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

**6<sup>th</sup> MEETING**  
**OF THE COUNCIL FOR DEMOCRATIC ELECTIONS**  
**(Venice, 16 October 2003 at 9 a.m.)**

**MEETING REPORT**

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

The agenda was adopted as it appears in document CDL-EL-OJ (2003) 6ann.

### **2. Election of the Chairman**

Mr Erik Jurgens was elected Chairman of the Council for Democratic Elections, replacing Mr Georges Clerfayt, who is no longer a member of the Parliamentary Assembly. The Council thanked Mr Clerfayt for his work as first Chairman.

### **3. Participation of members and substitute members**

The Council decided that from now on it would admit as many substitutes as full members. In particular, the Secretariat will invite those Committees of the Parliamentary Assembly and the Chamber of the Congress not represented by a substitute to nominate one. Substitutes will continue to be invited to each meeting. The substitute members will receive all convocations and documents, so that they can attend the meetings of the Council if members themselves are not able to attend.

Mr Bruce confirmed that Mr Nicolas Kaczorowski had been nominated as permanent observer for ODIHR.

### **4. Organisation of work**

The Council decided to continue holding a half-day session on the Thursday prior to the Plenary Session of the Venice Commission.

To enable all items on the agenda to be dealt with, the Council decided that from now on documents submitted for adoption will, except in urgent situations, be sent in advance to members for written comments; these written comments will be dealt with as a priority during the meetings.

The Secretariat should draw up for the next meeting guidelines on the functioning of the Council for Democratic Elections.

### **5. Future Activities**

- Recommendations on electoral law and electoral administration

The Council decided to examine on a case by case basis if it is necessary to draw up recommendations on electoral law and observation of elections; in principle however, these recommendations will be drawn up following observation reports by the Parliamentary Assembly and the Congress of Local and Regional Authorities in Europe.

Mr Bruce indicated that ODIHR is in favour of co-operating in the field of opinions on electoral law and electoral administration.

-       Referendums

This item will be discussed at the December session in the presence of Mr Andreas Gross who has submitted a proposal for Resolution on this question to the Parliamentary Assembly (document 9874). The Council will examine whether it is necessary to complete the Venice Commission's work on referendums.

-       Election fraud

This item will be taken up again if proposed by one of the Council's members.

-       Restrictions on the right to vote

Mr Jurgens informed the Council that the Parliamentary Assembly would make a request concerning restrictions on the right to vote (see document 9906).

Mr Lancelot suggested that the subject of electoral participation could be considered. Mr Micallef informed that the CLRAE is currently drawing up a report on participation in local elections, which could serve as a base for considering this subject.

## **6.       Electoral systems**

Mr Lancelot presented the report, which he had drawn up with Mr Broquet on "Electoral Systems : Table of available solutions and selection criteria" (CDL-EL (2003) 6). This text is divided into two parts. The first presents in a summarised form the offer of electoral systems, an exhaustive list would be too long. Additions could be made to this list. The second part, concerning criteria for selecting a particular election system and the implications of that choice, is the more important one for the decision of the legislator. It shows that the electoral system has three major functions, representation, selection of government and investiture of government. The situation may also be viewed differently at different moments in history (elitist model, model of mass democracy, consumerist individuation model).

The members made a certain number of proposals for amendment. Mr Lancelot indicated that the rapporteurs would take them into account, in particular in developing the introduction, and would present a revised version of the report for the December meeting, with a view to adoption.

## **7.       European Conference of Electoral Management Bodies**

Mr Kouznetsov informed that the European Conference of Electoral Management Bodies should take place on 19-20 January 2004 in Strasbourg, with more than 100 participants. The main topic will be electoral participation, and a session will be devoted to voting modalities. An exchange of views will take place with other associations, such as ACEEEO and the Tikal Protocol. Members of the Council are invited to take part in this event.

## **8.       E-enabled Voting and Remote Voting**

Mr Garrone informed that the Council for Democratic Elections was represented by Mr Grabenwarter and himself at the latest meetings of the Multidisciplinary Ad Hoc Group of Specialists on legal, operational and technical standards for e-enabled voting (IP1-S-EE) (Strasbourg, 18-19 September 2003) and the Group of Specialists on legal and operational

standards for e-enabled voting (EE-S-LOS) (Strasbourg, 2-3 July 2003). A first preliminary draft recommendation on legal and operational standards for e-enabled voting was discussed. This text takes into account the Code of good conduct in electoral matters.

During the meeting of the Multidisciplinary Ad Hoc Group of Specialists on legal, operational and technical standards for e-enabled voting, a member of the group raised the question of the conformity of remote voting with European standards in general (including postal vote). A questionnaire on legislation and practice of remote voting has been sent to the members of the group. It was proposed that the Venice Commission could undertake a study on this question. Mr Grabenwarter indicated that he would be available for this.

The Council decided to deal with the question of remote voting at its next meeting.

The Council nominated Messrs Grabenwarter and Micallef to participate in the next meeting of the Group of Specialists on legal and operational standards for e-enabled voting (EE-S-LOS) (Strasbourg, 3-5 December 2003).

## **9. Internet Portal of the Council of Europe**

The Secretariat informed the Council of the creation of a specific site relating to elections on the internet portal of the Council of Europe, placed under the responsibility of the Council for democratic elections. This site will include information provided by the Venice Commission, the Parliamentary Assembly and the Congress of Local and Regional Authorities of Europe, as well as other Council of Europe departments competent in electoral matters. In particular, there will be an on-going zoom link to elections in Council of Europe member States.

## **10. Recommendations on the electoral law and the electoral administration in Armenia**

### **a. Armenia**

The Council took note of the Recommendations on the electoral law and the electoral administration in Armenia (CDL-EL (2003) 10), prepared by Mr Michael Krennerich (Expert, Germany).

The Council decided to proceed in the following way :

- in general, a member of the Council will be responsible for reports on electoral law and electoral administration;
- Mr Masters will be rapporteur for Armenia;
- the report by Mr Krennerich will, first of all, be sent to the rapporteurs from the Assembly and the Congress;
- subsequently, it will be sent to ODIHR and forwarded to two experts Messrs Chambers and Pilgrim;
- finally it will be sent to the members of the Council for Democratic Elections.

### **b. Moldova**

Mr Jurgens will be rapporteur for Moldova. This item will be on the agenda of the next meeting.

## **11. Code of good practice in electoral matters**

The Council took note of the reply by the Committee of Ministers to the Parliamentary Assembly concerning the code of good practice in electoral matters (CM/AS(2003)Rec 1595 final). Mr Buquicchio stressed that it would be better to wait and see the Code's impact before dealing with the possibility of drawing up a Convention.

**LIST OF PARTICIPANTS**

Venice Commission

Mr Alain Lancelot  
Mr François Luchaire  
Mr Jan Klucka  
Mr Peter Paczolay  
Mr Hjörtur Torfason

Secretariat

Mr Gianni Buquicchio  
Mr Thomas Markert  
Mr Pierre Garrone  
Mr Serguei Kouznetsov

Parliamentary Assembly

Mr Erik Jurgens  
Ms Hanne Severinsen  
Mr Luc Van den Brande

CLRAE

Mr Ian Micallef  
Mr Owen Masters

Secretariat

Ms Caroline Ravaud  
Mr Daniil Kochabo

ODIHR

Mr Andrew Bruce

Regione Veneto

Ms Elena Val