



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 4 September 2006

CDL-EL(2006)028
Engl. only

Opinion No. 381/2006

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ELECTORAL CODE OF BELARUS (Extracts)

Electoral Code of the Republic of Belarus

No. 370-Z of February 11, 2000

*[Code contains all the later amendments and alterations. Last amendments of this Code:
Law of the Republic of Belarus No. 183-Z of January 4, 2003]
(extractions)*

General Part

Section 1. General Provisions. Main Principles of Electoral System, Holding of Referendum (People's Voting)

Chapter 1. General Provisions

Article 1. Relations Regulated by the Present Code

The present Code is regulating relations arising at preparation and holding of elections of the President of the Republic of Belarus, elections and recall of Deputies of the Chamber of Representatives of the National Assembly of the Republic of Belarus (hereinafter — the Chamber of Representatives), Members of the Council of the Republic of the National Assembly of the Republic of Belarus (hereinafter — Council of the Republic), Deputies of local Councils of Deputies of the Republic of Belarus (hereinafter — local Councils of Deputies), as well as at preparation and holding of a referendum (people's voting) (hereinafter — the referendum), and establishes the warranties ensuring free will of citizens of the Republic of Belarus.

Article 2. Legal Basis of Electoral System, Referendum

The legal basis of the electoral system, referendum is made by the Constitution of the Republic of Belarus, the present Code and other acts of legislation of the Republic of Belarus, Decisions of the Central Commission of the Republic of Belarus for Elections and Holding of the Republican Referendums (hereinafter — the Central Commission).

Chapter 2. Main Principles of Electoral System, Holding of Referendum

Article 3. Main Principles of Holding of Elections and Referendum

Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies are free and are held on the basis of universal, equal and direct suffrage at vote by secret ballot.

Elections of Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies are held in one-mandate constituencies.

Elections of Members of the Council of the Republic are held on the basis of equal and indirect suffrage at vote by secret ballot.

The referendum is held by universal, free, equal and secret ballot.

Article 4. Universal Suffrage and Right of Participation in Referendum

Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies and referendum are universal: the right to elect, to participate in the referendum belongs to citizens of the Republic of Belarus who have reached 18 years of age.

Citizens recognized incapable by the court, persons kept by the court verdict in places of deprivation of liberty do not participate in elections, referendum. Persons in relation to whom, in the order established by the criminal procedural legislation, the measure of preventive punishment – custody was elected do not take part in voting.

Article 5. Free Elections and Participation in Referendum

Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies, participation in referendum are free: a voter, participant of the referendum takes his/her personal decision whether to participate in elections, referendum, for whom to vote at elections, for what to vote at the referendum.

Article 6. Equal Suffrage and Right of Participation in Referendum

The voters, participants of the referendum are taking part, respectively, in elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies and referendum on equal grounds: each voter, participant of the referendum has one vote.

Elections of Members of the Council of the Republic are equal: each Deputy of local Council of Deputies of the basic level has one vote.

Candidates elected to state positions take part in elections on equal grounds.

Article 7. Direct Suffrage, Right of Direct Will at Referendum

Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of local Councils of Deputies are direct. The president of the Republic of Belarus is elected directly by the people of the Republic of Belarus. Citizens elect the Deputies directly.

Citizens participate in the referendum on the basis of direct will.

Article 8. Indirect Suffrage

Elections of Members of the Council of the Republic are indirect: Members of the Council of the Republic are elected at sittings of Deputies of local Councils of Deputies of the basic level of each Oblast and Deputies of the Minsk City Council of Deputies.

Article 9. Vote by Secret Ballot

Voting at elections and referendum is secret: control over the will of voters, participants of the referendum during voting is forbidden.

Article 11. Ensuring of Holding of Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies, Referendum, Recall of Deputies by Commissions

Holding of elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of local Councils of Deputies, referendum, recall of Deputies is ensured by commissions formed of representatives of political parties, other public associations, labour collectives, as well as representatives of citizens nominated into the structure of the commission by submission of an application. Commissions execute control over fulfilment of the legislation on elections, referendum and recall of Deputies.

Commissions at preparation and holding of elections, referendum, recall of Deputies within the limits of the authorities established by the legislation of the Republic of Belarus, are independent of state bodies and bodies of territorial public self-government.

Decisions of commissions adopted within the limits of their authorities, are mandatory for fulfilment by all state bodies, political parties, other public associations, firms, entities, organisations (hereinafter — organisations), as well as by citizens.

Article 13. Publicity at Preparation and Holding of Elections, Referendum, Recall of Deputy of Chamber of Representatives, Member of Council of the Republic, Deputy of Local Council of Deputies

Preparation and holding of elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Members of the Council of the Republic, Deputies of local Councils of Deputies, referendum, recall of a Deputy of the Chamber of Representatives, Members of the Council of the Republic, Deputy of local Council of Deputies are executed openly and publicly.

The President of the Republic of Belarus, Chamber of Representatives, Council of the Republic, Council of Ministers of the Republic of Belarus, Ministry of Foreign Affairs of the Republic of Belarus, Central Commission shall invite foreign (international) observers from foreign states and international organisations.

Central Commission shall accredit foreign (international) observers. The term of authority of foreign (international) observer shall begin from the day of his (her) accreditation and shall end at the day of publication of results of election, referendum, recall of Deputy or Member of the Council of the Republic.

Foreign (international) observers shall execute observation in the order stipulated by the part 4 of the present Article. Foreign (international) observers shall also have rights to meet candidates, proxies of candidates, as well as after the day of holding of election express his (her) opinion about the legislation of the Republic of Belarus on elections, referendum, recall of Deputy or Member of the Council of the Republic, hold press-conferences and refer to mass media.

Foreign (international) observers shall not have a right to use his (her) status for performing activity having no connection with observation for preparation and holding of election, referendum, recall of Deputies or Member of the Council of the Republic.

Central Commission shall have a right to deprive foreign (international) observer of accreditation in the case he (she) violates the legislation of the Republic of Belarus or universal principles and norms of the International Law.

The relevant commissions, local representative, executive and administrative bodies inform the citizens on their work on preparation and holding the elections, referendum, recall of the deputy of the Chamber of Representatives, member of the Council of Republic, deputy of local Council of Deputies, on formation of election districts, on composition, place of location and time of work of commissions, lists of citizens having the right to participate in elections, referendum, voting on recall of deputy, on candidates and results of voting, elections, referendum or recall.

At holding elections, referendum, recall of a deputy, member of the Council of Republic the observers – deputies of the Chamber of Representatives, members of the Council of Republic, deputies of local Councils of Deputies, authorized persons of the candidates to presidency of the Republic of Belarus, candidates to deputies, representatives of political parties, other public associations, working collectives, citizens, foreign (international) observers and also representatives of mass media in order established by the Central Commission.

An observer has the right to:

- be present at the meetings of relevant commissions;

- be present at the meetings of deputies of local Councils of Deputies of the basic level of oblast, deputies of Minsk City Council of Deputies on electing the members of the Council of Republic, and also on recall of the member of the Council of Republic;

- be present at sealing of the ballot boxes;

- be on the day of voting in buildings for voting from the moment of sealing of ballot boxes till the end of sizing up the results of voting;

- be present at pre-term voting or voting in place of citizens whereabouts;

- observe the issue of ballots, course of voting, observance of voting procedure established by the present Code;

- turn to the head of the district or counting commission or his deputy with proposals and comments on questions of organization of voting;

- receive information on results of the voting counting and drawing up the protocols of the relevant commissions on the results of elections, referendum or voting on recall of the deputy;

- familiarize with the protocols of district commissions on the results of voting and protocols of the relevant commissions on the results of elections, referendum, voting on recall of deputy signed and directed to superior commission in accordance with the present Code;

to make a copy of the protocol of the district commission on results of voting on their own and by their own means;

familiarize with the decision of the meetings of the deputies of local Council of Deputies of the basic level of oblast, deputies of Minsk City Council of Deputies on elections of the members of the Council of Republic and also on the recall of the member of the Council of Republic.

An observer has no right:

to agitate in any form;

to render to the candidates to presidency, candidates to deputies of the Chamber of Representatives, to the members of the Council of Republic, in deputies of local Council of Deputies any informational, methodological, financial or other assistance;

to create obstacles in holding the voting;

to take measures violating the secret of voting;

to carry out the surveys of citizens who have come for voting and who have voted;

to fill in the ballot for a citizen under his request;

to create obstacles for normal work of commissions, meetings of deputies of local Council of Deputies of basic level of oblast, deputies of Minsk City Council of Deputies and holding the voting;

to be at the tables of ballot issue, at the cabins and ballot boxes;

to interfere with the work of commissions, meetings of deputies of local Councils of Deputies of oblast basic levels or deputies of Minsk City Council of Deputies.

Foreign (international) observers from foreign states and international organizations are invited to the Republic of Belarus by the President of the Republic of Belarus, Chamber of Representatives, Council of Republic, Council of Ministers of the Republic of Belarus, Ministry of Foreign Affairs of the Republic of Belarus and Central Commission.

Foreign (international) observers are accredited by the Central Commission. The term of powers of foreign (international) observer starts from the day of his accreditation and ends on the day of publishing the results of elections, referendum, recall of deputy or member of the Council of Republic.

Foreign (international) observers observe in order provided by part four of the present article. Foreign (international) observers have also the right to meet the candidates, authorized persons of candidates, and after the day of voting to express their opinion on legislation of the Republic of Belarus on elections, referendum, recall of deputy or member of the Council of Republic, to hold press-conferences and to turn to mass media.

Foreign (international) observers have no right to use their status to carry out the activity not connected with observing the preparation and holding the elections, referendum, recall of deputy or member of the Council of Republic.

Central commission has the right to deprive a foreign (international) observer the accreditation in case of his violation of legislation of the Republic of Belarus or generally recognized principles and rules of international law.

Mass media cover preparation and holding the elections, referendum, recall of deputy or the member of the Council of Republic in accordance with legislation of the Republic of Belarus. Representatives of mass media have the right to be present at the meetings of commissions, in the buildings for voting, on meetings of deputies of local Councils of Deputies of the basic oblast level, deputies of Minsk City Council of Deputies on elections of the members of the Council of Republic and also on recall of the member of the Council of Republic.

Interference of persons mentioned in part three of the present article with the work of the commissions, holding the meetings of the deputies of local Councils of the Deputies of basic oblast level, deputies of Minsk City Council of Deputies is prohibited. Persons impeding the work of the commissions, holding the meetings of local Councils of the Deputies of basic oblast level, deputies of Minsk City Council of Deputies and also impeding the voting are dismissed from the meetings or from the buildings for voting under the order of the heads of relevant commissions, chairmen of the meetings of deputies of local Councils of the Deputies of basic oblast level or deputies of Minsk City Council of Deputies.

Section 2. Constituencies, Precincts. Lists of Citizens Having the Right to Participate in Elections, Referendum, Voting on Recall of Deputy

Chapter 3. Constituencies

Article 14. Constituency for Elections of President of the Republic of Belarus

Elections of the President of the Republic of Belarus are held over the united constituency comprising the whole territory of the Republic of Belarus.

Article 15. Constituencies for Elections of Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies

For holding elections of Deputies of the Chamber of Representatives 110 constituencies are formed in the territory of the Republic of Belarus.

From each constituency one Deputy is elected.

Chapter 4. Precincts

Article 17. Precincts

For holding of voting and vote counting at elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of local Councils of Deputies, at referendum, recall of a Deputy, the territory of districts, cities, urban districts is divided into precincts.

Precincts are formed with the number of not less than 20 and no more than 3000 voters, participants of the referendum.

Precincts may be formed in sanatoriums, prophylactoriums, rest homes, hospitals and other stationary treatment-prophylactic institutions. Precincts are and formed in military units.

Chapter 5. Lists of Citizens Having the Right to Participate in Elections, Referendum, Voting on Recall of Deputy

Article 19. Lists of Citizens Having the Right to Participate in Elections, Referendum, Voting on Recall of Deputy, and Order of Compiling Them

Lists of citizens having the right to participate in elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of local Councils of Deputies, referendum, voting on recall of a Deputy of the Chamber of Representatives, Deputy of Local Council of Deputies, are made for each precinct and are signed by the chairperson and secretary of local commission.

Article 21. Acquaintance with Lists of Citizens Having the Right to Participate in Elections, Referendum, Voting on Recall of Deputy. Right of Appeal against Irregularities in the List

Lists of citizens having the right to participate in elections, referendum, voting on recall of a Deputy, are presented for universal acquaintance 15 days prior to elections, referendum, voting on recall of a Deputy.

Citizens shall be ensured the capability to get acquainted with the list and to check correctness of its compiling in the room of the local commission.

Every citizen shall have the right to appeal against non-inclusion, wrong inclusion or exclusion from the list, as well as against discrepancies found in the list concerning data on the citizen.

Section 3. Authorities of the President of the Republic of Belarus, State Bodies in Organisation of Preparation of Elections, Referendum, Recall of Deputy, Member of the Council of the Republic. System and Authorities of Commissions for Holding of Elections, Referendum, Voting on Recall of Deputy

Chapter 6. Authorities of the President of the Republic of Belarus, State Bodies in Organisation of Preparation of Elections, Referendum, Recall of Deputy, Member of the Council of the Republic

Article 22. Authorities of the President of the Republic of Belarus in Organisation of Preparation of Elections, Republican Referendum

The president of the Republic of Belarus shall:

- 1) appoint routine and extraordinary elections of the Chamber of Representatives and determine organizational measures to ensure holding of them;
- 2) appoint routine and extraordinary elections of the Council of the Republic and determine organizational measures to ensure holding of them;

3) appoint routine and extraordinary elections of local Councils of Deputies and determine organizational measures to ensure holding of them;

4) appoint elections of local Councils of Deputies in newly formed administrative and territorial units;

5) at dissolution by the Council of the Republic of a local Council of Deputies appoint elections for this local Council of Deputies;

6) appoint Republican referendum and determine organizational measures to ensure its holding.

Article 23. Authorities of Chamber of Representatives in Organisation of Preparation of Elections, Republican Referendum

The Chamber of Representatives shall:

1) appoint elections of the President of the Republic Belarus and determine organizational measures to ensure holding of them;

2) at consideration of the Republican budget envisage assets for holding of elections of the President of the Republic Belarus, Deputies of the Chamber of Representatives, the Members of the Council of the Republic, Deputies of local Councils of Deputies, Republican referendum.

Chapter 7. System of Commissions for Preparation and Holding of Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies, Referendum, Voting on Recall of Deputy

Article 25. System of Commissions for Preparation and Holding of Elections, Referendum, Recall of Deputies

Preparation and holding of elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies, referendum are ensured by the Central Commission, and also, respectively, electoral commissions for elections of the President of the Republic of Belarus, electoral commissions for elections of Deputies of the Chamber of Representatives, electoral commission for elections of Deputies of local Councils of Deputies, commissions for referendum.

Preparation and holding of recall of a Deputy of the Chamber of Representatives, Deputy of local Council of Deputies are ensured by the Central Commission and commissions for holding of voting on recall of a Deputy.

Article 26. Central Commission

The Central Commission organizes, within the limits of its authorities, holding of elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Members of the Council of the Republic, Deputies of local Councils of Deputies and other persons elected to state positions by the people, holding of Republican referendums, solves problems connected with organisation of recall of Deputies of the Chamber of Representatives and Members of the Council of the Republic, as well as executes control

over the whole territory of the Republic of Belarus over fulfilment of the legislation on elections, referendum, recall of Deputies and Members of the Council of the Republic.

The Central Commission heads the system of electoral commissions and commissions on referendum operational during preparation and holding of elections and Republican referendums.

The Central Commission is a permanent body, it is a legal person, has its seal with the image of the State Emblem of the Republic of Belarus, with its name, an account in the bank.

Chapter 8. Formation, Authorities and Organisation of Work of Central Commission

Article 32. Formation and Organisation of Work of Central Commission

Formation and organisation of the work of the Central Commission are determined by the Law of the Republic of Belarus "On the Central Commission of the Republic of Belarus For Elections and Holding of Republican Referendums".

Article 33. Authorities of Central Commission

The Central Commission shall:

1) organize holding of elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Members of the Council of the Republic, Deputies of local Councils of Deputies and other persons elected to state positions by the people, holding of Republican referendums; executes over the whole territory of the Republic control over fulfilment of legislation on elections, referendum, recall of Deputies and Members of the Council of the Republic; gives explanations of this legislation with the aims of its uniform application, addresses if necessary to subjects possessing the right of legislative initiative with proposals on interpretation of the present Code and other acts of legislation of the Republic of Belarus on elections, referendum, recall of Deputies and Members of the Council of the Republic;

2) execute management over the work of commissions for elections of the President of the Republic of Belarus, electoral commissions, commissions on referendum, commissions on holding of voting on recall of Deputies, hears their information, renders methodical and organisational-technical assistance to these commissions, if necessary decides in essence the problems referred to the competence of subordinate commissions;

3) form constituencies at elections of Deputies of the Chamber of Representatives, and determine the average number of voters per constituency on the Republic of Belarus;

6) Register:

initiative groups of citizens on nomination of candidates for President of the Republic of Belarus;

candidates for President of the Republic of Belarus, their proxies and gives them respective certificates;

an initiative group of citizens on holding of the Republican referendum and questions proposed by it to the Republican referendum;

an initiative group of voters for collection of signatures in support of the proposal about initiation of the question about recall of a Deputy of the Chamber of Representatives;

7) establish observance of equal legal conditions of pre-electoral activities of political parties, other public associations, candidates for President of the Republic of Belarus, candidates for Deputies;

8) determine the order of use of the state-run mass media in pre-electoral campaign;

10) establish forms of ballot-papers and of the list of citizens having the right to participate in elections, referendum, voting on recall of Deputies, minutes of pre-electoral meetings and sittings of commissions and other documents on elections, referendum, recall of Deputies, samples of ballot-boxes and seals of commissions, order of storage of documents on elections, referendum;

13) summarize the outcomes of elections, referendum, publishes the announcement on them in mass media; registers the elected Deputies of the Chamber of Representatives and publishes the list of them in the press; convoke the first after elections session of the Chamber of Representatives

17) consider applications and petitions on decisions and actions of the commissions for elections of the President of the Republic of Belarus, electoral commissions, commissions on referendum, commissions on holding of voting on recall of Deputies and takes decisions on them.

Chapter 9. Formation of Commissions for Elections of the President of the Republic of Belarus, Deputies of Chamber of Representatives, Deputies of Local Councils of Deputies, on Referendum, on Holding of Voting on Recall of Deputy. Order of Change of Structure of Commissions and Organisation of Their Work

Article 35. Order of Nominating Representatives into Territorial, Constituency and Precinct Commissions

Political parties, other public associations, labour collectives of organisations or collectives of their structural subdivisions from among their members, as well as citizens by submission of applications may nominate only one representative each into respective territorial, constituency, local commissions.

The managing bodies of political parties, other public associations nominate representatives into the structure of commissions at their sittings.

Citizens possessing the electoral right also have the right to nominate their representatives into the structure of commissions.

The bodies who are forming the commissions shall have the right to include their representatives into the structure of these commissions.

Article 37. Organisation of Work of Territorial, Constituency and Precinct Commissions

The first sitting of territorial, constituency and precinct commissions is convoked by the bodies who have formed the commissions not later than three days after the date of their formation.

The chairperson, deputy chairperson and secretary of a commission are elected on the first sitting of the respective commission from among its members.

The member of the commission has the right:

to bring in proposals into the agenda of the sittings of the commission, as well as proposal on problems which are included into the competence of the commission;

to speak at sittings of the commission and to demand voting on the proposals brought in;

to ask questions to the participants of the sitting of the commission problems pursuant to the agenda and to receive answers on them in essence;

to get acquainted with the documents and materials of the commission, whose member he/she is, and of subordinate commissions;

to execute other authorities pursuant to the competence of the commission.

The member of the commission is obliged:

to abide the Constitution of the Republic of Belarus, to fulfill the requirements of the present Code and other acts of legislation of the Republic of Belarus on elections, referendum, recall of a Deputy; not to commit actions discrediting the commission;

to participate in sittings of the commission, and in case of impossibility of participation in the sitting, to inform the management of the commission on the fact;

to take part in preparation of sittings of the commission and in checks fulfilled by the commission;

to fulfill decisions of the commission, directions of the commission and its management.

The persons who are members of the structure of the commission have no right to take part in agitation for or against a candidate for President of the Republic of Belarus, for Deputies, for or against a bill or other question brought out to the referendum, for or against recall of a Deputy.

Article 38. Assistance to Commissions in Execution of Their Authorities

State bodies, public associations, organisation, officials are obliged to assist commissions in execution by them of their authorities, to provide data and materials needed for their work.

The commissions have the right to address on issues connected with preparation and holding of elections, referendum, recall of a Deputy, to state bodies, public associations, to the heads of organisations, other officials, who are obliged to consider the question put and give the answer to the commission not later than in three days.

Section 4. Pre-Election Agitation, Agitation on Referendum, Recall of Deputy, Member of the Council of the Republic. Financing of Elections, Referendum, Recall of Deputy, Member of the Council of the Republic. Responsibility for Violation of Legislation on Elections, Referendum, Recall of Deputy, Member of Council of the Republic

Chapter 10. Pre-election Agitation, Agitation on Referendum, Recall of Deputy, Member of the Council of the Republic

Article 45. Pre-election Agitation, Agitation on Referendum, Recall of Deputy, Member of the Council of the Republic

Citizens of the Republic of Belarus, political parties, other public associations, labour collectives, proxies of candidates for President of the Republic of Belarus, for Deputies, initiative groups who are conducting agitation for election of candidates for President of the Republic of Belarus, for Deputies, shall be provided with the right of free and comprehensive discussion of electoral programs of candidates for President of the Republic of Belarus, for Deputies, their political, business and personal qualities, holding of agitation for or against the candidate at gatherings, meetings, in mass media, as well as during meetings with voters.

Voters, initiative groups, proxies of the Deputy have the right to consider freely and comprehensively the problems connected with recall of a Deputy, his/her business and personal qualities, to conduct agitation for or against recall of a Deputy at gatherings, meetings, in mass media, as well as during meetings with voters.

At the meeting of the deputies of local Councils of Deputies of basic level of oblast, deputies of Minsk City Council of Deputies on elections of the members of the Council of Republic or on recall of the member of the Council of Republic every deputy participating in the work of the meeting has the right to freely and comprehensively discuss professional and personal qualities of the candidates to the Council of Republic or the member of the Council of Republic in relation to whom the question on the recall has arisen, to conduct agitation for or against the candidates to the members of the Council of the Republic, for or against the recall of the member of the Council of Republic.

Citizens of the Republic of Belarus, political parties, other public associations, labour collectives are provided with the right of unobstructed agitation for the proposal on holding of a referendum, for the decision brought out to the referendum, as well as against the proposal of holding of a referendum, against the decision brought out to the referendum. Holding meetings with citizens, public discussion of problems (projects of decisions), brought out to the referendum, are executed pursuant to the legislation of the Republic of Belarus about the order of holding of gatherings, meetings, street marches, demonstrations and picketing, and other legislation of the Republic of Belarus.

Foreign citizens have no right to take part in agitation.

Candidates for President of the Republic of Belarus, for Deputies hold meetings with voters at gatherings or in other form convenient for voters.

Local executive and administrative bodies together with the relevant commission are obliged to create conditions for holding meetings of the candidates for President of the Republic of Belarus and for deputies with the voters. Commanders of military units (establishments) shall

create conditions for the meetings of personal staff with the candidates at out-of-service time. The state bodies and organization give premises for those purposes free of charge.

From the moment of registration of candidates for President of the Republic of Belarus or to the deputies, political parties by the relevant commission, labor collectives, citizens having nominated the candidates, candidates for President of the Republic of Belarus and to the deputies have the right to produce pre-election posters, calls, statements, sings, sheets, photo materials (further – posters). For production of posters the candidates for the President of the Republic of Belarus is given from the budget the assets at the amount 2300 basic values, to the candidate for the deputies of the Chamber of Representatives – 50, to the candidates for the deputies of oblast, Minsk City Council of Deputies – 8, to candidate for the region, city (of the city of oblast accountability) Council of Deputies – one basic value. The posters are a printing production, in order to produce of it not special permit is required. Agitation printed materials shall contain information on organizations and persons, responsible for their issue and also on their number of editions. Distribution of the anonymous agitation printed materials is prohibited.

At holding elections of the President of the Republic of Belarus and deputies the relevant commission publishes common posters with bibliographic information about the candidates for the President of the Republic of Belarus or candidates to the deputies balloting in one election district for placing at the voting stations and in other established places. Expenses for these purposes are carried out at the expense of the assets given from the republican budget to preparation and holding the elections.

At holding of elections, referendum, voting on recall of a Deputy, local executive and administrative bodies, as agreed with respective commissions, allocate in the territory of the precinct places most frequently attended by citizens for arrangement of agitation printed materials. Executive and administrative bodies can prohibit to locate the agitation printing material in places not designed for it.

At all precinct not later than 14 days before the elections stands with information materials about candidates shall be arranged. Stands with such information materials are preserved in rooms for voting on the day of elections too. At holding of a referendum, in rooms for voting questions (projects of decisions) brought out to the referendum must be prominently displayed.

Agitation (including appeals to boycott the elections, referendum) on the ballot day shall not be allowed. Agitation printed materials displayed earlier outside the rooms for voting shall remain in their former places.

Article 46. Use of State-Run Mass Media in Pre-Election Campaign, at Holding Referendum

Candidates for President of the Republic of Belarus, for Deputies of the Chamber of Representatives, Deputies of local Councils of Deputies, political parties, other public associations, labour collectives, citizens who have nominated candidates, shall use on equal rights the state-run mass media from the time of registration of candidates.

The state-run mass media, mass media partially funded from the state budget, as well as mass media, one of the founders of which are state bodies or organisations, are obliged to provide equal capabilities for pre-electoral statements of candidates, publication and promulgation of the questions, texts of bills brought out to the referendum, holding of agitation on elections, referendum.

The candidate for President of the Republic of Belarus has the right to publish in all editions of the Republican press indicated in clause two of the present Article above his/her electoral program in volume of up to five printed pages, having presented the text of the above program not later than 20 days before the elections.

Candidate for the Deputy of the Chamber of Representatives has the right to publish in the Republican or local press his/her electoral program in volume of up to two printed pages, having presented the text of the above program not later than 20 days before the elections.

At publication of electoral programs of candidates for President of the Republic of Belarus, for Deputies of the Chamber of Representatives the order of their receipt shall be observed.

Candidates for President of the Republic of Belarus, for Deputies of the Chamber of Representatives shall have the right of charge-free presentations on the state television, as well as on radio broadcasting. The National State Television and Radio Company of the Republic of Belarus shall submit, within 10 days after appointment of elections, to the Central Commission a limit of time for presentations of candidates on the state television, as well as on radio broadcasting. The above broadcasting time shall fall on the period, when TV and radio programs collect the greatest audience.

The order and number of presentations by the candidates for President of the Republic of Belarus, for Deputies of the Chamber of Representatives on television, as well as on radio broadcasting are established by the Central Commission. Presentations of candidates are provided on equal grounds.

Chapter 11. Financing of Elections, Referendum, Recall of Deputy, Member of the Council of the Republic

Article 48. Expenses on Preparation and Holding of Elections, Referendum, Recall of Deputy, Member of the Council of the Republic

Expenses on preparation and holding of elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Members of the Council of the Republic, Deputies of local Councils of Deputies, Republican referendum, recall of a Deputy of the Chamber of Representatives, Members of the Council of the Republic are executed at the expense of the assets of the Republican budget. Expenses on these purposes may also be executed at the expense of assets of organisations, public associations and citizens of the Republic of Belarus, who may transfer their monetary assets to the extra-budgetary fund created by the Central Commission for additional financing of expenses on preparation and holding of elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of local Councils of Deputies, Republican referendum.

The assets, assigned from the budget and extra-budgetary fund for holding of pre-electoral campaign, are distributed equally between all candidates for President of the Republic of Belarus, for Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies and are spent upon their demand in the order established by the Central Commission. On the size of assets, assigned from the budget to candidates for their pre-electoral campaign, the Central Commission shall inform through mass media not later than in three days after termination of registration of candidates.

Political parties, other public associations, organisation, citizens of the Republic of Belarus have no right to render other material aid at preparation and holding of elections, referendum, except for depositing monetary assets into the extra-budgetary fund, envisaged by clause one of the present Article.

Direct or indirect participation of foreign states, enterprises, organisations, foreign citizens, international organisations, enterprises of the Republic of Belarus with foreign investments in financing and other material aid at preparation and holding of elections, referendum, recall of a Deputy, Member of the Council of the Republic, is forbidden.

Chapter 12. Responsibility for Violation of Requirements of the Present Code

Article 49. Responsibility for Violation of Requirements of the Present Code

Persons preventing by violence, threats, fraud, bribery or in any other way the citizen of the Republic of Belarus from his/her right to participate or not to participate in elections, referendum, voting on recall of a Deputy, to elect and to be elected President of the Republic of Belarus, Deputy of the Chamber of Representatives, Deputy of local Council of Deputies, to conduct pre-electoral campaign, agitation on referendum, hindering with the work of commissions at elections of the President of the Republic of Belarus, electoral commissions, commissions on referendum, commissions on holding of voting on recall of a Deputy, engaged in agitation on the day of elections, referendum, voting on recall of a Deputy, as well as members of commissions, officials of state bodies and public associations and other persons who have committed a fraud of documents on elections, referendum, recall of a Deputy, knowingly wrong vote counting or other distortion of results of voting, who have broken the secrecy of ballot, who have failed to submit the necessary documents to the commissions, or have failed to fulfill their decisions, or who have made illegal use of monetary assets and material resources at preparation and holding of elections, referendum, recall of a Deputy, or who have made other violations of the requirements of the present Code and other acts of legislation of the Republic of Belarus on elections, referendum, recall of a Deputy, shall bear responsibility established by the legislation of the Republic of Belarus.

Chapter 13. Order of Voting at Holding of Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies, Referendum, Recall of Deputies

Article 50. Time and Place of Voting

At elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of local Councils of Deputies, holding of referendum, voting on recall of a Deputy, the voting is held from 8 a. m. till 8 p. m. The precinct commissions shall inform voters, participants of the referendum about the time and place of voting not later than 10 days before the elections, referendum, voting on recall of a Deputy.

Article 51. Organisation of Voting at a Precinct

Voting is held in specially assigned rooms in which cabins or rooms for vote by secret ballot shall be equipped in sufficient quantities, places of issue of ballot-papers shall be determined and ballot boxes shall be installed. Ballot boxes are placed in such a manner that the voters at approaching them necessarily pass through the cabins or rooms for vote by secret ballot. Ballot boxes shall be in the field of view of the members of precinct commission and of the persons indicated in clause three of Article 13 of the present Code.

Article 52. Holding of Voting at a Precinct

Each voter, participant of the referendum votes personally, voting instead of other persons is not allowed.

The ballot-paper is given to the voter, participant of the referendum under signature by a member of the precinct commission on the basis of the list of citizens having the right to participate in elections, referendum, voting on recall of a Deputy, after submission of the passport or certificate of identity.

The voter in a cabin or room for vote fills in the ballot-paper by secret ballot. At filling in of the ballot-paper the presence of anybody, except for the voter is forbidden.

If the surname of only one candidate for President of the Republic of Belarus, for Deputy is included into the ballot-paper, the text of the ballot-paper shall contain the words "for" and "against", under which empty squares shall be placed.

The voter, the participant of the referendum into the ballot box, shall pull down the filled in ballot-paper.

Chapter 14. Vote Counting at a Precinct at Holding of Elections, Referendum

Article 55. Vote Counting at a Precinct at Holding of Elections of the President of the Republic of Belarus, Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies, Referendum

The precinct commission opens ballot boxes after declaration of termination of voting by the chairperson of the commission. Opening of ballot boxes before termination of the voting is forbidden.

Counting of votes of the voters, participants of the referendum shall be conducted directly by the members of the precinct commission without interruption till obtaining the results of the ballot.

The outcomes of the vote counting are considered at the sitting of the precinct commission and are entered into the minutes. The chairperson, deputy chairperson, secretary and members of the commission sign the minutes.

A copy of the minutes of the precinct commission is disposed after its signing for universal acquaintance in the place established by the commission.

Special Part

Section 5. Elections of the President of the Republic of Belarus, of Deputies of the Chamber of Representatives, Deputies of Local Councils of Deputies

Chapter 15. Organisation and Holding of Elections of the President of the Republic of Belarus, Deputies

Article 56. Appointment of Elections of the President of the Republic of Belarus, Deputies

Elections of the President of the Republic of Belarus are appointed by the Chamber of Representatives not later than five months in advance, and are held on Sunday not later than two months before expiration of authorities of the previous President.

If the position of the President has appeared to be vacant, elections are held not earlier than in 30 days and not later than in 70 days after the date of opening of the vacancy. In this case the Central Commission establishes shortened terms of holding pre-electoral events.

Elections to the Chamber of Representatives of the new convocation are appointed by the President of the Republic of Belarus not later than four months and are held not later than 30 days before termination of the authorities of the Chamber of Representatives.

At dissolution of the Chamber of Representatives in cases and in the order envisaged by the Constitution of the Republic of Belarus, the President simultaneously appoints elections to the Chamber of Representatives of the new convocation. Extraordinary elections to the Chamber of Representatives are held within three months after the date of early termination of the authorities of the Chamber of Representatives of the current convocation.

Elections to local Councils of Deputies of a new convocation are appointed by the President of the Republic of Belarus not later than four months and are held not later than 30 days before termination of the authorities of the local Councils of Deputies of the current convocation. Elections to all local Councils of Deputies are held simultaneously.

The announcement about the date of elections is promulgated in mass media on the following day after appointment of elections.

Article 57. Requirements to Candidates for President of the Republic of Belarus, for Deputies

A citizen of the Republic of Belarus by birth, not younger than 35 years old, possessing the right to vote and permanently living in the Republic of Belarus at least ten years directly prior to the elections may be elected the President of the Republic of Belarus.

A citizen of the Republic of Belarus who has reached the age of 21 years, permanently living in the Republic of Belarus may be elected a Deputy of the Chamber of Representatives.

A citizen of the Republic of Belarus who has reached the age of 18 years may be elected a Deputy of a local Council of Deputies.

Article 60. Right and Terms of Nominating of Candidates for President of the Republic of Belarus, for Deputies

Candidates for President of the Republic of Belarus are nominated by citizens of the Republic of Belarus at presence of at least 100 thousand signatures of voters.

Nomination of candidates for President of the Republic of Belarus starts 80 days and is over 50 days prior to the elections.

The right of nominating candidates for Deputies belongs to political parties registered by the Ministry of Justice of the Republic of Belarus not later than six months before appointment of elections, to labour collectives, as well as to citizens through collection of signatures.

Citizens not having the right pursuant to the legislation of the Republic of Belarus to take positions in the state machinery in connection with the presence of a previous conviction which has not been removed or cancelled in the order established by the legislation of the Republic of Belarus cannot be nominated candidates for President of the Republic of Belarus, for Deputies.

Article 61. Order of Nomination of Candidates for President of the Republic of Belarus

Nomination of a candidate for President of the Republic of Belarus by citizens is executed by an initiative group of voters (hereinafter — the initiative group) in the number of at least 100 persons.

The list of members of the initiative group with indication of its head together with the application on registration of the group is submitted to the Central Commission not later than 85 days before the elections by the person having an intention to be nominated candidate for President of the Republic of Belarus. The list shall indicate the surname, name and patronymic, date of birth, occupation, position (business), places of work and residence, party membership of the person proposed for nomination candidate for President of the Republic of Belarus, as well as the surname, name and patronymic, date of birth, habitation of each member of the group and its head.

The Central Commission shall consider, within five days, the application, register the initiative group and give the members of the initiative group respective certificates and subscription lists for collection of signatures of voters in support of the person proposed for nomination candidate for President of the Republic of Belarus (hereinafter — a subscription list). Registration of the initiative group may be denied in case of violation of the requirements of the present Code. Denial to register the initiative group may be appealed against, within three days, to the Supreme Court of the Republic of Belarus by the initiative group (petition shall be signed by the majority of its members). The Supreme Court of the Republic of Belarus shall consider the complaint within three days.

The subscription list shall indicate the surname, name and patronymic, date of birth, occupation, position (business), places of work and residence, party membership of the person proposed for nomination candidate for President of the Republic of Belarus, as well as the surname, name and patronymic of the member of the initiative group who is collecting signatures, and the registration number of the initiative group.

The voter has the right to sign in support of a person proposed for nomination candidate for President of the Republic of Belarus only once.

Participation of administration of the organisation in collection of signatures, same as enforcement during collection of signatures and rewarding of voters for putting their signatures are not allowed. Violation of these requirements may be the basis for denial to register or cancellation of the decision about registration of the candidate for President of the Republic of Belarus.

Personal hand-made signature of the member of the initiative group who was collecting signatures of voters is put on each subscription list at the presence of the chairperson or deputy chairperson of the town (towns of oblast and district subordination), settlement, rural executive committee, head or assistant head of the district administration in the city, in the territory of which the collection of signatures was conducted, and in towns and settlements of urban type where urban and settlement executive committees have not been formed, — at the presence of the chairperson or deputy chairperson of the district executive committee and is certified immediately by the seal of this body.

The voters who have nominated a candidate for President Republics Belarus have the right before handing over subscription lists to the regional, city, district commission for elections of the President of the Republic of Belarus to withdraw their signatures from subscription lists, by having submitted the application about it to the above commissions.

Subscription lists are handed over not later than 50 days before the elections to the regional, city, district commission for elections of the President of the Republic of Belarus, who must check, within ten days, the reality of signatures of voters in subscription lists handed over by the members of initiative group and ensure the authenticity of the data about the number of such signatures. At least 20 percent of signatures of voters in subscription lists handed over to the respective commission are subject to examination.

If the number of doubtful signatures of voters detected during examination 15 percent of the number of examined signatures, the additional check of 15 percent of signatures of voters from the number of signatures in subscription lists handed over to the respective commission by a member (members) of the initiative group is carried out.

In case the total number of doubtful signatures of voters detected during examination exceeds 15 percent of the total number of examined signatures in subscription lists, further examination of signatures in subscription lists by the regional, city, district commission is stopped, and all the signatures of voters in the handed over subscription lists are not considered at definition of the outcome of collection of signatures of voters in the district, town, district in the city.

On the basis of the minutes of regional, city, district commissions for elections of the President of the Republic of Belarus on establishment of the number of voters who have put in the subscription lists their signatures about nomination of the candidate for President, and outcomes of the examinations of truthfulness of signatures conducted by the Oblast, Minsk City commission; the Oblast, Minsk City commission for elections of the President of the Republic of Belarus summarizes the outcomes over the Oblast, City to Minsk, makes the minutes on the fact and immediately directs it to the Central Commission.

Article 62. Order of Nomination of Candidates for Deputies by Political Parties

Nomination candidates for Deputies of the Chamber of Representatives from political parties is executed by supreme Republican bodies of political parties provided that in the territory of

the respective constituency there is a organisational structure of the political party which is nominating a candidate for Deputy created in due order before appointment of the elections.

A political party has the right to nominate in each constituency for elections for the Chamber of Representatives, respective local Council of Deputies only one candidate for Deputy from among the members of this political party.

The list of registered political parties is submitted by the Ministry of Justice of the Republic of Belarus to the Central Commission not later than five days after appointment of elections.

Article 63. Order of Nomination of Candidates for Deputies of Chamber of Representatives by Labour Collectives

Nomination of candidates for Deputies of the Chamber of Representatives from labour collectives of organisations is executed at gatherings (conferences) of voters in labour collectives.

Gatherings (conferences) of voters in labour collectives of organisations located in the territory of the constituency, enlisting at least 300 persons employed and having rights of a legal entity, are called up by the administration of the organisation either upon its own initiative, or upon the initiative of a group of voters in the number of at least 150 persons working at the organisation.

Over half of the staff of the labour collective must be present at the gathering. The majority of votes of its participants take decision of the gathering (conference) of the labour collective.

A candidate for Deputy of the Chamber of Representatives may be nominated by several smaller collectives with an aggregate number of employed of at least 300 persons at their general meeting. In this case at least half of the staff must be present from each labour collective of organisation having the rights of a legal entity.

The labour collective can nominate only one candidate for Deputy of the Chamber of Representatives.

Article 65. Order of Nomination of Candidates for Deputies through Collection of Signatures of Voters

Nomination of a candidate for Deputy of the Chamber of Representatives through collection of signatures of voters is executed by a group of voters (initiative group) in the number of at least 10 persons, and candidates for Deputies of local Councils of Deputies — by an initiative group in the number from 3 up to 10 persons. The list of members of the initiative group with indication of its head together with the application for registration of the group is submitted to the respective constituency, territorial electoral commission not later than 65 days before elections by the person having intention to be nominated candidate for Deputy. The list shall indicate the surname, name and patronymic, date of birth, occupation, position (business), places of work and residence, party membership of the person proposed for nomination candidate for Deputy, as well as the surname, name and patronymic, date of birth, place of residence of each member of the group and of its head.

The constituency, territorial electoral commission shall consider, within five days, the application, register the initiative group and give the members of initiative group respective certificates and subscription lists for collecting signatures of voters in support of the person proposed for nomination candidate for Deputy (hereinafter — a subscription list).

Registration of the initiative group may be denied in case of violation of the requirements of the present Code. Denial to register the initiative group may be appealed against, within three days, to the higher commission by the initiative group (petition shall be signed by the majority of its members), and the decision of the higher commission may be appealed against, within the same period, accordingly, to the Supreme Court of the Republic of Belarus, Oblast, Minsk City, district, city court. The court shall consider the petition within three days.

The person proposed for nomination candidate for Deputy of the Chamber of Representatives in a constituency by a group of voters shall be supported by at least 1000 voters, living in the territory of the given constituency, and the person proposed for nomination candidate for Deputy of local Council of Deputies — by the voters living in the territory of the constituency, in number of:

for Oblast and Minsk City Council of Deputies — at least 150 persons;

for district, city (cities of oblast subordination) Council of Deputies — at least 75 persons;

for city (cities of regional subordination), settlement and rural Council of Deputies — at least 20 persons.

Collection of signatures of voters for nomination candidate for Deputy, certification of signature of a member of the initiative group on subscription lists are made in the order envisaged by the clauses four, five, six, seven, eight and nine of Article 61 of the present Code.

Article 68. Registration of Candidates for President of the Republic of Belarus, for Deputies

Registration of candidates for President of the Republic of Belarus is executed by the Central Commission, and candidates for Deputies — by the respective constituency, territorial electoral commission.

Registration of candidates for President of the Republic of Belarus starts 35 days and terminates 25 days prior to elections, and of candidates for Deputies starts 40 days and terminates 30 days prior to elections.

Decision on registration of the candidate for President of the Republic of Belarus is taken at presence of the following documents submitted to the Central Commission prior to the beginning of the registration: minutes of Oblast, Minsk City commissions for elections of the President of the Republic of Belarus confirming the presence of at least 100 thousand signatures of citizens of the Republic of Belarus on nomination of the candidate for President, an application of the candidate with his/her consent to run for, as well as biographic data of the person nominated candidate for President of the Republic of Belarus, with indication of data envisaged by the Central Commission and declarations on income and property filled in accordance with the form approved by the Council of Ministers of the Republic of Belarus.

Decision on registration of candidates for Deputies is taken at presence of the following documents submitted to the constituency, territorial electoral commission prior to the beginning of the registration: minutes of sittings of supreme, territorial managing bodies of political parties, gatherings of subordinate organizational structures of political parties, gatherings (conferences) of labour collectives or subscription lists on nomination of candidates for Deputies in the given constituency, applications of candidates for Deputies

with the consent to run for in the given constituency, and the respective documents indicated above in clauses two and three of Article 66 of the present Code.

At submission in documents on nomination of a candidate for President of the Republic of Belarus, for Deputies of data that is not corresponding to reality, including biographic and information on income and property, accordingly, the Central Commission, the constituency, territorial electoral commission has the right to deny registration of the candidate for President, for Deputies or to cancel the decision about its registration.

Any number of candidates for President of the Republic of Belarus, for Deputies may be presented for registration.

A candidate for Deputy may run for only in one constituency.

The Central Commission, the respective constituency, territorial electoral commission shall check up the conformity of the nomination procedure for President of the Republic of Belarus, for Deputies to the requirements of the present Code and take a decision on registration of candidates for President, for Deputies, or a motivated decision to deny registration. Decision of the commission to deny registration of the candidate is issued not later than on the following day after decision taken.

The minutes on registration of the candidate for Deputy of the Chamber of Representatives, of the Oblast, Minsk City Council of Deputies is submitted, accordingly, to the Central Commission, Oblast and Minsk City territorial electoral commission.

Denial of the Central Commission to register a person nominated candidate for President of the Republic of Belarus may be appealed against, within three days, to the Supreme Court of the Republic of Belarus. The Supreme Court of the Republic of Belarus shall consider the complaint within three days its decision is final.

Denial to register a candidate for Deputy of the Chamber of Representatives may be appealed against, within three days, to the Central Commission. Decision of the Central Commission may be appealed against, within three days, to the Supreme Court of the Republic of Belarus. The Supreme Court of the Republic of Belarus shall consider the complaint within three days, its decision is final.

The Central Commission, the constituency, territorial electoral commission shall hand over, not later than on the fourth day after registration of candidates for President of the Republic of Belarus, for Deputies, into mass media for publication the announcement on registration with the indication of the surname, name and patronymic, date of birth, occupation, position (business), places of work and residence, party membership of each candidate for President of the Republic of Belarus, for Deputies or inform the voters it of voters in any other way.

Article 69. Withdrawal by Candidate for President of the Republic of Belarus, of Deputies of his/her Candidature

A candidate for President of the Republic of Belarus, for Deputies at any time before the date of elections may withdraw his/her candidature, having addressed with an application of the fact accordingly to the Central Commission, to the constituency, territorial electoral commission.

Article 72. Ballot-Paper for Elections of the President of the Republic of Belarus, Ballot-Paper for Elections of Deputies

The text of the ballot-paper at elections of the President of the Republic of Belarus is approved by the Central Commission, the text of the ballot-paper at elections of the Deputy — by the respective constituency, territorial electoral commission.

The ballot-paper shall include in alphabetic order all the registered candidates for President of the Republic of Belarus, for Deputies with indication of the surname, name, patronymic, date of birth, occupation, position (business), places of work and residence, party membership of each candidate for President, for Deputies. An empty square shall be placed on the right side of the data of each candidate. A line "Against all the candidates" shall be placed at the end of the list of candidates with empty square on the right side of it.

Each ballot-paper shall contain explanation about the order of its filling in.

Ballot-papers are printed in Belarusian or Russian. On the backside of the ballot-paper signatures of at least two persons who are members of the precinct commission are made.

Ballot-papers at elections for local Councils of Deputies of different territorial levels shall differ in colours or have distinctive symbols.

The precinct commissions are provided with ballot-papers not later than seven days before elections.

Chapter 16. Warranties of Work and Rights of Candidate for President of the Republic of Belarus, for Deputies**Article 73. Equality of Rights and Duties of Candidates for President of the Republic of Belarus, for Deputies**

All candidates for President of the Republic of Belarus, for Deputies have equal rights and bear equal duties.

The candidate for President of the Republic of Belarus, for Deputies has no right to use advantages of his/her official position in the interests of election.

Article 74. Right of Candidates for President of the Republic of Belarus, for Deputies to Speak at Meetings, Use Mass Media Receive Information

Candidates for President of the Republic of Belarus, for Deputies from the time of their registration have the equal right to speak at pre-electoral and other gatherings, conferences, sittings, in the press, on the state-run radio, and candidates for President of the Republic of Belarus, for Deputies of the Chamber of Representatives — also on the state-run television. Violation of this right may be appealed against to the constituency, territorial electoral commission, to the Central Commission.

State bodies, public associations, heads of organisations, bodies of territorial public self-government are obliged to encourage organisation of meetings of candidates for President of the Republic of Belarus, for Deputies with voters, as well as to provide reference and

information materials necessary to them for holding of the electoral campaign of, except for materials limited in use by the legislation of the Republic of Belarus.

Article 75. Pre-Election Program of Candidate for President of the Republic of Belarus, for Deputies

A candidate for President of the Republic of Belarus, for Deputies has the right to appear with the program of his/her future work, the text of which is determined by the candidate. The program of the candidate shall not contain warmongering, appeals to violent change of the constitutional order, violation of territorial integrity of the Republic of Belarus, to social, national, religious and racial enmity, offenses and slander in relation to officials of the Republic of Belarus, other candidates for President of the Republic of Belarus, for Deputies.

Article 76. Proxies of Candidate for President of the Republic of Belarus, for Deputies

A candidate for President of the Republic of Belarus can have up to 30 proxies, candidate for Deputy of the Chamber of Representatives – up to 15 proxies, for Deputies of local Council of Deputies — up to 5 proxies.

The proxies help the candidate in holding his/her electoral campaign, conduct agitation for his/her election, represent the candidate in relationships with the state bodies, public associations and voters, as well as in commissions.

Article 77. Liberation of Candidate for Presidents of the Republic of Belarus, for Deputies from Production or Service Duties for Participation in Pre-Elections Events and Warranties of Their Activities

After registration, candidates for President of the Republic of Belarus (except for the President of the Republic of Belarus who is running for the second term), candidates for Deputies of the Chamber of Representatives (except the Chairperson of the Chamber of Representatives) are liberated from fulfilment of their production or service duties after the date of registration till the date of elections without preservation of salaries.

Chapter 17. Order of Establishment of Results of Voting and Summarizing Election Outcomes of the President of the Republic of Belarus

Article 79. Establishment and Publication of Outcomes of Elections of the President of the Republic of Belarus

The Central Commission shall establish, on the basis of the minutes of oblast, Minsk City commissions for elections of the President of the Republic of Belarus, not later than in 10 day after termination of the voting at its sitting and enter into the minutes the following data:

the total number of voters over the Republic of Belarus;

the number of voters who have received the ballot-papers;

the number of voters who have taken part in voting;

the number of votes cast for, and the number of votes cast against each candidate for President of the Republic of Belarus;

the number of ballot-papers recognized invalid;

the number of spoiled ballot-papers;

the number of unused ballot-papers.

The minutes are signed by the chairperson, deputy chairperson, secretary and members of the Central Commission.

It is considered that the elections of the President of the Republic of Belarus have taken place if more than half of the citizens of the Republic of Belarus included into the electoral register have taken part in voting.

The President of the Republic of Belarus is considered elected if more than half of the citizens of the Republic of Belarus who have taken part in voting have voted for him.

Elections of the President of the Republic of Belarus over the Republic as a whole, or in separate precincts, regions, cities, districts, oblasts, City of Minsk may be recognized invalid because of violations of the requirements of the present Code committed during elections or at vote counting if they have influenced the outcomes of elections as a whole over the Republic. Decision on recognition of elections invalid is taken by the Central Commission. The complaint about such violation is submitted to the Central Commission not later than on the following day after elections. Decision of the Central Commission may be appealed against to the Supreme Court of the Republic of Belarus within 10 days. The right of appeal against the decision about recognition elections invalid belongs to candidates for President of the Republic of Belarus.

The announcement on the outcomes of elections of the President of the Republic of Belarus is handed over by the Central Commission to mass media for promulgation (publication) not later than three days after the moment of signing the minutes about the outcomes of elections.

Article 80. Second Round of Voting

If neither of the candidates for President of the Republic of Belarus has gained the necessary number of votes the second round of voting on the two candidates who have gained the greatest numbers of votes of voters shall be held not later than two weeks upon decision of the Central Commission.

Elections in the second round of voting are considered as taken place if more than half of voters included into the list of citizens having the right to participate in elections have taken part in voting. The candidate for President of the Republic of Belarus who has gained in the second round of voting more than half of votes of voters who have taken part in voting shall be considered elected.

Article 81. Repeated Elections

If at elections of the President of the Republic of Belarus no more than two candidates were running for and none of them was elected, as well as in case of dropping out of all candidates for President of the Republic of Belarus, or recognition of elections of the President of the Republic of Belarus as not taken place or invalid, or the second round of voting has failed to define the elected President of the Republic of Belarus, the Central Commission shall decide on appointing repeated elections with repeated nomination of candidates for President of the Republic of Belarus.

Repeated elections are held within three months after the main elections. Voting is held in the same precincts by the lists composed for holding of the main elections and updated on the eve of repeated elections.

Chapter 18. Order of Establishment of Results and Summarizing of Elections of Deputies of the Chamber of Representatives

Article 82. Establishment of Election Results of Constituency at Elections of Deputy of the Chamber of Representatives

On the basis of the minutes obtained from precinct electoral commissions and drawn up pursuant to the requirements of Article 55 of the present Code, the constituency electoral commission establishes:

the total number of voters over the constituency;

the number of voters who have received ballot-papers;

the number of voters who have taken part in voting;

the number of votes cast for, and the number of votes cast against each candidate for Deputy;

the number of ballot-papers recognized invalid;

the number of ballot-papers issued to precinct electoral commissions;

the number of spoiled ballot-papers;

the number of unused ballot-papers.

The candidate for Deputy of the Chamber of Representatives who has gained more than half of votes of voters who have taken part in voting if the elections have been recognized as taken place, shall be considered elected in the first round of elections in the constituency.

Elections are considered as taken place if more than half of the voters of the constituency included into the lists of citizens having the right to participate in elections have taken part in voting.

Election results in the constituency are established at the sitting of the constituency electoral commission and are entered into the minutes. The minutes is signed by the chairperson, deputy chairperson, secretary and members of the commission and immediately, but not later than three days after termination of the voting, personally by the chairperson, or deputy chairperson, or secretary of the commission is handed over to the Central Commission.

The announcement on election results on the constituency is published in the press by the respective constituency electoral commission not later than on the fifth day after elections. The announcement shall state the total number of voters included into the lists of citizens having the right to participate in elections; the number of voters who have taken part in voting; the number of votes cast for, and the number of votes cast against each candidate; the number of invalid ballot-papers; the surname, name, patronymic, date of birth, occupation, position (business), places of work and residence, party membership of the elected Deputy.

Article 83. Second Round of Voting

If neither of the candidates for Deputies of the Chamber of Representatives has gained the necessary number of votes, the second round of voting on the two candidates for Deputy who have gained the greatest numbers of votes of voters shall be held in the constituency on decision of constituency electoral commission not later than two weeks.

Elections in the second round are considered as taken place if more than 25 percent of the voters included into the lists of citizens having the right to participate in elections have taken part in voting. The candidate for Deputy who has gained the majority of votes of voters who have taken part in voting shall be considered elected.

Article 84. Establishment of Election Outcomes by Central Commission

The Central Commission establishes, on the basis of the minutes received from the constituency electoral commissions, the outcomes of elections of Deputies over constituencies, registers the elected Deputies of the Chamber of Representatives.

Article 85. Publication of Outcomes of Elections of Deputies of the Chamber of Representatives

The announcement on the outcomes of elections of Deputies of the Chamber of Representatives over the Republic of Belarus and the list of elected Deputies in alphabetic order with indication of surname, name, patronymic, date of birth, occupation, position (business), places of work and residence, party membership of the Deputy, constituency from which he/she has been elected the Deputy, is directed by the Central Commission to the press for publication not later than three days after the date of signing of the minutes about the outcomes of elections.

Article 87. Repeated Elections

If in a constituency at holding of the first round of elections or of the second round of voting, the elections have been recognized as not taken place or invalid, or in the first round of elections no more than two candidates ran for, and none of them gained the necessary number of votes, or if in the second round of voting only one candidate for Deputy remained for running for who has failed to gain the necessary number of votes, as well as in case all the candidates for Deputy have dropped out, the Central Commission entrusts the constituency electoral commission to hold repeated elections in the constituency.

The repeated elections are held on the date, established by the Central Commission. The repeated elections are considered as taken place in the first round, if more than half of the voters of the constituency included into the lists of citizens having the right to participate in elections have taken part in voting. The repeated elections in the second round of voting are considered as taken place if more than 25 percent of the voters of the constituency included into the lists of citizens having the right to participate in elections have taken part in voting.

The candidate for Deputy of the Chamber of Representatives who have gained more than half of votes of the voters who have taken part in voting shall be considered elected in the first round of repeated elections. The candidate for Deputy who has received the majority of votes of the voters, who have taken part in voting, shall be considered elected in the second round of voting of repeated elections.

Section 6. Elections of Members of the Council of the Republic

Chapter 19. Order of Establishment of Results and Summarizing of Outcomes of Elections of Deputies of Local Councils of Deputies

Chapter 20. Order of Appointing Elections of Members of the Council of the Republic. Nomination of Candidates for Members of the Council of the Republic

Article 97. Appointment of Elections of Members of the Council of the Republic

Elections of Members of the Council of the Republic of new convocation are appointed by the President of the Republic of Belarus not later than four months and are held not later than 30 days before termination of the authorities of the Council of the Republic of the current convocation.

Eight Members of the Council of the Republic are elected from each oblast and the City of Minsk by secret ballot at sittings of Deputies of local Councils of Deputies of the basic level of each oblast and the City of Minsk.

In case of early termination of the authorities of the Council of the Republic, extraordinary elections, to be appointed by the President of the Republic of Belarus, are held within three months after the date of the early termination of the authorities of the Chamber.

The announcement about the date of holding of elections is promulgated in mass media not later than three days after appointment of the elections.

Article 98. Requirements to Candidates for Members of the Council of the Republic

A citizen of the Republic of Belarus who has reached 30 years of age, and who has lived in the territory of the respective oblast, City of Minsk for not less than five years may be candidate for Member of the Council of the Republic.

Citizens who have no right pursuant to the legislation of the Republic of Belarus to take positions in the state machinery in connection with presence of a previous conviction which has not been removed and cancelled in the order established by the legislation of the Republic of Belarus cannot be nominated candidates for Members of the Council of the Republic.

A Member of the Council of the Republic cannot be simultaneously the President of the Republic of Belarus, a Deputy of the Chamber of Representatives, a member of Government of the Republic of Belarus, a judge.

Section 7. Referendum

Chapter 21. Holding of Sitting of Deputies of Local Councils of Deputies of Basic Level of Oblast, Deputies of the Minsk City Council of Deputies on Election of Members of the Council of the Republic

Chapter 22. Notion, Types and Aim of Referendum. Questions Brought out to Referendum

Article 111. Notion, Types and Aim of Referendum

The referendum is a way of acceptance by citizens of the Republic of Belarus of decisions on most important problems of state and public life.

In the Republic of Belarus Republican and local referendums may be held.

Article 112. Questions Brought out to Referendum

To the Republican referendum the most important issues of state and public life of the Republic of Belarus may be brought out.

To the local referendum the problems having the most important value for the population of respective administrative and territorial units, and referred to the competence of respective local Councils of Deputies, executive and administrative bodies can be brought out.

To the Republican referendum the following issues cannot be brought out:

which may cause violation of territorial integrity of the Republic of Belarus;

connected with election and dismissal of the President of the Republic of Belarus, appointing (electing, dismissal) of officials, appointing (electing, dismissal) of whom remains within the competence of the President of the Republic of Belarus and Chambers of the National Assembly of the Republic of Belarus;

on acceptance and change of the state budget, establishment, change and cancellation of taxes;

on amnesty, forgiveness (pardon).

To the local referendum the issues listed in clause three of the present Article, issues having value for the Republic of Belarus in general, as well as issues connected with appointment to position, approval in the position or dismissal from the positions referred to the competence of a local executive and administrative body or its head shall not be brought out.

Chapter 23. Initiation and Appointment of the Republican Referendum

Article 113. Right of Initiative on Holding Republican Referendum

The right of the initiative on holding of the Republican referendum belongs to the President of the Republic of Belarus, the Chamber of Representatives and the Council of the Republic, citizens of the Republic of Belarus.

The initiative of the Chamber of Representatives and Council of the Republic on holding of Republican referendum is expressed in the form of a proposal taken at their separate sittings by the majority of votes of the whole staff of each Chamber, and is introduced to the President of the Republic of Belarus.

The initiative of citizens on holding of Republican referendum is expressed in the form of a proposal brought in by at least of 450 thousand citizens possessing the suffrage, including at least 30 thousand citizens from each of the oblasts and the City of Minsk.

Article 117. Decision on Appointment of the Republican Referendum

The President of the Republic of Belarus appoints the Republican referendum upon his own initiative or in two months after bringing to his consideration of the proposals of the Chambers of the National Assembly of the Republic of Belarus or citizens pursuant to the present Code.

The date of holding of a referendum is established not later than three months after the date of signing of a decree of the President of the Republic of Belarus on appointing the referendum.

The decree of the President of the Republic of Belarus on appointing the referendum, text of the bill or draft of any other decision brought out to the referendum are published in the press and promulgated in other mass media in the order established by the President of the Republic of Belarus.

Article 118. Ballot-paper

The ballot-paper shall precisely reproduce the formulation of the question brought out to the referendum (decision draft) and indicate the variants of the will of the voter by the words "for" or "against" under which empty squares shall be placed.

Ballot-papers are printed in Belarusian or Russian.

The ballot-paper shall contain explanation of the order of its filling in.

On the backside of the ballot-paper signatures of at least two persons must be made who are members of the precinct commission on referendum.

Chapter 24. Establishment of Results and Summarizing of Outcomes of Referendum

Article 121. Summarising of Outcomes of Referendum

On the basis of minutes of the oblast, Minsk City commissions on referendum the Central Commission establishes:

the total number of citizens having the right to participate in the referendum;

the number of citizens who received ballot-papers;

the number of citizens who have taken part in voting;

the number of voters for approval of the question (decision draft), brought out to the referendum, and the number of voters against its approval;

the number of ballot-papers recognized invalid.

The referendum is considered taken place, if more than half of the citizens, brought into the lists of citizens having the right to participate in the referendum have taken part in voting. Decision is deemed passed by the referendum if more than half of the citizens, who have taken part in voting, voted for it as a whole over the Republic of Belarus.

Decision on acceptance, change and addition of the Constitution of the Republic of Belarus is deemed accepted if the majority of the citizens, brought into the lists for voting, have voted for it.

The results of the referendum are established at the sitting of the Central Commission and are entered into the minutes. The minutes are signed by the chairperson, deputy chairperson, secretary and members of the Commission.

The announcement on the outcomes of the referendum is published in the press by the Central Commission within seven days.

Article 122. Holding of Repeated Voting

On presentation of the Prosecutor General of the Republic of Belarus on violations committed at holding of the referendum, the Central Commission has the right to take a decision either about holding of repeated voting within a month in those precincts and other territories where the violations have been committed, or of repeated voting in all the territory of the Republic of Belarus within a year.

Article 123. Publication and Enactment of Decision Adopted by Referendum

Decision adopted by the referendum is signed by the President of the Republic of Belarus and is published in the order established for publication of the acts of the President of the Republic of Belarus.

Decision adopted by the referendum shall enter into force in 10 days after its official publication, unless another date is set forth in it.

The date of the referendum is considered the date of taking a decision by the referendum.

Article 124. Legal Force of Decision Adopted by Referendum

The legal force of the decision adopted by the referendum is determined by the Decree of the President of the Republic of Belarus about appointing the referendum.

Decisions adopted by the referendum, may be cancelled or changed only by referendum, unless otherwise determined by the referendum.

Chapter 25. Order of Appointment and Holding of Local Referendum

Article 126. Right of Initiative to Hold Local Referendum

The right of initiative to hold a local referendum belongs to local representative bodies and citizens of the Republic of Belarus permanently living in the territory of respective oblast, region, city, district, settlement, rural Soviet. The initiative of citizens is expressed in the

form of a proposal brought in by not less than 10 percent of citizens possessing the suffrage and living in the respective territory.

Article 127. Decision to Appoint Local Referendum

Decision on appointing oblast, Minsk City, regional, city, settlement, rural referendum is taken by respective local Council of Deputies, and decision on appointing district referendum in a city with district division — by City Council of Deputies not later than 30 days after the date of submission of such proposal pursuant to the requirements of the present Code and other acts of legislation of the Republic of Belarus.

The local Council of Deputies taking a decision about appointing a referendum shall ensure acquaintance of citizens with the contents of the question (decision draft) brought out to the referendum.

The date of holding of a referendum is established not later than three months after the date of taking decision about appointing the referendum.

Decision of local Council of Deputies on appointing the referendum is published in the press and promulgated in other mass media.

Decisions adopted by local referendum are signed by the head of the respective local executive and administrative body.

Section 8. Order of Recall of Deputy of the Chamber of Representatives, of Deputy of Local Council of Deputies

Chapter 26. Grounds and Order of Institution of Issue on Recall of Deputy

Article 129. Grounds to Recall a Deputy

The Deputy of the Chamber of Representatives, Deputy of local Council of Deputies who has not justified confidence of voters, expressed in nonfulfilment of the Deputy's duties envisaged by the law, infringement of the Constitution of the Republic of Belarus, laws of the Republic of Belarus, acts of the President of the Republic of Belarus, undertaking actions discrediting the Deputy, may be recalled by voters in the order established by the present Code.

Article 130. Right of Institution of Issue of Recalling of Deputy

The right of initiation of an issue of recalling of a Deputy belongs to the voters of the constituency, from which the Deputy has been elected.

Section 9. Order of Recall of Member of the Council of the Republic

Article 143. Grounds and Order of Recall of Member of the Council of the Republic

The Member of the Council of the Republic who has not justified the confidence rendered to him/her, expressed in nonfulfilment by him/her of the duties of the Member of the Council of the Republic envisaged by the law, infringement of the Constitution of the Republic of

Belarus, laws of the Republic of Belarus, acts of the President of the Republic of Belarus, undertaking actions discrediting the Member of the Council of the Republic, may be recalled.

Section 10. Final Provisions

Article 153. Enactment of the Present Code

The present Code shall come into effect one month after its publication.