



Strasbourg, 23 November 2007

CDL-EL(2007)043*

Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT QUESTIONNAIRE
ON THE CANCELLATION OF ELECTION RESULTS

on the basis of comments by
Mr Oliver KASK (Member, Estonia)

**This document has been classified restricted at the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

A. Legal basis for the cancellation of electoral results

1. Are there constitutional or legislative provisions which stipulate the terms under which electoral results have to be or may be cancelled?

B. Procedure for the cancellation of electoral results

1. Which authority is competent to certify the electoral results?
2. If the competent authority to certify electoral results is not a judicial body, is a court involved in the certifying procedure?
3. What is (are) the competent bod(ies) for deciding on complaints against the certification of election results?
4. Who may appeal the decision on certifying electoral results?
5. What is the time-limit for appealing the decision on certifying electoral results?
6. Is there a time-limit set up for the judiciary (the appeal body) to make a decision on the appeal on the decision on certifying electoral results?
7. Does the judicial body (the appeal body) deciding the cancellation of election results have the authority to collect evidence or should it be presented by the parties?

C. Case-law

1. Is there any case-law concerning the cancellation of electoral results?
2. If so, are there any cases which resulted in cancellation? If yes, what were the reasons for cancellation?