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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT

**AMENDMENTS AND ADDITIONS
TO THE ELECTORAL CODE
OF THE REPUBLIC OF ARMENIA**

Article 1. Point 2 of the Article 7 the words “electoral committees, state and local self governance bodies” should be replaced with the word “CEC”.

Article 2. In the point 6 of the Article 2 of the Election Code add the words “and through the majoritarian electoral system of the National Assembly” after the words “the local self – governance bodies”.

Article 3. The point 3 of the Article 9 of the Code should be phrased as below”
“The voters lists are updated annually in June”.

Article 4. In Article 10:

- a. Add the words “and the majoritarian electoral system” after the words “the local self – governance bodies” in the point 1 of the Article.
- b. In the point 3 of the Article add the words “and through the proportional system” after the words “the National Assembly”.

Article 5. In the point 1 of the Article 11 of the Code Add the word “Patronymic” after the word “name”.

Article 6. In the point 5 of the Article 12 of the Code delete the words “at least 7 days” add the words “ till the end of the term of activities of the centre” at the end of the sentence.

Article 7. In the point 2 of the Article 18 of the Code delete the word “NGOs” and add the words “TV coverage time or volume, tariffs, etc.” at the end of the point 3 of the Article.

Article 8. The point 4 of the Article 24 should be phrased as below:

The financial resources between the committees are distributed according to procedures specified by the government of RoA by the Ministry of finances and economics based on preliminary calculations designed by the CEC. Chairmen of the electoral committees manage the financial resources and hold responsibility for the use of the resources according to established procedures.

Article 9. In the point 13 of the Article 25 of the Code replace the words “one month” with the words “15 days” and add a sentence after but the last sentence should be phrased as follows “The registered electoral committees after receiving the declarations submit those to the oversight - audit service of the CEC during the three days period”.

Article 10. Prior to the last sentence of the Article 26 add a sentence phrasing the following:

“The oversight – audit service implements oversight over declarations on the use of resources of election funds of candidates and parties (coalitions), receives the above mentioned declarations from the registering committees as specified in point 13 of the Article 25, implements audit during one month period and presents the results for the discussion of CEC. The materials on revealed violations during three days period are submitted to the court of first instance based on decision made by the CEC.

Article 11. Add a new point 6 in the Article 29 of the Code, which should be phrased as follows:

Point 6. The powers of the persons implementing observations are terminated in ten days after elections.

Article 12. Delete the third sub - point from the point 1 of the Article 30 and add the following sentence at the end of the point:

“A proxy has a right to appeal the decisions, actions or inaction of electoral committees”

Article 13. The point 2 of the Article 33 of the Code should be phrased as follows:

The members of the CEC during the entire period of activities of the CEC and members of the Marz and precinct electoral committees during the national elections can be subjected to administrative or criminal liability by court order, only with the consent of the CEC.

Article 14. The points 1 to 5 of Article 35 should be replaced with the new points, which should be phrased as follows:

1. The central Election Committee is comprised of:
 - a. One member nominated by each parliamentary party or party coalition respectively having factions in the parliament.
 - b. Members nominated by the government the number of which should be one less from the number of factions of the parliament.
2. The new Central election committee is formed and accepts its authorities on the 40th day following completion of elections.
3. The composition of the new CEC is publicized by the acting chairman of Central Electoral Committee.

Article 15. The numbering of the points 6 to 12 should be changed as 4 to 10 respectively.

Article 16. For the formation of precinct electoral committee in the above – mentioned procedure applications by the members of the regional electoral committee are submitted to the chairman of the committee 18 days and end 21 days prior to the Election Day.

Article 17. Delete sub – points 2,3,4 of the point 2 of the Article 38.

Article 18. Delete from the point 3 of the Article 40 the words “with the exception of the decisions about the summing up of the results of the majoritarian system of the elections to the National Assembly”.

Article 19. The point 22 of the Article 41 should be phrased as below:

“Sums up and approves the summary protocols submitted by the Marz and regional electoral committees (check out the grounds if needed) and registers deputies elected to the National Assembly and gives them a certificate of the Member of the Parliament”.

Article 20. The point 4 of the Article 49, the point 1 of the Article 82, the point 4 of the Article 114 and the point 2 of the Article 130 should be phrased as follows below:

“The family name first name, patronymic and party (party coalition) affiliation are mentioned in the ballot in the alphabetical order”.

Article 21. At the beginning of the point 5 of the Article 56 add the words "in the electoral precinct".

Article 22. The last sentence of the point 4 of the Article 57 should be phrased as bellow:
"The latter opens the ballot box slot and enables the voter to drop the ballot in the ballot box".

Article 23. The last sentence of the first sub – point of the point 4 of the Article 60 should be phrased as below:
"The difference in absolute value is noted as the first inaccuracy".

Article 24. The point 5 of the Article 60 should be phrased as below:
"Each activity envisaged in the points 3 and 4 of this Article are carried out in order specified, and each action is implemented after the previous one is over, and a protocol has been compiled in the register book respectively. On the above mentioned actions, as specified in the Article 61, three protocols are compiled, in three copies, one of the copies being wrapped and sealed together with documents serving as basis".

Article 25. The point 1 of the Article 61 of the Code should be phrased as below:

1. The summary protocol of voting results includes:

Protocol 1

1. The total number of voters according to voter lists
2. The number of ballots allocated to the precinct electoral committee (A)
3. The number of registered voters, that have received ballots according to signatures (D)
4. The number of cancelled ballots (C)
5. The total number of the ballots in the ballot box (B)
 - a. The number of valid ballots in the ballot box
 - b. The number of invalid ballots
 - c. The number of ballots cast against all candidates (parties)

Protocol 2

1. Includes all the points of the first protocol
2. The number of votes cast for each candidate (party)
3. The total number of votes cast for candidates (parties)

Protocol 3

On the amount of inaccuracies -----

1. The number of ballots allocated to the precinct electoral committee (A)---
2. The total number of the ballots in the ballot box (B) -----
3. The number of ballots cancelled by the committee (C) -----
4. The number of registered voters, that have received ballots according to signatures (D) -----
5. The amount of the first inaccuracy (A–B–C) -----
6. The amount of the second inaccuracy (D-B) -----

Article 26. In the point 7 of the Article 67, in the points 2,3 of the Article 100, in the sub – point 1 of the point 1 of the Article 106 after the words "family name and first name" of

a candidate for the President, candidates of majoritarian and proportional systems add the word “patronymic”

Article 27. The point 9 of the Article 116 of the Code should be phrased as below:

“In the event of recognizing the results of the re - vote of majoritarian deputies invalid, new election is held no sooner than 30 day and no later than 40 day period.

Article 28. The point 1 of the Article 120 should be phrased as below:

“For the election of a community head majority, single - mandate constituency is formed on the territory of the community”.

Article 29. In the sub – point 1 of the point 2 of the Article 120 the word “five” should be replaced with the word “seven”.

Article 30. In the points 1,2 of the Article 122 after the words” the given community” add the words “in the district communities of Yerevan, in Yerevan city” and after the word “citizen” add the words “ as well as non – citizens with refugee status of RoA who are resident and registered at the given community”.

Article 31. The point 3 of the Article 122 should be phrased as below:

Members of the Constitutional Court, judges, employees of the Ministry of Internal Affairs, National Department of Security, Ministry of Defence, Ministry of State Revenues, Customs Department and Prosecutor’s Office can not be nominated as candidates for community head and council members”.

Article 32. In the point 4 of the Article 124 of the Code the words “based on the decision of the court he/she is recognized registered or re – registered should be replaced with the words “based on the verdict of the court he/she is recognized registered or re – registered”.

Article 33. Delete the words “members participating in the voting” from the Article 127 of the Code.

Article 34. In the point 2 of the Article 130 after the words “first name and family name” add the word “patronymic”.

Article 35. The point 2 of the Article 133 should be phrased as below:

“In the event of the equal number of votes received in the election of candidates nominated for the community head, the distribution of the mandate is done by the lottery”.

Article 36. The point 6 of the Article 133 should be phrased as follows:

“The decision on the election results of a community head can be appealed to the CEC within two days period. The decision of the CEC is appealed to the oversight court within two days after it has been adopted”.

Article 37. In the point 6 of the Article 134 the word ‘by the decision’ and ‘decision’ should be replaced with the words ‘by the verdict’ and ‘verdict’ and in the Article 137, the words ‘decision of the court’ should be replaced with the word ‘verdict of the court’.

Article 38. In the point 2 of the Article 135 the words ‘60 days’ should be replaced with the word ‘80 days’.

Article 39. The point 1 of the Article 138 of the Code should be phrased as below:

Extraordinary elections for the community head are conducted as follows:

1. on the second Sunday of May if the position is vacant till first of March
2. on the second Sunday of October if the position is vacant till first of August