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THE SERBIAN ELECTORAL COMMISSION,
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THE COUNCIL OF EUROPE OFFICE IN BELGRADE**

UNIDEM SEMINAR

**“ORGANISATION OF ELECTIONS
BY AN IMPARTIAL BODY”**

Belgrade, 24-25 June 2005

**Report by
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Chair of the Central Electoral Commission**

1. The role of the electoral administration that is commissions in the preparation, organization and conduct of elections is vital. It is particularly important for new independent countries which don't have long term democratic traditions, such as Armenia, the current context of which includes democratic transition and constitutional and electoral reforms.

2. Ideally the credible electoral bodies should ensure the following principle:

1. impartiality,
2. professionalism,
3. the participation of the representatives of candidates and political parties in electoral body,
4. the opportunity for the implementation of the real electoral administration
5. it should be transparent and predictable in its activities and decision making process.

3. And finally these five principles should ensure that the activities of electoral bodies, decisions adopted by them are clear and acceptable for the society, which will build up confidence towards the electoral bodies.

4. Only in case of implementing the above mentioned principles the results of elections become acceptable and comprehensible for the society that is for voters. The amendments adopted recently to the Electoral Code of the Republic of Armenia has the purpose to ensure those principles, the amendments constitute new appointment model of the electoral bodies and it was positively estimated by the Venice Commission.

5. By the example of the electoral system of our country let's try to analyze the issues concerning independence, transparency and impartiality of electoral bodies and the issues of the organization of the electoral administration.

6. In Armenia elections are administered by a three-tier election administration. Central Electoral Commission, which is the first level of the electoral system, includes one member appointed by each of the parties that have factions in the National Assembly, two judges appointed by the Cassation Court and the Council of Courts Chairmen and one member appointed by the President of the Republic of Armenia.

7. On the second level of the electoral system, which is the Territorial electoral commission, CEC members appoint the members of TECs, by the principle one member of CEC appoints one member of TEC, and the judge members of CEC appoint TEC members from amongst first instance judges.

8. The members of PECs are appointed from among the persons who passed special training course and as a result of examination were certified, which gives them the right to be engaged in the commissions as a PEC member.

9. The training of these citizens should be organized every year and the expenses should be covered by the special state budget line. As a result it will be formed a special data bank of citizens, which will give the opportunity to involve in the electoral administration persons who are aware of electoral procedures and electoral legislation.

10. Analyzing this method of formation of electoral commissions it can be stated that on the first and second levels of electoral administration that is in CEC and TECs the basic principles for the formation of commissions are ensured, which are impartiality, the participation of the representatives of political parties in the activities of commissions and the transparency and predictability in the decision making process, but the professionalism of electoral bodies and the possibility to implement valuable electoral administration is prejudiced. This is explained by the following that in new independent countries with lack of democratic traditions in its activities and decisions the partisan member of the commission can be influenced by the viewpoint of its party, which will first of all undermine the implementation of the electoral administration. And during elections non professional electoral administration can conceive doubts and uncertainty among the society towards electoral administration, which consequently can cast a shadow on any democratic elections and on the results of the elections.

11. The changes of the method of formation of the electoral commissions, especially the engagement of judge members in the CEC, and the involvement of qualified and certified persons in the precinct electoral commissions are very important, and we think that the future improvement of the electoral legislation should result in such method of formation of CEC when the members are appointed by the group of persons, who are trusted and famous in the society. For example the President of the Constitutional Court, Cassation Court Chairman, the Chairman of the Council of Courts Judges, the Chairman of Bar Association, the President of the Academy of Science, Ombudsmen etc. can be persons who form that group and who are not interested in the outcome of the elections. This group should appoint CEC members who will correspond to the requirements of the Electoral Code such as for example persons who are non partisan, have legal education, don't have convictions. Election commissions should have extended membership for representatives of political parties with the right of deliberative vote.

12. We think that in case of such formation of the commissions it will be ensured the independence, professionalism, impartiality of commissions, as well as the possibility to implement the electoral administration.