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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

7th MEETING
OF THE COUNCIL FOR DEMOCRATIC ELECTIONS
(Venice, 11 December 2003)

MEETING REPORT

1. Adoption of the Agenda

The agenda was adopted as it appears in document CDL-EL-OJ (2003) 7ann.

2. Communication by the Secretariat

The Secretariat informed the Council that the Second European Conference of Electoral Management Bodies has been postponed and will probably take place during the second half of 2004. More details will be given as they become available.

3. Internal rules of procedure

The Council examined the draft internal rules of procedure as proposed by the Secretariat (CDL-EL (2003) 17). Several comments were made with a view to the drawing up of a revised version to be presented to the next meeting. The Council indicated in particular that all substitute positions should be filled.

4. Electoral systems

The Council adopted the revised report by Messrs. Broquet and Lancelot, on “Electoral systems: overview of available solutions and selection criteria” (CDL-EL (2003) 6 rev.), with factual modifications suggested by Bulgaria, Lithuania and Luxembourg to be introduced in the final version. The observations of ODIHR could also be taken into account provided they are received without delay.

5. Draft Convention by the Association of Central and Eastern European Election Officials (ACEEEO)

Mr Grabenwarter presented his comments (CDL-EL (2003) 14) on the draft Convention by ACEEEO on “Election standards, electoral rights and freedoms” (CDL (2003) 57). The Convention is an important step in the harmonisation of electoral law. Amongst the major points raised, it can be noted that the document could be shortened by a more systematic approach and that some provisions should be reviewed so that the situation peculiar to the European Union be taken into consideration. Mr Lysenko, on behalf of ACEEEO, thanked Mr Grabenwarter and pointed out that reference could also be made to the situation in the European Union. Members also made remarks on certain points, such as the question of surveys.

The Council should adopt the final opinion on this question at its next meeting, at this time the comments of a further rapporteur will be available.

6. E-enabled Voting and remote voting

Mr. Grabenwarter presented his comments on E-enabled and remote voting (CDL-EL (2003) 16). He specified that the report had been prepared on the basis of replies to a questionnaire (IP1 (2003) 63rev) drawn up by the Group of Specialists on legal, operational and technical standards for e-enabled voting (IP1-S-EE), which is drafting a draft Committee of Ministers Recommendation on e-enabled voting. The report concluded that remote voting is in principle in conformity with the requirements of Council of Europe documents

(article 3 of the Additional Protocol to the ECHR and the Code of Good Practice in Electoral Matters). This draft had been presented to the Group of Specialists on legal and operational standards for e-enabled voting (EE-S-LOS, Sub Group of IP1-S-EE) at its meeting on 3-5 December 2003 and EE-S-LOS had decided to request factual comments from its members by January 2004. The final document will be adopted at the next meeting.

7. Armenia

Mr Masters presented the draft joint recommendations on electoral law and electoral administration in Armenia, by the Venice Commission and ODIHR on the basis of Mr Krennerich's comments (CDL-EL (2003) 10 rev; see document CDL (2003) 52). He emphasised the quality of Mr Krennerich's report. Amongst the major points of the report, it can be noted that it is recommended :

- to remedy the unbalanced composition of election commissions, which favours the majority in power;
- to be more precise in how to redraw constituencies;
- to extend the deadline between parliamentary elections and the appointment of the Central Election Commission, which is currently only 40 days;
- to guarantee the respect of the rights of observers and proxies;
- to post results at the polling station.

Some changes were made in particular by ODIHR.

Mr Masters welcomed the good co-operation between the Council for Democratic Elections and ODIHR.

The Council adopted the draft joint recommendations on electoral law and electoral administration in Armenia, by the Venice Commission and ODIHR (CDL-EL (2003) 10 rev2).

8. Future activities

- Recommendations on electoral law and electoral administration

The Council decided to examine at its next meeting recommendations on electoral law and electoral administration in the following states :

- Albania (the first report will be drafted by ODIHR)
- Azerbaijan
- Moldova

Joint recommendations by the Venice Commission and ODIHR will be prepared.

More generally, the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe were invited to indicate in their observation reports their interest in the Council for Democratic Elections drafting recommendations on electoral law and electoral administration.

- Other activities

- Restrictions on the right to vote : Mr Jurgens will make contact with the Political Affairs Committee of the Parliamentary Assembly

Other subjects which could be studied in the near future include :

- Referendum
- Media
- E-voting
- Electoral lists

9. Date of next meeting

The next meeting will take place on Thursday 11 March 2004 from 9-12:30.

LIST OF PARTICIPANTS

Venice Commission

Mr Dimitri Conostas
Mr Christoph Grabenwarter
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

Mr Riccardo Priore
Mrs Caroline Ravaud

ODIHR

Mr Andrew Bruce

Association of Central & Eastern European Election Officials (ACEEEO)

Mr Vladimir Lysenko
Mr Attila Peteri