to the urgency of this question, a draft opinion will be sent to the Constitutional Court by the end of October.

## **6. Future activities**

At its next meeting, the Council should deal with, amongst others, the following points :

- study on the secrecy of the vote in the context of elections by Parliament, on the basis of a report by M. Chagnollaude;
- draft joint opinion by the Venice Commission and OSCE/ODIHR on the electoral legislation of Armenia;
- draft joint opinion by the Venice Commission and OSCE/ODIHR on the electoral legislation of Georgia;
- draft opinion on the law on the election of mayors of Croatia.

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<sup>1</sup> *There will be no discussion under this item, unless specifically requested.*

The Council for Democratic Elections is invited to hold an exchange of views on the following future activities:

- a study on the invalidation of election results;
- the drafting of a Code of Good Practice in the field of political parties, which should take account of the previous work of the Venice Commission in this field.

Members are invited to make proposals for future activities.

#### **7. Co-operation with OSCE/ODIHR**

The Council is invited to hold an exchange of views with the representatives of OSCE/ODIHR on the possibilities of future co-operation.

#### **8. Date of the next meeting**

It is proposed to hold the next meeting in the morning of Thursday, 14 December at 9h45.