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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 :

1. “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:

2. 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.

3. It should not be invoked to maintain a situation contrary to the norms of European electoral heritage, nor prevent the implementation of recommendations by international organizations.

4. This principle only concerns the fundamental rules of electoral law, in particular the electoral system in the narrow sense, when they appear in ordinary law.

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.