



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 5 April 2005

CDL-EL(2005)011
Engl. only

Opinion No. 310/2004

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

LAW OF THE REPUBLIC OF ARMENIA

on Amendments and Additions to Electoral Code of the Republic of Armenia
Version of 15 March 2005

Draft texts submitted by the National Assembly of Armenia
to the Venice Commission and OSCE/ODIHR

Article 1. In Article 7 of Electoral Code of the Republic of Armenia (February 17, 1999, HO-284):

- a. rephrase paragraph 4 to read as follows:
“Central Electoral Commission shall publish the total number of voters included in the Republic of Armenia voter register on the day preceding the voting in presidential or National Assembly elections.”
- b. rephrase the third and fourth sentences in paragraph 6 to read as follows:
“During national elections (national elections are presidential elections or National Assembly elections under proportional system), Central Electoral Commission shall publish information on voting progress at 9 am on the voting day; then, from noon till 9 pm, every three hours, it shall publish information about voter turnout as of the previous hour and about applications and complaints received.”
- c. rephrase paragraph 8 as follows: “in cases referred to in paragraph 6 of this Article, Central Electoral Commission shall announce the information in live radio and television reports on Public Radio and Public Television of Armenia.”

Article 2. In Article 8 Part 1 of the Code, add the words “training of commission members, notification of voters” after the word “(including)”.

Article 3. Rephrase Articles 9 to 14 of the Code to read as follows:

“Article 9. Compilation and Maintenance of Voter Lists.

1. The Republic of Armenia voter list shall be compiled and maintained by the Passport and Visa Department of the Republic of Armenia Police (hereinafter, “the Authorized Agency”) that registers citizens by their place of residence.
2. The voter list shall be a permanently maintained document, and the Authorized Agency shall be responsible for its compliance with the requirements of this Code.
3. The Authorized Agency shall compile and maintain the Republic of Armenia voter list by marzes and communities as a single list, i.e. the Republic of Armenia Voter Register (National Voter Register).
4. Community leaders, heads of respective divisions of the Republic of Armenia Ministry of Defense, heads of civil acts registration authorities and detention facilities shall submit to Authorize Agency information necessary to compile and maintain the voter list, in accordance with procedures defined by Central Electoral Commission.
5. Voter lists shall also be compiled by heads of the Republic of Armenia diplomatic or consular missions abroad, heads of detention facilities and commanders of the Republic of Armenia military units, in cases specified by this Code and in accordance with procedures set therein.
6. Twice a year, in June and December, the Authorized Agency shall submit the electronic version of the Republic of Armenia Voter Register to Central Electoral Commission.
7. Central Electoral Commission and Territorial Electoral Commissions shall oversee the compilation and maintenance of voter lists in accordance with procedures defined by Central Electoral Commission.

Article 10. Inclusion of Citizens in the Voter List

1. Persons who have the right to vote in accordance with Article 2 of this Code shall be included in the Republic of Armenia Voter List.
2. The same person may be included in only one community voter list and only once.

3. A community voter list shall include all citizens who have the right to vote and who are registered in that community, as well as those citizens who are temporary or permanent residents of the community and have no registration, or, in the case of national elections, also citizens registered in other communities, who submit to the Authorized Body or its divisions an application to be included in the voter list, at least 5 days before the voting day and in accordance with procedures defined by Central Electoral Commission. Citizens registered in other communities shall also a form approved by Central Electoral Commission stating that they are not included in voter lists in their place of registration. Citizens with no registration shall be included in a voter list on the basis of a document confirming their place of residence.
4. Everyone with the right to vote in local self-government elections shall be included in voter lists compiled during local self-government elections, on general grounds.
5. Military servicemen (citizens) in their regular term of duty or those engaged in military exercises, who have been temporarily released from their service in accordance with the laws, may be included in voter lists in their place of permanent residence in accordance with procedures set out in paragraph 3 of this Article, upon their application to be included in voter lists.
6. Citizens of the Republic of Armenia who have the right to vote and who reside or are outside the Republic of Armenia shall be included in voter lists compiled outside the Republic of Armenia in accordance with procedures defined by Central Electoral Commission.
7. If there is no Republic of Armenia diplomatic or consular mission in a foreign country, then Republic of Armenia citizens in that country may apply to be included in voter lists in neighboring countries that have a Republic of Armenia diplomatic or consular mission.
8. During national elections, military servicemen on a regular tour of duty, military servicemen residing in military units and their family members who have the right to vote, as well as citizens who are engaged in military exercises, shall be included in voter lists in their respective military units.
9. During national elections, heads of military units shall report the number of eligible voters registered in their military unit to the respective community leader, the head of the Authorized Agency and the Territorial Electoral Commission, at least 45 days before the voting day.
10. Military servicemen residing outside the military unit shall be included in voter lists on general grounds.
11. Voter lists of detainees shall be compiled by heads of detention facilities together with a member of the respective Territorial Electoral Commission, 3 days before the voting day. Only detainees-citizens registered in that particular district's communities shall be included in the voter list of detainees during National Assembly elections under majoritarian system.

Article 11. Voter Lists Criteria

1. Voter lists shall be compiled on the basis of citizens' registered address.
2. Voter lists shall contain the name of the marz and community, and the following information on citizens who have the right to vote, in separate columns:
 - a. voter's serial number in the list,
 - b. last name, name and patronymic (patronymic is included only if it appears in that voter's passport),
 - c. day, month and year of birth,

- d. registered address or residence address, if the voter is registered in another community or has no registration.
3. In voter lists submitted to precinct electoral commissions, the numbering mentioned in paragraph 2(a) of this Article shall be done by precincts; every page of the list shall also contain the precinct number and two additional columns – one for the series and number of citizen's identification document, and the other for citizen's signature.
4. If there is concurrent voting in more than one election (presidential, National Assembly, local self-government elections or a referendum), there shall be separate columns for citizens' signatures for each of the voting events.
5. Voter lists shall be prepared in a form of registers and pages shall be numbered for up to 1,000 voters. Each page of voter lists shall be signed and stamped by the head of the Authorized Agency's respective division.

Article 12. Provision of Voter Lists to Electoral Commissions and Precinct Centers

1. At least 40 days before the voting day, head of the Authorized Agency or its respective divisions shall provide a copy of voter lists to the chairman of the appropriate territorial electoral commission and to the heads of institutions in charge of precinct centers (one copy to each) to be posted in precinct centers by precinct.
2. The Authorized Agency or head of its respective divisions shall provide final voter lists by precincts, in two copies and in electronic form, to chairmen of appropriate precinct electoral commissions, at least 2 days before the voting day.
3. Voter lists compiled in military units shall be provided to chairmen of appropriate territorial electoral commissions by heads of military units 3 days before the voting day in a sealed envelope to be opened only on the voting day in the precinct electoral commission.
4. Heads of detention facilities shall submit two copies of their voter lists to chairmen of precinct electoral commissions formed in their facilities, 2 days before the voting day.

Article 13. Access to Voter Lists

1. The Republic of Armenia voter list, with the exception of lists compiled in military units and detention facilities and signed by voters, shall be open to access. Lists compiled in military units and detention facilities and signed by voters shall not be open and cannot be copied.
2. The Authorized Agency shall post the Republic of Armenia Voter List on the Internet in accordance with procedures defined by Central Electoral Commission.
3. Every citizen shall have the right to receive hard copies or electronic copies of community or, in the case of elections, precinct voter lists within three days of applying to the Authorized Agency or its respective divisions, in accordance with procedures and for fees set by Central Electoral Commission.
4. Heads of institutions in charge of precinct centers shall post a copy of voter lists in a place visible for all in the precinct center 40 days before the voting day.
5. Voter lists posted in precinct centers shall be accompanied by announcements about the place and deadlines for submitting applications concerning errors in the lists, and procedures, timeframe and conditions for reviewing such applications.
6. 2 days before the voting day, chairmen of precinct electoral commissions shall post the final version of voter lists in a place visible for all in precinct centers. The lists

shall remain posted in precinct centers until termination of precinct electoral commissions' authority.

7. Voter lists compiled in military units shall be posted in a place visible for military servicemen in military units 10 days before the voting day.
8. The Authorized Agency or its respective divisions shall send notifications to voters about voting day, place and time, in accordance with procedures defined by Central Electoral Commission.

Article 14. Procedures for Reviewing Applications about Errors in Voter Lists and Correcting Voter Lists

1. All **citizens** shall have the right to apply to their community leaders about errors in voter lists, or with requests to add them to the lists or remove them from the lists no later than 7 days before the voting day. Citizens may also apply to the heads of the Authorized Agency or its respective divisions no later than **5 days** before the voting day.
2. Within two days of receiving the application, the community leader shall forward the application and his/her opinion on the matter to the head of the respective division of the Authorized Agency.
3. Within two days of receiving the application, the head of the Authorized Agency or its respective division shall make an appropriate change or correction in the voter list in question and notify the applicant in writing of his/her decision, if sufficient grounds are present as specified in this Code.
4. Head of the respective division of the Authorized Agency shall inform the Authorized Agency of changes made in the voter list in order for the Authorized Agency to make appropriate changes or corrections in the Republic of Armenia Voter Register.
5. Disputes about errors in voter lists may be resolved in the courts of the first instance. Courts shall reach a verdict within **five days**; their verdict shall be final and may not be appealed.
6. Verdicts on applications about including the applicant in voter lists, submitted within **five days** before the voting day or on the voting day itself, shall be reached in such a time as to enable the voter to cast his/her vote.
7. Changes to voter lists that are based on verdicts to include applicants in voter lists, which were reached within **five days** before the voting day or on the voting day itself, shall be made by appropriate precinct electoral commissions by means of compiling supplementary lists, in accordance with procedures defined in Article 14¹ of this Code.
8. Electoral commissions shall have no right to make any changes (corrections or additions) to voter lists, including supplementary lists, at their own initiative.”

Article 4. Add the following new article after Article 14 of the Code:

“Article 14¹. Supplementary Voter Lists

1. Precinct electoral commissions shall compile supplementary voter lists in accordance with procedures defined in this Code.
2. Supplementary lists of precinct voters shall include:
 - a. citizens who have presented court verdicts in accordance with paragraph 6 of Article 15 of the Code,
 - b. members of precinct electoral commissions who are registered in the territory of another precinct, provided they have a document issued by the Authorized

Agency or its respective division, stating that they are not included in voter lists in the place of their registration.

- c. law enforcement officers who are on duty in the precinct on the voting day, provided they have a document issued by the Authorized Agency or its respective division, stating that they are not included in voter lists in the place of their registration.
3. Supplementary voter lists shall be compiled in accordance with criteria for voter lists submitted to precinct electoral commissions for voting, as set out in Article 11 of this Code, but they shall also have an additional column to record the number, day, months and year of a court verdict to include the person in voter lists or of the appropriate document issued by the Authorized Agency.
4. Each page of supplementary voter lists shall be signed and sealed by chairmen of the precinct electoral commissions; after the voting is over, commission chairmen shall write the total number of voters in each supplementary voter list at the end of that list. Documents that support the inclusion of citizens in a supplementary voter list shall be attached to that supplementary voter list.”

Article 4.1. In Article 15 of the Code:

- a. rephrase paragraph 2 to read as follows:

“2. The Authorized Agency or its respective regional divisions, together with community leaders, shall form election precincts in accordance with procedures defined by Central Electoral Commission, no later than 45 days before the voting day, taking into consideration local and other conditions, with the purpose of creating most favorable conditions for voters to exercise their right to vote”,

- b. in paragraph 3, replace the words “to the respective community heads” with the words “to the head of the Authorized Agency or its respective regional division.”

Article 5. Add the following new paragraph 5 to Article 16 of the Code:

“5. Local self-government bodies shall take necessary measures in precinct centers in order to ensure the accessibility of the implementation of voting rights of the disabled voters” (to enable disabled voters to exercise their right to vote)

Article 6. In Article 17¹ of the Code:

- a. rephrase paragraph 1(1) to read as follows: “1. The number of voters in any two districts shall not differ by more than 10 percent, or 15 percent in exceptional cases, considering administrative borders of a marz.”

- b. rephrase paragraph 1(3) to read as follows:

“3. Election districts shall be formed and numbered by Central Electoral Commission no later than 90 days before the voting day, on the basis of the number of voters in the National Voter Register.”

Article 7. Add the following new sub-paragraph to paragraph 4 of Article 18 of the Code:

“5. members of electoral commission.”

Article 8. In paragraph 4(2) of Article 18, paragraph 4 of Article 27, paragraph 4 of Article 34, paragraph 1 or Article 54, and paragraphs 2 and 3 of Article 87 of the Code, replace the words “ministry of interior and national security” with the words “The Police and National Security Service of the Republic of Armenia” and with the words “The Police of the Republic of Armenia” in Article 45.

Article 9. Rephrase Article 20 of the Code to read as follows:

“Article 20. Pre-election Campaign in the Mass Media

1. Presidential candidates and parties running for the National Assembly shall have the right to use paid and free air-time (including live broadcasts) on Public Radio and Public Television, on equal conditions.
2. For every national election, the procedures for allocating free air-time on Public Radio and Public Television to presidential candidates and parties running for the National Assembly, and the schedule of that air-time shall be set by Central Electoral Commission within three days after the deadline for registering the candidates.
3. Public Television and Public Radio shall be required to ensure equal conditions for all candidates and parties running in any given election.
4. The price for a minute of air-time on Public Radio and Public Television shall be announced within 10 days of setting the date for national elections. This price may not be changed during the pre-election campaign phase.
5. Candidates and parties running for the National Assembly shall also have the right to make use, on equal conditions, of air-time on other radio and television stations regardless of their form of ownership. Provisions of paragraphs 3 and 4 of this Article shall equally apply to other radio and television stations, regardless of their form of ownership.
6. Pre-election campaign in the mass media shall be conducted in a form of public debates, round-tables, press conferences, interviews, political advertising and other forms not prohibited by the law.
7. It is forbidden to interrupt radio and television programs related to pre-election campaign with advertisement of goods and services.
8. When broadcasted, radio and television programs related to pre-election campaign shall be audio and video recorded. All such recordings shall be kept for at least three months.
9. The implementation of pre-election campaign procedures by television and radio companies shall be overseen by the National Television and Radio Commission, which shall have the right to apply to a court of law if it notices any violation of the said procedures. Central Electoral Commission shall have the right to submit its opinion about violations to the court.
10. Newspapers and magazines, regardless of who their founders are, except newspapers and magazines founded by political parties, shall be required to ensure equal conditions in publishing pre-election campaign materials.”

Article 10. In Article 22 of the Code:

- a. in paragraph 2, replace the words “state and public” with the words “ public and founded by local self-government bodies”,
- b. rephrase paragraph 3 to read as follows:

“3. It is forbidden to publish results of sociological surveys on the ratings of candidates and parties (party alliances) in the 7 days preceding the voting day and until 8 pm on the voting day.”

Article 11. Rephrase paragraph 4 of Article 24 of the Code to read as follows:

“4. Financial means for elections, including funds for running electoral commissions, shall be allocated to “The Central Electoral Commission Staff” state administration institution, in accordance with procedures defined by the Government of the Republic of Armenia and on the basis of estimates approved by Central Electoral Commission. “The

Central Electoral Commission Staff” state administration institution shall manage the funds in accordance with laws of the Republic of Armenia and shall be responsible for using the funds in compliance with estimates approved by Central Electoral Commission.”

Article 11.1. In Article 25 of the Code:

a. rephrase the fourth sentence in paragraph 1 to read as follows:

“Within a day after candidates and parties (party alliances) submit all documents required by appropriate electoral commissions to be nominated as candidates, they shall receive documents confirming their nomination as candidates in order to set up pre-election funds; on the basis of those documents and written applications by candidates and parties (party alliances) or, in the case of registered candidates and parties (party alliances), only on the basis of their written applications, banks shall open special temporary accounts.”

b. after the words “as well as” in the second sentence of paragraph 4, add the words “in the case candidates and parties (party alliances) are not registered”; after the word “after”, add the words “except in cases specified by this Code.”

c. rephrase paragraph 11 to read as follows:

“11. No later than 6 days after the voting day, candidates and parties running for the National Assembly shall submit to the electoral commission that had registered them declarations about payments to their pre-election funds and the use of financial means in the fund. The form of the declaration and the procedures for submitting it shall be defined by Central Electoral Commission.

The declaration shall contain:

1. the chronology of all contributions to the pre-election fund, the first and last names of all contributors, their registered addresses and the amount of their contribution,
2. all the expenses, date when they were made and information about documents confirming the expenses,
3. the amount remaining in the pre-election fund (if any).

Electoral commissions, which had registered them, shall forward the declarations to Central Electoral Commission’s Oversight and Audit Service within 3 days. Declarations submitted by presidential candidates and parties (party alliances) running for the National Assembly shall be posted on Central Electoral Commission’s website within 3 days, whereas copies of other candidates’ declarations may be made available to proxies, representatives of the media and observers.”

Article 11.2. In Article 26, replace the words “one month” with the words “20 days” and add the following new part to the Article:

“The authority of Central Electoral Commission’s Oversight and Audit Service shall be terminated on the 45th day after the announcement of final results of elections.”

Article 11.3. Add Article 27¹ to Article 27 of the Code to read as follows:

“Article 27¹. Rights and responsibilities of proxies, and guarantees for their activities

1. Proxies shall have the right:

1. to take part in commission meetings as non-voting members and be present in the voting room during the voting,

2. to examine voters' voting documents (voters' identification documents and/or court decisions **or appropriate documents issued by the Authorized Agency to include voters in supplementary voter lists**),
 3. to examine election documents, electoral commission decisions and protocols in the presence of electoral commission chairmen, deputy chairmen, secretaries or other commission members (as assigned by commission chairmen), receive copies of those documents and take excerpts. Proxies shall also have the right to examine ballots and envelopes in accordance with the same procedures. Copies of or excerpts from decisions, protocols and registers shall be stamped and signed by commission chairmen and secretaries. Documents received from precinct electoral commissions shall be stamped on the voting day only.
 4. to appeal commission decisions, actions or inactions,
 5. to follow the processes of printing, transporting and storing of ballots and counting of envelopes and ballots in accordance with procedures defined by Central Electoral Commission,
 6. to be physically present near commission members who are registering voters, giving out envelopes, stamping the envelopes and controlling the ballot box and follow their activities without disrupting their work,
 7. to examine freely the ballots and envelopes in the presence of electoral commission chairmen, deputy chairmen, secretaries and other commission members (as assigned by commission chairmen) when voting results are counted,
 8. to exercise other rights as specified in this Code.
2. Proxies shall exercise their right in accordance with procedures specified in this Code.
 3. If the number of candidates and parties running in the election is 7 or less than 7, then two proxies for each candidate and party running for the National Assembly may be present at electoral commission meetings (as non-voting members) and during the voting; if the number of candidates and parties running in the election is more than 7, then one proxies for each candidate or party may be present.
 4. No limitation of rights of proxies shall be allowed. No one, including electoral commissions, has the right to ask proxies to leave the voting room or to keep them away in any other way from commission's work, except in the case of their arrest or detention.
 5. Proxies shall not be prosecuted for their opinion about the course of election or the counting of election results."

Article 12. In paragraph 3 of Article 29 of the Code, add the words "as well as stamped ID cards issued to observers in accordance with submitted lists" after the word "accreditation", and add the following new sentence: "ID cards of persons carrying out an observer mission shall also be stamped by appropriate organizations that had received accreditation to carry out an observer mission."

Article 13. In Article 30 of the Code:

- a. take out the word "proxies" from the title and the entire article,
- b. add the following new sentence to paragraph 1(1): "to follow the processes of printing, transporting and storing of ballots and counting of envelopes and ballots in accordance with procedures defined by Central Electoral Commission" and take out paragraph 2(2).

- c. add a new sub-paragraph 4 to paragraph 1 to read as follows:
“4. to move freely around the precinct center in order to observe the ballots and the ballot box, in accordance with procedures defined by Central Electoral Commission,”
- d. add the words “in all election processes” at the end of Paragraph 5.

Article 13.1. Rephrase paragraph 2 of Article 32 of the Code to read as follows:

“2. Electoral commissions shall operate on the basis of principles of legality, collegiality and openness.”

Article 14. Revoke paragraph 9 of Article 33 of the Code.

Article 15. Add the following new Article 33¹ after Article 33 of the Code:

“Article 33¹. Remuneration of Electoral Commission Members

1. Electoral commission members shall be remunerated from the state budget.
2. The chairman, deputy chairman, secretary and members of Central Electoral Commission shall be remunerated in accordance with the Republic of Armenia Law on Official Rates of Remuneration of Senior Officials in Legislative, Executive and Judicial Branches of Government.
3. The chairmen, deputy chairmen and secretaries of territorial electoral commissions shall be remunerated in the amount of _____-fold the minimum wage, and other commission members shall be remunerated in the amount of _____-fold the minimum wage for each month of the period of national elections or additional National Assembly elections under majoritarian system. Members of territorial electoral commissions shall be remunerated in the amount of 15-fold the minimum wage for the period of local self-government elections.
4. Members of precinct electoral commissions shall be remunerated in the amount of 15-fold the minimum wage.
5. Electoral commission members shall keep their salaries in their main jobs.”

Article 16. In Article 34 of the Code:

- a. add the following at the end of paragraph 1: “who have passed professional training on how to conduct elections and received appropriate certificates in accordance with procedures defined by Central Electoral Commission.”
- b. rephrase paragraph 4 to read as follows:
“4. Members of the National Assembly, members of the Constitutional Court, judges, ministers and their deputies, marzpets, the Mayor of Yerevan, community leaders, employees of national security, police, defense and customs agencies, employees of prosecutor’s office and the banking system, proxies, observers and candidates, as well as individuals convicted of crimes described in Articles 149-154 of the Criminal Code of the Republic of Armenia may not be members of electoral commissions.”

Article 17. Rephrase paragraph 2 of Article 35 of the Code to read as follows:

“2. A new Central Electoral Commission shall be formed and shall assume its powers no the 60th day following the opening of the newly elected National Assembly’s regular session.”

Article 18. In paragraph 1(3) of Article 35 of the Code, replace the word “candidate” with the word “member” and add the following sentence:

“If the appropriate faction does not nominate a member, then the vacancy in the commission shall be filled by the Speaker of the National Assembly.”

Article 19. In paragraph 3 of Article 37 of the Code, add a new paragraph to read as follows:

“If the number of precinct electoral commission members is less than five at 8:00am on the voting day, then the vacancy shall be filled by an appropriate member of the territorial electoral commission. If the latter fails to appoint anyone within two hours, then the vacancy shall be filled by the chairman of territorial electoral commission.”

Article 20. In Article 38 of the Code:

- a. add the following words in paragraph 2(7): “but no later than 2 days before the voting day and no earlier than two days after the final results of election are announced,”
- b. revoke paragraph 3.

Article 21. In the second sentence of paragraph 7 of Article 39, replace the words “participants in the vote” with the words “the total number of commission members,” and take out the third sentence.

Articles 22 and 23.

See Annex No. 1 regarding these provisions.

Article 24. In Article 41 of the Code:

- a. in the first sentence of paragraph 1, add the word “state” after the word “implementing” and remove the words “and has the status of a legal entity.” In sub-paragraph 1 of the same paragraph, replace the words “shall manage state budget funds allocated for preparing and holding elections, and shall oversee...” with the words “shall oversee state budget funds allocated for preparing and holding elections,”
- b. remove the words “in communities” from sub-paragraph 4 of paragraph 1,
- c. rephrase sub-paragraph 26 of paragraph 1 to read as follows:
“26. shall set out procedures for organizing trainings for candidates for electoral commission membership and issuing qualification certificates,”
- d. add a new sub-paragraph 29¹ to paragraph 1, to read as follows:
“29¹. may set up institutions in accordance with the law.”
- e. add a new paragraph 4 to read as follows:
“4. Central Electoral Commission may submit to the Government of the Republic of Armenia recommendations on legislative amendments to improve the organization of election processes.”

Article 25. In paragraph 1 of Article 42 of the Code:

- a. rephrase the first sentence to read as follows: “A territorial electoral commission is a permanently operating government body, in accordance with the bylaws approved by Central Electoral Commission.”
- b. in sub-paragraph 2, replace the word “manages” with the word “oversees,” and revoke sub-paragraph 13.

Article 26. In paragraph 1(2) of Article 43 of the Code, replace the words “and the results” with the words “, these results shall be posted in the precinct center”; in sub-paragraph 3, add the words “voting envelops” before the word “ballots.”

Article 27. To add a new paragraph to Article 45 of the Code with the following contents:

“Upon discovering violations of the Electoral Code, the member/members of the Electoral Commission shall inform the competent agencies within a five-day period.

Violations of the requirements of this Clause shall incur liability in a legally stated manner.”

Article 28. To recognise Article 49 of the Code as invalid.

Article 29. To add new Articles to the Code after Article 49: Article 49¹ and Article 49² with the following contents:

“Article 49¹. The Ballot Paper and the Ballot Envelopes

1. The Central Electoral Commission approves the specimens of ballots.
2. In the event of holding different elections simultaneously the ballots shall be prepared in such a way as to obviously differ from one another.
3. The ballot papers shall be perforated and have the name of the printing house(s) and a note on the procedure for marking the ballots.
4. The names, last names and patronymics of the candidates, and the names of parties/blocs shall be noted in alphabetical order.
5. The line, “Against all” shall be written after the names and last names of all the candidates, the names of parties/blocs, with a blank rectangle on the right, for making the mark.
6. The Central Electoral Commission shall provide printing of ballot papers for the elections of the President of the Republic of Armenia and the National Assembly proportional elections.
7. In the event of the National Assembly majority elections of deputies and elections to local self-governing bodies, printing and preparation of ballot papers shall be provided by the Territorial Electoral Commissions.
8. The specimen of the ballot envelope shall be approved by the Central Electoral Commission.
9. Ballot papers and ballot envelopes shall be issued no earlier than 9 days and no later than 3 days prior to the voting day.
10. Ballot papers and ballot envelopes shall be handed to the Precinct Electoral Commissions in the amount exceeding up to 3 per cent the number of voters of the electoral precinct, on the day prior to the day of voting.
11. After issuing the ballot papers, registration of the candidates and registration of the party/bloc voter list, as well as in the event of dissolution of a bloc the name of the candidate and the name of a party/bloc shall be removed from the ballot papers after the procedure stipulated by the Central Electoral Commission.

Article 49². Seals of Electoral Commissions and the Ballot Box

1. Specimens of seals of electoral commissions shall be approved by the Central Electoral Commission.
2. Seals of electoral commissions shall be prepared by the order of the Central Electoral Commission, in accordance with the specimen approved by the Central Electoral Commission.
3. The seals of Precinct Electoral Commissions shall have a four-digit number.
4. The Central Electoral Commission wraps the seals of the Precinct Electoral Commission in non-transparent parcels, without making any marks on them, seals them and no earlier than 5 days and no later than 3 days prior to the voting day hands them to Territorial Electoral Commissions, one seal per precinct, keeping a solely quantitative record of the seals handed.

5. The parcels are sealed by the Territorial Electoral Commissions and handed to the Chairpersons of Precinct Electoral Commissions, on the day prior to the day of voting, one wrapped seal to each.
6. After the voting, at the election results wrap-up meeting, after summarisation of the election results, after making and approving the precinct protocols, sealing and stamping the envelopes of used ballot papers, putting copies of the protocols on the walls of the precinct centre, providing duplicates of approved copies of protocols to proxies and observers upon their request, after approving the register of the TEC, the seal of the TEC shall be returned to the CEC after the procedure stipulated by the CEC; these shall be registered, wrapped in special sacks and sealed, and a protocol shall be made to that effect. In the event of having a second phase of voting or a new election, new seals shall be given to the Precinct Electoral Commissions.
7. The ballot box shall be made of transparent material. The specimen (the sizes) of the ballot box shall be approved by the CEC.
8. In the event of holding a few elections simultaneously, more than one ballot box may be used at the precinct centre, as stated by the Central Electoral Commission.

Article 30. “The wording of Article 50 of the Electoral Code shall read as follows:

Article 50. Preparation for Voting

1. The Precinct Electoral Commissions shall be in charge of preparing the voting.
2. Ballot envelopes, the ballot papers and the seal parcel shall be kept in a special safe in the voting room.
3. The Chairperson of the Precinct Electoral Commission shall ensure performance of the requirements provided by this Code and establish a good order at the precinct centre during voting.
4. Working desks for voter registration, handing out ballot envelopes and ballot papers to voters and to stamp these, shall be placed at precinct centres.
5. The ballot box, the working desks of the commission members, the ballot envelopes and ballot papers shall be placed in a place visible to persons authorised to be present at the polling station.
6. Specimen of ballot papers shall be displayed at the precinct centre or at the entrance to the precinct centre.
7. On the voting day a poster with the photographs of the presidential nominees and their brief biographies, and, in the event of National Assembly proportional elections, the party/bloc voter lists to be voted on shall be displayed at a visible place at the precinct centre.”

Article 31. The wording of Article 53 shall read as follows:

Article 53. Beginning of the Voting

1. At 7 am on the voting day, the Precinct Electoral Commission, at their meeting at the precinct centre, identifies by lottery the members to carry out voter registration, at least one member per 1000 voters, one member to give out ballot envelopes and ballot papers, one member to stamp the ballot envelopes and one member to be responsible for the ballot box. The Chairperson and the Secretary of the commission shall not take part in the lottery. They replace the other commission members during their absence.
2. The Chairperson of the Precinct Electoral Commission shall open the safe in the presence of the of the commission members and persons entitled to attend the voting, takes out the ballot papers, ballot envelopes and the wrapped seal,

unwraps the wrapped seal and putting a stamp in the register, announces the serial number of the seal. He/she verifies whether the ballot box is empty and seals the ballot box, hands the voter lists to the members in charge of voter registration, and hands the addresses of residential buildings/houses included in the precinct and the seal to the member who is to stamp the ballot envelopes, hands the ballot envelopes and the ballot papers in packs of one hundred to the member who is to hand out ballot envelopes and ballot papers, making a relevant note in the register, afterwards he/she declares the polling station open”.

Article 32. The wording of the first sentence of Article 55/2 of the Code shall read as follows:

“The commission member in charge of voter registration shall check identification documents of a voter, the availability of special liquid on his/her finger, and where it is missing he/she shall find the person’s name, patronymic and last name and the number on the voter list, fill out data of the identification document, and the voter shall sign against those data, thereupon the commission member responsible for marking marks the finger of the voter with special liquid, as stated by the Central Electoral Commission.”

Article 33. The wording of Articles 56-59 of the Code shall read as follows:

“Article 56. Voting

1. During voting every citizen receives one ballot envelope and one ballot paper (ballot papers where a few elections are held simultaneously).
2. Immediately after the registration the voter receives a ballot envelope from the commission member responsible for allocating ballot envelopes, and receives a ballot paper / ballot papers from the member in charge of ballot papers, and goes into the polling booth/room to vote.
3. The voter marks the ballot confidentially in the polling booth (room).
4. A citizen unable to mark the ballot on his/her own shall be entitled to invite another person who cannot be a proxy into the polling booth/room after informing the Chairperson of the Commission. Except with the mentioned case, the presence of another person in the polling booth/room when marking the ballot is forbidden.
5. Where a voter feels that he/she has marked the ballot paper wrongly, he/she may turn to the Chairperson of the Commission, and upon his/her absence, to his/her Deputy to receive a new ballot paper.

Article 57. Procedure for Marking the Ballot and Stamping the Ballot Envelopes

1. The voter makes a mark identical with the one established by the Central Electoral Commission in the ballot paper in front of the name of the candidate/party/bloc he/she is voting against. Where the voter is against all the candidates/parties/blocs, he/she marks the line “Against all” coming after the names of candidates/parties/blocs.
2. When one candidate/party/bloc is being voted on, the voter, where he/she is going to vote for, marks the words ‘I’m for’, and where he/she is against, he/she marks the words ‘I’m against’.
3. After making a mark in the ballot paper the voter puts the ballot paper into the ballot envelope in the polling booth/room, folding it if necessary, and approaches the commission member who stamps the ballot envelopes.
4. The commission member who stamps the ballot envelopes, making sure that the voter is registered at the polling station, stamps on the specified part of the

envelope, thereupon the member in charge of the ballot box opens the ballot box slot and enables the voter to drop the envelope into the ballot box. After dropping the envelope into the ballot box, the voter leaves the precinct centre.

5. It is prohibited to inquire in any way as to who the voter has voted for or against.
6. During voting, upon the request of one commission member or one proxy, all cases of violations of the voting procedures stipulated by this Code, as well as the decisions passed by the Precinct Electoral Commission shall be recorded in the register.

Article 58. Invalid Ballot Envelopes and Ballot Papers

1. Unstamped ballots and ballot envelopes, and ballots and ballot envelopes with unnecessary hand-written or other kinds of notes shall be deemed invalid.
2. An envelope of the stated specimen and stamped in the stated manner shall be deemed invalid where:
 1. it contains no ballot paper;
 2. contains more than one ballot paper for the same election; and
 3. contains ballot papers of unstated specimen.
3. Where the envelope is invalid, the ballot papers in the envelope shall likewise be deemed invalid.
4. A ballot paper which has no unnecessary notes is valid where the voter's intention is clear and unambiguous.

Article 59. Ballot Envelopes and Ballot Papers of Unapproved Specimen

1. Ballot envelopes and ballot papers differing from the approved specimen, as well as ballot papers which are in envelopes of unapproved specimen.
2. The issue of suspicious ballots is resolved by the electoral commission through voting.

Article 34. "The wording of Chapter 12 of the Code shall read as follows:

"Chapter 12. Procedure for summarisation and tabulation of voting results, determining the inaccuracies and summarisation of election results

Article 60. The Procedure for Summarisation of Voting Results at a Precinct

1. The Chairperson of the Precinct Electoral Commission forbids entry of voters into the precinct centre at 20:00, enables the voters at the precinct centre to vote, thereupon closes the ballot box slot, invites out all persons unauthorised to attend the meeting of the Precinct Electoral Commission and closes the precinct centre. To this end, the Precinct Electoral Commission:
 1. collects and counts the total number of unused ballot envelopes and ballot papers, cancels these ballot envelopes and ballot papers in the manner stated by the Central Electoral Commission, and parcels up and seals them;
 2. counts the total number of voters based on the voter lists, including the additional lists;
 3. based on the signatures on the voter lists, including the additional lists, counts the number of voters having received envelopes (participants of the voting), thereupon parcels up the said lists and seals the parcel.
2. The results of Sub-clauses 1)-3) are announced and recorded in protocols in the register.
3. The Chairperson of the Commission opens the ballot box, takes the ballot envelopes out of the ballot box, counts them one by one and arranges them in

packs of one hundred and places them in numbered separate parcels. Upon request, the parcels of ballot envelopes shall be passed on to the other commission members. In the event of disagreement with the results of counting as announced by the Chairperson of the Commission, a commission member raises an objection. In the event of an objection a re-counting shall be done, based on which result the Chairperson of the Commission arranges the parcels of ballot envelopes.

The Precinct Electoral Commission identifies by lottery the members to count the ballots (two members) and to record the voting result (two members). The Chairperson of the Commission shall not participate in the lottery.

A commission member who counts the ballots opens the first pack of one hundred ballots, takes out one envelope out of the pack, announced aloud whether the envelope is valid, invalid or of unapproved specimen, and passes it on to the other member who counts the ballots. In the event of a valid envelope, the latter takes out the ballot paper, announces whether the ballot paper is valid or of unapproved specimen, and in the event of a valid ballot also declares how it has been cast, for which candidate, party/bloc or against all. In the event of an objection, based on the voting results, and in the case of no objection in accordance with his/her statement, the commission member counting the ballots puts the ballot in the pack of the ballots cast for the particular candidate, party/bloc or against all, and puts the envelope in the pack of valid envelopes, thereupon the next envelope is taken out of the pack.

In the event of finding more than one, invalid or unapproved ballots in the valid envelope, the ballot/ballots shall be put back into the envelope, and the envelope shall be put in the pack of invalid envelopes.

In the event of invalid envelopes or envelopes of unapproved specimen, the ballot papers are not taken out of the envelope, and the envelope is put in the pack of invalid envelopes or envelopes of unapproved specimen respectively.

This action is repeated for all envelopes in the pack.

During assortment of envelopes and ballot papers, the commission members counting the ballots are forbidden to make notes as well as have pens, pencils or other objects for making notes.

After counting the first pack of envelopes all the envelopes and ballots in the pack are assorted by the members counting the ballots, afterwards the envelopes recognised as valid and invalid, the ballots cast for each candidate/party/bloc, as well as the ballots voted against all are counted one by one. The publicised results are compared to the results of counting by the members recording the voting results. In the event of discrepancy the members counting the ballots and the members recording the voting results do a second counting in the manner stated by this Article, to find out the reason for the discrepancy.

After summarisation of counting results of all the packs of ballot envelopes these are publicised and recorded in the register.

4. When summarising the results the envelopes of unapproved specimen shall not be taken into account.
5. The counted and assorted envelopes, ballot papers shall be parceled up as specified by the Central Electoral Commission, and the packs shall be sealed.

Article 61. The Protocol of the Precinct Electoral Commission on Voting Results

1. Based on the calculations done after the procedure stated by the previous Article of this Code, the Precinct Electoral Commission makes a protocol at the precinct on the voting results, laying down:
 1. the total number of voters according to the voter lists;
 2. the number of envelopes of the approved specimen allocated to the Precinct Electoral Commission (A);
 3. the total number of envelopes cancelled at the Precinct Electoral Commission (C);
 4. the number of voters who registered and received envelopes, according to the signatures (B);
 5. the number of valid envelopes (d1);
 6. the number of invalid envelopes (d2);
 7. the number of ballots cast for each candidate/party/bloc;
 8. the total number of ballots cast for candidates/parties/blocs; and
 9. the number of ballots cast against all candidates/parties/blocs.
2. The protocol shall be signed by the members attending the meeting of the commission, and it shall be stamped by the Chairperson of the commission.
3. Where a commission member has a special opinion about the data of the protocol, he/she submits his/her opinion in writing which is attached to the protocol, and makes a note next to his/her signature to that effect.
4. Where a commission member refuses to sign the protocol, the protocol mentions this.
5. After the voting is over, before making a protocol on the voting results in the precinct, the meeting of the Precinct Electoral Commission shall not be interrupted.
6. At the end of the meeting but no later than after 10 hours following the end of voting, the commission shall complete compiling the protocol, and the Chairperson of the commission shall publicise the protocol made on the voting results in the precinct.
7. The protocol shall be made in four copies, one copy being parceled with the documents which are deemed as the basis, and the parcel shall be sealed, another copy shall be displayed at the precinct center in a clearly visible, well-lit and protected place immediately upon completing the actions envisaged by this Article and no later than taking the documents and the sealed parcel stated by this clause out of the precinct center.
8. Upon the request of a proxy of a candidate/party/bloc or an observer, they are provided with copies of statement from the precinct protocol on voting results, ratified by the signature of the Chairperson/Deputy Chairperson of the commission and the Secretary and the seal of the commission.
9. No later than 12 hours after the end of the voting the Chairperson and the Secretary of the Precinct Electoral Commission submit two copies of the protocol, the sealed package/packages of documents and the register to the relevant Territorial Electoral Commission, in conformity with the procedure established by the Central Electoral Commission.

The ballot papers and other election-related documents shall be put and sealed in sacks that will be impossible to be reused once they are opened. Such sacks are numbered in advance in accordance with the numbers of the precincts and are given to the commissions, with one sack exceeding the required quantity. The extra sack can be used only with the commission's decision, where one of the sacks was damaged by accident or where there has occurred a necessity to

open a sack because an envisaged document has not been put in it unintentionally.

The sacks must have the signatures of the three commission members identified by lottery; the other commission members and proxies may also sign on the sacks to which effect a note shall be made in the commission register.

10. The formats of the protocol on the voting results and the statements from the protocols shall be established by the Central Electoral Commission.

Article 62. Procedure for Determining the Inaccuracies

1. The validity of compiling the protocols on the voting results at the precincts shall be verified by the Territorial Electoral Commission. Where there are arithmetical mistakes, the Chairperson and the Secretary of the relevant Precinct Electoral Commission shall eliminate mistakes, ratifying the corrections with their signatures. No changes shall be made in the initial data.
2. Based on the precinct protocols on voting results, the Territorial Electoral Commission calculates the size of inaccuracies in each precinct.
3. To calculate the inaccuracies in the precinct:
 1. The number of envelopes of approved specimen allocated to the Precinct Electoral Commission (A) shall be compared to the number of cancelled envelopes (C), the sum (D) of the numbers of valid (d1) and invalid (d2) envelopes in the ballot box. The difference in the absolute value of the figure is stated as the size of the first inaccuracy.
 2. The number of signatures on the voter list (B) with the sum of numbers of the valid and invalid envelopes in the ballot box (D). Where the sum of numbers of the valid and invalid envelopes in the ballot box (D) is greater than the number of signatures on the voter list (B), the difference shall be stated as the size of the second inaccuracy. Where the sum of numbers of the valid and invalid envelopes in the ballot box (D) is smaller than or equal to the number of signatures on the voter list (B), the size of the second inaccuracy shall be stated at 0.
 3. The number of valid (d1) envelopes in the ballot box shall be compared to the sum of the total number of ballots cast for candidates/parties/blocs and the number of ballots cast against all. The difference in the absolute value of the figure is stated as the size of the third inaccuracy.
 4. The figures of inaccuracies stated in subclauses 1. 2 and 3 of this clause shall be added together. The sum of these figures shall be deemed as the size of inaccuracies in the precinct.
4. The result of every action specified in clause 3 of this Article shall be stated in the protocol on the voting results of the relevant precinct. The member of the Territorial Electoral Commission who calculates the size of inaccuracies fills out his/her name and last name in the appropriate line of the protocol and signs. The Chairperson of the Territorial Electoral Commission ratifies the calculation of inaccuracies by his/her signature and the seal of the commission.
5. In the constituency/community the size of inaccuracies equals to the sum of inaccuracies of the precincts in the constituency/community.
6. During national elections the size of inaccuracies equals to the sum total of sizes of inaccuracies of all the formed precincts.

Article 63. Actions of the Territorial Electoral Commission after Calculating the Size of Inaccuracies

1. The Territorial Electoral Commission, after calculating the size of inaccuracies in the precinct as stipulated by Article 62 of this Code, enters the data of the protocol on voting results into the computer, in compliance with the procedure established by the Central Electoral Commission. The commission regularly but no later than once every 3 hours tabulates the voting results by polling station. The Territorial Electoral Commission completes precinct voting results data entry no later than 18 hours after the end of voting.
2. A copy of tabular data of the voting results in the constituency shall be displayed in the commission's office where everyone can see it. Upon the request of a proxy or an observer, they shall be provided with a copy of tabular data of the voting results in the constituency, ratified by the signatures of the Chairperson/Deputy Chairperson of the Commission and the Secretary and the seal of the commission.
3. During national elections the Territorial Electoral Commission shall not compile a protocol on the voting results in the constituency.
4. During elections to the National Assembly by the majority contest and during the elections to the local self-governing bodies, after implementation of the actions specified by clauses 1 and 2 of this Article, the Territorial Electoral Commission summarises the election results as established by Article 63¹ of this Code.

Article 63¹. The Procedure for Summarising the Results of Elections to the National Assembly by Majority Contest and Elections to Local Self-Governing Bodies by the Territorial Electoral Commission

1. Based on the protocols on the voting results in the precincts, the Territorial Electoral Commission shall within 18 hours after the end of the election summarise the results of elections to the National Assembly under the majority system and the elections to the local self-governing bodies as required by this Article and ratify them by a protocol.
2. Where there is a complaint at court or at the Territorial Electoral Commission on the voting results in the precincts, the Territorial Electoral Commission shall review election results in the constituency no later than 5 days following the voting day, based on the protocols on voting results in the precincts, court rulings and the results of recalculations in the constituency, and endorse them by a protocol.
3. The protocol on the results of elections to the National Assembly by the majority system and the elections to the local self-governing bodies shall state:
 1. the total number of voters according to voter lists;
 2. the number of envelopes of the approved specimen allocated to the Precinct Electoral Commission (A);
 3. the total number of envelopes cancelled at the Precinct Electoral Commission (C);
 4. the number of voters who registered and received envelopes, according to the signatures (B);
 5. the number of valid envelopes (d1);
 6. the number of invalid envelopes (d2);
 7. the number of ballots cast for each candidate;
 8. the total number of ballots cast for candidates;
 9. the number of ballots cast against all candidates; and
 10. the size of inaccuracies.

4. The protocol shall be signed by the members attending the commission meeting and shall be sealed by the Chairperson of the Commission.
5. Where a commission member has a special opinion about the data of the protocol, he/she submits his/her opinion in writing which is attached to the protocol, and makes a note next to his/her signature to that effect.
6. Where a commission member refuses to sign the protocol, the protocol shall state this fact.
7. After endorsing the voting results, based on these results, the Territorial Electoral Commission passes a decision on the election results.
8. The Chairperson of the Territorial Electoral Commission publicises the protocol, and officially sends copies of the protocol and the decisions to the Central Electoral Commission.
9. One copy of the protocol shall be displayed at the commission in a clearly visible, well-lit and protected place prepared previously for that purpose, immediately upon completing the actions envisaged by this Article and no later than taking the documents and the sealed parcel stated by this clause out of the precinct center.
10. Upon the request of a proxy of a candidate or an observer, they are provided with a copy of protocol on election results, ratified by the signature of the Chairperson/Deputy Chairperson of the commission and the Secretary and the seal of the commission.
11. The formats of the protocol compiled at the Territorial Electoral Commission on the results of elections to the National Assembly under the majority system and the elections to the local self-governing bodies shall be established by the Central Electoral Commission.

Article 63². The Procedure for Summarising the Results of RoA Presidential Elections and the Elections to the National Assembly by the Proportional System by the Central Electoral Commission

1. The Central Electoral Commission, based on the voting results in the precincts received from Territorial Electoral Commissions, shall no later than 28 hours following the end of voting summarise the results of national elections, ratify them by a protocol and publicise officially the preliminary results of elections through live broadcast on the public radio and public television.
2. The meeting of the Central Electoral Commission shall not be interrupted before promulgation of the preliminary results of elections.
3. Where there is a complaint at court or at the Territorial Electoral Commission on the voting results in the precincts, the Central Electoral Commission shall review the results of national elections no later than 7 days following the voting day, based on protocols on voting results in the precincts received from Territorial Electoral Commissions, court rulings and the results of recalculations in the constituencies, and endorse them by a protocol.
4. The protocol on the results of national elections shall state:
 1. the total number of voters according to voter lists;
 2. the number of envelopes of the approved specimen allocated to the Precinct Electoral Commission (A);
 3. the total number of envelopes cancelled at the Precinct Electoral Commission (C);
 4. the total number of voters who registered and received envelopes, according to the signatures (B);
 5. the number of valid envelopes (d1);

6. the number of invalid envelopes (d2);
 7. the total number of ballots cast for each candidate/party/bloc;
 8. the total number of ballots cast for candidates/parties/blocs;
 9. the total number of ballots cast against all candidates/parties/blocs; and
 10. the size of inaccuracies.
5. The protocol shall be signed by the members attending the meeting of the commission, and it shall be stamped by the Chairperson of the commission.
 6. Where a commission member has a special opinion about the data of the protocol, he/she submits his/her opinion in writing which is attached to the protocol, and makes a note next to his/her signature to that effect.
 7. Where a commission member refuses to sign the protocol, the protocol states this.
 8. Upon endorsing the voting results, based on these results, the Central Electoral Commission passes a decision on the election results.
 9. Before passing a decision based on the election results as specified by clause 8 of this Article, the meeting of the Central Electoral Commission shall not be interrupted. After the end of the meeting but no later than within 3 hours, the Chairperson of the Central Electoral Commission or a commission member assigned thereby shall publicise officially the final results of elections and the decision based on them through live broadcast on the public radio and public television.
 10. Upon the request of a proxy of a candidate/party/bloc or an observer, they are provided with a copy of the summary protocol on election results, ratified by the signature of the Chairperson/Deputy Chairperson of the commission and the Secretary and the seal of the commission.
 11. The formats of the protocols on national elections results shall be established by the Central Electoral Commission.
 12. The Central Electoral Commission, as they receive the preliminary results of the elections, shall regularly but no later than once every 3 hours, publicise information about the preliminary results of the elections by the precinct through live reports on public radio and public television, and through the website of the Central Electoral Commission.
 13. Within 3 months after promulgation of the final results of national elections, Central Electoral Commission shall publicise an analysis of violations of the Code, indicating the measures undertaken against the perpetrators of violations.”

Article 35. In Article 67 of the Code,

- a. recognise sub-clause 7 of clause 7 as invalid;
- b. replace the words, ‘clauses 2 and 3’ in clause 10 with the words, ‘clause 7’; and
- c. recognise clause 11 as invalid.

Article 36. Recognise Article 68/4 of the Code as invalid.

Article 37. Recognise Article 69 and Article 70 of the Code as invalid.

Article 38. In Article 71/1:

- a. replace the figure ‘5000’ by the figure ‘8000’; and
- b. after the words, ‘shall be returned’, add the words, ‘to the candidate, and where the electoral deposit is paid from the pre-election fund, to the pre-election fund.’

Article 39. In Article 72 of the Code:

- a. to replace the words in clause 2, “by clauses 1 and 2” by “clauses 1”;
- b. recognise sub-clause 1 of clause 2 as ineffective; and
- c. the wording of sub-clause 6 of clause 2 shall read as follows:
“6. declarations of property and incomes of the nominated citizen, as prescribed by the provisions of the RoA “Law on Declaration of Property and Incomes of Leading Officials of Government Bodies of the Republic of Armenia.”

Article 40. In Article 73 of the Code:

- a. recognise sub-clause 2 of Clause 1 as ineffective; and
- b. to add a new paragraph to Clause 1 with the following contents:
“In the event inaccuracies are discovered in the documents submitted for registration of a presidential nominee or some documents are missing, the Central Electoral Commission shall provide 48 hours to eliminate the said inaccuracies or to complete the documents. Registration shall be denied where the inaccuracies are not eliminated or the documents are not completed within this period.”

Article 40.1. In Article 79 of the Code:

- a. to add a new paragraph to Clause 1 with the following contents:
“To pay the electoral deposit, the candidate for the President of the Republic may use the resources of the pre-election fund.”
- b. in clause 4 replace the figure “60 000” by the figure “70 000”; and
- c. in clause 6, after the words “shall be returned” add the words, “to the candidate, and where the electoral deposit is paid from the pre-election fund, to the pre-election fund”; replace the words “one month” by “three months.”

Article 42. In Article 81 of the Code:

- a. in clause 2, after “TV” add “allocating equal time for news coverage of the pre-election campaign and”, and, after “opportunities”, “surveillance over which shall be implemented by the Television and Radio National Commission.”; and
- b. after clause 4, add as clause 4.1”
“4.1. During the second phase of elections of the President of the Republic, the presidential nominee may use no more than 15 minutes of free air time of the public television, and no more than 25 minutes of free air time of the public radio, and he/she may use no more than 25 minutes of paid air time of public television and no more than 35 minutes of paid air time of the public radio, at the expense of the pre-election fund.”

Article 43. In Article 82/3 of the Code replace the figure “5” with the figure “3”.

Article 44. In Article 83/1 of the Code replace the figure “60” by the figure “63²”, and replace the words “by Article 63/3” by “Article 63²/3”.

Article 45. In Article 89 of the Code:

- a. remove the word “bloc” from clause 1; and
- b. recognize clause 4 as invalid.

Article 46. Recognise Article 92/2 of the Code as invalid.

Article 47. Recognise Article 93/2 of the Code as invalid.

Article 48. The wording of Article 94 of the Code shall read as follows:

“The number of Deputies to the National Assembly shall be determined by the Constitution of the Republic of Armenia.”

Article 49. In Article 95 of the Code:

- a. in clause 2, to replace the words, “75 Deputies” by “70 per cent of Deputies”; and
- b. in clause 3, to replace the words, “56 Deputies” by “30 per cent of Deputies.”

Article 49.1. Remove the words, “Ministers, Deputy Ministers, the Mayor of Yerevan, Deputy Mayor of Yerevan, Marzpets/Governors, Deputy Marzpets/Governors and Community Leaders” from Article 97/2 of the Code.

Article 49.2. After Article 97 of the Code, add a new Article, Article 97¹:

“Article 97¹. Restrictions on Pre-Election Campaigns of Candidates Who Hold Political/Discretionary Posts or are Public/Civil/Community Servants

Candidates who hold political/discretionary posts or are public servants, shall conduct a pre-election campaign on general bases, in view of the restrictions provided in this Article:

1. Conduct of the pre-election campaign whilst performing official duties or any abuse of office to gain advantage during the elections shall be prohibited.
2. It is prohibited to use premises, vehicles and communications, material and human resources allocated for performance of their official duties, for purposes of pre-election campaign, with the exception of measures applied to top officials liable to government protection as prescribed by the Law of the Republic of Armenia “On Ensuring the Safety of Persons Liable to Special Government Protection”.

For pre-election campaign purposes, public resources (state property) shall be used by such candidates on general bases.

3. Coverage of the activities of these candidates by mass media is prohibited, except with the cases provided by the Constitution, official visits and receptions, as well as measure undertaken and carried out by them during natural disasters.”

Article 50. In Article 99/8 of the Code add the word “blocs” after the word “parties.”

Article 51. In Article 100 of the Code:

- a. in clause 2, replace the figure “5” by “15”;
- b. in clause 3, recognise sub-clauses 3, 4, 5 and 7 as invalid;
- c. in clause 8, after the words, “shall be returned”, add the words, “to the party/bloc, and where the electoral deposit is paid from the pre-election fund, to the pre-election fund.”; and
- d. recognise sub-clauses 6, 9, 10 as invalid.

Article 52. In Article 101 of the Code:

a. The wording of Clause 1 shall read as follows:

“1. The party/bloc voter list shall be registered where the party has within the specified time period submitted as required by this Code:

1. the receipt of payment of the electoral deposit in the amount of 4000 times the minimum salary;
2. a statement to the effect that the candidates nominated by the party voter list have been a national of the Republic of Armenia for the recent five years;

3. a statement to the effect that the candidates nominated by the party voter list have had permanent residence in the Republic of Armenia for the recent five years; and
4. declarations of property and incomes of the nominee, as prescribed by the provisions of the RoA “Law on Declaration of Property and Incomes of Leading Officials of Government Bodies of the Republic of Armenia.”

Article 53. In Article 102 of the Code:

- a. recognise 1/1 as invalid;
- b. add a new paragraph to clause 1 with the following contents:

“In the event inaccuracies are discovered in the documents submitted for registration of a party voter list or some documents are missing, the Central Electoral Commission shall provide 48 hours to eliminate the said inaccuracies or to complete the documents. Registration shall be denied where the inaccuracies are not eliminated or the documents are not completed within this period, and the party list shall be registered where the inaccuracies are eliminated or the documents are completed.”;
- c. add a new paragraph to clause 2 with the following contents:

“In the event inaccuracies are discovered in the documents submitted for registration of a citizen on the party voter list or some documents are missing, the Central Electoral Commission shall provide 48 hours to eliminate the said inaccuracies or to complete the documents. Registration shall be denied where the inaccuracies are not eliminated or the documents are not completed within this period.”

Article 54. In Article 104 of the Code:

- a. in the title add the words “and blocs” after the word “parties”;
- b. the wording of clause 1 shall read as follows:

“1. Parties/blocs shall be entitled to nominate candidates for National Assembly Deputies by majority system.”
- c. in clause 2, add the words “and blocs” after the word “parties”; and
- d. remove the words, “by secret vote“ from clause 3 add a new paragraph with the following contents:

“Blocs shall nominate candidates for National Assembly Deputies by majority system by a decision endorsed by permanently functioning bodies of the member parties.”

Article 55. Recognise Article 105/4 of the Code as invalid.

Article 56. In Article 106 of the Code:

- a. in clauses 1 and 2, add the words “of blocs” after the words “of party”; and
- b. in clause 1, after the word “Decision [passed]” add the words “or endorsed by permanently functioning bodies of the member parties”, and recognise sub-clause 6 as invalid.

Article 57. Recognise Article 107 of the Code as invalid.

Article 58. In Article 108 of the Code:

- a. recognise 2/1 as invalid, and in sub-clause 2 replace the figure “100” by “150”;
- b. add a new Sub-clause to clause 2, with the following contents:

- “5. declarations of property and incomes of the nominated citizen, as prescribed by the provisions of the RoA “Law on Declaration of Property and Incomes of Leading Officials of Government Bodies of the Republic of Armenia.”
- c. in clause 3, after the words “shall be returned” add the words, “to the candidate, and where the electoral deposit is paid from the pre-election fund, to the pre-election fund”;
 - d. recognise 4/1 as invalid;
 - e. add a new paragraph to clause 4 with the following contents:
“In the event inaccuracies are discovered in the documents submitted for registration of a citizen as a candidate for Deputy or some documents are missing, the Territorial Electoral Commission shall provide 48 hours to eliminate the said inaccuracies or to complete the documents. Registration shall be denied where the inaccuracies are not eliminated or the documents are not completed within this period, and the candidate shall be registered where the inaccuracies are eliminated or the documents are completed.”; and
 - f. in clause 6, replace “shall be returned” by “shall be transferred to the National Budget.”

Article 59. In Article 112 of the Code:

- a. add a new paragraph to clause 4 with the following contents:
“A candidate for Deputy and the party/bloc that has nominated voter lists for the National Assembly proportional elections may use the resources of the pre-election fund to pay the electoral deposit.”
- b. in clause 2 add the words “and blocs” after the word “parties” and remove the second sentence; and
- c. add a new clause, clause 6, with the following contents:
“6. The resources left in the pre-election fund after the elections shall be used after the procedure stated by Article 79/6 of this Code.

Article 60. In Article 114 of the Code:

- a. at the end of the first sentence of clause 3 add the words, “through one printing house”; and
- b. in clause 7 replace the figure “5 “ by “3”.

Article 61. In Article 115 of the Code:

- a. in clause 1, replace the figure “63” by “63²”;
- b. amend clause 2:
“Mandates envisaged for the National Assembly proportional system are distributed among the party/bloc voter lists which have received at least 5 per cent and 7 per cent respectively of the total number of votes cast for all party/bloc voter lists running in the elections and the number of inaccuracies. In case only one party/bloc voter list has received at least 5 per cent and 7 per cent respectively of the total number of votes cast for all party/bloc voter lists and the number of inaccuracies, the two parties/blocs that have received the next maximum votes participate in the distribution of the mandates. Where up to three parties/blocs run in the elections to the National Assembly by way of the proportional system, all the parties/blocs shall participate in the distribution of mandates.”

Article 62. In Article 116/1 of the Code replace the figure “62” by “63¹”.

Article 63. In Article 117 of the Code:

- a. remove the words “and receive the official papers for supporting the nomination from the Central Electoral Commission no earlier than 65 and no later than 60 days prior to the voting day” from clause 3;
- b. remove the words “and receive the official papers for supporting the nomination from the Territorial Electoral Commission no earlier than 65 and no later than 60 days prior to the voting day” from clause 6; and
- c. recognise clause 9 as invalid.

Article 64. In Article 120 of the Code:

- a. remove the first sentence from clause 1;
- b. replace the words “seven” in 2/1, “ten” in 2/2 and “fifteen” in 2/13 by “five”, “seven” and “eleven” respectively; and
- c. amend clause 3 as follows:
“3. For the election to the community council one multi-mandate majority constituency shall be formed on the territory of the community.”

Article 65. In Article 122 of the Code:

- a. in clause 1 replace the word “one’ by “two”; and
- b. in clause 2 replace the word “one’ by “two”.

Article 66. In Article 123 of the Code:

- a. in clause one, replace the words “100 times” and “20 times” by “150 times” and “30 times” respectively;
- b. in clauses 2 and 3, after the words, “shall be returned”, add the words, “to the candidate, and where the electoral deposit is paid from the pre-election fund, to the pre-election fund”;
- c. in clause 5/2 and clause 5/3, replace the word “one’ by “two”, and amend clause 5/4 as follows:
“4. declaration of property and incomes of the citizen nominated for candidate.”
- d. remove the second sentence from clause 8; and
- e. add a clause after clause 8:
“9. The same person cannot be elected to the post of the community leader for more than two terms successively.”

Article 67. Add a new paragraph to Article 124/2 of the Code:

“In the event inaccuracies are discovered in the documents submitted for registration of a nominated candidate for community leader or councilor, or some documents are missing, the Territorial Electoral Commission shall provide 48 hours to eliminate the said inaccuracies or to complete the documents. Registration shall be denied where the inaccuracies are not eliminated or the documents are not completed within this period, and the candidate shall be registered where the inaccuracies are eliminated or the documents are completed.”

Article 67.1. In Article 128 of the Code:

- a. add a new paragraph to clause 1:
“A nominated candidate for community leader or councilor may use the resources of the pre-election fund to pay the electoral deposit.”
- b. add a new clause, clause 3:

“3. The resources left in the pre-election fund after the elections shall be used after the procedure stated by Article 79/6 of this Code.”

Article 68. In Article 130/4 of the Code replace “5” by “3”.

Article 69. In Article 132/3 of the Code replace “62” by “63¹”.

Article 70. In Article 133/1 of the Code replace “62” by “63¹”.

Article 71. In Article 134 of the Code:

- a. recognise clauses 1 and 2 as invalid;
- b. amend clause 4 as follows:

“4. In one multi-mandate majority constituency the candidates for councilors shall be elected who have received a maximum number of “for” votes, in the number specified by Article 120/2 of this Code. Upon receiving equal votes, lots shall be drawn after the procedure established by the Central Electoral Commission.”

Article 72. In Article 135/2 replace the figure “60” by “90”.

Article 73. Recognise Article 136 of the Code as invalid.

Article 74. Amend Article 139/2, 139/5, 139/7, 139/23 and 139/28 as follows:

2. violating the procedure and timeframes of making voter lists;
5. hiding ballot envelopes, adding new ballot envelopes into the ballot box;
7. faking ballot envelopes, ballot papers and electoral commission seals;
23. deceiving a person who is unable to vote on his/her own; and
28. not destroying and not returning electoral commission seals.

Article 75. Transitional Provisions

1. Within one month upon this Law’s entry into force a new Central Electoral Commission shall be created, and within one month of formation of the Central Electoral Commission, Territorial Electoral Commissions shall be created.
2. Within one month of its creation, the Central Electoral Commission shall establish the procedure for organising professional courses for electoral commission members and granting qualifications.

The professional courses for members of the Central Electoral Commission and the Territorial Electoral Commissions shall be organised since September 1 2005, and for the candidates for members of Precinct Electoral Commissions, since January 1 2006.”

Article 76. This Law shall take legal effect as of July 1 2005.

Draft

The Law of the Republic of Armenia

**“On Making an Ammendment to the the Law of the Republic of Armenia
on Local Self-Government”**

Article 1. Recognise as invalid Article 33/2/2 of the Law: “2. makes voter lists.”

Article 2. This Law shall take effect on the tenth day following official promulgation.

Draft

The Law of the Republic of Armenia

**“On Making an Ammendment to the Law of the Republic of Armenia
“On “Remuneration of Civil Servants”**

Article 1. The wording of Article 16/1/1 of the Law shall read as follows:

“After the procedure established by the Law of the Republic of Armenia “On Civil Service”, during attestation and training of civil servants and the entire course of the competition to occupy Civil Service vacancies, as well as in the manner stipulated by the RoA Electoral Code, the acting salary of the civil servant appointed as a member of Precinct Electoral Commission shall be preserved in the same size”.

Article 2. This Law shall take effect on the tenth day following official promulgation.

Draft amendments to the Electoral Code of Armenia**Draft provisions on complaints and appeals – Articles 40¹, 40² and 40³
Version of 22 March 2005**

Article 40¹. The appeal against decisions, activities and inactivity of the electoral commissions

1. The applications about filing an appeal against the decisions, activities (inactivity) of the district electoral commissions, including applications about demand to re-count the results of voting are submitted to the district electoral commission.
2. The applications about filing an appeal against the decisions, activities (inactivity) of the district electoral commissions are submitted to the relevant courts of the first instance, except for the decisions about summarizing the results of majority system elections of the National Assembly and local self-governing bodies.
3. The decisions, activities (inactivity) of the Central Electoral Commission, except for the decisions about summarizing the results of the elections, can be appealed in the Court of Appeals.
4. The Central Electoral Commission reserves the right to cancel the decision of the district electoral commission and make a relevant decision about the issue, which is subject to mandatory execution by the district electoral commission. The requirement of this clause is not applied to the decisions made by the district electoral commission about electing a member of the parliament in majority system, head of the local self-governing body or member of community council.
5. The decisions of the electoral commission, the activities or inactivity of the electoral commission and (or) official of the electoral commission can be appealed within two days after the promulgation of the decision; discovering the violation of legislation as a result of execution of the activity or inactivity, however, no later than five days after the voting up to 12 pm, except for the cases established by the paragraphs 6, 9 and 12 of this article.
6. The applications about the demand to re-count the results of voting in district electoral commission can be submitted only to the relevant district electoral commission up to 2 pm of the following day of the voting.
7. After appointing the elections up to the summary of the results of the elections within five days the electoral commissions answer the applications and in cases established by this law make decisions about them. The applications received during 5 days preceding the day of voting or set up for the summary of the results of the elections are discussed and decisions are made in cases established by this Code respectively at least on the eve of the elections or before summarizing the results of the elections.
8. The courts make decisions about the applications on appealing the decisions, activities (inactivity) of the electoral commission in terms established by the paragraph 7 of this Article. Those decisions are final and become effective from the moment of their promulgation.
9. The disputes about the results of the elections, except for the results on the elections of local self-governing bodies, are settled down the Constitutional Court of the Republic of Armenia.
10. The decision of the district electoral commission about the results of the elections on the leader of local self-governing bodies can be appealed:
 1. court of first instance – in case rural communities;

2. court of appeal – in case of urban communities (Yerevan communities).

11. The decision of the district electoral commission about the elections of the community council can be appealed in the court of first instance.

12. The decision of the district electoral commission about the elections of the local self-governing bodies can be appealed within 3 days after the decisions are made.

13. In case of declaring void the results of the voting in the precinct the number of the participants to the voting in that precinct is registered as the size of inaccuracies in the precinct and in order established by this law it is taken into account while summarizing the results of the elections.

14. In case of declaring void the results of the voting in the precinct a criminal case is filed in regard of that case.

Article 40². Order of considering the applications (appeals) and recommendations in the electoral commissions

1. The applications (appeals) and recommendations are considered and answered in the electoral commissions in the terms established by the legislation of the Republic of Armenia, except for cases established by this Code.

2. In the electoral commissions only those applications (appeals) and recommendations (hereinafter referred to as applications) are received, input and considered, which are addressed to the given electoral commission.

3. The application shall be signed by the applicant, contain his/her name, surname, address of residence, data, month and year of submission. The applications with without the aforementioned information and (or) applications with false data about the applicant will be deemed as unsigned and will not be considered.

4. The application is submitted to the electoral commission, which has the jurisdiction to solve the issue. The application received is input in the electoral commission and by the chairman of the commission and in case of his absence the deputy chairman of the commission is addressed to the member of the commission. The issues of the application are studied by the member of the commission and a recommendation is submitted to solve them.

5. About the issues requiring operative decision the electoral commissions take the relevant measures.

6. The answer to the application is sent to the applicant by the signature of the chairman or deputy chairman of the commission. The commission member having prepared the answer of the application signs the copy of the application answer kept in the commission.

7. The members of the commission and proxies, observers and representatives of media are regularly informed about the applications input in the electoral commissions and their follow up.

Article 40³. Order of re-counting the results of voting of district electoral commission in the precinct electoral commission

1. The candidate, the member of the district electoral commission having presented a special opinion and the proxies registered in the given district reserve the right to appeal against the results of the voting of that district in order and terms established by the law by submitting an application about the demand on re-counting the results of the voting in the district to the relevant precinct commission.

2. The application about the demand on re-counting the applicant in person shall submit to the precinct electoral commission by presenting an ID and in case of proxy also the ID of a proxy.

3. The application of demand on re-counting shall contain the name, surname, address of residence of the applicant and the number of the district commission, in which a re-counting is demanded, as well as the results of the voting (if several voting have taken place at the same time), about which a re-counting is demanded.
4. If several voting have taken place at the same time, then the member of the district electoral commission may submit an application about the demand on re-counting only for the result of the voting, for which he/she has submitted a special opinion.
5. If several voting have taken place at the same time, individual applications are submitted with the demand of re-counting the results of each voting.
6. The precinct electoral commission makes a record about the application of demand on re-counting in the registry book as by sequence – mentioning the time the application was received.
7. The applications of demand on re-counting are received and recorded in the established order in the registry book in the precinct electoral commissions on the next the of the voting up to 2 pm. The re-counting activities in the precinct electoral commission are begun two days after the voting from 9 am. While re-counting the precinct electoral commission works without rest days from 9 am till 6 pm, if no decision has been made by the commission about extending the work time.
8. The precinct electoral commission re-counts the results of the voting as by the sequence of the input of the applications of demand on re-count in accordance with the requirements of summarizing the results of the voting results established by this Code.
9. The duration of re-count of the results of voting of each electoral district shall not be more than 5 days.
10. With the results of the re-count the precinct electoral commission makes a protocol about the results of re-count of voting in the district electoral commission. Upon the demand of the members of the commission, observers and proxies the copies of the summary protocols are provided with them.
11. At the re-count activities of the voting in the precinct electoral commission there can be present the persons, who are entitled to be present at the sessions of the electoral commission stipulated by this law. The absence of the persons having submitted the application with the demand on re-count of the results of the voting is not a basis for not having re-count or suspending it.
12. The re-count activities of the results of the voting in the precinct electoral commission are terminated at 2 pm five days after the voting day.
13. The precinct electoral commission turns down the application with demand on re-count of the voting results and does not re-count, if the demand on re-count of the voting results has been made in violations of the requirements of this article.

**(Considerations on the formation of the Central Electoral Commission;
Territorial Electoral Commissions and Precinct Electoral Commissions)
5 April 2005**

The Central Electoral Commission shall be formed:

Option 1: One member each shall be appointed on the validated decision of the regularly acting body(ies) of each party or party alliance having a faction in the current or dissolved National Assembly;

b. One member is appointed by the President of the Republic of Armenia;

c) One member is appointed on the decision of a Deputy Group functioning in the National Assembly as of January 1, 2005. After the National Assembly elections the authority to appoint the member nominated for the above-mentioned place shall be transferred to the Constitutional Court;

d) One member is appointed by the Court of Cassation of the RA.

Option 2: One member each shall be appointed on the validated decision of the regularly acting body(ies) of each party or party alliance having a faction in the current or dissolved National Assembly;

b) One member is appointed by the President of the Republic of Armenia;

c) One member is appointed by the Constitutional Court of the RA;

d) One member is appointed by the Court of Cassation.

Members of **Territorial Electoral Commissions** shall be appointed by the members of the Central Electoral Commission, with the principle of one member of the Central Electoral Commission- one member of Territorial Electoral Commission.

Option 1: Members of the Constitutional Court and Court of Cassation in the Central Electoral Commission appoint the members of Territorial Electoral Commissions from within the general composition of judges, with the principle of one member of the Central Electoral Commission- one member of Territorial Electoral Commission.

Option 2: Members of the Constitutional Court and Court of Cassation in the Central Electoral Commission appoint the members of Territorial Electoral Commission from within the general number of persons having participated in the training courses and obtained appropriate qualification, with the principle of one member of the Central Electoral Commission- one member of Territorial Electoral Commission.

Members of **Precinct Electoral Commission** shall be appointed by the members of Territorial Electoral Commission with the principle of one member of Territorial Electoral Commission- one member of Precinct Electoral Commission.

At the same time we inform that as a result of electoral reforms it is envisaged to form electoral commissions by including only those persons, who have participated in training courses and obtained appropriate qualification.