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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ARMENIA

**DRAFT AMENDMENTS TO THE ELECTORAL CODE AND RELATED
LEGISLATION
AND RATIONALE ON ADOPTION OF THE PACKAGE OF DRAFT
LAWS**

Table of contents:

I. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING SUPPLEMENTS AND AMENDMENTS TO THE ELECTORAL CODE OF THE REPUBLIC OF ARMENIA	3
II. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE CONSTITUTIONAL LAW "ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTIONAL LAW "ELECTORAL CODE OF THE REPUBLIC OF ARMENIA""	35
III. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING SUPPLEMENTS AND AMENDMENT TO THE CONSTITUTIONAL LAW "ON POLITICAL PARTIES"	36
IV. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE LAW OF THE REPUBLIC OF ARMENIA "ON LOCAL SELF-GOVERNMENT"	37
V. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE LAW OF THE REPUBLIC OF ARMENIA "ON LOCAL SELF-GOVERNMENT IN THE CITY OF YEREVAN"	38
VI. LAW OF THE REPUBLIC OF ARMENIA ON MAKING SUPPLEMENTS TO THE LAW "ON STATE REGISTRATION OF LEGAL PERSONS, STATE RECORD-REGISTRATION OF SEPARATED SUBDIVISIONS, INSTITUTIONS OF LEGAL PERSONS AND INDIVIDUAL ENTREPRENEURS"	39
VII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE LAW "ON CIVIL SERVICE"	41
VIII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE CRIMINAL CODE OF THE REPUBLIC OF ARMENIA.....	42
IX. LAW OF THE REPUBLIC OF ARMENIA ON MAKING A SUPPLEMENT AND AMENDMENTS TO THE LAW OF THE REPUBLIC OF ARMENIA "ON STATE DUTY"	43
X. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CODE OF THE REPUBLIC OF ARMENIA "ON ADMINISTRATIVE OFFENCES"	44
XI. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTIONAL LAW "ON REFERENDUM"	46
XII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE LAW "ON LOCAL REFERENDUM".....	47
XIII. LAW OF THE REPUBLIC OF ARMENIA ON REVOKING THE LAW "ON MAKING SUPPLEMENTS TO THE LAW "ON COMMISSION FOR THE PREVENTION OF CORRUPTION"	48
XIV. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE LAW "ON MAKING A SUPPLEMENT AND AMENDMENTS TO THE LAW "ON LOCAL REFERENDUM""	49
XV. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMNEDMENTS TO THE CONSTITUTIONAL LAW "ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE CONSTITUTIONAL LAW "ON REFERENDUM".....	50
XVI. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE LAW "ON IDENTIFICATION CARD"	51
XVII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AN AMENDMENT TO THE LAW OF THE REPUBLIC OF ARMENIA "ON THE PAYMENT OF WORK OF PERSONS HOLDING STATE POSITIONS AND CIVIL SERVICE POSITIONS"	52
XVIII.LAW OF THE REPUBLIC OF ARMENIA ON MAKING A SUPPLEMENT TO THE LAW OF THE REPUBLIC OF ARMENIA "ON CIVIL SERVICE"	53
XIX. RATIONALE FOR ADOPTION OF THE PACKAGE OF DRAFT LAWS	54



Ministry of Justice

DRAFT

I. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING SUPPLEMENTS AND AMENDMENTS TO THE ELECTORAL CODE OF THE REPUBLIC OF ARMENIA

Article 1. Article 2 of the Constitutional Law "Electoral Code of the Republic of Armenia" (hereinafter referred to as "the Code") shall be supplemented with a new part 5:

"5. To the end of ensuring the exercise of the right of suffrage by persons with disabilities, mobility (locomotor) difficulties and problems with vision, public authorities shall take necessary measures aimed at accessibility."

Article 2. Article 3 of the Code shall be supplemented with new part 4 and part 5:

"4. During the period of preparing and holding elections, public authorities, while performing their duties, shall show neutrality and provide equal opportunities for political parties (alliances of political parties) running in elections and candidates during the period of the election campaign.

5. Candidates, other persons shall have no right to use the advantages of their official or work-related capacity to achieve a certain result in the elections. The restrictions related to using the advantages of official or work-related capacity shall be prescribed by this Code."

Article 3. Article 4 of the Code shall be supplemented with new part 2 and part 3:

"2. No one can force the elector to reveal how he or she intends to vote or how he or she has voted for the candidate (party, alliance of parties).

3. The candidates, political parties, alliance of political parties, other participants of the electoral process shall have right to conduct an election campaign in the manner prescribed by this Code. The candidates, political parties, alliance of political parties, other participants in the electoral process shall have no right to use calls for violence, threats for violence or any other form of coercion."

Article 4. The Code shall be supplemented with a new Article 6.1:

Article 6.1. Fair Elections

1. Observance of the principle of fair elections must ensure the creation of equal legal conditions for all participants in the electoral process.

2. When holding fair elections, the following shall be ensured:

(1) universal and equal suffrage;

(2) equal opportunities, including accessibility to mass media and means of telecommunication for each candidate, political party (alliance of political party);

(3) lawful and public funding of elections, candidates, political parties (alliances of political parties);

(4) honesty during voting and counting of votes, full and immediate notification of voting results with official publication of election results;

(5) quick and effective examination of complaints — within the time limit prescribed by law — regarding violations of suffrage and freedoms of citizens, candidates, political

parties (alliances of political parties) by courts and other bodies authorised for that, as well as ensuring the right of a citizen to apply — under the procedure provided for by norms of international law — to international judicial authorities for protection and restoration of his or her suffrage and freedoms.

3. Public authorities shall establish effective mechanisms for the purpose of legal protection of suffrage of persons.
4. Public authorities shall ensure conditions for the proper implementation of public supervision over elections.
5. Persons violating the suffrage shall be held liable in the manner prescribed by law".

Article 5. The Code shall be supplemented with a new Article 6.2:

Article 6.2. Genuine Elections

1. Observance of the principle of genuine elections must ensure the disclosure of the freely expressed will of the people and lead to the direct implementation thereof.
2. Genuine elections shall enable the electors to elect the candidates, the political party (the alliance of the political parties) based on the Constitution and legislation.
3. While preparing and holding elections, free access of electors to candidates, electoral lists, political parties, alliances of political parties, information on the electoral process, as well as access of candidates, political parties, alliances of political parties to the media and means of telecommunications shall be ensured.
4. This Code and legislation shall establish equal and fair conditions for the registration of candidates and electoral lists.
5. The candidate, political party or alliance of political parties running in the elections shall have right to lodge an appeal — in the manner and time periods prescribed by this Code, legislation — against the results of voting or elections violating their suffrage.
6. Activities aimed at falsifying the counting of votes, the results of voting and elections, obstructing the free exercise of suffrage and freedoms of a citizen shall be punished by law".

Article 6. In Article 7 of the Code:

- (1) part 1 shall be revised to read as follows:

"1. Elections of the National Assembly and local self-government bodies shall be held periodically, within the time limits prescribed by the Constitution and this Code, except for cases provided for by Article 7.1 of this Code."

- (2) parts 2-4 shall be repealed."

Article 7. The Code shall be supplemented with a new Article 7.1:

Article 7.1. Prohibition on holding elections. Calling and holding elections after the end of martial law or state of emergency

1. Elections of the National Assembly shall not be called and held during martial law or state of emergency.
2. Elections of local self-government bodies shall not be called and held during the martial law. Elections of local self-government bodies shall not be called and held when state of emergency is declared on the whole territory of the Republic of Armenia. When state of emergency is declared on a part of the territory of the Republic of Armenia elections of local self-government bodies shall be called and held only in the communities in the territories whereof no state of emergency is declared.

3. Where the martial law or state of emergency is declared after calling elections of the National Assembly or local self-government bodies, including the voting day, the electoral process shall be deemed to be terminated by virtue of law from the moment when the martial law or state of emergency is declared. After the martial law or state of emergency is declared, the Central Electoral Commission shall immediately make an announcement on termination of the processes related to the elections of the National Assembly or local self-government bodies.
4. Where the martial law or state of emergency has been declared after the voting day of elections of the National Assembly or local self-government bodies, the electoral process shall not be terminated, summerisation of the results of voting and elections shall continue in the manner prescribed by this Code, except for cases when the organisation of the process of summerising the results has become impossible due to martial law or state of emergency. The Central Electoral Commission shall make a decision on the impossibility of organising the process of summerising the results and on processes related to the elections of the National Assembly or local self-government bodies being terminated and shall make an announcement thereon.
5. The elections of the National Assembly or local self-government bodies not called or held due to martial law or state of emergency shall be called and held within the time limits prescribed by this Article, as well as Articles 122.1 and 128.1 of this Code.
6. The elections of the National Assembly not called or held due to martial law or state of emergency shall be called upon the decree of the President of the Republic no later than 7 days after the end of the martial law or state of emergency and shall be held no earlier than 50 days and no later than 65 days after the end of the martial law or state of emergency.
7. The regular and early elections of local self-government bodies not called or held due to martial law or state of emergency shall be held after the end of the martial law or state of emergency on the day closest of the days defined by the Central Electoral Commission, so that the time limits prescribed by this Code for organising and holding regular elections are observed.
8. After the termination of the electoral process, the elections not held shall be organised and held under the general procedure established by this Code, taking into account the specifics of the organisation and holding of elections after the end of martial law or state of emergency, defined by this Code.
9. The printing of new ballot papers, ballot envelopes and self-adhesive stamps, as well as other electoral materials shall be carried out upon the decision of the Central Electoral Commission taking into account the necessity of printing thereof.
10. The provisions regarding the termination of electoral processes related to declaring martial law or state of emergency, defined by this Code, shall apply also in case of the second round of election, repeat voting, as well as new elections."

Article 8. In Article 8 of the Code:

- (1) the number and the word "5 days" shall be replaced with the number and the word "10 days" in the first and second paragraphs of part 5; the words "the relevant electoral commission" shall be replaced with the words "the Commission for the Prevention of Corruption of the Republic of Armenia" in the first paragraph;
- (2) the words "the Central Electoral Commission" shall be replaced with the words "the Commission for the Prevention of Corruption of the Republic of Armenia" in the second paragraph of part 5;
- (3) in the fourth paragraph of part 5, the punctuation mark and the words ", as well as the data list included in declarations, not subject to publication" shall be supplemented after the words "the procedure for submission thereof"; the words "the Central Electoral

Commission" shall be replaced with the words "the Commission for the Prevention of Corruption of the Republic of Armenia";

(4) part 6 shall be revised to read as follows:

"6. Declarations of political parties (political parties included in the alliances of political parties) running in elections and declarations of the candidates shall be submitted electronically and posted on the website of the "Commission for the Prevention of Corruption of the Republic of Armenia" in an accessible format.";

(5) part 8 shall be revised to read as follows:

"8. Electors shall, as prescribed by this Code, be informed of compositions, locations, working hours of electoral commissions, the time limits for submission of applications on inaccuracies in the lists of electors, the nomination of candidates and the time limits for registration, the day, venue, time of voting, as well as the results of voting and election.

During the elections of the National Assembly, the Central Electoral Commission shall, within a 3-day period after the entry into force of the decree on calling elections, and in case of elections of local self-government bodies — within a 3-day period after the end of the deadline for calling elections, publish — on public television, public radio and on the website of the Central Electoral Commission — the schedule of main measures of preparing and holding elections, in case of elections of local self-government bodies — also the list of communities where the elections are to be held.

The Central Electoral Commission shall, within time limits prescribed by this part, publish information on public radio and public television on the time limits for submission of applications on inaccuracies in the lists of electors, time limits for nomination of candidates and registration thereof, as well as on the voting day.";

(6) the punctuation mark and the words ", upon assignment of the chairperson of the Central Electoral Commission — representatives of the Central Electoral Commission" shall be supplemented after the words "higher level electoral commission" in the first sentence of part 11;

(7) part 11.1 shall be revised to read as follows:

"11.1. During the elections of the National Assembly and of Councils of Elders of communities held under the proportional electoral system, the specialised organisation, selected as a result of a competition held as prescribed by the Government, shall carry out the video recording, from electoral precincts, of the voting process and of the process of summarisation of voting results, as well as a simultaneous webcast, in real time, via website(s) specifically created for that purpose. Real time and the number of the polling station, in the case of the sessions of the constituency electoral commission real time and the number of the constituency electoral commission must be visible on the video footage during the broadcast.

The video shall be recorded by means of fixed cameras. The ballot box, the processes of registration of electors and allocation of ballot envelopes and ballot papers and of summarisation of the voting results must be in the field of view of the cameras. Video recording and webcast shall be carried out in observance of the principle of secrecy of voting prescribed by this Code.

Sessions on summarisation of results of the constituency electoral commission and the recount shall be video-taped and broadcast by a specialised organisation selected in a prescribed manner. Real time and the number of the constituency electoral commission must be visible on the video footage during the broadcast.

The Government shall conclude a relevant contract with the specialised organisation, which stipulates also the procedure and conditions for video recording (videotaping), from

electoral precincts, of the voting process and of the process of summarisation of voting results, of the sessions of the constituency electoral commission and of the recount shall and those for simultaneous webcast, as prescribed by this part, as well as stipulates the list of precincts.

The person possessing the premises of a polling station, and electoral commissions shall be obliged to assist the specialised organisation in organising the process of video recording (videotaping) and webcasting; however, they shall not be responsible for organisation of the process and the quality thereof.

Materials video-recorded (video-taped) at the electoral precinct and the constituency electoral commission by a specialised organisation shall remain accessible on the specially designed website of the specialised organisation until the official publication of the results of elections. The contract concluded with the organisation may provide for a longer time period. Within the scope of protection of suffrage, copies of video-recorded (video-taped) materials may be provided, upon a written application, to electoral commissions, political parties running in elections and organisations having carried out observation mission, on condition of paying the cost of copying. The application may be submitted to the Central Electoral Commission prior to the end of the time period set for challenging the decision made by the electoral commission upon the election results, and in case of challenging that decision, prior to the adoption of the final judicial act. The application must contain the name of the election and the number of the electoral precinct or the number of the constituency electoral commission from which the copy of the video-recorded (video-taped) materials is requested, and electronic medium complying with the requirements prescribed by the specialised organisation, must be submitted along with the application.

The video-recorded (video-taped) materials shall be archived and maintained for a time period of 5 years after the election by the specialised organisation. The Central Electoral Commission shall establish the procedure for export, transfer to the competent body and archiving of video-recorded (video-taped) materials.";

(8) part 13 shall be repealed.

Article 9. In Article 8.1 of the Code:

- (1) the word "permanent" shall be deleted from part 2;
- (2) the words "of candidates nominated under the majoritarian electoral system" shall be deleted from the second sentence of part 2;
- (3) part 3 shall be repealed.

Article 10. In Article 10 of the Code:

- (1) part 3 shall be revised to read as follows:

"3. In case of elections of the National Assembly, electors having registration of another community or other settlement of the same community, and in case of elections of the Council of Elders of communities held through the proportional electoral system — electors having registration of other settlement of the same community, shall, no later than 12 days before the voting day, by 14:00, submit an application to the authorised body or to the head of its relevant subdivision (hereinafter referred to as "the authorised body") on temporary withdrawal from the list of electors by place of registration, indicating the address of their place of location on the voting day. The application may be submitted electronically or in paper form. The authorised body shall, within a 3-day period following the receipt of the application, temporarily remove the data of the elector from the list of electors by place of registration and add them in the list of electors of the electoral precinct by place of location. In case of submitting an application on behalf of another person, the applicant shall be obliged to submit a notary certified power of attorney. The authorised body shall — within a 3-day period — notify the applicant about it. The notification shall be made

through sending an SMS to the telephone number specified in the application, and in case of impossibility thereof — by post. The notification shall specify the number of the electoral precinct and the address of the polling station. The form of the application shall be established by the Central Electoral Commission.";

(2) part 3.1 shall be revised o read as follows:

"3.1. During the elections, in case of impossibility to vote in their polling station the electors with mobility (locomotor) difficulties may — no later than 12 days before the voting date, by 14:00 — submit to the authorised body an application on temporary withdrawal from the list of electors by place of registration and inclusion in the list of electors of the accessible polling station of their preferred place, by indicating the number of the electoral precinct accessible for persons with mobility (locomotor) difficulties. The application may be submitted electronically or in paper form. The authorised body shall — within a period of three days following the receipt of the application — temporarily remove the data of the elector from the list of electors by place of registration and add them in the list of electors of the accessible electoral precinct of their preferred place. The authorised body shall provide the applicant with a notification on temporary withdrawal from the list of electors by place of registration and inclusion in the list of electors of the accessible electoral precinct of preferred place. The forms of the application and the notification shall be prescribed by the Central Electoral Commission. In case of submission of an application on behalf of another person, the person shall be obliged to submit a power of attorney.

The electronic applications of persons with mobility (locomotor) difficulties on grounds of disability may have signature in any form acceptable for the applicant, and the electronic applications of other persons with mobility (locomotor) difficulties may have electronic digital signature.

The list of electoral precincts accessible for electors with mobility (locomotor) difficulties shall be published by the Central Electoral Commission, no later than 40 days before the voting day.";

(3) part 4 shall be revised to read as follows:

"4. During elections of the National Assembly, as well as during elections of the Council of Elders of communities held through the proportional electoral system, members of precinct electoral commissions and specialists who provide maintenance of technical equipment — having the right to elect — may be included in the list of electors of the electoral precinct by place of location where they are appointed as members of a precinct electoral commission or specialists who provide maintenance of technical equipment, by being temporarily removed from the list of electors by place of registration. The application may be submitted electronically or in paper form. The application on including members of precinct electoral commissions in the lists of electors of the electoral precinct by place of location may also be submitted to the authorised body by the political party that has appointed him or her, or by the chairperson of the constituency electoral commission on the basis of the application of the member of the precinct electoral commission, the specialist who provide maintenance of technical equipment, no later than 12 days before the voting day, by 14:00. The form of the application shall be established by the Central Electoral Commission.";

(4) part 5 shall be revised to read as follows:

"5. For the purpose of participating in the voting, during elections of the National Assembly, electors having no registration in the Republic of Armenia shall, no later than 12 days before the voting day, by 14:00, submit an application to the authorised body on being temporarily included in the list of electors, indicating the address of their place of location in the Republic of Armenia on the voting day. The application

may be submitted electronically or in paper form. The authorised body shall include the elector in the list of electors of the electoral precinct of his or her place of location in the Republic of Armenia on the voting day and shall — within a 3-day period following the receipt of the application — provide him or her with a notification. The notification shall be made through sending an SMS to the telephone number specified in the application, and in case of impossibility thereof — by post. The notification shall specify the number of the electoral precinct and the address of the polling station. The forms of the application and the notification shall be prescribed by the Central Electoral Commission.";

- (5) the words "7 days before" shall be replaced with the words "12 days before" in the first paragraph of part 7;
- (6) the words "10 days and 6 days before the voting day, whereas in case of early elections of the National Assembly, no later than 30 days, 10 days and 6 days" shall be replaced with the words "15 days and 9 days before the voting day, whereas in case of early elections of the National Assembly, no later than 30 days, 15 days and 9 days" in part 9;
- (7) the words "10 days, 5 days and 3 days" shall be replaced with the words "15 days and 5 days" in part 11;
- (8) a new part 12 shall be supplemented:

"12. The procedure for submitting applications in electronic form in the cases prescribed by parts 3, 3.1, 4 and 5 of this Article shall be established by the Central Electoral Commission. In case of doubts regarding the credibility of applications not having electronic signature, the authorised body may require the electronic application to be certified with an electronic digital signature or to submit the application in paper form."

Article 11. In Article 11 of the Code:

- (1) part 1 shall be supplemented with new third and fourth sentences:

"During elections of the Council of Elders of communities held through the proportional electoral system, the lists of electors by place of location shall also be included in the list of electors of the precinct, with continuity of numbering, according to separate sections. The list of electors included in the accessible electoral precinct of preferred place shall be included in a separate section in the list of electors of the precinct, with continuity of numbering.";
- (2) the number "1200" shall be replaced with the number "1100" in part 4;
- (3) the punctuation marks and the words ", biometric passport and non-biometric passport" and "(where the elector has the relevant personal identification documents)" shall be deleted from point 6 of part 6;
- (4) the words "or a biometric passport, or where a non-biometric passport has been obtained after 1 January 2008" shall be deleted from point 7 of part 6.

Article 12. In Article 12 of the Code:

- (1) the words "of the National Assembly" shall be supplemented after the words "early elections" in part 1;
- (2) part 2 shall be revised to read as follows:

"2. During elections of the National Assembly, the authorised body shall — within a five-day period following the entry into force of the decree on calling elections — provide the Central Electoral Commission with a statement of information on the number of electors by marzes and administrative districts of the city of Yerevan.

In case of elections of local self-government bodies, the authorised body shall — within a five-day period after the end of the deadline on calling elections — provide

the Central Electoral Commission with a statement of information on the number of electors by communities, and in case of elections of the Council of Elders of Yerevan — by administrative districts of the city of Yerevan.

The authorised body shall, within a two-day period after formation of electoral precincts, as well as 15 days and 8 days prior to the voting day, provide the Central Electoral Commission with a statement of information on the number of electors by marzes (administrative districts of the city of Yerevan) and electoral precincts in case of elections of the National Assembly, and by administrative districts of the city of Yerevan and electoral precincts — in case of elections of the Council of Elders of Yerevan.

During elections of local self-government bodies (except for the Council of Elders of Yerevan), the authorised body shall, within a two-day period after formation of electoral precincts, as well as 15 days and 8 days prior to the voting day, provide the Central Electoral Commission with a statement of information on the number of electors by communities and electoral precincts.

The authorised body shall provide the Central Electoral Commission with the lists of electors drawn up electronically and prescribed by part 6 of Article 11 of this Code no later than 8 days prior to the voting date.

The authorised body shall submit the statements of information mentioned in this part electronically. The mentioned statements of information shall be published on the website of the Central Electoral Commission."

Article 13. In Article 13 of the Code:

(1) the first sentence of part 2 shall be revised to read as follows:

"During elections, the authorised body shall post the initial list of electors by electoral precincts 40 days before the voting day, in case of early elections of the National Assembly — 20 days before the voting day, whereas the final list of electors, by electoral precincts — 7 days before the voting day (including in case of early elections) on the Internet, at the following address: www.police.am."

(2) the words "of the National Assembly" shall be supplemented after the words "early elections" in part 3;

(3) part 7 shall be revised to read as follows:

"7. During elections of the National Assembly, signed lists of electors having participated in voting shall be posted on the website of the Commission in the manner and within the time limit prescribed by Article 73 of this Code, which shall be maintained until the expiry of the time limit prescribed by this Code for summarisation of the voting results, whereas in case of challenging the decision of the Central Electoral Commission through judicial procedure — until the entry into force of the judicial act. After the expiry of the specified periods, the signed lists of electors or extracts therefrom may be provided exclusively within the framework of criminal proceedings of electoral cases. The electronic version of the signed lists of electors shall be maintained in the Central Electoral Commission for a period of five years after the voting.

Signed lists of electors having participated in voting shall be deposited in the State Archive of the Republic of Armenia for maintenance in the manner prescribed."

Article 14. In Article 14 of the Code:

(1) the number "14" shall be replaced with the number "12" in part 1;

(2) the words "prescribed for the elector under this Code" shall be supplemented after the words "valid identification document" in point 3 of part 2.

Article 15. In part 3 of Article 16 of the Code:

- (1) the words "2 000 electors" shall be replaced with the words "2 200 electors" in the first sentence;
- (2) the punctuation mark and the words ", as well as upon decision of the Central Electoral Commission, upon the recommendation of the relevant constituency electoral commission, where the change of the minimum or maximum number of electors of the electoral precinct is required for the purpose of selecting a precinct centre and voting room that meets the requirements prescribed by this Code" shall be supplemented after the words "Article 10 of this Code" in the second sentence.

Article 16. The first paragraph of part 2 of Article 17 of the Code shall be revised to read as follows:

"A polling station must be as close as possible to the residential buildings and houses located in the electoral precinct. A polling station must be selected in such a way as to ensure, as much as possible, the unhindered entry and exit and movement of persons with disabilities, those with mobility (locomotor) difficulties in the polling station. The voting room in a polling station must be selected in such a way as to ensure smooth voting process and smooth operation of the Commission. The head of community shall be responsible for designating the location of a polling station and the voting room, as well as for furnishing the voting room in accordance with the requirements prescribed by Article 57 of this Code. This function shall be an own power for the head of community."

Article 17. The words "before the voting day" shall be replaced with the words "2 days before the voting day" in the third sentence of part 2.1 of Article 18 of the Code.

Article 18. In Article 19 of the Code:

- (1) the words "in the given community" shall be replaced with the words "in the given settlement" in the fourth sentence of part 2;
- (2) part 3 shall be revised to read as follows:
 - "3. No later than 70 days before the voting day of regular elections of the National Assembly and no later than 25 days in case of early elections, no later than 40 days before the voting day of elections of Councils of Elders of communities in which elections are held through the proportional electoral system, the marz governor and, in case of Yerevan, the Mayor of Yerevan shall submit to the Central Electoral Commission the list of halls and other structures that are provided free of charge to political parties running in elections. This list shall be posted on the website of the Central Electoral Commission. Information shall be submitted in accordance with the procedure prescribed by the Central Electoral Commission."

Article 19. In Article 20 of the Code:

- (1) the words "and the Councils of Elders of communities having more than 70 000 electors" shall be replaced with the punctuation mark and the words ", the Council of Elders of Yerevan and the Councils of Elders of communities including marz centres" in the first paragraph of part 4;
- (2) the words "and the Councils of Elders of communities having more than 70 000 electors" shall be replaced with the punctuation mark and the words ", the Council of Elders of Yerevan and the Councils of Elders of communities including marz centres" in the second paragraph of part 4;
- (3) the words "the Councils of Elders of communities having more than 70 000 electors" shall be replaced with the words "the Council of Elders of Yerevan and the Councils of Elders of communities including marz centres" in the fourth paragraph of part 4;
- (4) part 5 shall be revised to read as follows:

"5. No later than five days after the entry into force of the decree on calling elections of the National Assembly and no later than 5 days before the time period of nomination of political parties (alliances of political parties) running in the elections prescribed by this Code during the elections of the Council of Elders of Yerevan and the Council of Elders including marz centres, the Commission on Television and Radio shall publish per minute price for the paid airtime of public radio and public television, which may not exceed 50 per cent of the average cost of the commercial advertisement for the last six months preceding the calling of elections and may not be changed until the end of the election campaign.";

(5) the second paragraph of part 6 shall be revised to read as follows:

"Private television companies and radio companies conducting television and radio broadcasting and providing airtime to candidates, political parties (alliances of political parties) running in elections for the purpose of election campaigning shall, no later than five days after the entry into force of the decree on calling elections of the National Assembly and no later than 5 days before the time period of nomination of candidates, political parties (alliances of political parties) running in the elections prescribed by this Code during the elections of local self-government bodies, publish on their air per minute price of their paid airtime, which may not exceed the average cost of the commercial advertisement for the last six months preceding the calling of elections and may not be changed until the end of election campaign.";

(6) the words "until the day when the body being elected assumes its powers" shall be replaced with the words "until the day when the body being elected assumes its powers, but not less than three months" in part 9;

(7) part 11 shall be revised to read as follows:

"11. During the election campaign for the elections of the National Assembly, the Council of Elders of Yerevan and the Council of Elders of communities including marz centres, the National Commission on Television and Radio shall conduct monitoring for assessment of provision by television companies and radio companies carrying out television and radio broadcasting of equal conditions for political parties (alliances of political parties) running in elections. To this end, the National Commission on Television and Radio shall develop and shall — no later than 7 days after the entry into force of the decree on calling elections during regular elections of the National Assembly and in case of early elections of the National Assembly — no later than 2 days after the entry into force of the decree, and during the elections of the Council of Elders of communities in which elections are held through the proportional electoral system — no later than 5 days before the time period of nomination of political parties (alliances of political parties) running in the elections prescribed by this Code — publish and submit to the Central Electoral Commission a methodology for assessment of provision by television companies and radio companies carrying out terrestrial, cable network and satellite on-air broadcasting of equal conditions for political parties running in elections in the period of the election campaign.";

(8) part 12 shall be revised to read as follows:

"12. During the elections of the National Assembly, the Council of Elders of Yerevan and the Council of Elders of communities including a marz centre, the National Commission on Television and Radio shall — no later than on the 10th day following the start of the election campaigning, and during regular elections of the National Assembly, the Council of Elders of Yerevan and the Council of Elders of communities including a marz centre – also on the 20th day, as well as no later than 2 days before the time limit established by this Code for summarising the election results — publish and submit to the Central Electoral Commission the results of the monitoring on observing, in the period of the election campaign, the requirements of this Article by television companies and radio companies carrying out television and radio broadcasting and the conclusion of the Commission on observance of the procedure

established for the election campaign by television companies and radio companies carrying out television and radio broadcasting.

In case a second round of election of the National Assembly is held, the National Commission on Television and Radio shall publish the conclusion referred to in this part and submit it to the Central Electoral Commission 2 days before the time limit prescribed by this Code for summarisation of results of the second round of elections.";

- (9) the words "and paid" shall be supplemented after the word "free" in part 14.

Article 20. In Article 20.1 of the Code:

- (1) part 1 shall be revised to read as follows:

"1. During the period of the election campaign, when conducting free or paid campaign, mass media having a registered domain, hosting on the Internet, shall ensure non-discriminatory and impartial conditions for candidates, political parties (alliances of political parties) running in elections.";

- (2) the word "advertising" shall be deleted from part 2.

Article 21. In Article 21 of the Code:

- (1) point 1 of part 2 shall be revised to read as follows:

"(1) "on billboards designated specifically for this purpose by the head of the community, on paid billboards and on election campaign offices,";

- (2) point 2 of part 2 shall be revised to read as follows:

"(2) Campaign posters, printed and other campaign materials on block of flats or subdivided buildings may only be posted only on paid billboards fixed to the external walls thereof.

Posting campaign posters, printed and other campaign materials on or inside general education schools, public catering and trading facilities, elevators, public transport and taxi shall be prohibited.

Campaign posters, printed and other campaign materials may be posted or used without restrictions during holding of election gatherings, meetings with electors and other events related to election campaigning — at the places of holding such events. Campaign posters, printed and other campaign materials posted during such events shall be removed by the relevant candidate, political party running in elections after the event is over.

Natural persons having the right to conduct election campaigning may — without restrictions — carry campaign materials with them, post them on or inside buildings, premises, on or inside transport means belonging to or under the possession thereof, except for cases provided for by the third paragraph of part 2 of this Article.";

- (3) the words "mandatory power" shall be replaced with the words "own power" in the first sentence of part 3;

- (4) new part 3.1 shall be supplemented:

"3.1. Billboards designated by the head of the community for posting campaign posters, printed and other campaign materials must be applicable and located in places visible to the public and in places as busy as possible. The head of the community shall — for posting campaign posters, printed and other campaign materials — designate in the area of the community at least the number of billboards (surface) equal to the number of political parties (alliances of political parties) running in the elections, and in the case of a majoritarian electoral system — the number of

candidates of head of the community and member of Council of Elders, ensuring equal opportunities".

(5) the words "billboards placed in the area of the subway, stops for public transport and elevators" shall be replaced with the words "billboards placed in the area of the subway and stops for public transport" in the first sentence of the first paragraph of part 6;

(6) the first paragraph of part 6 shall be supplemented with a new second sentence:

"Organisations disposing outdoor billboards may specify the communities, among the political parties running in elections held wherein they wish to distribute the outdoor billboards".

(7) the words "placed in the area of the subway, stops for public transport and elevators" shall be replaced with the words "placed in the area of the subway and stops for public transport" in the ninth sentence of the first paragraph of part 6;

(8) part 6 shall be supplemented with a new second paragraph:

"Organisations disposing LED billboards may provide their billboards to candidates, political parties (alliances of political parties) running in elections for posting election campaign materials, where they have submitted a relevant application to the Central Election Commission under the procedure and within the time limits specified in this part and are able to ensure equal opportunities for all candidates, political parties (alliances of political parties) running in elections".

(9) part 8 shall be revised to read as follows:

"8. After receiving the decision of the electoral commission, the Police and heads of organisations disposing outdoor billboards shall ensure that campaign posters, printed and other campaign materials of candidates, political parties running in elections the registration whereof has been revoked or declared as invalid are removed within a 3-day period.

In case of failure to remove within a 3-day period the campaign posters, printed and other campaign materials by candidates, political parties running in elections the registration whereof has been revoked or declared as invalid, they shall be removed by the Police. The Police may claim from the candidates, political parties running in elections the registration whereof has been revoked or declared as invalid compensation for the expenses incurred thereby".

(10) the first paragraph of part 9 shall be revised to read as follows:

"The campaign poster, printed and other campaign materials posted in violation of provisions of this Article shall be removed upon the decision of the relevant constituency electoral commission, with the support of the Police".

(11) the words "district electoral commission" shall be replaced with the words "constituency electoral commission" in the first sentence of the second paragraph of part 9;

(12) a new part 12 shall be supplemented:

"12. Termination of electoral process due to declaring martial law or state of emergency is a ground for early rescission of the contract regarding posting of campaign posters, printed and other campaign materials concluded with an organisation disposing outdoor billboards.".

Article 22. In Article 23 of the Code:

(1) the title shall be revised to read as follows:

"Prohibition of use of administrative resources and restrictions for election campaign ";

(2) part 1 shall be supplemented with a new second paragraph:

"The use of administrative resources — during the organisation and conduct of election

campaign, including after calling elections until the launch of election campaign — including the use of financial, informational measures, premises, transport and communication, material and human resources provided for performing official duties, except for security measures applicable in respect of high-ranking officials subject to state protection under the Law "On ensuring the safety of persons subject to special state protection", shall be prohibited to gain advantage during elections.";

- (3) the words "It shall be prohibited to organise or conduct election campaign, disseminate any type of campaign material, use financial, informational measures, premises, transport and communication, material and human resources provided for performing official duties for election campaign purposes, except for security measures applicable in respect of high-ranking officials subject to state protection under the Law of the Republic of Armenia "On ensuring the safety of persons subject to special state protection", for:" shall be replaced with the words and punctuation mark "It shall be prohibited to organise or conduct election campaigning for:" in the second paragraph of part 1.
- (4) the words "Deputies of the National Assembly and heads of communities elected directly by electors" shall be replaced with the words "Deputies of the National Assembly, heads of communities" in part 2.

Article 23. The first sentence of part 2 of Article 24 of the Code shall be revised to read as follows:

"In case of holding early, new regular, new elections, repeat voting, second round of election of the National Assembly, the elections, as well as the activities aimed at organising the elections held prior to termination of the electoral process in case of termination thereof due to declaring martial law or state of emergency, shall be funded from the reserve fund of the State Budget and, where it is impossible, the Central Electoral Commission shall use the funds available on the special account of electoral deposits of the Central Electoral Commission."

Article 24. Article 25 of the Code shall be supplemented with a new part 2.1:

"2.1. In case of termination of electoral process due to declaring martial law or state of emergency, the amounts of electoral deposit paid by political parties, alliances of political parties and candidates running in elections that are available on the special account of electoral deposits, shall be frozen until calling elections after the martial law or state of emergency. After the martial law or state of emergency, the amount of the electoral deposit shall — within a seven-day period after receipt of the application — be refunded, where the party, alliance of political parties or the candidate do not run in the elections."

Article 25. Article 26 of the Code shall be revised to read as follows:

Article 26. Formation of a campaign fund

1. In case of elections of the National Assembly, Councils of Elders of communities in which elections are held through the proportional electoral system, the political parties (alliances of political parties) running in elections, as well as candidates for head of community and for member of Council of Elders in cases prescribed by part 1 of Article 115 of this Code elected through the majoritarian electoral system shall be obliged to set up a campaign fund within 5 days after the adoption of the decision on registering the candidate, the electoral list of the political party (the alliance of political parties) running in elections.

In case of not setting up a campaign fund — within 3 working days after being subjected to administrative liability for not setting up a campaign fund — the competent electoral commission shall apply to court for revoking the registration of the candidate, the electoral list of political party running in elections.

Candidates nominated through the electoral list of political parties, an alliance of political parties, political parties included in an alliance of political parties shall not be entitled to form a separate campaign fund.

Means of the campaign fund of political parties (alliances of political parties) running in elections of the National Assembly and the Council of Elders of communities in which elections are held through the proportional electoral system, candidates for head of community and for member of Council of Elders elected through the majoritarian electoral system, shall be collected in any commercial bank having a branch in Yerevan and all marzes of the Republic. The Central Bank of the Republic of Armenia shall provide the Central Electoral Commission with the list of such banks. For the purpose of forming a campaign fund, banks shall open temporary special accounts based on the applications of candidates, political parties (alliances of political parties) running in elections. Revenues shall not be calculated and paid from those accounts.

2. The campaign fund of a candidate shall be formed from:
 - (1) his or her contributions made;
 - (2) contributions made by the political party that has nominated him or her;
 - (3) contributions by persons having the right to elect.
3. The campaign fund of a political party (alliance of political parties) running in elections shall be formed from contributions made by that political party (member political parties of the alliance).
4. Amounts paid to accounts of campaign funds by natural and legal persons not referred to in parts 2 and 3 of this Article shall be transferred to the person who made the corresponding contribution, and in case of its impossibility, to the to the State Budget. Anonymous contributions made to the account of campaign funds shall also be transferred to the State Budget.
5. The procedure for record keeping of contributions made to campaign funds, and expenditures made from such funds shall be prescribed by the Central Electoral Commission.
6. The natural persons making contributions to campaign funds shall be obliged to specify their names, surnames and personal identification document number which is not subject to publication.
7. The maximum amounts of contributions made to campaign funds shall be prescribed by this Code. Campaign fund contribution parts, which are in excess of the maximum amount of contributions prescribed by this Code, shall be transferred to the State Budget.
8. Banks where temporary special accounts are opened shall — once every 3 working days after the expiry of the time limit prescribed by this Code for the registration of candidates, electoral lists of political parties running in elections — submit to the Oversight and Audit Service of the Central Electoral Commission a statement of information on financial receipts and expenditure of campaign funds of candidates, political parties (alliances of political parties) running in elections. The Oversight and Audit Service of the Central Electoral Commission shall summarise such data, draw up a brief statement of information which shall be posted on the website of the Central Electoral Commission.
9. Attachment may not be imposed on means of the campaign fund, such means may not be subject to levy in execution due to personal obligations not related to the election campaigning of a candidate, political party (alliance of political parties) running in elections.
10. The relevant banks shall — once every 3 working days after the expiry of the time limit prescribed by this Code for the registration of electoral lists of political parties, alliance of political parties running in elections until the third day following the voting — submit to the Commission for the Prevention of Corruption of the Republic of Armenia the data on the balance, inflow and outflow of bank account funds of political parties (political parties included in the alliances of political parties) running in elections. The Commission for the Prevention of Corruption of the Republic of Armenia shall summarise such data, draw up a brief statement of information which shall be posted on the website of the Commission

for the Prevention of Corruption of the Republic of Armenia.

Article 26. In Article 27 of the Code:

- (1) the punctuation mark and the words ", where the amount of compensation to a proxy exceeds AMD 10 000" shall be deleted from point 9 of part 1;
- (2) the words "may not be included in the campaign fund" shall be replaced with the words "shall be considered as expenses not subject to declaration" in the second paragraph of part 1;
- (3) part 3 shall be revised to read as follows:

"3. Where it is specified in the conclusion of the Oversight and Audit Service that the goods acquired, work performed and service rendered for the purposes prescribed by part 1 of this Article for an election campaign have not been included in the expenditures of the campaign fund at their market value, the Central Electoral Commission shall institute administrative proceedings. Where the results of the instituted proceedings confirm the information specified in the conclusion of the Oversight and Audit Service, it shall impose an administrative penalty on the candidate, political party (alliance of political parties) running in elections in the amount of 3-fold of the expenditures not included in the fund expenditures.";

- (4) part 4 shall be revised to read as follows:

"4. Where it is substantiated that the expenditures made for the election campaign of a candidate, political party (alliance of political parties) running in elections have exceeded the maximum amount of expenditures prescribed by this Code, incurred for the purposes prescribed by part 1 of this Article, the Central Electoral Commission shall institute administrative proceedings, and where the results of the instituted proceedings confirm the information specified in the conclusion of the Oversight and Audit Service, it shall impose a fine on the candidate, political party (alliance of political parties) running in elections in the amount of 3-fold of the sum exceeding the maximum amount of the fund prescribed by this Code."

- (5) in the first sentence of part 8, the words "the Commission for the Prevention of Corruption" shall be replaced with the words "the Central Electoral Commission";

- (6) part 8 shall be supplemented with a new second sentence:

"Based on the application of candidates, political parties running in elections, submitted no later than within a two-day period following the voting, the Central Electoral Commission shall allow replenishment of the fund in the deficient amount of means of the fund to fulfil due contractual obligations.";

- (7) a new part 13 shall be supplemented:

"13. In case of termination of electoral process due to declaring martial law or state of emergency, the means remaining in the campaign fund shall be frozen until candidates, electoral lists of political parties running in elections are registered for the elections called after the martial law or state of emergency. In case of new elections, candidates, political parties running in elections may use the means remaining in their campaign funds. Where the political party, alliance of political parties or the candidate do not run in the elections called after the end of the martial law or state of emergency, the means available in campaign fund shall, within a one-week period following submission of the application, be disposed in the manner prescribed by parts 9 and 9.1 of this Article."

Article 27. Article 28 of the Code shall be revised to read as follows:

"Article 28. Declaration on the contributions made to campaign funds and on the use thereof

1. Candidates, political parties (alliances of political parties) running in elections shall submit to the Oversight and Audit Service the declaration on the contributions made to their campaign funds and on the use thereof on the 10th day following the commencement of the election campaign, also on the 20th day in case of regular elections of the National Assembly, Councils of Elders of communities held through the proportional electoral system, as well as no later than 3 days before the period for summarising election results prescribed by this Code.

The documents referred to in part 1 of Article 27 of this Code, as well as those substantiating other expenses made for the election campaign and subject to declaration (contract, transfer-and-acceptance act, invoice, payment receipt, etc.) shall be attached to the declaration.

In case of holding second round of election of the National Assembly, the political party, alliance of political parties running in the second round shall — no later than 3 days before the time limit prescribed by this Code for summarisation of election results — submit to the Oversight and Audit Service a declaration on the contributions made to campaign funds and on the use thereof.

2. The electronic form of the declaration shall be established by the Central Electoral Commission. The form of the declaration shall also include guidelines on the procedure and time limits for drawing up and submitting the declaration.
3. The following shall be specified in the declaration:
 - (1) the date of contributions made to the campaign fund, the amount of contributions made and names, surnames of the persons having made the contribution;
 - (2) the expenses made for the acquisition of specific work, service, goods prescribed by part 1 of Article 27 of this Code, the time limit for making such expenses, the details of documents certifying such expenses;
 - (2.1) the expenses to be made for the acquisition of specific work, service, goods prescribed by part 1 of Article 27 of this Code, the payment whereof shall be made after the time limit prescribed by this Code for submitting the declaration, attaching to the declaration the details of documents certifying the expenses to be made;
 - (3) the amount remaining in the fund.
4. Within a three-day period following the submission of declarations, they shall be posted on the website of the Central Electoral Commission."

Article 28. In point 2 of part 1 of Article 30 of the Code, the words "or funds" shall be supplemented after the words "non-governmental organisations".

Article 29. In Article 31 of the Code:

- (1) a new part 1.1 shall be supplemented:

"1.1. Members of the electoral commissions, candidates running in the given elections, proxies, specialists maintaining the technical equipment and the mass media representatives may not act as observers.";
- (2) in the second paragraph of part 2, the words "and funds" shall be supplemented after the words "non-governmental organisations";
- (3) in the first and third sentences of the third paragraph of part 2, the words "and funds" shall

be supplemented after the words "non-governmental organisations", in the fourth sentence, the words "or funds" shall be supplemented after the words "non-governmental organisations";

- (4) the fifth sentence of the third paragraph of part 2 shall be revised to read as follows:

"Where in the result of rejection of the application only one non-governmental organisation or fund complies with the requirements of this Code, that non-governmental organisation or fund shall be accredited as an organisation or fund carrying out a separate observation mission.";

- (5) in the fourth paragraph of part 2, the words "and funds" shall be supplemented after the words "non-governmental organisations";

- (6) part 4 shall be supplemented with a new second paragraph:

"The Central Electoral Commission shall reject the application on accreditation of observers also in case, where it appears that the observer of the given organisation is a member of the electoral commission or participates in the given elections under the status of a candidate, specialist maintaining the technical equipment or a proxy.";

- (7) a new part 4.1 shall be supplemented:

"4.1. The Central Electoral Commission shall declare the accreditation of the observation organisation, where, after being accredited, such circumstances have emerged under which the application for accreditation would be rejected.".

Article 30. In Article 35 of the Code:

- (1) part 1 shall be revised to read as follows:

"1. Political parties (alliances of political parties) running in elections, as well as a candidate for the head of community and for a member of the Council of Elders shall have the right to appoint up to 3 authorised representatives to the electoral commission having registered the candidate, the electoral list of the political party (alliance of political parties).";

- (2) part 4 shall be supplemented with a new point 3:

"(3) for the purpose of organising election campaign, to conclude civil law contracts on behalf of the political parties (alliances of political parties) running in elections, as well as the head of community and a member of the Council of Elders elected under the majoritarian electoral system.";

- (3) to declare part 8 repealed.

Article 31. The title of Section 2 of the Code shall be revised to read as follows:

"ELECTORAL COMMISSIONS. PECULIARITIES OF THE CIVIL SERVICE WITHIN THE STAFF OF THE CENTRAL ELECTORAL COMMISSION".

Article 32. Article 40 shall be supplemented with a new part 5:

"5. In cases the electoral process is terminated due to declaration of martial law or state of emergency, the remuneration of the members of the electoral commissions for organising and holding elections shall be carried out according to the quantity of days having actually worked. Prior to declaration of marital law or state of emergency, the amount for remuneration paid to the members of the electoral commissions for organising and holding elections shall not be subject to return.".

Article 33. In Article 41 of the Code:

- (1) in the first paragraph of part 2, the number "224" shall be replaced with the number "224.1";

- (2) part 2 shall be supplemented with a new second paragraph:

"The incompatibility requirements for a member of the electoral commission or a specialist maintaining the technical equipment in an electoral commission may be prescribed exclusively by this Code. In the cases provided for by this Code, the status of a member of the electoral commission (except for the member of the Central Electoral Commission) or a specialist maintaining the technical equipment in an electoral commission shall not be considered as a violation of incompatibility requirements provided for by other laws and legal acts.";

(3) part 5 shall be supplemented with a new second sentence:

"The constituency electoral commissions shall support the activities of organising and holding of professional courses on holding elections.";

(4) part 5 shall be supplemented with a new sixth sentence:

"Persons, the qualification certificate for being involved in the electoral commission whereof has been declared repealed during the last one year preceding the holding of courses, shall not have the right to participate in the professional courses on holding elections and in the test.";

(5) the second sentence shall be deleted from part 6;

(6) part 8 shall be revised to read as follows:

"8. During the elections, the Central Electoral Commission, in accordance with the schedule established thereby, may organise practical courses on holding elections for the members of the electoral commissions. Participation in practical courses shall be mandatory.

The Central Electoral Commission shall organise additional practical courses for the chairpersons and secretaries of the appointed precinct electoral commissions after the expiry of the time limit for holding the practical courses, where the organisation and holding thereof will not hinder the proper exercise of the powers of the Central Electoral Commission in the given elections."

Article 34. In the second paragraph of part 2 of Article 42 of the Code, the words "be less than two" shall be replaced with words "be less than three".

Article 35. In Article 43 of the Code:

(1) in part 2 the words "be less than two" shall be replaced with words "be less than three".

(2) parts 8.1 and 8.2 shall be supplemented with the following content:

"8.1. Members of the Territorial Election Commission are subject to an annual mandatory Certification, which is carried out in order to determine the conformity of the professional knowledge and general labor skills of the members of the Territorial Election Commission to their position.

Certification is carried out with the direct participation of a member of the Territorial Election Commission.

A member of the Territorial Election Commission, who is subject to certification, but who is on vacation, on a business trip, as well as temporarily unable to work, is subject to certification after starting work in accordance with the schedule established by the Central Electoral Commission. but not later than within three months.

Members of the Territorial Election Commission subject to certification shall be notified of the certification no later than one month in advance.

The Central Electoral Commission determines the procedure for the formation of the certification commission and the conduct of certification.

8.2. Based on the results of certification, one of the following decisions is made:

- 1) corresponds to the position held.
- 2) does not correspond to the position held.

After the adoption of the decision specified in paragraph 2 of this part, within three days, the powers of a member of the Territorial Election Commission are terminated ahead of schedule.”.

Article 36. In part 6 of Article 44 of the Code, the words "of the National Assembly" shall be supplemented after the words "in case of early elections".

Article 37. In part 7 of Article 45 of the Code, the words "within 3 calendar months" shall be replaced with words "within 2 calendar months".

Article 38. The Code shall be supplemented with a new Article 48.1:

Article 48.1. Review of decision of electoral commissions by the Central Electoral Commission

1. The Central Electoral Commission shall have the right to review — through supervision procedure and at its initiative — the decision of the constituency electoral commission within six months after the adoption thereof, except for decisions adopted as a result of the elections, decisions on the registration of the electoral lists of the candidates and political parties (candidates included therein), candidates, on rejection of the registration, declaring the registration repealed or invalid.
2. In case the decision of the constituency electoral commission is appealed against through judicial procedure, the Central Electoral Commission shall dismiss the administrative proceedings.”.

Article 39. In Article 50 of the Code:

- (1) the punctuation marks and words "— in case of making a record in the protocol on the voting results in the electoral precinct on having a special opinion concerning the procedure of summarising the voting results —" shall be removed from the first paragraph of part 1;
- (2) part 1 shall be supplemented with a new third paragraph:

"A request for recount of the voting results in the electoral precinct may also be submitted upon a substantiated decision of the Central Electoral Commission up to 3 days before the time limit for the summarisation of the voting results.”;

- (3) in the first sentence of part 1.1, the words "at 11:00, the constituency electoral commission" shall be replaced with the words "the constituency electoral commission shall — at its sitting, after the expiry of the time limit prescribed for submitting an application for recount up to the time limit for starting the recount works —”;
- (4) in the third sentence of part 6, the words "in the first place" shall be replaced with the words "in the second place”;
- (5) in the first sentence of part 7, the words "the voting results of electoral precincts selected by drawing of lots" shall be replaced with the words "the voting results of all those electoral precincts, concerning which an application for recount has been submitted”;
- (6) in the third sentence of part 7, the words "the voting results of all those electoral precincts, concerning which an application for recount has been submitted" shall be replaced with the words "the voting results of electoral precincts selected by drawing of lots”;
- (7) part 8 shall be revised to read as follows:
 - "8. In the electoral precinct the recounting of the voting results submitted upon the decision of the Central Electoral Commission shall be conducted immediately upon the receipt of the decision.”;

(8) in part 12 the words "4 hours" shall be replaced with the words "3 hours".

Article 40. In part 6 of Article 51 of the Code, the numbers and words "with no more than 2000 electors" shall be replaced with the number and words "with no more than 10 000 electors".

Article 41. Section 2 of the Code shall be supplemented with a new Chapter 9.1:

"CHAPTER 9.1

THE STRUCTURE OF THE CENTRAL ELECTORAL COMMISSION AND THE PECULIARITIES OF THE CIVIL SERVICE WITHIN THE STAFF

Article 55.1. Civil Service within the Staff of the Central Electoral Commission

1. Service within the Staff of the Central Electoral Service (hereinafter referred to as "the Staff") shall be civil service, which will be regulated by the Law "On civil service", where no peculiarities are prescribed by this Code.
2. Working relations of civil servants within the Central Electoral Commission shall be regulated by the labour legislation of the Republic of Armenia, where no peculiarities regulating those relations are prescribed by this Code and other legal acts.
3. Activity of the experts, specialists engaged by the Central Electoral Commission, persons conducting technical maintenance, civil work shall not be considered civil service within the Central Electoral Commission. The procedure for engagement of experts, specialists, persons conducting technical maintenance and civil work and the amount of remuneration shall be defined by the Central Electoral Commission.

Article 55.2. Structure and Staff of the Central Electoral Commission

1. The Central Electoral Commission shall form its staff by approving the structure of the Staff. The Staff shall be headed by the General Secretary.
2. The Staff shall ensure the full and effective exercise of the powers assigned to the Central Electoral Commission by the Constitution and this Code. The structure of the Staff of the Central Electoral Commission, the rules of activities and powers of the Central Electoral Commission shall be prescribed by the regulation and statute of the Central Electoral Commission.
3. The structure of the Central Electoral Commission shall include the positions of the Chairperson of the Commission, Deputy Chairperson of the Commission, Secretary and members of the Commission, General Secretary, Deputy General Secretary, Advisor, Assistant, Press Secretary to the Chairperson of the Commission, Assistant to the Deputy Chairperson of the Commission, Assistant to the Secretary of the Commission, Assistant to a member of the Commission, Assistant to the General Secretary, structural subdivisions, as well as persons conducting technical maintenance and civil work.
4. The quantity of positions in the Staff and the staff list, as well as the job descriptions for positions of civil servants shall be approved by the decision of the Central Electoral Commission.

Article 55.3. Appointment to and dismissal from position of the General Secretary of the Central Electoral Commission

The Chairperson of the Central Electoral Commission shall appoint and dismiss the General Secretary. The position of the General Secretary shall be an administrative position.

Article 55.4. Governance and management of the structural sub-divisions of the Central Electoral Commission

1. Governance of structural sub-divisions of the Central Electoral Commission shall be carried out by the Central Electoral Commission.
2. The Central Electoral Commission shall:
 - (1) define the procedure for training of civil servants, the procedure for and standards of evaluation of the performance thereof on the basis of the Law "On civil service";
 - (2) define the rules of conduct of persons holding positions in the Central Electoral Commission, arising from the principles of conduct prescribed by the Law "On public service";
 - (3) define the internal disciplinary rules within the Central Electoral Commission;
 - (4) define the procedure for record-keeping (document circulation) within the Central Electoral Commission;
 - (5) define the procedure for holding a competition for holding a vacant position of a civil service, the procedure for forming a competition commission, a regime on the basis of the Law "On civil service";
 - (6) define the composition, the procedure for the activities and the scope of powers of the Ethics Commission;
 - (7) define the procedure for granting official certificates and the forms thereof;
 - (8) define the procedure for issuing passes to the administrative building of the Central Electoral Commission and the form thereof;
 - (9) determine the list of information being published on the civil service information platform regarding persons holding positions or performing work in the Central Electoral Commission;
 - (10) exercise other powers prescribed by this Code related to the governance of the structural sub-divisions of the Central Electoral Commission.
3. The spheres of coordination of activities of structural sub-divisions shall be distributed among the members of the Central Electoral Commission upon the decision of the Central Electoral Commission.
4. The General Secretary shall:
 - (1) support personnel policy, works aimed at fiscal, logistical support;
 - (2) appoint and dismiss persons performing civil work, performing technical maintenance, apply incentive measures and impose disciplinary sanctions thereon;
 - (3) ensure the implementation of organisational activities necessary for sittings, meetings, visits of the Central Electoral Commission, as well as other training and secondment of civil servants;
 - (4) exercise other powers related to the management of the structural sub-divisions of the Central Electoral Commission, defined by this Code and the Statute of the Central Electoral Commission.

Article 55.5. Special cases of holding a civil service position

1. A vacant civil service position in the Central Electoral Commission shall be filled either on non-competitive or competitive basis.
2. In case of emergence of a vacant position of civil service (except for newly created civil

service positions), an official having the competence to appoint to a given position shall have the right to appoint to the given vacant position the following persons within a one-week period:

- (1) a civil servant of the Staff, who, at the same time:
 - a. meets the requirements for the job description of the given vacant position;
 - b. has submitted a written consent thereon.
3. No appointment to a vacant position of the civil service may be made on non-competitive basis prescribed by part 2 of this Article, where a competition has been announced for the given vacant position.
4. New positions emerged in the namelist of positions of civil service as a result of the structural change (renaming) of the Staff shall be filled within a 15-day period after making amendments to the namelist through the procedure prescribed by part 2 of this Article.
5. In case of failure to make appointments in the manner and within the time limits provided for by parts 2 and 4 of this Article, those positions shall be filled by the competition provided by this Code.
6. For the purpose of collecting additional information about the elections during the election period (until the final judicial act on appealing against the election results enters into force), clarifying the reliability of the existing information, providing clarifications or information about them, coordinating the information and submitting it to the Central Electoral Commission, as well as performing other certain functions and solving problems, working groups may be created in the Central Electoral Commission. The composition, functions and tasks of the working group shall be approved by the Chairperson of the Central Electoral Commission."

Article 42. Part 2 of Article 57 of the Code shall be supplemented with a new point 3:

"(3) shall enable ensuring the regular work of the members of the commission with mobility (locomotor) difficulties, as well as with disabilities, specialists, persons having the right to be present in the voting room and the right of the electors to vote."

Article 43. In Article 58 of the Code:

- (1) the words "for 750 electors" shall be replaced with the words "for 600 electors" in part 1;
- (2) a new part 4 shall be supplemented:
 - "4. The form of the voting booth shall enable the electors with disabilities and mobility (locomotor) difficulties to exercise their suffrage in an unhindered way, by keeping the secrecy of voting."

Article 44. In Article 59 of the Code:

- (1) the second sentence of part 7 shall be revised to read as follows:

"Where only one political party or alliance of political parties runs in the voting because the registration of the electoral list of the political parties or alliances of political parties is declared as invalid or revoked, also a separate ballot paper with "against" voting option shall be printed upon the decision of the Central Electoral Commission.";

- (2) part 8 shall be revised to read as follows:

"8. During elections of the head of community and member of the Council of Elders, in case the registration of a candidate is declared as invalid or revoked, the name of that candidate shall be removed from the ballot papers as prescribed by the Central Electoral Commission. Where only one political party or alliance of political parties runs in the voting because the registration of the electoral list of the political parties

or alliances of political parties is declared as invalid or revoked during the elections of Councils of Elders of communities held under the proportional electoral system, also a separate ballot paper with "against" voting option shall be printed upon the decision of the relevant electoral commission. During the elections of Councils of Elders of communities held under the proportional electoral system, in case the registration of the electoral list of the political party running in elections is declared as invalid or revoked after the ballot papers have been printed, the ballot papers of that political party shall be removed from the voting and cancelled as prescribed by the Central Electoral Commission.";

(3) a new part 9 shall be supplemented:

"9. Precinct electoral commissions shall be provided with additional means (braille templates, etc.) for the persons having problems with vision to vote independently during the elections, and during the elections of the head of the community and the member of the Council of Elders elected by the majoritarian electoral system — also with magnifying glasses. The acquisition of additional means, including the printing of braille templates, and the acquisition of magnifying glasses shall be provided by the Central Electoral Commission."

Article 45. Part 5 of Article 61 of the Code shall be revised to read as follows:

"5. The names of the political parties and alliances of political parties running in elections according to the numbers of the ballot papers, the electoral lists shall be posted in the voting room or at its entrance. In case of alliance of political parties, the names of all member political parties to the alliance shall also be specified in brackets under the name of the given alliance."

Article 46. In Article 64 of the Code:

- (1) the number "1200" shall be replaced with the number "1100" in points 1 and 2 of part 1;
- (2) the words and punctuation marks "ballot papers, ballot envelopes," shall be removed from the first sentence of the second paragraph of part 2;
- (3) the words "Hundred self-adhesive stamps shall be allocated" shall be replaced with the words "The chairperson of the precinct electoral commission shall take out hundred self-adhesive stamps from the fire-resistant safe and allocate" in the third sentence of the second paragraph of part 2.

Article 47. In the second sentence of part 6 of Article 65 of the Code, the words "1 observer from each organisation" shall be replaced with the words "2 observers from each organisation".

Article 48. In Article 66 of the Code:

- (1) the punctuation marks and words ", a biometric passport, a non-biometric passport" and "the passport or" shall be removed from the first sentence of part 1;
- (2) the words "a passport or" shall be removed from the third paragraph of part 2;
- (3) the words "the passport or" and "the passport, or" shall be removed from the fourth paragraph of part 2;
- (4) the words ", a biometric passport or a non-biometric passport issued after 1 January 2008" shall be removed from part 3;
- (5) the first sentence shall be removed from part 4;
- (6) the words "whereas, if available in the digital database, also" shall be removed from the fourth sentence of part 7.

Article 49. In part 14 of Article 67 of the Code, the words "the day preceding the voting and the voting day" shall be supplemented after the words "preparation for".

Article 50. In Article 68 of the Code:

(1) the second paragraph of part 6 shall be revised to read as follows:

"In case the ballot envelope contains an additional writing, differs from the established sample, contains an item other than the ballot paper, the ballot paper shall not be taken out of the envelope, the ballot envelope together with what it contains therein shall be immediately cancelled through the procedure defined by the Central Electoral Commission.";

(2) part 6 shall be supplemented with a new third paragraph:

"The ballot envelope, together with what it contains therein, shall be cancelled in a way that it would be possible to confirm the grounds for its cancellation during the recounting. The total number of the cancelled ballot envelopes shall be counted and recorded in the register book of the precinct electoral commission."

Article 51. In Article 69 of the Code:

(1) the punctuation marks and words ", or there is an item other than the ballot paper in the envelope" shall be removed from part 1;

(2) the punctuation mark and words ", political party" shall be removed from point 1 of part 2;

(3) point 6 of part 2 shall be removed;

(4) part 5 shall be repealed.

Article 52. In Article 71 of the Code:

(1) the words "a candidate" shall be removed and the punctuation marks and words ", one political party (alliance of political parties)" shall be supplemented after the words "one candidate" in point 12 of part 1;

(2) part 8 shall be revised to read as follows:

"8. Persons having the right to be present at the sitting for summarisation of the voting results in the precinct may photograph or videotape the protocol on the voting results drawn up in the electoral precinct.

Persons having the right to be present at the sitting for summarisation of voting results in the precinct shall, upon their request, be provided with an extract from the protocol on the voting results in electoral precinct, which shall be certified by the signatures of the chairperson and the secretary of the commission, as well as by the seal of the commission."

Article 53. The words "and an extract" shall be removed from the second paragraph of part 3 of Article 73 of the Code.

Article 54. In Article 74 of the Code:

(1) the word "commission" shall be replaced with the word "commissions" in points 3 and 4 of part 3;

(2) in point 13 of part 3, the word "a candidate" shall be removed and the punctuation marks and words ", one political party (alliance of political parties)" shall be supplemented after the words "one candidate".

Article 55. In points 3 and 4 of part 4 of Article 75 of the Code, the word "commission" shall be replaced with the word "commissions".

Article 56. In part 3 of Article 80 of the Code, the words "Ministry of Education and Science of the Republic of Armenia" shall be replaced with the words "authorised body in the field of education".

Article 57. The second sentence of part 2 of Article 81 of the Code shall be removed.

Article 58. In Article 84 of the Code:

(1) point 1 of part 2 shall be revised to read as follows:

"(1) a statement of information on the compliance of the statute of the political party to the Constitutional Law "On political parties" (statements of information on the compliance of the statutes of the political parties included in the alliance to the Constitutional Law "On political parties"), as well as the copy of the statute of the political party (copies of the statutes of the political parties included in the alliance);";

(2) the words "national and constituency" shall be removed from point 2 of part 2;

(3) the word "electoral" shall be supplemented before the word "list" in point 5 of part 2;

(4) the words "Ministry of Education and Science of the Republic of Armenia" shall be replaced with the words "authorised body in the field of education" in point 8 of part 2;

(5) part 2 shall be supplemented with a new point 10:

"(10) a statement of information on confirming the submission to the Commission for the Prevention of Corruption of the annual report of the reporting year preceding the elections by the political party (member to the alliance of political parties), and in case the time limit for the submission of the annual report has not expired and the annual report has not been submitted as of the date of submission of the documents necessary for the registration of electoral lists — the annual report of the penultimate reporting year preceding the elections."

(6) the words "Ministry of Education and Science of the Republic of Armenia" shall be replaced with the words "authorised body in the field of education" in part 4;

(7) a new part 4.1 shall be supplemented:

"4.1. The statement of information prescribed by point 1 of part 2 of this Article shall be issued by the authorised body of the Ministry of Justice of the Republic of Armenia within a one-week period following the request but no earlier than the calling of the relevant elections and no later than the day preceding the expiry of the time limit for nomination of the political parties (alliances of political parties) running in elections prescribed by this Code."

(8) a new part 4.2 shall be supplemented:

"4.2. The statement of information prescribed by point 10 of part 2 of this Article shall be issued by the Commission for the Prevention of Corruption within a 3-day period following the request. The form of the statement of information shall be defined by the Commission for the Prevention of Corruption."

(9) part 6 shall be amended to read as follows:

"6. For the purpose of forming the electoral list of the political party (alliance of political parties) electronically for the submission of an application to participate in the elections, the Central Electoral Commission shall provide a user account to the political party (alliance of political parties) to electronically form the electoral list of the political party (alliance of political parties).

The form for receiving a user account for the purpose of registration of the

political party, alliance of political parties in the official website of the Central Electoral Commission, the procedure for formation of the electoral list electronically and the form of the electronic sample form of the application for the purpose of receiving a user account shall be defined by the Central Electoral Commission.

Documents necessary for registering the electoral lists of a political party running in elections shall be submitted to the Central Electoral Commission by the authorised representative of the political party (alliance of political parties), in person, within the time limits prescribed by this Code."

Article 59. In part 3 of Article 85 of the Code, the words "ensure the publicity of the electoral lists and election programmes of political parties" shall be replaced with the words "publish the electoral lists and election programmes of political parties, alliances of political parties".

Article 60. Point 7 of part 2 of Article 86 of the Code shall be repealed.

Article 61. Article 87 of the Code shall be supplemented with a new part 1.1:

"1.1. Based on the absence of jurisdiction of the congress and the permanently functioning governing body of the political party or on the failure to adopt a decision thereby, the Central Electoral Commission may declare the registration of an electoral list of a political party as invalid only on the basis of a judicial act."

Article 62. In the second paragraph of part 1 of Article 91 of the Code, the words "until the expiry of time limit prescribed for challenging the decision of the Central Electoral Commission on the National Assembly being elected, and in case of challenging that decision, until the Constitutional Court adopts a decision" shall be replaced with the words "until drawing up the first protocol on issuing mandates to the deputies of the National Assembly".

Article 63. In Article 92 of the Code:

- (1) the word "donations" shall be replaced with the word "contributions" in part 1;
- (2) the words "to make donations" shall be replaced with the words "to make contributions" in part 2;
- (3) part 3 shall be repealed;
- (4) part 4 shall be supplemented with a new sentence: "In case of holding second round of election, the political party (political parties included in the alliance of political parties jointly) running in elections shall have the right to make contributions to the fund of the political party (alliance of political parties) in the amount of up to 200 000-fold of the minimum salary."

Article 64. In Article 115 of the Code:

- (1) the words "by the donations" shall be replaced with the words "by the contributions" in the first paragraph of part 2;
- (2) in the second paragraph of part 2, the words "to make donation" shall be replaced with the words "to make contribution";
- (3) the word "donation" shall be replaced with the word "contribution" in part 3.

Article 65. In point 3 of part 6 of Article 118 of the Code, the words "of the only candidate" shall be replaced with the words "of one of the candidates".

Article 66. In part 5 of Article 120 of the Code, the words "for one week" shall be replaced

with the words "for two weeks".

Article 67. The word "early" shall be removed from the second paragraph of part 3 of Article 121 of the Code.

Article 68. Article 122 of the Code shall be revised to read as follows:

Article 122. Calling and holding early election

1. Early election of head of community shall be called by the decision of the Government of the Republic of Armenia on the day from among the days prescribed by part 1 of Article 120 of this Code by the Central Electoral Commission, so that the time limits prescribed by this Code for the organisation and holding of elections are observed.
2. In case the total number of members of Council of Elders reduces by half, an early election of the members of Council of Elders of the community shall be called by the decision of the Government of the Republic of Armenia, in the manner and within the time limits prescribed by part 1 of this Article.
3. Documents necessary for registration of candidates shall be submitted to the constituency electoral commission no earlier than 35 and no later than 30 days before the voting day, by 18:00.
4. Registration of candidates shall be carried out no earlier than 30 and no later than 25 days before the voting day, by 18:00."

Article 69. Article 122.1 of the Code shall be revised to read as follows:

Article 122.1. Calling and holding regular or early elections, nomination and registration of the candidates after the end of martial law or state of emergency

1. The regular election of the head of a community and Council of Elders of a community not appointed or not having taken place due to martial law or state of emergency shall be called upon the decision of marz governor, whereas the early election — upon the decision of the Government of the Republic of Armenia, no later than within a period of 7 days after the end of martial law or state of emergency.
2. Elections shall be called on the day from among the days prescribed by part 1 of Article 120 of this Code by the Central Electoral Commission, so that the decision on calling an election enters into force no later than 70 days before the voting day.
3. Elections shall be organised and held within the time limits prescribed by this Code for regular elections."

Article 70. In Article 127 of the Code:

- (1) the words "the regular election" shall be replaced with the words "the voting on election" in part 1;
- (2) the number "60" shall be replaced with the number "70" in the first and second sentences of the first paragraph of part 2, and the words "for one week" in the second paragraph shall be replaced with the words "for two weeks".

Article 71. Article 128 of the Code shall be revised to read as follows:

Article 128. Calling and holding early elections of the Councils of Elders of communities held through the proportional electoral system

1. Early elections of the Councils of Elders of communities held through the proportional electoral system shall be called by the Government of the Republic of Armenia within a two-week period after the dissolution of the respective Councils of Elders.
2. Early election of the Council of Elders of Yerevan shall be called upon the decision of the Government of the Republic of Armenia, so that the decision of the Government of the

Republic of Armenia on calling election enters into force no later than 70 days before the voting day.

3. Where the voting day for early election of the Councils of Elders of communities held through the proportional electoral system coincides with the voting day for elections of the National Assembly, the day for election of the Council of Elders shall be postponed for two weeks.
4. Early elections of the Councils of Elders of communities (except for Yerevan) held through the proportional electoral system shall be held on the day from among the days prescribed by part 1 of Article 120 of this Code, so that the time limits prescribed by this Code for the organisation and holding of elections are observed.
5. Documents necessary for the registration of the electoral lists of the political parties running in the early elections of the Council of Elders of Yerevan shall be submitted to the Central Electoral Commission no earlier than 45 and no later than 35 days prior to the voting day, by 18:00.
6. Registration of the electoral lists of the political parties (alliances of political parties) running in the early elections of the Council of Elders of Yerevan shall be conducted no earlier than 35 and no later than 30 days prior to the voting day.
7. Documents necessary for the registration of the electoral lists of the political parties running in the early elections of the Councils of Elders of the communities (except for Yerevan) held through the proportional electoral system shall be submitted to the relevant constituency electoral commission no earlier than 45 and no later than 35 days prior to the voting day, by 18:00.
8. Registration of electoral lists of the political parties running in the early elections shall be carried out no earlier than 35 and no later than 30 days prior to the voting day, by 18:00."

Article 72. Article 128.1 of the Code shall be revised to read as follows:

Article 128.1. Calling and holding of regular or early elections of the Councils of Elders of communities held through the proportional electoral system after martial law or state of emergency, nomination and registration of the candidates

1. The regular election of the Council of Elders of a community through the proportional electoral system not appointed or not held due to martial law or state of emergency shall be called upon the decision of marz governor, whereas the early election — upon the decision of the Government of the Republic of Armenia, no later than within 7 days after the end of martial law or state of emergency.
2. Elections of the Council of Elders of a community through the proportional electoral system not appointed or not held due to martial law or state of emergency shall be appointed by the Central Electoral Commission on the day from among the days prescribed by part 1 of Article 120 of this Code, so that the decision on calling an election enters into force no later than 70 days before the voting day.
3. Elections shall be organised and held within the time limits prescribed by this Code for regular elections.

Article 73. In Article 130 of the Code:

- (1) the second paragraph of part 2 shall be removed;
- (2) in the sixth paragraph of part 2, the words "at least half" shall be replaced with the words "at least one third";
- (3) point 1 of part 3 shall be revised to read as follows:
 - "(1) a statement of information on the compliance of the statute of the political party to the Constitutional Law "On political parties" (statements of information on the

compliance of the statutes of the political parties included in the alliance to the Constitutional Law "On political parties"), as well as the copy of the statute of the political party (copies of the statutes of the political parties included in the alliance);";

(4) part 3 shall be supplemented with a new point 9:

"(9) a statement of information — the annual report of the reporting year preceding the elections by the political party (member to the alliance of political parties), and in case the time limit for the submission of the annual report has not expired and the annual report has not been submitted as of the date of submission of the documents necessary for the registration of electoral lists — the annual report of the penultimate reporting year preceding the elections confirming the fact of being submitted to the Commission for the Prevention of Corruption."

(5) new parts 3.1 and 3.2 shall be supplemented:

"3.1. The statement of information prescribed by point 1 of part 3 of this Article shall be issued by the authorised body of the Ministry of Justice of the Republic of Armenia within a one-week period following the request but no earlier than the calling of the relevant elections and no later than the day preceding the expiry of the time limit for nomination of the political parties (alliances of political parties) running in elections prescribed by this Code.

3.2. The statement of information prescribed by point 9 of part 2 of this Article shall be issued by the Commission for the Prevention of Corruption within a 3-day period following the request. The form of the statement of information shall be defined by the Commission for the Prevention of Corruption."

(6) part 4 shall be revised to read as follows:

"4. For the purpose of forming the election list of the political party (alliance of political parties) electronically for the submission of an application to participate in the elections, the Central Electoral Commission shall provide a user account to the political party (alliance of political parties) to electronically form the electoral list of the political party (alliance of political parties).

The procedure for receiving a user account for the purpose of registration of the political party, alliance of political parties in the official website of the Central Electoral Commission, for formation of the electoral list electronically and the form of the electronic sample form of the application for the purpose of receiving a user account shall be defined by the Central Electoral Commission.

Data on up to 3 authorised representatives (surname, name, patronymic, date of birth, personal identification document number, place of employment, position) shall be specified in the application for running in elections submitted by the political party (alliance of political parties) running in elections.

Documents necessary for the registration of the electoral list of a political party (alliance of political parties) running in elections shall be submitted to the relevant electoral commission only by the authorised representative of the political party (alliance of political parties), in person, within the time limits prescribed by this Code."

(7) in the fourth paragraph of part 5, the words ", regarding a candidate included in the electoral list," shall be removed and the words "if a candidate is included in the electoral list," shall be replaced with the words "and in case of failure to eliminate inaccuracies regarding a candidate or in case of failure to complete the documents, the registration of the candidate included in the electoral list shall be rejected and".

Article 74. Point 6 of part 1 of Article 132 of the Code shall be repealed.

Article 75. In Article 133 of the Code:

- (1) part 1 shall be revised to read as follows:

"1. The electoral commission shall declare the registration of an electoral list of a political party (alliance of political parties) as invalid, where after the registration there emerge some facts certifying that the submitted documents concerning the political party (alliance of political parties) are falsified.

The registration of the electoral list of a political party shall not be declared invalid as a consequence of revoking or declaring invalid the registration of the candidate included in the electoral list of a political party (alliance of political parties), even if the requirements prescribed by part 2 of Article 130 of this Code are violated."

- (2) new part 1.1 shall be supplemented:

"1.1. Based on the absence of jurisdiction of the congress and the permanently functioning governing body of the political party or on the failure to adopt a decision thereby, the electoral commission may declare the registration of an electoral list of a political party as invalid only on the basis of a judicial act."

Article 76. In Article 135.1 of the Code:

- (1) in point 4 of part 1, the words and punctuation marks ", and the list of candidates has not been completed in the manner and within the time limit prescribed by part 2 of Article 130 of this Code;" shall be replaced with the punctuation mark " .";

- (2) point 5 of part 1 shall be repealed;

- (3) part 2 shall be revised to read as follows:

"2. A new election shall be called on by the decision of the electoral commission on declaring the election of the Council of Elders of a community held through the proportional electoral system as not having taken place in the case provided for by point 1 of part 1 of this Article, which shall be held on the last Sunday of the sixty-day period following the entry into force of the decision of the electoral commission on declaring the election as not having taken place.

In case the new election called on through the procedure prescribed by this part is declared as not having taken place, the Central Electoral Commission shall call on a new election and announce the voting day within a five-day period after the decision of the electoral commission enters into force.";

- (4) parts 3, 4 and 5 shall be revised to read as follows:

"3. Where no appeal has been lodged with the court against the decision of the electoral commission on declaring the elections as not having taken place in cases provided for by points 2 and 3 of part 1 of this Article, the Central Electoral Commission shall call a new election within a five-day period following the entry into force of the decision, and shall announce the voting day no later than on the last Sunday of the sixty-day period following the entry into force of the decision of the Central Electoral Commission.

4. Where an appeal has been lodged with the administrative court against the decision of the electoral commission on declaring the elections as not having taken place in the case provided for by point 2 of part 1 of this Article, and the decision of the electoral commission has been left unchanged by the judicial act of the administrative court, or a decision has been made on rejecting acceptance of the statement of claim, the Central Electoral Commission shall appoint a new election within a five-day period after the entry into force of the judicial act and announce the voting day no later than on the last Sunday of the sixty-day period following the entry into force of the decision of the commission.

5. A new election shall be called on by the decision of the electoral commission on

declaring the election of the Council of Elders of a community held through the proportional electoral system as not having taken place in the case provided for by point 4 of part 1 of this Article, which shall be held on the last Sunday of the sixty-day period following the entry into force of the decision of the electoral commission on declaring the election as not having taken place.

In case the new election called on through the procedure prescribed by this part is declared as not having taken place, the Central Electoral Commission shall call on a new election and announce the voting day within a five-day period after the decision of the electoral commission enters into force.";

- (5) in part 6, the words "in compliance with the schedule of the main measures for preparation and holding of the given election" shall be removed;
- (6) in part 8, the words "relevant electoral commission" shall be replaced with the words "Central Electoral Commission".

Article 77. In the second sentence of the first paragraph of part 1 of Article 136 of the Code, the words "until the expiry of the time limit prescribed for challenging the decision of the electoral commission on members of the Council of Elders of the community being elected through the proportional electoral system, and in case this decision is challenged — until the adoption of a court decision" shall be replaced with the words "until drawing up the first protocol of issuing mandates to the members of the Council of Elders of the community being elected through the proportional electoral system".

Article 78. In Article 139 of the Code:

- (1) in part 1, the words "by the donations" shall be replaced with the words "by the contributions";
- (2) in part 2, the word "donation" shall be replaced with the word "contribution";
- (3) part 3 shall be repealed.

Article 79. In Article 141 of the Code:

- (1) the second paragraph of part 6 shall be supplemented with a new second sentence:
"Where there are no representatives of less represented sex in the electoral list, those mandates shall remain vacant."
- (2) part 6 shall be supplemented with a new fifth paragraph:
"The protocol shall be drawn up on the 5th day following the time limit prescribed for appealing against the decision of the relevant electoral commission on election of the Council of Elders, and in case of appealing against that decision — on the 5th day following the adoption of the relevant decision."
- (3) in the first paragraph of part 8, the words "after notifying the commission thereon" shall be replaced with the words "after receiving the protocol on the termination of the powers in the commission" and the words "results in less than 25 per cent" shall be replaced with the words "results in less than 30 per cent";
- (4) the first paragraph of part 8 shall be supplemented with a new second sentence:
"Where there are no candidates of less represented sex in the electoral list, that mandate shall remain vacant."

Article 80. In Article 142 of the Code:

- (1) in the third sentence of part 6, the words "for early elections" shall be removed;
- (2) part 7 shall be supplemented with a new point 4:

- "(4) where at least more than half of the council of elders of the community is not formed as of the moment of the distribution of mandates in the manner prescribed by this Code.";
- (3) in the first sentence of part 8, the words "relevant electoral commission" shall be replaced with the words "Central Electoral Commission", the words "within a period of 21 days" shall be removed, the words "and shall announce the voting day no later than on the last Sunday of the sixty-day period following the entry into force of the decision of the commission" shall be supplemented after the words "a new election";
- (4) the second sentence of part 8 shall be removed.

Article 81. In the fifth sentence of the first paragraph of part 7 of Article 142.2 of the Code, the words "the persons" shall be replaced with the words "the candidates", and the sixth sentence shall be revised to read as follows:

"In the event of a tie as a result of additional voting, the advantage shall be given to the candidate for the political party (alliance of political parties) having received the greatest number of "for" votes in the elections of the Council of Elders of the community."

Article 82. 1. This Law shall enter into force from 1 January 2024.

2. Points 3 and 4 of Article 11 and Article 48 of this Code shall enter into force from 1 January 2025.
3. Within 1 year after the entry into force of this Law, the Central Electoral Commission adopts the normative legal acts provided for by this Law.

DRAFT

II. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE CONSTITUTIONAL LAW "ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTIONAL LAW "ELECTORAL CODE OF THE REPUBLIC OF ARMENIA""

- Article 1.** Points 4 and 5 of Article 20 of Constitutional Law HO-202-N of 7 May 2021 "On making amendments and supplements to the Constitutional Law "Electoral Code of the Republic of Armenia"" (hereinafter referred to as "the Law") shall be revoked.
- Article 2.** Points 2, 4 and 5 of Article 21 of the Law shall be revoked.
- Article 3.** Article 22 of the Law shall be revoked.
- Article 4.** Part 7 of Article 104 of the Law shall be revoked.
- Article 5.** This Law shall enter into force on the tenth day following the day of its official promulgation.

III. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING SUPPLEMENTS AND AMENDMENT TO THE CONSTITUTIONAL LAW "ON POLITICAL PARTIES"

Article 1. Article 17 of Constitutional Law HO-95-N of 16 December 2016 "On political parties" (hereinafter referred to as "the Law") shall be supplemented with a new part 1.1:

"1.1. The information on the time and place of holding the congress of a political party, as well as the agenda thereof shall be posted on the official website of public notifications of the Republic of Armenia (<http://www.azdarar.am>) at least 10 days prior to holding the congress.

Article 2. Article 18 of the Law shall be supplemented with a new part 5:

"5. Based on the results of the congress, a protocol shall be drawn up, which shall contain the information on the agenda of the congress, issues put to voting and the results of voting. The protocol of the congress shall be signed by the chairperson of the congress, the person (secretary) who has drawn up the protocol and the members of the Counting Commission."

Article 3. Part 2 of Article 24 of the Law shall be revised to read as follows:

" 2. The total amount of the donation given to the party, as well as the membership fee and entrance fee, expressed in monetary terms, may not exceed five hundred thousand-fold of the minimum salary prescribed by law, including two thousand five hundred-fold of the minimum salary prescribed by law, when received from one natural person.

The maximum limit of donations defined by this article does not include donations amounting five thousand-fold of the minimum salary prescribed by law given to the party by natural person during the pre-election campaign period.

A natural person can make a donation to one or more parties within the limits of the maximum donation limit specified in the first paragraph of this part."

Article 4. This Law shall enter into force on 1 January 2024.

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IV. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE LAW OF THE REPUBLIC OF ARMENIA “ON LOCAL SELF-GOVERNMENT”

Article 1. Point 3 of part 2 of Article 36 of Law HO-337 of 7 May of 2002 "On local self-government" (hereinafter referred to as "the Law") shall be repealed.

Article 2. In Article 70 of the Law:

(1) part 4 shall read as follows:

"4. In the cases provided for by part 1 of this Article, except for the case provided for by point 1, based on the relevant substantiating documents, the Head of the Community, whereas in the cases prescribed by part 5 of this Article, the Acting Head of the Community or the Secretary of the Staff shall draw up a protocol on early termination of the powers of a member of the Council of Elders and send it to the constituency electoral commission within seven working days. The constituency electoral commission shall — within seven working days following the receipt of a letter of resignation of a member of the Council of Elders — draw up a protocol on termination of powers of the member of the Council of Elders.";

(2) part 5 shall read as follows:

"5. The member of the Council of Elders shall submit his or her letter of resignation to the Head of the Community or the Acting Head of the Community in person, who shall announce thereabout at the upcoming sitting of the Council of Elders. In case of absence of the Head of the Community or the Acting Head of the Community, the member of the Council of Elders shall submit his or her letter of resignation to the Secretary of the Staff of the municipality in person. In the period prior to holding the first sitting of the newly-elected Council of Elders, the member of the Council of Elders shall submit his or her letter of resignation to the relevant constituency electoral commission in person. In case of impossibility to submit by the member of the Council of Elders his or her letter of resignation in person, the letter of resignation shall be submitted by the head of faction or the representative of the member of the Council of Elders.".

Article 3. The words "of district electoral commission" in part 1 of Article 71 of the Law shall be replaced with the words "of constituency electoral commission".

Article 4. This Law shall enter into force on 1 January 2024.

DRAFT

V. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE LAW OF THE REPUBLIC OF ARMENIA “ON LOCAL SELF-GOVERNMENT IN THE CITY OF YEREVAN”

Article 1. In Article 20 of Law HO-5-N of 26 December 2008 “On local self-government in the city of Yerevan”:

(1) part 4 shall read as follows:

"4. In the cases provided for by part 1 of this Article, except for the case provided for in point 1, based on the relevant substantiating documents, the Mayor, whereas in the cases prescribed by part 5 of this Article the Acting Mayor or the Secretary of the Staff shall draw up a protocol on early termination of the powers of the member of the Council of Elders and send it to the Central Electoral Commission within seven working days. The Central Electoral Commission shall — within seven days following the receipt of a letter of resignation of the member of the Council of Elders — draw up a protocol on the termination of powers of the member of the Council of Elders."

(2) part 5 shall read as follows:

"5. The member of the Council of Elders shall submit his or her letter of resignation to the Mayor or the Acting Mayor in person, who shall announce thereabout at the upcoming sitting of the Council of Elders. In case of absence of the Mayor or the Acting Mayor, the member of the Council of Elders shall submit his or her letter of resignation to the Secretary of the Staff of the municipality in person. In the period prior to holding the first sitting of the newly elected Council of Elders, the member of the Council of Elders shall submit his or her letter of resignation to the relevant constituency electoral commission in person. In case of impossibility to submit by the member of the Council of Elders his or her letter of resignation in person, the letter of resignation shall be submitted by the head of faction or the representative of the member of the Council of Elders."

Article 2. This Law shall enter into force on 1 January 2024.

DRAFT

VI. LAW OF THE REPUBLIC OF ARMENIA ON MAKING SUPPLEMENTS TO THE LAW "ON STATE REGISTRATION OF LEGAL PERSONS, STATE RECORD-REGISTRATION OF SEPARATED SUBDIVISIONS, INSTITUTIONS OF LEGAL PERSONS AND INDIVIDUAL ENTREPRENEURS"

Article 1. Part 1 of Article 1 of Law of the Republic of Armenia HO-169 of 3 April 2001 "On state registration of legal persons, state record-registration of separated subdivisions, institutions of legal persons and individual entrepreneurs" (hereinafter referred to as "the Law") shall be supplemented with a new second paragraph:

"This Law shall also regulate — based on the application of a political party —the legal relations pertaining to the provision of statements of information on the compliance of the statute of the given political party with the Constitutional Law "On political parties.".

Article 2. Part 1 of Article 12 of the Law shall be supplemented with a new point 6.1:

"6.1. based on the application of the political party, shall provide a statement of information on the compliance or non-compliance of the statute of the given political party with Constitutional Law "On political parties"."

Article 3. The Law shall be supplemented with a new Chapter 13.2;

"CHAPTER 13.2

PROVIDING STATEMENT OF INFORMATION ON COMPLIANCE OF THE STATUTE OF THE POLITICAL PARTY WITH CONSTITUTIONAL LAW "ON POLITICAL PARTIES"

Article 66.4. Submitting the application for receiving statement of information on compliance of the statute of political party with the Constitutional Law "On political parties"

1. The political party shall submit an application to the Agency in order to receive the statement of information on compliance of the statute of the political party with Constitutional Law "On political parties", which must be submitted no earlier than 6 days before the calling of the relevant elections and not later than 8 days before the expiry of the time limit of nomination of the political parties (alliances of political parties) participating in the elections prescribed by this Law."
2. The following shall be indicated in the application:
 - (1) name of the political party;
 - (2) state registration number;
 - (3) an indication that the application is submitted to the Agency;
 - (4) the request set forth;
 - (5) an indication on the place of location of the permanently functioning management body of the political party;
 - (6) signature of the head or authorised person of the executive body of the political party;
 - (7) document certifying the payment of the state duty.
3. The statute of the political party shall be attached to the application.
4. The Agency shall verify the compliance of the statute of the political party with the requirements of the Constitutional Law "On political parties" and shall provide a statement

of information on the compliance or non-compliance of the statute of the political party with the Constitutional Law "On political parties".

5. In case of providing a statement of information on the non-compliance of the statute of the political party with the Constitutional Law "On political parties", the provisions of the Constitutional Law "On political parties", which the statute of the political party fails to comply with, shall be indicated.
6. The statement of information shall be provided within a period of one week following the submission of the application."

Article 4 This Law shall enter into force on 1 January 2024.

DRAFT

VII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE LAW "ON CIVIL SERVICE"

Article 1. Article 9 of Law HO-205-N of 23 March 2018 "On civil service" (hereinafter referred to as "the Law") shall be supplemented with a new part 7:

"7. The competition within the Staff of the Central Electoral Commission shall be organised and held by the Central Electoral Commission."

Article 2. Part 22 of Article 10 of the Law shall read as follows:

"22. The procedure for holding a competition shall be established by the Government. The procedure for holding a competition within the Staff of the Human Rights Defender shall be established by the Human Rights Defender, and within the Staff of the Central Electoral Commission — by the Central Electoral Commission."

Article 3. Article 33 of the Law shall be supplemented with a new part 1.2:

"1.2. The Ethics Commission of Civil Servants within the Staff of the Central Electoral Commission shall be formed as prescribed by the Electoral Code of the Republic of Armenia."

Article 4.

1. This Law shall enter into force on 1 January 2024.
2. The Central Electoral Commission shall — after this Law having been signed and promulgated, until 1 January 2024 — approve the procedure for holding a competition for filling a vacant civil service position within the Staff of the Central Electoral Commission.

VIII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE CRIMINAL CODE OF THE REPUBLIC OF ARMENIA

Article 1. In Article 221.1 of the Criminal Code of the Republic of Armenia of 5 May 2021 (hereinafter referred to as "the Code"):

- (1) the words "of donations" in parts 1 and 2 shall be replaced with the words "of contributions";
- (2) the words "the acquired goods or the provided service" in part 1 shall be replaced with the words "the acquired goods, provided services or performed work".

Article 2. The Code shall be supplemented with a new Article 224.1:

Article 224.1. Compelling a candidate participating in the election to recuse or waive of the mandate

1. Compelling a candidate participating in the elections of the National Assembly, the community council of elders elected under the proportional electoral system or the head of the community or a member of the council of elders elected under the majoritarian electoral system to recuse or waive of the mandate:

shall be punished by a short-term imprisonment for a term of one to two months or by imprisonment for a term of maximum two years.

2. The same act which has been committed:

- (1) by use of administrative or official powers or the influence resulting therefrom;
- (2) by use of violence or threat of use thereof;
- (3) by a group of persons;

shall be punished by imprisonment for a term of three to six years, with deprivation of the right to hold certain positions or to engage in certain activities for a term of two to five years."

Article 3. This Law shall enter into force on 1 January 2024.

IX. LAW OF THE REPUBLIC OF ARMENIA ON MAKING A SUPPLEMENT AND AMENDMENTS TO THE LAW OF THE REPUBLIC OF ARMENIA "ON STATE DUTY"

Article 1. Point 1.12 of Article 16 of Law of the Republic of Armenia HO-186 of 27 December 1997 "On state duty" (hereinafter referred to as "the Law") shall be supplemented with a new sub-point 2.1:

"(2.1) for providing a statement of information on the compliance of the statute of a political party with the Constitutional Law "On political parties" in the amount of 10-fold of the base duty".

Article 2. The words "of the citizen of the Republic of Armenia or" in point 1.2 of Article 14 of the Law shall be deleted.

Article 3. Part 3.1 of Article 26 of the Law shall be repealed.

Article 4. This Law shall enter into force on 1 January 2024.

DRAFT

X. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CODE OF THE REPUBLIC OF ARMENIA "ON ADMINISTRATIVE OFFENCES"

Article 1. Article 40.3 of the Code of the Republic of Armenia "On administrative offences" of 6 December 1985 (hereinafter referred to as "the Code") after the words "in violation" shall be supplemented with the words "making a supplement or".

Article 2. The Code shall be supplemented with a new Article 40.17:

Article 40.17. Failure to submit a declaration of property and income by a political party (a political party included in the alliance of political parties) or a candidate

1. Failure by a political party (a political party included in the alliance of political parties) to submit — within the time limit prescribed by law — a declaration of property and income prescribed by the Electoral Code of the Republic of Armenia to the Corruption Prevention Commission of the Republic of Armenia shall:

entail imposition of a fine on an official of the political party (alliance of political parties or a political party included in the alliance) in the amount of one-hundred-fold to three-hundred-fold of the minimum salary.

2. Failure by a candidate to submit — within the time limit prescribed by law — a declaration of property and income prescribed by the Electoral Code of the Republic of Armenia to the Corruption Prevention Commission of the Republic of Armenia shall:

entail imposition of a fine in the amount of fifty-fold to one-hundred-fold of the minimum salary.

Article 3. The Code shall be supplemented with a new Article 40.18:

Article 40.18. Providing incorrect information on descriptions of polling station and voting room, failure to perform the duty of defining polling station and voting room or furnishing voting room by the head of the community

1. Providing by the head of the community incorrect information on descriptions of polling station and voting room to the constituency electoral commission shall:

entail imposition of a fine in the amount of two-hundred-fold to three-hundred-fold of the minimum salary.

2. Failure by the head of the community to fulfil or improper fulfilment of — within the time limit prescribed — the requirement of the constituency electoral commission for defining polling station and voting room or furnishing voting room shall:

entail imposition of a fine in the amount of two-hundred-fold to three-hundred-fold of the minimum salary."

Article 4. The Code shall be supplemented with a new Article 40.19:

Article 40.19. Posting campaign posters, printed campaign and other materials in violation of the procedure prescribed by law or in a place not permitted by law

1. Posting — within the period of election campaign — campaign posters, printed campaign and other materials in violation of the procedure prescribed by law or in a place not

permitted by law shall:

entail imposition of a fine in the amount of one-hundred-fold to three-hundred-fold of the minimum salary."

Article 5. The numbers "40.16" in point 6 of the first paragraph of Article 223 of the Code shall be replaced with the numbers "40.19".

Article 6. In Article 254 of the Code:

- (1) the numbers "40.16" in point 1 of the first paragraph shall be replaced with the numbers "40.19";
- (2) the word "the commission" in point 1 of the first paragraph shall be replaced with the words "the person taking a protocol of the sitting of the commission or the member of the commission who has become aware of the offence";
- (3) the numbers "40.16" in the third paragraph shall be replaced with the numbers "40.19";
- (4) the words "by the electoral commission" in the third paragraph shall be replaced with the words "by the person taking a protocol of the sitting of the commission or the member of the commission who has become aware of the offence";
- (5) Article 254 of the Code shall be supplemented with a new paragraph, which reads as follows:

"Under the cases on administrative offences provided for by Articles 40.1, 40.2, 40.4, 40.6-40.9, 40.11, 40.13-40.19 of this Code, the issue shall be discussed and the protocol shall be drawn up at the sitting of the competent election commission in the absence of the subject of the administrative offence, where there are data on notifying him or her about the place and time of the examination of the case and where he or she failed to appear and/or did not to want to participate in the sitting or in drawing up of protocol. In that case the protocol shall be drawn up in the absence thereof, and its copy shall immediately be sent to him or her by indicating his or her rights and obligations provided for by Article 267 of this Code. "

Article 7. In Article 255 of the Code:

- (1) shall be supplemented in the first sentence of the third paragraph with the words ", and under the cases on administrative offences provided for by Articles 40.1, 40.2, 40.4, 40.6-40.9, 40.11, 40.13-40.19, also where the person, having been notified on the sitting, failed to appear at the sitting or to participate in the drawing up of protocol" after the word "protocol";
- (2) shall be supplemented in the first sentence of the fourth paragraph with the words ", and under the cases on offences provided for by Articles 40.1, 40.2, 40.4, 40.6-40.9, 40.11, 40.13-40.19 — also in the notification" after the word "drawing up".

Article 8. This Law shall enter into force on 1 January 2024.

**XI. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING
AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTIONAL LAW "ON
REFERENDUM"**

Article 1. The word “district” in part 1 of Article 15 of the Constitutional Law HO-155-N of 3 March 2018 “On referendum” (hereinafter referred to as “the Law”) shall be replaced with the word “constituency”.

Article 2. The word “district” in parts 1 and 2 of Article 15 of the Law shall be replaced with the word “constituency”.

Article 3. The words “in the given community” in the third sentence of part 2 of Article 18 of the Law shall be replaced with the words “in the given settlement”.

Article 4. In Article 19 of the Law:

- (1) the word “from donations” in part 3 shall be replaced with the word “from contributions”;
- (2) the word “donations” in part 4 shall be replaced with the word “contributions”.

Article 5. In Article 20 of the Law:

- (1) the word “donation” in the title shall be replaced with the word “contribution”;
- (2) the word “donations” in the first and second sentences of part 1, in the first and second sentences of the second paragraph of part 1.1 shall be replaced with the word “contributions”;
- (3) the word “100 000-fold” in the first sentence of part 1 shall be replaced with the word “800 000-fold”;
- (4) the word “donation” in part 2 shall be replaced with the word “contribution”;
- (5) the word “donations” in part 3 shall be replaced with the word “contributions”;
- (6) a new second sentence shall be added to part 5:
“The Oversight and Audit Service of the Central Electoral Commission shall summarise such data, draw up a brief statement of information which shall be posted on the Internet website of the Central Electoral Commission.”.

Article 6. In point 3 of part 1 of Article 21 of the Law the words "or the funds" shall be supplemented after the words "the non-governmental organisations", and the words "six months" shall be replaced with the words "one year".

Article 7. The word “district” in part 9 of Article 24 of the Law shall be replaced with the word “constituency”.

Article 8. The word “district” in points 3, 4 of part 1 and part 2 of Article 31 of the Law shall be replaced with the word “constituency”.

Article 9. The word “district” in the title and in parts 1, 2, 3 and 4 of Article 33 of the Law shall be replaced with the word “constituency”.

Article 10. The word “district” in part 1 of Article 34 of the Law shall be replaced with the word “constituency”.

Article 11. This Law shall enter into force on 1 January 2024.

DRAFT

XII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE LAW "ON LOCAL REFERENDUM"

Article 1. The words "in the given community" in part 2 of Article 15 of Law HO-347-N of 13 June 2018 "On local referendum" (hereinafter referred to as "the Law") shall be replaced with the words "in the given settlement".

Article 2. In Article 16 of the Law:

- (1) the word "donation" in the title shall be replaced with the word "contribution";
- (2) the words "from donations" in part 3 shall be replaced with the words "from contributions";
- (3) the word "donations" in part 4 shall be replaced with the word "contributions";
- (4) the words "donation" and "the donations" in part 5 shall be replaced with the words "contribution" and "contributions", respectively.
- (5) the word "donation" in parts 7 and 8 shall be replaced with the word "contribution";
- (6) the words "of donations" in part 9 shall be replaced with the words "of contributions";
- (7) the words "of donations" in part 16 shall be replaced with the words "of contributions".

Article 3. In point 2 of part 1 of Article 17 of the Law the words "and the funds" shall be supplemented after the words "the non-governmental organisations", and the words "of six months" shall be replaced with the words "of one year".

Article 4. This Law shall enter into force on 1 January 2024.

XIII. LAW OF THE REPUBLIC OF ARMENIA ON REVOKING THE LAW "ON MAKING SUPPLEMENTS TO THE LAW "ON COMMISSION FOR THE PREVENTION OF CORRUPTION"

- Article 1.** Law HO-208-N of 7 May 2021 "On making supplements to the Law "On Commission for the Prevention of Corruption"" shall be revoked.
- Article 2.** This Law shall enter into force on the tenth day following the day of its official promulgation.

DRAFT

XIV. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE LAW "ON MAKING A SUPPLEMENT AND AMENDMENTS TO THE LAW "ON LOCAL REFERENDUM""

- Article 1.** Point 5 of Article 2 of Law HO-211-N of 7 May 2021 "On making a supplement and amendments to the Law "On local referendum" (hereinafter referred to as "the Law") regarding the Commission for the Prevention of Corruption shall be revoked.
- Article 2.** Points 9-11 and 13 of Article 2 of the Law shall be revoked.
- Article 3.** Part 3 of Article 3 of the Law shall be revoked.
- Article 4.** This Law shall enter into force on the tenth day following the day of its official promulgation.

**XV. CONSTITUTIONAL LAW OF THE REPUBLIC OF ARMENIA ON MAKING
AMNEDMENTS TO THE CONSTITUTIONAL LAW "ON MAKING
AMENDMENTS AND A SUPPLEMENT TO THE CONSTITUTIONAL LAW "ON
REFERENDUM"**

- Article 1.** Points 3, 4, 9 and 10 of Article 3 of Constitutional Law HO-211-N of 7 May 2021 "On making amendments and a supplement to the Law "On referendum"" (hereinafter referred to as "the Law") shall be revoked.
- Article 2.** Point 8 of Article 3 of the Law regarding the Commission for the Prevention of Corruption shall be revoked.
- Article 3.** This Law shall enter into force on the tenth day following the day of its official promulgation.

DRAFT

**XVI. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AMENDMENTS TO THE
LAW "ON IDENTIFICATION CARD"**

Article 1. Point 6 of part 6 of Article 4 of Law HO-286-N of 30 November 2011 "On identification card" (hereinafter referred to as "the Law") shall be repealed.

Article 2. Point 4 of part 7 of Article 4 of the Law shall be repealed.

Article 3. This Law shall enter into force on 1 January 2024.

DRAFT

**XVII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING AN AMENDMENT TO THE
LAW OF THE REPUBLIC OF ARMENIA "ON THE PAYMENT OF WORK OF
PERSONS HOLDING STATE POSITIONS AND CIVIL SERVICE POSITIONS"**

- Article 1.** Part 2 of Article 2 of Law of the Republic of Armenia HO-157-N of 12 December 2013 "On the payment of work of persons holding state positions and civil service positions" shall be revised to read as follows:
"2. Amounts of basic and additional wages of persons performing civil work and performing technical maintenance in the bodies of public authority, except for the staffs of the President of the Republic, the National Assembly, the Prime Minister, the Constitutional Court of the Republic of Armenia, the Central Bank of the Republic of Armenia, the Central Electoral Commission, Yerevan Municipality, local self-government bodies of the Republic of Armenia and other relations related to remuneration are defined by the Government of the Republic of Armenia."
- Article 2.** This Law shall enter into force on 1 January 2024.

**XVIII. LAW OF THE REPUBLIC OF ARMENIA ON MAKING A SUPPLEMENT TO THE
LAW OF THE REPUBLIC OF ARMENIA "ON CIVIL SERVICE"**

Article 1. In part 4 of Article 6 of Law of the Republic of Armenia HO-206-N of 23 March 2018 "On civil service" the words "the General Secretary of the Central Electoral Commission" shall be supplemented after the words "chief military inspector and his deputy".

Article 2. This Law shall enter into force on 1 January 2024.

XIX. RATIONALE FOR ADOPTION OF THE PACKAGE OF DRAFT LAWS

"ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE ELECTORAL CODE OF THE REPUBLIC OF ARMENIA", "ON MAKING SUPPLEMENTS TO THE CONSTITUTIONAL LAW 'ON POLITICAL PARTIES'", "ON MAKING AMENDMENTS TO THE LAW 'ON LOCAL SELF-GOVERNMENT'", "ON MAKING AMENDMENTS TO THE LAW 'ON SELF-GOVERNMENT IN THE CITY OF YEREVAN'", "ON MAKING SUPPLEMENTS TO THE LAW 'ON STATE REGISTRATION OF LEGAL PERSONS, STATE RECORD-REGISTRATION OF SEPARATED SUBDIVISIONS, INSTITUTIONS OF LEGAL PERSONS AND INDIVIDUAL ENTREPRENEURS'", "ON MAKING A SUPPLEMENT TO THE LAW 'ON STATE DUTY'", "ON MAKING AN AMENDMENT AND SUPPLEMENTS TO THE LAW 'ON CIVIL SERVICE'", "ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE CRIMINAL CODE OF THE REPUBLIC OF ARMENIA", "ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CODE OF ADMINISTRATIVE OFFENCES OF THE REPUBLIC OF ARMENIA", "ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTIONAL LAW 'ON REFERENDUM'", "ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE LAW "ON LOCAL REFERENDUM'", "ON REVOKING THE LAW "ON MAKING SUPPLEMENTS TO THE LAW 'ON THE COMMISSION FOR THE PREVENTION OF CORRUPTION'", "ON MAKING AMENDMENTS TO THE CONSTITUTIONAL LAW "ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTIONAL LAW 'ELECTORAL CODE OF THE REPUBLIC OF ARMENIA'", "ON MAKING AMENDMENTS TO THE CONSTITUTIONAL LAW "ON MAKING AMENDMENTS AND A SUPPLEMENT TO THE CONSTITUTIONAL LAW 'ON REFERENDUM'", "ON MAKING AMENDMENTS TO THE LAW "ON MAKING A SUPPLEMENT AND AMENDMENTS TO THE LAW 'ON LOCAL REFERENDUM'"

I. The current situation and the need to adopt the legal act:

The ongoing improvement of democratic institutions, namely the electoral system, is of key importance for upholding the democracy. The initiative for reforms of the electoral legislation in the Republic of Armenia was launched amongst the democratic processes yet in 2018, yielding to elaboration of draft amendments to the Electoral Code (hereinafter referred to as "the Electoral Code") of the Republic of Armenia. The policy for improving the electoral legislation further went on. It was stipulated in the Decision of the Government of the Republic of Armenia of 10 October 2019 "On approving the 2019-2023 strategy for judicial and legal reforms of the Republic of Armenia and the action plan deriving therefrom"¹. Consequently, on 1 April 2021, the amendments made to the Electoral Code led to shift to the fully proportional electoral system, and the subsequent round on 28 April 2021 provided for a number of legal norms in the Criminal Code and the Code of Administrative Offences of RA, envisaging liability for violations of the electoral legislation. And subsequently, on 7 May 2021, the extensive amendments to the Electoral Code and the related laws paved the way for substantial reforms of the electoral legislation.

The need for reforming the electoral legislation was also renewed by the 2022-2026 Strategy for judicial and legal reforms of the Republic of Armenia, according to which it is planned to draw up, by the 1st semester of 2023, a package of draft legal acts envisaging amendments to the electoral legislation, pivoting on the positions of the international institutions related to the electoral reforms in 2018-2021, as well as the problems identified during the elections of the National Assembly and the local self-government bodies held in 2021.

Numerous problems arose during the early elections of the National Assembly on 20 June 2021 and those of the local self-government bodies held under the proportional electoral system in 2021-2022, which have been identified both by the law-enforcement bodies and the local and

¹ See: <https://www.arlis.am/DocumentView.aspx?DocID=135487>

international organisations having carried out the observation missions and the political parties having participated in the elections.

Considering the above-mentioned, it is recommended to address the identified problems taking as a basis the package for making amendments and supplements to the Electoral Code of the Republic of Armenia and the draft laws package attached thereto.

- Notwithstanding that diverse measures to ensure accessibility have been implemented for holding the previous elections, the majority of polling stations still remains out of access for persons with disabilities or persons with mobility (locomotor) difficulties. Widening the span of sufficient legal guarantees under the electoral legislation would trigger implementation of complex measures by the state, required to exercise the suffrage of persons with disabilities or persons with mobility (locomotor) difficulties.
- Currently, the Staff of the Central Electoral Commission performs civil service, and no other special aspects are established. Thus, the Central Electoral Commission, being an independent constitutional body, should be endowed with special features specified by the law on forming the staff that would safeguard its autonomy and independence from the political power.
- Pursuant to the Constitution as well as the Electoral Code, the elections shall not be called and held during martial law and state of emergency. The cases where the martial law or state of emergency are declared after the elections being called or following the day of voting — prior to summarisation of the voting results, are not regulated by law; also, regulation of the electoral process after the end of martial law or state of emergency is neither clear.
- In order to make the electoral lists accurate, it is important to introduce a single document identifying the elector — the identification card, instead of the current identification card, the biometric passport, the non-biometric passport, the temporary document issued by the authorised body replacing the passport or the identification card.
- During the elections of the local self-government bodies under the proportional electoral system, the practice of forming the pre-electoral funds of political parties (alliances of political parties) in private banks testified that numerous problems of impartial nature were revealed from the point of management and financial supervision over the pre-electoral funds and ensuring transparency thereof, as well as ensuring the uniform application of legislation.
- The problems identified in the early days of sittings of the Councils of Elders having been formed after the elections of the local self-government bodies under the proportional electoral system exposed the lacunae in the legislation regulations of the process.
- The reforms of the Electoral Code in 2021 suggested conferring the function of the financial supervision over the elections upon the Commission for the Prevention of Corruption. The practice and studies of the past period indicate that bringing this approach to life may entail significant difficulties, including unexpected ones. Meanwhile, the international experts (European Commission for Democracy through Law, CDL-AD (2011)020 opinion of 20.06.2011²) have recorded that the body performing supervision over the electoral process should be endowed with sufficient independence. The Central Electoral Commission, as an independent body provided for by the Constitution, is granted more independence safeguarded by the Constitution, in comparison with the Commission for the Prevention of Corruption.
- The Central Electoral Commission is an independent state body enjoying a constitutional status. Pursuant to Article 194 of Constitution:

² See: [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)020-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)020-e)

- "1. The Central Electoral Commission shall be an independent state body, which organises the elections of the National Assembly and local self-government bodies, referenda, as well as exercises supervision over the lawfulness thereof.
2. The Central Electoral Commission shall, in the cases and under the procedure prescribed by law, adopt secondary regulatory legal acts.
3. The Central Electoral Commission shall submit to the National Assembly a communication on its activities.
4. The system of electoral commissions, the powers, procedure for the formation and rules of operation, guarantees for the activities of electoral commissions shall be prescribed by the Electoral Code."

Such a status was granted to the Central Electoral Commission on the results of the constitutional amendments in 2015.

In line with the regulations provided for by the Constitutional amendments of the RA in 2015, a lot of guarantees for the independence of the Central Electoral Commission were stipulated under the Electoral Code of the Republic of Armenia adopted in 2016, which were reflected in the provisions concerning the procedure for formation of the Central Electoral Commission, funding of the electoral commissions, remuneration of the members of the electoral commissions, and those concerning the status of the members of the electoral commissions.

The requirement for holding elections by the independent electoral bodies (electoral commissions) is among the international standards of the democratic elections.

The OSCE/ODIHR Guidelines for Reviewing a Legal Framework for Elections, section VII reads: "Regardless of how they are formed and the degree of partisanship involved, election-administration bodies should operate in a professional, collegial and impartial manner, independent from interference by political interests and other branches of power. Once formed, an election-administration body must serve the interests of all citizens and electoral participants. No election-administration body should act in a partisan manner or exhibit partiality in the performance of its duties."³.

The Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms in the Member States of the Commonwealth of Independent States, Article 11, parts 1 and 2 define:

- "1. The preparation and conduct of elections, provision for and protection of citizens' voting rights and freedoms, and control of their observance are to be borne by electoral bodies (election commissions) which status, competence and powers are established by the Constitution and legislative acts.
2. The formation and activities of other structures (bodies, organisations), which substitute or exercise fully or partially, or hamper the legal activities, or illegally interfere with activities, or confer the status, functions and powers of electoral bodies is not permitted."⁴.

Meanwhile, enjoying the powers to form the administration office of the electoral commissions in an autonomous and independent manner and to establish the procedure for the activities thereof is considered to be one of the components in the independence of electoral commissions. The professors have been dealing with the matters related to independence in a broad sense, voiced by the electoral commissions or the bodies arranging the elections, and they still do.

Thus, in their studies on the independence of the electoral commissions Professors Nic Cheeseman and Jørgen Elklit put down that "At the same time, how commissioners and the secretariat are selected and their security of tenure plays an important role in shaping the ability of the commission to withstand political pressure". They mentioned that while controversies in

³ See: <https://www.osce.org/files/f/documents/3/9/383718.pdf>

⁴ See: <https://www.arlis.am/DocumentView.aspx?docid=24616>

this area usually focus on the chair and the commissioners, "the process for appointing the CEO — and the secretariat — is also important to ensure that commissioners are fully in control of the organisation". The authors also speak on the opportunities for determining the salary scale in the electoral commissions, the staff recruitment and control of the work done by them, considering the mentioned ones as the safeguards for independence⁵.

The Primer authored by O. Joseph and published by a prestigious organisation — International IDEA mentions: "Determining the personnel requirements, as well as the conditions under which staff are recruited and dismissed, and having independent control over the recruitment of seconded staff are integral to the independence of an EMB. A staff recruitment and remuneration policy that is formally separate from that of the government civil service serves to protect staff from political patronage. Upholding impartiality across an EMB will depend on the autonomy its staff has from the executive. Most EMBs have a permanent staff body to manage the continuous activities under their mandate that occur throughout an electoral cycle. EMBs also rely on numerous temporary employees on and around election day to support the administration of voting in the polling station and voter registration in countries with an active voter registration system."⁶.

From the standpoint of safeguarding the independence of electoral bodies, there is practice of forming the administration office independently in a number of foreign countries. Thus,

The law of the **Kyrgyz Republic** "On Election Commissions to Conduct Elections and Referenda in the Kyrgyz Republic" of 26 June 2021 prescribes:

- "1. The Central Election Commission carries out its activities on the basis of collegiality, publicity and transparency through open and free discussions and addressing issues within its authorities.
2. The Central Election Commission is authorised to proceed to the work if its composition is formulated for not less than two third of the approved number of Central Election Commission members.
3. The Central Election Commission Regulation (Rule of proceedings) governs internal issues of organization and operation" (Article 5)⁷.

Pursuant to Article 12 of the same Law:

- "1. The Central Election Commission administration office is providing organisational and methodological, information-analytical and logistical and technical support to the Central Election Commission activity.
2. The Head of Central Election Commission is responsible for the management of the Central Election Commission Office.
3. The Central Election Commission has its own standing special representative and IT system administrator in each territorial election commission which provide coordination, organisation-methodological and logistical and technical support to the operation of territorial election commission as well as providing support to record keeping, update and verification of the list of constituents, referendum participants.
4. Special representative and IT system administrator are staff members of the Central Election Commission Office appointed by the Central Election Commission

⁵ See: **Nic Cheeseman**, Professor of Democracy at the University of Birmingham, UK, and **Jørgen Elklit**, Professor Emeritus of Political Science at Aarhus University, Denmark. "Understanding and Assessing Electoral Commission Independence: a New Framework", product of Westminster Foundation for Democracy (WFD), 2020, p. 11 // Source: <https://www.wfd.org/what-we-do/resources/understanding-and-assessing-electoral-commission-independenc>

⁶ See: **Joseph O.** Independence in Electoral Management Electoral Processes Primer 1. International IDEA, 2021, p. 34. Source: <https://www.idea.int/sites/default/files/publications/independence-in-electoral-management.pdf>

⁷ See: <http://cbd.minjust.gov.kg/act/view/ru-ru/112260>

Chairman in their respective territorial election commission. The Regulation on the performance of the special representative and IT system administrator of territorial election commission is approved through Central Election Commission Decree.

5. The Central Election Commission office staff members are civil servants.
6. The organisational structure and number of staff members of Central Election Commission office is approved by the Central Election Commission Chairman.
7. The rights, duties and liabilities of the staff members of the Central Election Commission, as well as the terms for shifting to the state civil service shall be established by legislation of the Kyrgyz Republic and the official instructions approved by the Central Election Commission Chairman."

Pursuant to part 5 of Article 7 of the Electoral Code of Georgia,

- "1. The Electoral Administration of Georgia is an independent administrative body that shall be independent from other public bodies, within its powers, and shall be established according to this Law. This Law shall define the powers and procedures for establishment of the Electoral Administration of Georgia.
2. The Electoral Administration of Georgia shall be composed of:
 - (a) the CEC and its staff;
 - (b) the Supreme Elections Commission of Adjara and the staff thereof;
 - (c) the DEC's;
 - (d) the PEC's.
3. The CEC is the supreme body of the Electoral Administration of Georgia that shall, within its powers, manage and control election commissions at all levels, and ensure the uniform application of the electoral legislation throughout the territory of Georgia.
4. If general elections and the elections for the Supreme Council of Ajara are held simultaneously, DEC's and PEC's formed for general elections shall perform the duties of DEC's and PEC's.
5. The staff of the CEC and the SEC (except for persons employed under labour contracts) shall be public servants and the Law of Georgia on Public Service shall apply thereto."

Pursuant to Article 9 (3) of the Electoral Code of Georgia, "The CEC shall determine the salary amount paid to head officers and members of the CEC, DEC's and PEC's, as well as to the CEC staff members, according to the Law of Georgia "On remuneration in public institutions".

Pursuant to Article 16 of the same Law:

- "1. The CEC staff shall ensure organisational, legal, and technical support of elections and referenda.
2. The CEC regulations shall determine the structure, rules of operation, and powers of the CEC staff.
3. An Electoral Administration officer (except for the commission members appointed by a party as defined in this Law) shall have limited involvement in party activities.
4. Unless otherwise provided for by this Article, a person may not be employed by the CEC staff if he/she does not have a certificate of a public servant and a certificate of an electoral administration officer granted by the CEC, except for a person employed under a labour contract.

5. The CEC shall, by ordinance, define the list of agencies and employees on the staff list whose activities are not directly linked with the electoral procedures and who are not required to have a certificate of an electoral administration officer granted by the CEC. The certificate of a public servant shall not be required for a person who fails to comply with the requirements of Article 29 (2) of the Law of Georgia "On public service"⁸.

Article 29 (2) of the Law of Georgia "On public service" stipulates: "The following persons shall not be required to have an officer's certificate when participating in competitions announced to fill the vacant officer positions:

- (a) an existing officer;
- (b) a former officer."⁹.

The Law of **Ukraine** "On the Central Electoral Commission" of 30 June 2004 stipulates:

- "1. Ensuring the activities of the Commission while exercising the powers thereof, including as a manager of the state registry of electors, shall be entrusted to the Secretariat of the Commission. The Secretariat of the Commission implements organisational, legal, expert examination, analytical, information activities, logistical and technical support in order to ensure the exercise of powers of the Commission and the members thereof, provided for by this Law.
2. The structure of the Secretariat of the Commission, the staff list and the regulations of making amendments thereto shall be approved by the Commission, as advised by the Chairperson of the Commission.
3. The representatives of the Commission Secretariat, the district and territorial representatives and other employees of the Commission are civil servants, with the exception of the executive support service officers and the employees who perform service-related functions pursuant to the Law of Ukraine "On Civil Service" (Article 33)¹⁰.

The Law on elections in **Kosovo**, named the Law No. 03 L-073 on General Elections in the Republic of Kosovo, Article 66 (1), (2) refer to the Secretariat of the CEC, according to which: "The Secretariat shall be managed by the Chief Executive Officer and a Deputy Chief Executive Officer who shall both be appointed by the CEC. The CEO shall be directly accountable to the CEC.

The terms of appointment of the CEO, Deputy CEO and the Executive Director of the Office shall be in accordance with the Civil Service Law and may be extended. The CEC may remove the CEO, Deputy CEO or the Executive Director of the Office at any time in accordance with applicable procedures."

Pursuant to Article 66 (7), "Staff of the Secretariat shall be selected and employed by the CEO of the CECS in accordance with the procedures established by the Government of Kosovo."¹¹.

Article 31 of the Regulation on internal organisation and systematisation of job positions within the Secretariat of the Central Election Commission prescribes:

- "1. The employees of the Secretariat make the part of civil service. The status of the administrative staff as provided for by Article 12 of the Law "On Civil Service" shall be valid as long as it does not affect the independence of the Central Election

⁸ See: <https://matsne.gov.ge/en/document/view/1557168?publication=69>

⁹ See: <https://matsne.gov.ge/en/document/download/3031098/1/en/pdf>

¹⁰ See: <https://zakon.rada.gov.ua/laws/show/1932-15/print1443087113377542#Text>

¹¹ See: https://kqz-ks.org/wp-content/uploads/2017/12/LAW_NO_03_L073_ON_GENERAL_ELECTIONS_IN_THE_REPUBLIC_OF_KOSOVO.pdf

Commission guaranteed by the Constitution and Article 3.7 of the Law "On Civil Service".

2. Recruitment, promotions and transfers of the Secretariat staff shall be carried out in compliance with the internal procedures of the CEC, in the manner prescribed by law insofar as they do not interfere with the constitutional independence of the CEC, pursuant to Article 3.7 of LSHCK and the judgment N. K073/2016 of the Constitutional Court.
3. The specific working conditions, working time, salary scales, salary increase, vacations, as well as the codes of conduct are regulated under the special acts of the CEC, as suggested by the CEO.
4. For the purpose of providing special services during the election practices on the basis of so called "Special Services Contracts", employees are recruited under the contracts, for which a simplified recruitment procedure is used. The appointments made for a term less than six months shall be regulated under the Law "On duties"¹².

The Regulation also establishes that the temporary employees are recruited by the CEO of the Secretariat, taking into account the recommendations and inquiries of subdivisions and divisions of the Secretariat¹³.

By generalising the above-mentioned, the implication is that being vested with the competence to form — based on law — own staff, select the employees, appoint to and dismiss from positions is among the guarantees for independence of the electoral bodies.

The body organising the elections in the Republic of Armenia is the Central Electoral Commission, the work within the scope whereof is a civil service. However, the Central Electoral Commission is not vested with the competence to form, in an independent manner, its own staff, which makes the Central Electoral Commission dependent on other bodies, under the competence whereof the aforementioned issues fall. Vesting the Central Electoral Commission with the competence to form, in an independent manner, own staff is important also because the mentioned task requires specific professional knowledge.

- The Electoral Code envisages order of sequence for recount, according to certain entities. At present, the voting results in the electoral precincts selected by drawing of lots are recounted first, while the voting results in the electoral precincts, concerning whereto an application for recount has been submitted, are recounted in the last turn. The point is that recounting based on the applications in the last sequence may lead to discontents and create a climate of distrust towards the election practices, especially considering that a deadline is set for recounting. In this regard, there is need to put on recounting priority the applications subject to recounting, the right of submission whereof is given to the entities provided for by the Electoral Code. On the other hand, the opportunity of recounting in the electoral precinct on the initiative of the Central Electoral Commission is lacking in the Electoral Code, while recounting is a required tool for efficient control of the election process.
- Currently, the political parties submit their charters for registration of the electoral lists both during the elections of the National Assembly and those of the local self-government bodies held under the proportional electoral system. According to the Electoral Code, the registration of the electoral list shall be subject to rejection where "the charter of the political party does not comply with the requirements of the Constitutional Law 'On political parties'". On the basis of the mentioned provision, the Central Electoral Commission or the constituency electoral commission shall be in charge of verifying the compliance of the charter of the political party with the Constitutional Law "On political parties". The point is that generally the Central Electoral Commission is not entitled to verify the compliance of the party's charter with the law. Moreover, there are no resources for that purpose assigned

¹² See: https://kqz-ks.org/wp-content/uploads/2018/01/Rregullore-01_2017.pdf.

¹³ See: <https://kqz-ks.org/an/rregullativa-e-brendshme-e-kqz-se/>

within the CEC staff, and studying and analysing the charters of the political parties within short time frames by the Central Electoral Commission and particularly the constituency electoral commission during the elections is rarely feasible.

- A differentiated approach is applied concerning organisation and the time limits for holding the regular and early elections of the National Assembly and local self-government bodies. Namely, shorter time frames are defined for early elections which fails to open the way for making proper preparations for the electoral processes.
- According to part 6 of Article 141 of the Electoral Code, where as a result of the distribution of mandates, more than 70 per cent of the mandates of the political party are distributed among representatives of the same sex, the mandates of the more represented sex exceeding 70 per cent shall be passed on to the candidates under the smallest number from the less represented sex of the electoral list, **if any**, ensuring representation of not less than 30 per cent of the less represented sex. In other terms, the requirement of being represented at least by 30 per cent for the sex less represented in the Council of Elders of the Community shall be binding insofar as a relevant number of candidates are available on the electoral list as of that moment. Such an approach leads to mass recusal or waiver of the mandate, making the requirement of law become merely formal, while making the female participation in the social and political life insufficient.

The researches testify that in 2021, out of 163 electoral lists submitted for elections of local self-government bodies in 45 communities, only 4 were headed by women. In the recent elections of local self-government bodies, 1029 members of Councils of Elders were elected, of which only 314 are women (30,5 %) ¹⁴. Despite the 30 per cent quota set for the electoral lists under the Electoral Code, not all the Councils of Elders managed to ensure at least 30 per cent female representation ¹⁵. In the Councils of Elders in 17 communities out of 45 engaged in the electoral practices, female representation was less than 30 per cent, which was mainly due to recusal from the mandate by women after the preliminary distribution of mandates. The point is that if no other female candidates are included in the electoral list, the mandate shall be given to the next male candidate even if the 25 per cent female quota is violated this way. Totally, all or nearly all female candidates recused in case of 22 electoral lists (13,5%) out of 163. All female candidates have recused from 11 electoral lists ¹⁶.

- The Constitutional Law "On political parties" stipulates that during the regular elections of the National Assembly the first thirty candidates in the electoral list of political parties, as well as in the electoral list of alliances of political parties shall be approved by the congress. In this regard, raising the awareness on holding the congress and establishing the requirements for the minutes-taking procedure of the congress is of key importance, which will enable the Central Electoral Commission to verify — while registering the electoral lists — whether or not the requirements prescribed by law are complied with.
- Currently, the draft Law "On local self-government" and Law "On self-government in the City of Yerevan" do not regulate the cases concerning to whom the member of the Council of Elders should submit his or her application of recusal before holding the first sitting of the Council of Elders or in case of absence of the Community Head or the Mayor.
- Draft Law "On making supplements to the Law 'On state registration of legal persons, state record-registration of separated subdivisions, institutions of legal persons and individual

¹⁴ The statistics are taken from the "Research on the Gender-based Representation in the Local Self-government bodies of Armenia", prepared by IFES Armenia (Representation by Gender in Armenian Municipal Elections (2021)), Harout Manougian, IFES Consultant.

¹⁵ The quota set for forming the electoral lists makes 30 per cent, and after the preliminary distribution of mandates the gender-based quota decreases to 25 per cent. EC, Article 83, part 4, Article 100, part 3, Article 141, part 6, 8.

¹⁶ See: "Research on the Gender-based Representation in the Local Self-government bodies of Armenia", prepared by IFES Armenia (Representation by Gender in Armenian Municipal Elections (2021)), Harout Manougian, IFES Consultant.

entrepreneurs". Making an amendment to the mentioned law is contingent upon determining the requirement for provision of the statement of information concerning the compliance of the charter of the political party being submitted for the purpose of registering the electoral lists under the Electoral Code, with the Constitutional Law "On political parties".

- Need for making an amendment to the Law "On making an amendment and supplements to the Law "On civil service" arises, which is contingent upon the necessity to define the specifics of the civil service in the staff of the Central Electoral Commission.
- No responsibility is set out for violation of a number of provisions of the electoral legislation, which practically hampers ensuring the implementation of the provisions concerned. Considering the above-mentioned, new elements of offences and corpora delicti are being stipulated within the scope of the draft laws "On making amendments and supplements to the Code of Administrative Offences of the Republic of Armenia" and "On making amendments and a supplement to the Criminal Code of the Republic of Armenia".

The in-depth studies on reforms of the Electoral Code in 2020-2022, as well as the elections held in 2021 and 2022 unveiled numerous problems concerning the legislation on the electoral system, which are of technical nature.

II. Nature of the proposed regulation.

1. Draft Constitutional Law "On making amendments and supplements to the Electoral Code of the Republic of Armenia":

1.1. The Principles of Suffrage.

Article 48 of the Constitution, similarly the Electoral Code establish the principles of suffrage pursuant to which elections shall be held on the basis of universal, equal, free and direct suffrage, by secret ballot. The contents of the mentioned principles are uncovered by Articles 2-6 of the Electoral Code. At the same time, the mentioned principles have been supplemented with the new ones such as the mandatory and periodic nature and publicity of elections.

The principles, being as legal concepts, are a significant benchmark for upgrading the legislation. On the other hand, they are of key importance to settle the conflicting situations. Therefore, the amendments are recommended to supplement the existing principles of the suffrage, and to add new principles such as fair elections and real elections.

The draft law recommends to establish the obligations of the State to undertake necessary measures of access to ensure the suffrage for both persons with disabilities and persons with mobility (locomotor) difficulties.

Equal suffrage refers to both active suffrage and passive suffrage. The State is obliged to pursue neutrality in the election process. This applies to coverage of elections by public mass media, posting campaign posters, campaign funding of political parties and candidates etc. The State should provide equal opportunities for all the political parties and candidates running in the elections which cover both the election process itself and the pre-election campaign period. Therefore, it is recommended to enshrine in the article concerning the equal suffrage the principle of the State's neutrality in the elections, the prohibition of using the administrative resources and ensuring equal competition opportunities during the pre-election campaign period.

According to the amendments, it is also suggested to add in the Electoral Code new principles of fair elections and real elections which imply introduction of effective mechanisms for appeal in order to protect the suffrage, proper application of legislation, creation of conditions for public control and thus revealing the actual results of elections, ensuring trustworthiness and reliability of elections, revealing the free expression of will of people etc.

1.2. Calling and holding elections during the martial law and state of emergency.

Pursuant to the Constitution as well as the Electoral Code, the elections shall not be called and held during martial law and state of emergency. Currently, the Electoral Code regulates only the issue related to calling the elections of the National Assembly and the local self-government bodies after the end of the martial law or the state of emergency along with the time frames for implementation of required activities after calling the elections. But after calling the elections or after the voting day prior to summarisation of the election results, the issues related to proceeding with the election process in case of declaring martial law or state of emergency remain unsettled. The draft law regulates the relations of holding the elections after the end of the martial law or the state of emergency. Considering that the martial law or the state of emergency may substantially alter the current situation in the country, including the political one, it is recommended to terminate (rather than suspend) the election processes in case of declaring the martial law or the state of emergency, and to resume the election processes after the end of the martial law or the state of emergency, thus enabling to contend with the new realities. The only exception is the case where the martial law or the state of emergency is declared after the voting day and the electoral commission is only expected to summarise the election results. In such case the electoral process will not be terminated and will continue under the general procedure, except for cases where organising the summarisation of the election results has become impossible due to the martial law or the state of emergency.

1.3. Publicity of elections, notifying the electors.

The draft law recommends to notify the electors on compositions, locations, working hours of electoral commissions, the time limits for submission of applications on inaccuracies in the lists of electors, the nomination of candidates and the time limits for registration, the day, venue, time of voting, as well as the results of voting and election. Moreover, the Central Electoral Commission publicises on public TV Company, public radio and on the Internet site of the Central Electoral Commission the time schedule on the main measures of preparing and holding the elections, and in case of elections of the local self-government bodies — also the list of communities where elections are being held; the CEC also publishes information concerning the deadlines for submission of applications on inaccuracies found in the electors' lists, the time limits for nomination and registration of candidates, as well as concerning the voting day, and in case of elections of the local self-government bodies — also the list of communities where elections are being held.

It is also recommended to regulate the relations concerning the access to the materials of the video footage in the electoral precincts and constituency electoral commissions, obtaining and archiving the copies thereof.

1.4. Inclusion of persons having record-registration of another community or other settlement in electoral lists and voting.

The draft recommends giving opportunity of voting also to the voters having record-registration of another settlement of the same community in the place of their actual location on the day of the election of the National Assembly to the voters record-registered in another settlement of the same community, and in case of elections of local self-government bodies held under the proportional electoral system — also to the voters having record-registration of another settlement of the same community. Currently, the mentioned issue has become relevant in the conditions of the enlargement of communities, especially in case of elections of local self-government bodies.

1.5. Inclusion of persons having mobility (locomotor) difficulties in electoral lists and voting.

The draft recommends giving opportunity to voters having mobility (locomotor) difficulties, in case of impossibility of voting in their polling station during the elections, to be included in the list of voters of the accessible polling station preferable for them and to vote in the polling station accessible to them. At the same time, it is also proposed to consider the application submitted electronically acceptable as the application of persons having mobility difficulties due to disability

to be included in the list of voters. To consider signatures in any form acceptable for electronic applications, for the purpose of eliminating possible obstacles to the exercise of the voters' right of suffrage. To establish a mandatory electronic signature requirement for applications from other persons having mobility difficulties. At the same time, to envisage that in case of doubts regarding the credibility of applications not secured by an electronic signature, the authorised body may require the electronic application to be certified with an electronic digital signature or to submit the application in paper form.

1.6. Involvement of specialists maintaining the technical equipment in electoral lists and voting.

Taking into account the workload with works performed in precinct electoral commissions on the day of voting, and conditioned thereby, the necessity for not hindering the exercise of the right of suffrage of the members working there, the Electoral Code provided an opportunity to the members of the precinct electoral commissions to be included – during the elections at the National Assembly – in the lists of voters of the polling station, where members of precinct electoral commission are appointed. However, this regulation refers only to the elections of the National Assembly and only to the members of the precinct electoral commission, and the issue of exercising the right to choose specialists maintaining the technical equipment remained open. The draft recommended providing an opportunity to change the electoral precinct not only during the elections at the National Assembly, but also during the elections of the councils of elders of communities held through the proportional electoral system and not only to the members of the precinct electoral commission, but also to the specialists maintaining the technical equipment.

1.7. Provision of statement of information on removal from the list of voters according to the place of record-registration and inclusion in the list of voters of the polling station according to the location.

The draft recommends replacing the statement of information on inclusion in the list of voters according to the location, prescribed by Article 10 of the Electoral Code, with a notification. At the same time, it is envisaged to carry out the notification by sending a short message to the phone number specified in the application, and in case of its impossibility — by mail. It is envisaged to mention the number of the polling station and the address of the polling centre in the notification. The application to be included in the list of voters of the polling station according to the location can be submitted electronically or in paper form.

1.8. The possibility of submitting an application to be included in the lists of voters electronically.

In the regulations of the Electoral Code currently in force, submission of applications to be included in the lists of voters is not available electronically. The draft recommends the possibility of submitting application not only in paper form, but also electronically, which is particularly important for exercising the right of suffrage of voters having disability.

1.9. The requirements for the lists of voters.

The draft recommends also including the lists of voters according to the separated divisions, location during the elections of the council of elders of the community in the list of voters of the precinct, with continuity of numbering. To include the list of voters in the accessible electoral precinct of preferred place in a separate section in the list of voters of the precinct, with continuity of numbering.

1.10. The identification document of the voter.

It is recommended to switch to a unified voter's identification document, which is the identification card. Taking into account the circumstance that providing the population having the right of suffrage with identification cards is a time-consuming process and requires resources, the provision is expected to enter into force on 1 January 2025. Also taking into account the fact that the validity period of passports issued after 1 January 2008 has already expired, and it is not possible to use them in electoral processes, it is recommended to remove the provisions related

to passports issued after 1 January 2008 from the Electoral Code.

1.11. Providing the lists of voters to electoral commissions and to the person possessing the premises of a polling station.

It is recommended to make changes in time limits of submission of the lists of voters by the authorised body to the electoral commissions and to the owner of the territory of the precinct centre.

1.12. Accessibility of the lists of voters.

The draft recommends to generalise the time period for providing the preliminary list of voters for all elections, and to specify the time period of the preliminary list provided only during early parliamentary elections, separating it only for the elections of the National Assembly.

Besides, it is recommended to make changes in the procedure for providing the lists of voters, establishing that after the expiry of the time period prescribed by the Electoral Code for summarising the results of voting, the lists of voters signed or extracts therefrom may be provided exclusively within the scope of criminal proceedings of election cases, and the electronic version of the signed lists of voters shall be kept with the Central Electoral Commission for a time period of five years after voting.

1.13. Accessibility of polling stations and exercise of the right of suffrage of persons having mobility (locomotor) difficulties.

The draft recommends establishing certain requirements for the selection of polling stations. In particular, the selection of polling stations should be carried out in such a way as to ensure as much as possible the unhindered entry and exit of persons having disabilities, as well as those with mobility (locomotor) difficulties, as well as movement in the polling stations. In turn, Articles 33 and 34 of the draft, it is recommended to establish additional guarantees for organising unhindered voting for voters having disabilities and mobility (locomotor) difficulties.

1.14. Providing free of charge halls for election campaign.

The draft recommends extending the time periods for submission of free of charge halls and other buildings to the Central Electoral Commission.

1.15. Publication of reports on election programmes. Election debates.

In 2021 May, with the amendments made to the Electoral Code, it was stipulated that public radio and public television, in the event of elections to the National Assembly and communities with more than 70,000 voters, broadcast programmes on the election programmes of parties and alliances participating in the elections, and public television also organises election debates. In the case of elections of the National Assembly, the first candidates on the electoral list should be given the opportunity to participate in at least one of the pre-election debates. The problem is that the settlement was planned before the end of the process of enlarging the communities. Currently, in the conditions of the enlargement of the communities, this requirement extends to a large number of communities, which may make it practically impossible to fulfil the requirements of the law.

1.16. Election campaign on the Internet.

The draft recommends making changes in the part of election campaign carried out on the Internet, clarifying it to the mass media, which must ensure non-discriminatory and non-biased conditions for candidates, parties (alliances of parties) participating in the elections while carrying out free of charge or paid campaign.

1.17. Campaign posters.

Currently, the requirement for the head of the community to post the campaign posters only in the panels specially designated for that purpose is missing in the Electoral Code. The head of the community shall consider only separate places for posting campaign posters. As a result, they are posted on the walls of multi-apartment buildings and constructions, and after the elections they are often not removed, polluting and damaging the outer walls of the buildings. This is also facilitated by the fact that the head of the community, being responsible for removing the banners located in unauthorised places, is, as a rule, an interested person in the election process, and as a result, he is not inclined to implement the requirement mentioned by the law. On the other hand, due to the fact that the head of the community does not have a separate area for each party, the campaign posters are often placed one on top of the other. The law does not also regulate the issue of distribution of LED billboards among the parties and alliances participating in the elections. It is also recommended that the campaign poster, campaign printed and other materials posted in violation be removed by the decision of the relevant constituency electoral commission with the assistance of the police. Since due to declaration of martial law or state of emergency it was not planned what should the contract concluded with the organisation that manages the outdoor billboard be, it is recommended to define that the termination of the election process due to the martial law or state of emergency shall be the ground for early rescission of the contract regarding posting of campaign posters, printed and other campaign materials concluded with an organisation disposing outdoor billboards.

1.18. Oversight and Audit Service.

The oversight and audit service has been originally introduced as a public authority body that carries out oversight over the financial activities of political associations, within the scope of which, the Service carried out oversight both over the daily financial activities of the parties, as well as the resources involved and spent by political actors to ensure their participation during elections and referendums.

Pursuant to the regulations stipulated by the current Electoral Code¹⁷, Oversight and Audit Service shall carry out oversight over the payments made to the campaign funds, expenses and calculation thereof (Part 1 of Article 29 of the Electoral Code). However, such regulation entered into force from 1 January 2022¹⁸, and before that period, from the moment of creation of the Oversight and Audit Service, it also carried out oversight over the current financial activities of the parties, which was vested in the Commission for the Prevention of Corruption from 1 January 2022. At the same time, it should be noted that pursuant to Article 22 of the same Constitutional Law of the Republic of Armenia "On making amendments and supplements to Constitutional Law 'Electoral Code of the Republic of Armenia'" of 7 May 2021,¹⁹ the mentioned part 1 of Article 29 of the Electoral Code read as follows:

"The Commission for the Prevention of Corruption shall carry out oversight over the donations, expenses made to campaign funds and calculation thereof as prescribed by this Code and the Law of the Republic of Armenia 'On the Commission for Prevention of Corruption'".

Based on the above-mentioned, in fact, it is envisaged to have a single institutional structure of oversight over the financial activities of the parties — the Commission for the Prevention of Corruption.

However, we believe that it is necessary to separate the oversight over the daily financial activities

¹⁷Constitutional Law of the Republic of Armenia HO-202-N "Electoral Code of the Republic of Armenia" adopted on 25 May 2016, entered into force on 1 June 2016. OJRA2016.05.30/42(1222) Article 456, www.arlis.am

¹⁸ Constitutional Law of the Republic of Armenia HO-54-N "On making amendments and supplements to the Constitutional Law 'Electoral Code of the Republic of Armenia'" adopted on 7 May 2021, entered into force on 26 June 2021. Unified website 2021.05.17-2021.05.30, www.arlis.am

¹⁹ Article 22 of the Constitutional Law of the Republic of Armenia "On making amendments and supplements to the Constitutional Law 'Electoral Code of the Republic of Armenia'" of 7 May 2021 will enter into force from 1 January 2023.

of the parties from the oversight over the payments, expenses made to the campaign funds and their calculation and to vest only the oversight over the financing of the election campaign to the competence of the Oversight and Audit Service. Taking into account the above-mentioned, vesting the Commission for the Prevention of Corruption with the powers of Oversight and Audit Service by the Constitutional Law of the Republic of Armenia HO-442-N "On making amendments to the Constitutional Law 'Electoral Code of the Republic of Armenia'" adopted on 24 November 2022, that is related to the oversight over the payments made to the campaign funds, expenses and calculation thereof, was postponed until 1 January 2024.

Therefore, the "interim" regulation prescribed by the current Electoral Code is the most reasonable from the perspective of the oversight over the financial activities of parties in terms of the functions assigned to the Central Electoral Commission and the effectiveness of oversight over legality within the electoral process, and from the perspective of constitutionality — it is the most acceptable. Conditioned by the above-mentioned, the draft recommends keeping the current regulations and the regulations that have not yet entered into force, to the effect, that the oversight over the financial activities of the parties shall be fully vested in the Commission for the Prevention of Corruption from 1 January 2024, to eliminate leaving current legal regulations as the best solution, pursuant to which the oversight over day-to-day financial activity and election campaign financing shall be separated and the oversight only over the latter is vested in the Oversight and Audit Service. In this regard, it is also recommended to repeal the Law HO-208-N of 7 May 2021 "On making amendments to the Law 'On Commission for the Prevention of Corruption'", that has not yet entered into force, and the relevant provisions provided for by related laws.

1.19. Observation mission:

Currently, as a prerequisite for accreditation for local organisations, the law defines non-governmental organisations that have been carrying out activity in the sector of human rights and democracy for at least one year prior to calling elections and the funds are not included, which may also carry out activity in the sector of protection of democracy and human rights. Therefore, in order to settle the issue, it is necessary to give the funds the right to be accredited to carry out an observation mission, which is what the draft recommends.

1.20. Electoral Commissions. Peculiarities of the civil service in the Staff of the Central Electoral Commission.

Taking into account the experience of the recent years, we can record that in cases the electoral process is terminated due to declaring martial law or state of emergency with the current regulations, the members of the electoral commissions shall not be paid for the work performed thereby irrespective of the volume of the work performed. Taking into account the above-mentioned, it is recommended to define that in cases the electoral process is terminated due to declaring martial law or state of emergency, the remuneration of the members of the electoral commissions for organising and holding elections shall be carried out according to the quantity of days having actually worked. Prior to declaring marital law or state of emergency, the amount for remuneration paid to the members of the electoral commissions for organising and holding elections shall not be subject to return.

At the same time, the Electoral Code defines a number of guarantees aimed at ensuring the independence of the Central Electoral Commission. However, provisions on the work or service in the Central Electoral Commission are missing in the Electoral Code. The Law of the Republic of Armenia "On civil service" contains norms on the work or service in the Central Electoral Commission, part 1 of Article 2 whereof states that the law covers, *inter alia*, also the persons holding positions provided for by the list of civil service positions in independent state bodies. It is not possible to record-register any peculiarity under such regulations. In the Central Electoral Commission, there is a Staff functioning on a permanent basis, which constantly carries out large-scale works. However, conditioned by the scale of the elections, extremely short deadlines, and the large number and diversity of the involved participants, there is a severe shortage of human resources, and the Central Electoral Commission applies different mechanisms to fill the mentioned gap. We find that it is necessary to stipulate this guarantee aimed at ensuring the

independence of the Central Electoral Commission at the level of the Constitutional Law — the procedure for forming the Staff taking into account the peculiarities of works implemented in the structure, and if necessary, the authority to establish clear mechanisms for replenishing the staff with relevant specialists. In this regard, it is recommended to replenish the Electoral Code with a new chapter entitled "Peculiarities of the civil service in the Staff of the Central Electoral Commission".

The Electoral Code also refers to the scope of persons who cannot be members of the Electoral Commission, aimed at providing all the persons who are not provided for by restrictions, to be engaged in electoral processes as members of the Electoral Commission or specialists maintaining the technical equipment. The regulations aimed at not making the restrictions brought forward by requirements for incompatibility an obstacle for persons involved in Electoral Commissions and specialists maintaining the technical equipment were also provided for by the Law "On public service", however, many other laws were not referred to. Taking into account the fact that it is not possible to refer to all the laws related to the mentioned issue, as well as highlight the scope of new laws defining requirements for incompatibility, therefore, it is recommended to regulate the unhindered opportunities to engage those persons as members of the Electoral Commission by the Electoral Code or as specialists maintaining technical equipment, where to, the restrictions prescribed by Article 41 of the Electoral Code shall not apply.

1.21. Recount.

The draft recommends new regulations regarding the recount of voting results in the polling station, within which the determination of the order of polling stations being recounted, the periods of recounting, and the list of entities requesting a recount shall be optimised. Thus, it is recommended to first recount the voting results of the polling stations, with regard where to a recount application was submitted, and to carry out the recount in the last, third turn, by drawing lots. It is envisaged that a recount can also be carried out upon the substantiated decision of the Central Electoral Commission.

1.22. The documents necessary for registration of the electoral lists.

The draft defines that for the purpose of participating in the elections, the parties shall submit a statement of information on the compliance of the statute of the party with the Constitutional Law "On political parties". It is envisaged that the statement of information will be provided by the Agency for State Register of Legal Entities of the Ministry of Justice. The registration of the electoral list of the party will be subject to rejection in the absence of the relevant statement of information.

1.23. Time limits for regular and early elections.

It is envisaged to unify the dates of regular and early elections of local self-government bodies.

1.24. Representation of women in the council of elders of a community.

For the purpose of ensuring the representation of women in the council of elders of a community, the draft defines that "where there are no representatives of the less represented sex in the electoral list, those mandates shall remain vacant". Such an approach will help avoid formal nominations and later also the cases of forced self-revocation, taking into account the risk of losing the mandate. The same regulation has been established for the cases of relinquishing the mandate or being elected and transferring the mandate to the next candidate on the electoral list in the event of termination of the mandate.

1.25. The draft recommends certain terminological changes and technical solutions. For instance, "the precinct electoral commission" shall be renamed "constituency electoral commission", the term "donation" shall be replaced with the term "payment", in case one candidate or party (alliance) is voted for, the necessity for printing an "I'm against" ballot, etc.

1.26. The pre-voting tool was proposed in the Electoral Code in the case of defining a simple proportional electoral system during the National Assembly elections, in an attempt to somewhat alleviate the concern of not having open electoral lists. It is obvious that this method of creating

an electoral list in a participatory manner did not meet the expectations, considering the use of the tool and pre-voting results is voluntary and does not replace the regulations regarding the approval of the electoral list in the National Assembly elections. During the 2021 National Assembly and 2021-2023 local government elections, no party or alliance took steps to use the pre-voting tool for the participatory formation of the party's or alliance's pre-election list.

In the case of using the pre-voting tool, even the party is not constrained at its discretion, regardless of the participatory formation of the list, to compile a list and submit it for registration. Moreover, the parties are not limited at their discretion to conduct pre-voting on any platform they offer in the format they choose. Providing such an opportunity on the website of the Central Electoral Commission, on the one hand, limits the parties from the point of view of applying different formats, on the other hand, they endanger the performance of the CEC as a non-political independent body, because there is a risk of unintentionally getting involved in the intra-party struggle.

1.27. The Draft proposes to remove the second paragraph of part 2 of Article 130 of the Code (Where the total number of candidates included in electoral lists of political parties (alliance of political parties) nominated in elections is less than the number prescribed by this Code for the members of Council of Elders of a community, they shall be given an opportunity to complete the list of candidates before the expiry of the time limit for registration of electoral lists.). This change is due to the purpose of excluding the possibility of making corrections in electoral lists after the expiry of the candidate nomination period. The Central Electoral Commission must be provided with a reasonable period of time to exercise the authority to evaluate the electoral lists in terms of meeting the requirements of the legislation.

2. Draft Law "On making supplements to the Constitutional Law 'On political parties'".

The Constitutional Law "On political parties" defines that in case of regular elections of the National Assembly, the first thirty candidates in the electoral list of the parties, as well as the alliance, shall be approved by the congress. In this regard, it is important to publicise the information on holding the congress, as well as to define the requirements for the minutes of the congress, which will enable the Central Electoral Commission to check compliance with the requirements set by the law when registering the electoral lists. Therefore, the draft recommended to settle the mentioned issues. The draft envisages that the information on the time and place of holding the regular and early congress of the party, as well as the agenda, will be published on the official Internet website of public notifications of the Republic of Armenia — <http://www.azdarar.am>, at least 10 days prior to the day of holding the congress. The draft also defines the requirements presented for drawing up the minutes.

3. Drafts of the Law "On making amendments to the Law 'On local self-governance'" and the Law "On making amendments to the Law 'On local self-governance in the city of Yerevan'".

In connection with the procedures for submitting an application on resignation by the member of the council of elders, currently the law does not regulate the cases to whom the member of the council of elders must submit his or her application on resignation before convening the first meeting of the council of elders or in the absence of the head of community/mayor. The drafts recommend envisaging that in case the position of the head of community/mayor is vacant, such application may be submitted to the acting head of community/mayor, and where acting person is not appointed, it may be submitted to the secretary of the staff of the municipality. At the same time, in practice, there is a situation when the council of elders of the community has been formed, the mandates have been provided, however, the members of the council of elders have not assumed their positions yet, since the term of powers of the council of elders of previous convocation has not yet expired. The draft recommends the member of the newly elected council of elders to submit his or her application on resignation to the Central or Constituency Electoral Commission during the period of convening the first session of the newly elected council of elders. It is also recommended to regulate that if the member of the council of elders does not have the

opportunity to submit the application in person, the application on resignation shall be submitted by the head of the faction or the representative of the member of the council of elders.

4. Draft Law "On making amendments and supplements to the Code of the Republic of Armenia 'On administrative offences'".

4.1. Pursuant to part 5 of Article 8 of the Electoral Code, it is envisaged that the parties (alliances of parties) and candidates participating in the elections shall submit a declaration of their property and income to the relevant electoral commission within 5 days following the expiry of the time limit prescribed for registration. Currently, the submission of the declaration of their property and income by the candidates and parties is not secured by means of legal responsibility, which gives the above-mentioned entities the opportunity to ignore the requirement of the law to submit the declaration without negative consequences. Therefore, it is recommended to envisage administrative liability for the failure of the party (the party included in the alliance of parties) and the candidate included in the electoral list to submit the declaration of property and income prescribed by the Electoral Code within the time limits established by law. Otherwise, there is no possibility to ensure the requirement mentioned in the Electoral Code.

4.2. According to the Electoral Code, the head of the community shall be obliged to present the characteristics of the polling station and the voting room to the constituency electoral commission when choosing the polling station, which must meet the requirements of the Electoral Code. The latter shall be responsible for furnishing the voting room in accordance with the requirements of the Electoral Code. However, no liability is envisaged for failing to fulfil the mentioned obligations. The necessity for ensuring it is conditioned by, *inter alia*, also the fact that the list of polling station accessible to persons with mobility (locomotor) difficulties should be posted on the CEC website, so that persons with mobility (locomotor) difficulties have the opportunity to choose an accessible polling station in advance and apply to the authorised body to remove their name from the list of voters according to the place of record-registration and upon the request to be included in the list of voters of the accessible polling station. Therefore, the head of the community should be much more responsible for the fulfilment of this duty. Thus, the necessity for negative consequences for the failure to fulfil or improper fulfilment of the mentioned obligation is obvious.

4.3. The Electoral Code defines that campaign posters, campaign printed materials and other materials posted in violation shall be removed by the head of the community. At the same time, there is no liability envisaged for the persons who posted the campaign posters, campaign printed materials and other materials, and no negative consequences are foreseen. Such practice is widespread. Taking into account the above-mentioned, it is recommended to establish administrative liability for posting campaign posters, campaign printed materials and other materials in violation of the procedure established by law or in a place not permitted by law.

4.4. The draft recommends making amendments to Articles 223, 254 and 255 of the Code of the Republic of Armenia "On administrative offences", which, first of all, are conditioned by the above-mentioned new elements of offences and are aimed at the necessity for establishing effective mechanisms in connection with the realisation of the power of the election commissions to apply to the court for administrative liability for violations of the electoral legislation. In particular, the competent electoral commission shall apply to the court in cases of violations of the electoral legislation provided for by the Code of the Republic of Armenia on Administrative Offences, and the competent electoral commission shall also draw up the protocol on committing an administrative offence. However, it is difficult to imagine that the collegial body will compile the protocol required by the Code of the Republic of Armenia on Administrative Offences; therefore, the election commissions were actually deprived of the opportunity to file a claim with the court in the mentioned cases. Thus, taking into account the features of the electoral processes, it is recommended to vest the authority to draw up the minutes in the person recording the sitting of the commission or to the member of the commission who has become aware of the violation. It is also possible to make a record in the absence of the subject of the offence, if he was properly notified about the sitting, but did not appear. In the absence of such legal regulations, election commissions shall not have the opportunity to file a claim with the court in due time and summarising the results of the elections by taking into account the judicial act adopted, taking as a basis only the administrative act adopted as a result of the administrative proceedings

conducted by the electoral commission.

5. Draft Law "On making an amendment and supplements to the Law 'On civil service'".

The amendment to be envisaged by the law shall be due to the necessity for defining the characteristics of the civil service in the Staff of the Central Electoral Commission. Accordingly, it is recommended to vest the Central Electoral Commission with the powers of adopting the procedure for conducting a competition for holding a vacant civil position in the Staff of the Central Electoral Commission, conducting a competition. The mentioned amendments will provide an opportunity to ensure the independence of the Central Electoral Commission and as an independent state body — the effective implementation of the functions vested therein by the latter.

6. Drafts of the Law "On making supplements to the Law 'On state registration of legal persons, state record-registration of institutions and individual entrepreneurs'" and the Law "On making a supplement to the Law 'On state duty'".

Making supplements to the mentioned laws is conditioned by establishing the requirement for providing a statement of information on the compliance of the statute of the party with the Constitutional Law "On political parties" for the purpose of registering the electoral lists by the Electoral Code. Within the scope of the current regulations, the issue of compliance of the statute of the party with the Constitutional Law "On political parties" shall be decided by the electoral commission that registers the party and in case of incompliance of the statute of the party with the Constitutional Law "On political parties" it must reject the registration of the party. Thus, such regulation is not logical, because in that case, the electoral commissions will exercise powers beyond the jurisdiction thereof. Moreover, no clear mechanism is provided for it, and the electoral commissions are not provided with relevant informational, human and other resources to exercise such powers. Within the scope of regulation recommended with amendments to the Electoral Code, it is recommended to define that the parties, when submitting their nomination documents to participate in the elections, must also submit a certificate of compliance of the statutes of the parties with the Constitutional Law "On political parties". Therefore, it is necessary to define the power with regard to providing the mentioned statement of information in the Law "On state registration of legal persons, separated sub-divisions of legal persons, state record-registration of institutions and individual entrepreneurs", as well as establish the procedure for providing the mentioned statement of information.

7. Regarding the Draft Law "On making amendments and a supplement to the Criminal Code of the Republic of Armenia".

The Draft recommends establishing criminal liability for forcing a candidate participating in the elections to submit a recusal or waive the mandate. Adding the new article to the Criminal Code is conditioned by prevention of the cases of forcing a candidate participating in the elections to submit a recusal or waive the mandate, taking into account the fact that such manifestations have been recorded for many times in practice. At the same time, the Draft brings the concepts used in the Criminal Code into line with the amendments made to the Electoral Code.

8. Regarding the Drafts of the Constitutional Law "On making amendments and supplements to the Constitutional Law 'On referendum'" and the Law "On making amendments and a supplement to the Law 'On local referendum'".

The amendments proposed in the Draft shall be conditioned by the terminology amendments made to Electoral Code (the precinct electoral commissions have been renamed constituency electoral commissions, the term "donation" has been replaced with the term "payment"). Meanwhile, it is recommended to define the maximum amount of expenses for election campaign within the same limits that apply during the elections of the National Assembly — the 800000-fold of the minimum salary instead of the current 100000-fold. The mentioned approach shall be substantiated by the fact that the referendum is also a national voting, and in such conditions, it is not understandable why different limits on the amount of money allocated to election campaign shall be envisaged.

Part 2 of Article 18 of the Constitutional Law "On referendum" defines that the halls of general educational institutions can be provided to the parties to campaign only after 18:00, or on non-working days, and only in cases where there are no other relevant halls for conducting a campaign in the given community (Administrative District of Yerevan). Taking into account the large-scale enlargements carried out in recent years, this provision with the mentioned wording will not serve the purpose for which it was defined. In practice, there will be a situation where there is another hall in only one settlement of a multi-settlement community, and the halls of general educational institutions cannot be provided in any settlement of the same community. Taking into account the above-mentioned, the Draft recommends using the term "settlement" instead of the term "community".

9. Regarding the Drafts of the Law "On revoking the Law "On making supplements to the Law 'On Commission for the Prevention of Corruption'", the Law "On making amendments to the Constitutional Law "On making amendments and supplements to the Constitutional Law 'Electoral Code of the Republic of Armenia'", the Law "On making amendments to the Constitutional Law "On making amendments and a supplement to the Constitutional Law 'On referendum'" and the Law "On making amendments to the Law "On making a supplement and amendments to the Law 'On local referendum'".

Law of the Republic of Armenia HO-208-N of 7 May 2021 "On making supplements to the Law 'On Commission for the Prevention of Corruption'" was to enter into force from 1 January 2024. Taking into account the circumstance that under the mentioned law from 1 January 2024 the Commission for the Prevention of Corruption shall be vested with the power of supervision over the payments made by the candidates, parties participating in the elections to their election funds and the use thereof, and under the amendments to the Electoral Code they are vested in the Oversight and Audit Service, in the event of adoption of the amendments to the Electoral Code, it will no longer be expedient to apply this adopted, but not yet effective law. Thus, guided by Article 38.1 of the Law of the Republic of Armenia "On regulatory legal acts", pursuant to which, "a regulatory legal act shall be revoked by the relevant regulatory legal act of the law-making body, the legal successor thereof or the body vested with the relevant powers, where it is no longer expedient to apply the adopted, but not yet effective act", it is recommended to revoke the Law of the Republic of Armenia HO-208-N of 7 May 2021 "On making supplements to the Law 'On Commission for the Prevention of Corruption'" and the existing interrelated provisions in the related laws.

III. Institutions involved in the process of elaboration of the package of drafts

The representatives of the Central Electoral Commission of the Republic of Armenia and the Ministry of Justice of the Republic of Armenia participated in the elaboration of package of drafts with the technical support of the Armenian Office of the International Foundation for Electoral Systems (IFES Armenia). While elaborating the draft package, the opinions and observations of the civil society, in particular, the non-governmental organisations engaged in the observation mission, were also taken into account.

IV. Expected outcome

With the adoption of the package, it will be possible to settle the problems that arose during the previous elections, to contribute to the ongoing improvement of the electoral system, to strengthening and improvement of the democracy formed in Armenia. The adoption of this draft package will contribute to creation of opportunities for the proper organisation of elections, ensuring the financial transparency of election campaigns and the effective supervision, and the accessibility of participation of persons with disabilities in electoral processes.