



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

STABILITY OF THE ELECTORAL LAW

Draft interpretative declaration
prepared by the Secretariat

I. The Code of good practice in electoral matters (CDL-AD(2002)023rev, item II.2.B) states :

“The fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.”

II. The Venice Commission interprets this text as follows:

1. The principle according to which the fundamental elements of electoral law should not be open to amendment less than one year prior to an election does not take precedence over the other principles of the Code of Good Practice in Electoral Matters.

2. It should not be invoked to maintain a situation contrary to the norms of European electoral heritage, or to prevent the implementation of recommendations by international organizations.

3. This principle only concerns the fundamental rules of electoral law, when they appear in ordinary law.

4. In particular, the following are considered fundamental rules :

- the electoral system proper, i.e. rules relating to the transformation of votes into seats;
- rules relating to the membership of electoral commissions or another body which organises the ballot;
- the drawing of constituency boundaries and rules relating to the distribution of seats between the constituencies.

5. In general any reform of electoral legislation to be applied during an election should occur early enough for it to be really applicable to the election.