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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ARMENIA

FIRST LAW OF 30 JUNE 2016

ON MAKING AMENDMENTS AND SUPPLEMENTS

TO THE ELECTORAL CODE ADOPTED ON 25 MAY 2016

**(TO ENTER INTO FORCE IF FINANCIAL MEANS ARE
SECURED BEFORE 1 SEPTEMBER 2016)**

Article 1. In Article 8 of the Electoral Code of the Republic of Armenia of 25 May 2016 (hereinafter referred to as the "Code"):

(1) the words "in the Register of Electors of the Republic of Armenia" in the first and second sentences of part 7 shall be replaced with the words "in the list of electors";

(2) the Article shall be supplemented with part 11.1 which reads as follows:

"11.1. During the elections of the National Assembly, the Central Electoral Commission shall allow the specialised organisation — selected as a result of the competition held as prescribed by the Government — to carry out, from all electoral precincts, the video recording of the voting process and the process of summarisation of the voting results, as well as to concurrently webcast, in real time, via website (websites) created specifically for that purpose.

The video recording shall be carried out via fixed cameras. The field of view of cameras must cover the ballot box, the process of registration of electors and allocation of ballot papers as well as that of summarisation of the voting results, the polling station and its entrance, with up to 50 metres radius. Video recording and webcast shall be carried out in observance of the principle of secrecy of voting prescribed by this Code.

The person possessing the premises of a polling station and electoral commissions shall be obliged to assist the specialised organisation in organising the process of video recording and webcast; however they shall not be responsible for the organisation of the process and the quality thereof."

Article 2. In Article 9 of the Code:

(1) the first paragraph of part 1 shall read as follows:

"Citizens of the Republic of Armenia included in the State Population Register of the Republic of Armenia, registered in any community of the Republic of Armenia and having the right to elect shall be included in the Register of Electors of the Republic of Armenia, irrespective of the fact whether they have an identification card of a citizen of the Republic of Armenia (hereinafter referred to as "identification card") or not.";

(2) part 1 shall be supplemented with a new paragraph which reads as follows:

"Citizens not having an identification card or not registered to receive an identification card shall not be included in the list of electors, except for the cases prescribed by this Code. A citizen shall be considered registered to receive an identification card where he or she has provided fingerprints and other data as prescribed by Law of the Republic of Armenia "On identification cards" to receive an identification card.";

(3) after the first sentence of part 4, a new sentence shall be added which reads as follows:

"Only electors who have an identification card or who have been registered to receive an identification card shall be included in the Register of Electors provided to the Central Electoral Commission."

Article 3. In Article 10 of the Code:

(1) part 1 shall read as follows:

"1. The list of electors of a community, by electoral precincts, shall be drawn up on the basis of the Register of Electors of the Republic of Armenia, where:

(1) citizens having the right to elect pursuant to part 1 of Article 2 of this Code and having identification cards or registered to receive identification cards shall be included during elections of the National Assembly;

(2) citizens having identification cards, having registered to receive identification cards, as well as persons not holding citizenship and having the right to elect pursuant

to part 2 of Article 2 of this Code shall be included during the elections of the local self-government bodies.";

(3) the words "In case of elections of the National Assembly, electors" in the first sentence of part 3 shall be replaced with the words "During elections of the National Assembly, electors, included in the list of electors,";

(4) the words "During elections of the National Assembly, members of precinct electoral commissions" in the first sentence of part 4 shall be replaced with the words "During elections of the National Assembly, members of precinct electoral commissions, included in the list of electors,";

(5) the words "The authorised body" in the second sentence of part 5 shall be replaced with the words "Where the citizen has an identification card or has been registered to receive an identification card, the authorised body";

(6) the words "draw up a list of police officers seconded to electoral precincts on the voting day" in the first sentence of part 6 shall be replaced with the words "draw up a list of police officers included in the list of electors and seconded to electoral precincts on the voting day";

(7) the words "electors undergoing inpatient treatment" in the second paragraph of part 7 shall be replaced with the words "electors undergoing inpatient treatment and included in the list of electors";

(8) the words "irrespective of the fact whether they have an identification card or not" shall be added after the words "in the list of electors of the military unit" in part 8;

(9) the second paragraph of part 11 shall be supplemented with a new sentence which reads as follows:

"Electors registered in a penitentiary institution shall be included in the list of electors irrespective of the fact whether they have an identification card or not.".

Article 4. In Article 11 of the Code:

(1) the words "the identification card of the elector," in point 6 of part 6 shall be replaced by the words "the fingerprints and the identification card of the elector,";

(2) point 7 of part 6 shall read as follows:

"(7) for the electors of a given district, also the photograph available in the digital database.".

Article 5. In Article 12 of the Code:

(1) the words "with a statement of information on the number of electors" in the first and the second sentences of the first paragraph of part 2 shall be replaced with the words "with a statement of information on the number of electors, included in the lists of electors,";

(2) the words "with a statement of information on the number of electors " in the first sentence of the second paragraph of part 2 shall be replaced with the words "with a statement of information on the number of electors, included in the Register of Electors,".

Article 6. Part 2 of Article 14 of the Code shall read as follows:

"2. During 5 days preceding the voting day, as well as on the voting day until the end of the voting, the following persons shall have the right to submit an application to the authorised body to include them in the supplementary list of electors being drawn up on the voting day:

(1) persons having the right to be included in the list of electors in the manner prescribed by this Code and registered at the address included in the description of the

relevant electoral precinct, but who have been left out of the list of electors of that electoral precinct;

(2) persons having submitted to the authorised body, in the manner and within the time limits prescribed by this Code, an application on being temporarily included in the list of the relevant electoral precinct, and having the right to be included in the list of electors in the manner prescribed by this Code, where the application has not been rejected, however they have not been included in the relevant list;

(3) persons having returned to the Republic of Armenia during the ten days preceding the voting day and either not having an identification card or not having registered to receive an identification card.

Decisions concerning applications to be included in the lists of electors shall be delivered within such time limits which enable the elector to participate in the voting. In case of delivering a decision on including in the supplementary list of electors being drawn up on the voting day, the authorised body shall provide a statement of information, indicating therein — in cases provided for by points 1, 2 and 3 of this part — the grounds for including the person in the supplementary list of electors.

The form of the statement of information of the authorised body on being included in the supplementary list of electors, being drawn up on the voting day and to be submitted to the precinct electoral commission, shall be established by the Central Electoral Commission. Additions to the list of electors — based on the statement of information of the authorised body on being included in the supplementary list of electors, being drawn up on the voting day — shall be made by the precinct electoral commission on the voting day, through drawing up a supplementary list as prescribed by Article 15 of this Code."

Article 7. Part 3 of Article 16 of the Code shall be supplemented with a new paragraph which reads as follows:

"When forming an electoral precinct, the number of electors having the right to be included in the list of electors during the relevant elections shall be taken as a basis".

Article 8. In Article 50 of the Code:

(1) the title shall read as follows: "Obtaining information on electors having participated in the voting, recount of voting results";

(2) part 1 shall be supplemented with a new first paragraph which reads as follows:

"During the elections of the National Assembly, the candidate included in the electoral list of a political party running in elections or one proxy of the political party running in elections may, from 12:00 to 18:00 of the day following the voting day or, on the second day following the voting, from 9:00 to 11:00, submit an application to the district electoral commission for obtaining information on the electors registered by means of technical equipment. The application may be submitted only to the relevant district electoral commission, which must contain data concerning the applicant prescribed by part 2 of this Article and the number of the electoral precinct whereon the information is being requested. Electronic media, complying with the requirements prescribed by the Central Electoral Commission, must be submitted with the application. The district electoral commission shall, before 12:00 of the second day following the voting, return the media where the record numbers of the electors in the list of electors of the relevant electoral precinct registered by means of technical equipment at the electoral precincts indicated in the application shall be placed. Information must contain a special indication on the electors whose fingerprints were

impossible to recognise during the registration, and the registration was carried out only on the basis of an identification document.”;

(3) in part 5, the words “for obtaining information on electors having participated in the voting and” shall be added before the words “for recount”;

(4) part 16 shall be supplemented with a new sentence which reads as follows:

“The district electoral commission shall reject the provision of information on the basis of an application submitted for obtaining information on electors having participated in the voting and shall not provide the requested information where the application has been submitted in violation of the provisions of this Article.”.

Article 9. Article 66 of the Code shall read as follows:

“Article 66. Verifying the identity of an elector, registering electors

1. Identification document for an elector shall be considered to be an identification card, a biometric passport, a non-biometric passport, a temporary document, replacing the passport or the identification card, issued by the authorised body, an identification document of the elector who is in a penitentiary institution, whereas for military servants — the military service certificate or the military service record book, where they register (vote) in the list of electors drawn up by the military unit. During the elections of local self-government bodies, the identification document for the elector not holding citizenship shall be considered to be one of the documents established by the decision of the Central Electoral Commission, as prescribed by Article 51 of this Code.

2. An elector shall participate in voting in person; proxy voting shall be prohibited.

Each elector shall approach the specialist and submit an identification document. The specialist shall verify the identity of the elector through the image available in the submitted document. Where an elector has submitted an identification document of another person, the specialist shall inform thereon to the chairperson of the commission. In such a case, the chairperson of the commission shall invite to the voting room police officers who undertake measures prescribed by law.

3. Where an elector has submitted a passport or an identification card, the specialist shall insert the submitted document in the technical equipment which shall automatically read the number of the identification document.

Where an elector has submitted a temporary document replacing the passport or the identification card, or the technical equipment fails to read the submitted identification document, or during elections of local self-government bodies the elector has submitted an identification document established for the elector not holding citizenship, the specialist shall input, using the keyboard, the number of the passport or the identification card or the identification document of the elector not holding citizenship, indicated in the submitted document, into the technical equipment.

4. Where based on the number of the identification document the technical equipment detects that the elector is not registered in the list of electors of the given electoral precinct, a yellow sign shall appear on the screen, and where relevant information is available in the technical equipment, also the number of the electoral precinct in the list whereof the given elector is included shall appear. The elector shall be asked to leave the voting room.

Expiry of the validity period of the identification document of an elector shall not be a ground for not admitting him or her to voting, except for the case where on the basis of the information available in the technical equipment, it becomes clear that the elector has another valid identification document.

5. Where an elector is registered in the list of electors of the given precinct and up to that moment has not participated in the voting with any identification document, the image of that elector, the record number of the elector in the list of electoral precinct shall appear on the screen, and the technical equipment shall allow the elector to insert his or her fingerprint.

6. Where based on the number of the identification document the technical equipment detects that the elector has already participated in the voting, a red sign shall appear on the screen, and the specialist shall inform thereon the chairperson of the commission. In such a case, the chairperson of the commission invites to the voting room police officers who undertake measures prescribed by law.

7. An elector shall insert the index fingerprint of his or her right or left hand into the technical equipment. The technical equipment shall compare the inserted fingerprint with the fingerprints of the given elector, available in the electronic list. Where the fingerprint matches, a green sign shall appear on the screen, and the technical equipment shall print out the voting pass, indicating the record number of the elector in the list of electors, surname, name, record number of the voting pass, image of the elector.

Where the technical equipment fails to recognise the fingerprint of the elector, the index finger print of the other hand shall be inserted. Where other fingerprints of the given elector are available in the electronic list, the prints of the remaining fingers of the elector shall be inserted until the technical equipment recognises any of the fingerprints. Where, however, no fingerprint is recognised, the elector shall be registered based on the identification document. In this case, by the relevant command of the specialist, the technical equipment shall print out the voting pass, indicating the record number of the elector in the list of electors, surname, name, record number of the voting pass, image of the elector.

8. Where during elections of local self-government bodies, the elector has submitted an identification document established for electors not holding citizenship, the specialist shall input, using the keyboard, the number of the identification document into the technical equipment.

Where based on the number of the identification document the technical equipment detects that the elector is registered in the list of electors of the given electoral precinct and where up to that moment he or she has not participated in the voting, a green sign shall appear on the screen, and the technical equipment shall print out the voting pass, indicating the record number in the list of electors, surname, name, record number of the voting pass of the elector.

Where based on the number of the identification document the technical equipment detects that the elector is not registered in the list of electors of the given electoral precinct, a yellow sign shall appear on the screen, and where relevant information is available in the technical equipment, also the number of the electoral precinct in the list whereof the given elector is included shall appear. The elector shall be asked to leave the voting room.

Where based on the number of the identification document the technical equipment detects that the elector has already participated in the voting, a red sign shall appear on the screen, and the specialist shall inform thereon the chairperson of the commission. In such a case, the chairperson of the commission invites to the voting room police officers who undertake measures prescribed by law.

9. In case of impossibility to obtain the fingerprint due to anatomic peculiarities, the step of inserting a fingerprint shall be omitted, and by the relevant command of the specialist the technical equipment prints out the voting pass, indicating the record

number of the elector in the list of electors, surname, name, record number of the voting pass, image of the elector.

10. The specialist shall return the printed voting pass, together with the identification document of the elector, to the elector, whereafter the elector shall approach the relevant member of the commission carrying out registration of electors. The member of the commission carrying out registration of electors takes the voting pass from the elector, finds the line of the elector in the list of electors and puts his or her individual seal in the relevant column, whereafter puts his or her individual seal on the voting pass and passes it on to the elector.

11. Registration of electors without the use of technical equipment shall be carried out in the following cases:

- (1) voting as per the list of electors registered in a military unit;
- (2) voting in a penitentiary institution;
- (3) voting by means of a mobile ballot box;
- (4) voting as per the supplementary list of electors drawn up on the voting day;
- (5) voting in case the technical equipment fails or is not available.

12. In case of registering electors without the use of technical equipment, the relevant member of the commission shall verify the identity of the elector, find the data of the elector in the list of electors (in case of voting as per the supplementary list of electors drawn up on the voting day he or she shall fill in the name, patronymic, surname of the elector), fill in the number of the identification document of the elector, after which the elector shall sign next to his or her name, the member of the commission shall put his or her individual seal next to the signature. Where the elector is not able to sign the list of electors on his or her own, he or she shall have the right to seek the help of another citizen, except for members of the electoral commission.

After being registered as prescribed by this part in cases provided for by points 1 and 4 of part 9 of this Article, the specialist shall insert in the technical equipment the list in which the elector is included, the number of the elector in the relevant list, after which the elector shall insert his or her fingerprint. After these actions, the technical equipment prints a voting pass which contains the list in which the elector is included, the number of the elector in the relevant list and the record number of the voting pass. The specialist shall transfer the pass to the elector.

In the cases provided for by points 2, 3 and 5 of part 9 of this Article, the relevant member of the commission shall fill in the numbered pass, indicating thereon the list in which the elector is included, the record number of the elector in the list, seal the voting pass with his or her individual seal and pass it to the elector.

In the case prescribed by point 3 of part 2 of Article 14 of this Code, when including the elector in the supplementary list of electors being drawn up on the voting day, the member of the commission may — upon his or her own initiative or upon request of another member of the commission or a proxy — verify the notes on entry into the Republic of Armenia in the identification document of the elector.

13. The form of the numbered pass shall be prescribed by the Central Electoral Commission.

14. In cases prescribed by this Article, the data specified in the voting pass printed out by means of technical equipment shall also be displayed on the screen of the technical equipment. The Central Electoral Commission may prescribe requirements for additional data to appear on the screen of the technical equipment, and additional data to be printed on the voting pass."

Article 10. Points 2 and 3 of part 2 of Article 75 of the Code shall read as follows:

"(2) the total number of voting passes printed on the basis of the fingerprint;

(3) the total number of voting passes printed only on the basis of the identification document in case of not recognising the fingerprint."

Article 11. Transitional provisions

1. This Law shall enter into force on the day following the adoption by the Central Electoral Commission of a decision on the availability of relevant financial means for collection of data for issuing identification cards of a new sample, technical and software support for electronic repository of data, manufacturing of identification cards and obtaining technical equipment and relevant software for registration of electors, and on the start of the processes prescribed by this Law.

2. In case the Central Electoral Commission fails to adopt the decision provided for by the first part of this Article before 1 September 2016, this Law shall be revoked.

3. Within one month after entry into force of this Law, the authorised body shall provide the Central Electoral Commission with the Register of Electors of the Republic of Armenia by communities, in an electronic format, for the purpose of posting it on the website of the Commission, with search functionality.