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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ARMENIA

DRAFT CONSTITUTIONAL LAW ON REFERENDUM

**CONSTITUTIONAL LAW
OF THE REPUBLIC OF ARMENIA**

ON REFERENDUM

**CHAPTER 1.
GENERAL PROVISIONS**

Article 1. Subject matter of the Law

1. This Law shall regulate the relations pertaining to the principles of holding a referendum, the right to participate in a referendum, the issues put to referendum, the procedure for putting a draft to referendum, the publication of a draft put to referendum, calling and organising a referendum, the summary of the results of a referendum, the entry into force of the acts put to referendum and depositing the referendum related documents for maintenance.

Article 2. Referendum and principles of holding a referendum

1. A referendum is one of the ways of direct exercise of power by the people.
2. In accordance with Article 7 of the Constitution of the Republic of Armenia, referenda shall be held on the basis of universal, equal, free and direct suffrage, by secret ballot.
3. Each citizen shall be entitled to one vote.
4. A referendum shall be held throughout the whole territory of the Republic of Armenia.

Article 3. Right to participate in a referendum

1. In accordance with part 1 of Article 48 of the Constitution of the Republic of Armenia, citizens of the Republic of Armenia having attained the age of 18 on the day of a referendum may participate in the referendum.
2. Persons declared, upon a court's civil judgment having entered into force, as having no active legal capacity, as well as persons sentenced, upon a court's criminal judgment having entered into force, for a grave or particularly grave criminal offence committed intentionally and serving their sentence at the time may not participate in a referendum.

Article 4. Issues put to referendum

1. The following shall be put to referendum:
 - (1) draft Constitution of the Republic of Armenia;
 - (2) draft amendments to Chapters 1-3, 7, 10 and 15 of the Constitution of the Republic of Armenia, as well as to Article 88, to the first sentence in part 3 of Article 89, to part 1 of Article 90, to part 2 of Article 103, to Articles 108, 115, 119-120, 123-125, 146, 149 and 155 and to part 4 of Article 200 of the Constitution of the Republic of Armenia;

(3) issues related to accession of the Republic of Armenia to supranational international organisations, as well as those related to territorial changes of the Republic of Armenia.

2. The following may be put to referendum:

(1) draft amendments to the articles of the Constitution of the Republic of Armenia not provided for in point 2 of part 1 of this Article, where their adoption has been rejected by the National Assembly of the Republic of Armenia;

(2) draft laws submitted under the procedure of popular initiative, where the adoption of the draft has been rejected by the National Assembly of the Republic of Armenia;

3. In accordance with part 2 of Article 204 of the Constitution of the Republic of Armenia, laws adopted through a referendum may be amended only through a referendum.

Article 5. Issues that may not be put to referendum

1. The following may not be put to referendum:

(1) draft amendments to the Constitution of the Republic of Armenia envisaging amendments to Articles 1, 2, 3 and 203 of the Constitution of the Republic of Armenia;

(2) draft laws that concern the subject matter of constitutional laws, the State Budget, taxes, duties, other mandatory payments, amnesty, protection and security of the State, international treaties, administrative-territorial division, formation of inter-community unions, the list of ministries and the operations procedure of the Government of the Republic of Armenia;

(3) drafts (issues) that have already been put to referendum in the course of the previous year and have the same content;

(4) draft laws envisaging amendments or supplements to a law adopted through a referendum, unless at least one year has passed following the adoption of that law.

Article 6. Prohibition on holding a referendum

1. A referendum may not be held during martial law or state of emergency, irrespective of the size of the territory to which the martial law or state of emergency applies. Also, a referendum may not be held on the day of elections of the National Assembly of the Republic of Armenia.

2. Where martial law or state of emergency has been declared after the start of the process of referendum provided for by this Law but before the President of the Republic has called the referendum, all actions and time limits started in connection with putting the issue in question to referendum before the martial law or state of emergency was declared shall be suspended and shall resume after the end of the martial law or state of emergency.

3. A referendum called but not held due to martial law or state of emergency shall be held not earlier than 50 and not later than 65 days after the end of the martial law or state of emergency. The President of the Republic shall call a referendum within a period of three days after the end of the martial law or state of emergency.

CHAPTER 2.***PUTTING AN ISSUE TO REFERENDUM, CALLING AND HOLDING A REFERENDUM*****Article 7. Procedure for putting the draft Constitution of the Republic of Armenia to referendum**

1. The following shall have the right to initiate a process of putting a draft Constitution of the Republic of Armenia to referendum:

- (1) at least one third of all of Deputies;
- (2) the Government of the Republic of Armenia;
- (3) at least 200.000 citizens with the right of suffrage.

2. The draft shall be submitted to the National Assembly of the Republic of Armenia, which shall consider the draft and render a decision within a period of two months and as prescribed by the Constitutional Law of the Republic of Armenia "Rules of Procedure of the National Assembly". The decision on putting the draft to referendum shall be adopted by at least a two-thirds vote of all Deputies.

Article 8. Procedure for putting draft amendments to the Constitution of the Republic of Armenia provided for by point 2 of part 1 of Article 4 of this Law to referendum

1. The following shall be entitled to put draft amendments to the Constitution of the Republic of Armenia provided for by point 2 of part 1 of Article 4 of this Law to referendum:

- (1) at least one third of all Deputies;
- (2) the Government of the Republic of Armenia;
- (3) at least 200.000 citizens with the right of suffrage.

2. The draft mentioned in part 1 of this Article shall be submitted to the National Assembly of the Republic of Armenia, which shall, within a period of two months and as prescribed by the Constitutional Law of the Republic of Armenia "Rules of Procedure of the National Assembly", consider the draft and submit it to the Constitutional Court of the Republic of Armenia to rule on the constitutionality of the draft.

3. Where the Constitutional Court of the Republic of Armenia adopts, in the manner and within the time limits prescribed by the Constitutional Law of the Republic of Armenia "On the Constitutional Court", a decision on recognising the draft as complying with the Constitution of the Republic of Armenia, the National Assembly of the Republic of Armenia shall, within a period of 15 days after the decision of the Constitutional Court of the Republic of Armenia is rendered, adopt a decision on putting the draft to referendum by at least a two-thirds vote of all of Deputies.

4. Where the Constitutional Court of the Republic of Armenia adopts a decision on recognising the draft amendments to the Constitution of the Republic of Armenia as contradicting the Constitution of the Republic of Armenia, the draft shall be withdrawn from circulation.

Article 9. Procedure for putting draft amendments to the Constitution of the Republic of Armenia provided for by point 1 of part 2 of Article 4 of this Law to referendum

1. Draft amendments to the Constitution of the Republic of Armenia provided for by point 1 of part 2 of Article 4 of this Law shall be put to referendum upon a decision adopted by at least a three-fifths vote of all Deputies, where the draft has been submitted to the National Assembly of the Republic of Armenia as

prescribed by part 2 of Article 202 of the Constitution of the Republic of Armenia but the adoption thereof has been rejected.

2. The decision on putting the draft to referendum shall be adopted within a period of one month following the rejection of the adoption of the draft by the National Assembly of the Republic of Armenia.

Article 10. Procedure for putting a draft law to referendum

1. Where the National Assembly of the Republic of Armenia rejects the adoption of a draft law submitted as prescribed by part 6 of Article 109 of the Constitution of the Republic of Armenia and where another 300 000 citizens with the right of suffrage join, as prescribed by Article 14 of this Law, the initiative for adoption of the draft law, the authorised representative of the popular initiative shall, within sixty days following the rejection, apply to the Central Electoral Commission of the Republic of Armenia (hereinafter referred to as "the Central Electoral Commission") for certification of the validity of the signatures.

2. Where the validity of the signatures of the participants of the popular initiative is, as prescribed by Article 14 of this Law, certified by the Central Electoral Commission, the authorised representative of the popular initiative shall, within a period of 15 days upon receipt of the decision of the Central Electoral Commission and in accordance with part 2 of Article 169 of the Constitution of the Republic of Armenia, apply to the Constitutional Court of the Republic of Armenia to rule on the constitutionality of the draft.

3. Where the Constitutional Court of the Republic of Armenia adopts a decision on recognising the draft law as contradicting the Constitution of the Republic of Armenia, the draft shall not be put to referendum.

4. After the Constitutional Court of the Republic of Armenia adopts, in the manner and within the time limits prescribed by the Constitutional Law of the Republic of Armenia "On the Constitutional Court", a decision on recognising the draft as complying with the Constitution of the Republic of Armenia, the President of the Republic shall call a referendum within a period of three days.

Article 11. Procedure for putting issues related to accession of the Republic of Armenia to supranational international organisations, as well as those related to territorial changes of the Republic of Armenia to referendum

1. The Government of the Republic of Armenia shall submit the proposals on holding a referendum regarding accession of the Republic of Armenia to supranational international organisations, as well as on territorial changes of the Republic of Armenia, to the National Assembly of the Republic of Armenia.

2. The National Assembly of the Republic of Armenia shall, as prescribed by the Constitutional Law of the Republic of Armenia "Rules of Procedure of the National Assembly", consider the proposal and adopt a decision on holding a referendum by a majority vote of all Deputies.

Article 12. Calling and holding a referendum, publishing an issue put to referendum

1. The President of the Republic shall call a referendum within a period of three days following the adoption by the National Assembly of the Republic of Armenia of a decision on holding a referendum or following the adoption by the Constitutional Court of the Republic of Armenia of a decision as prescribed by part 4 of Article 10 of this Law.

2. In accordance with Article 206 of the Constitution of the Republic of Armenia, the referendum shall be held not earlier than 50 and not later than 65 days after calling a referendum.

3. Where it is necessary to call another referendum after a referendum has been called by the President of the Republic, the President of the Republic shall call for the other referendum to be held on the same day along with the already called referendum or, where it is impossible, at least 15 days after the day of the already called referendum.

4. The draft put to referendum shall be published on the official websites of the National Assembly of the Republic of Armenia, of the Government of the Republic of Armenia, of the President of the Republic, and of the Central Electoral Commission, on <http://www.azdarar.am> and in the Official Journal of the Republic of Armenia, not later than 50 days before the day of holding the referendum.

CHAPTER 3.

PROCESS OF JOINING THE INITIATIVE ON ADOPTION OF A DRAFT LAW BY CITIZENS

Article 13. Collection of signatures

1. An initiative group consisting of at least 50 citizens shall be formed for proposing a draft law to the National Assembly under the procedure of popular initiative.

2. In the case provided for by Article 10 of this Law, the process of joining the initiative on adopting a law by citizens shall be ensured by the already registered initiative group which proposed the draft law to the National Assembly of the Republic of Armenia, provided that the registration of the initiative group has not been terminated prior to this and that the initiative group has, within a period of three days following the National Assembly's rejection, informed the Central Electoral Commission in writing of its intention to continue the initiative on adopting the draft law.

3. In the case when the registration of the initiative group has been terminated prior to the rejection by the National Assembly of the Republic of Armenia of the draft law submitted in the manner prescribed by part 6 of Article 109 of the Constitution of the Republic of Armenia or the initiative group fails to inform the Central Electoral Commission of its intention to continue the initiative on adopting the draft law within the time period prescribed by part 2 of this Article, the process of joining the initiative on adopting the draft law by citizens may be ensured by another initiative group, which shall be registered in the manner prescribed by this Article.

4. In order to register, the initiative group shall submit to the Central Electoral Commission the decision to form the initiative group and to appoint the authorised representative of the initiative group, signed by all the members of the initiative group, copies of identification documents of the members of the initiative group, the respective draft law both in electronic and paper forms, and the email address of the initiative group, which after the registration of the initiative group shall be published on the website of the Central Electoral Commission.

5. The Central Electoral Commission shall, within three calendar days, register the initiative group and the authorised representative of the initiative group or, if requirements prescribed by parts 1 and 2 of this Article are not met, reject the registration. The decision of the Central Electoral Commission shall enter into force upon its publication at the sitting of the Central Electoral Commission and shall be posted on the website of the Central Electoral Commission by the end of the next day.

6. The Central Electoral Commission shall — within a period of three days after the decision to register the initiative group is posted on the website of the Central Electoral Commission and based on application of the authorised representative of the initiative group — provide the members of the initiative group with certificates of the form prescribed by the Central Electoral Commission.

The registration of the initiative group shall be terminated:

(1) by the decision of the initiative group based on the application of the authorised representative of the initiative group;

- (2) in the case of the failure to apply to the Central Electoral Commission within the time limits prescribed by part 1 of Article 14 of this Law;
 - (3) when the draft law submitted to the National Assembly under the procedure of popular initiative has been adopted;
 - (4) where a decision is rendered by the Constitutional Court of the Republic of Armenia on declaring the draft law submitted under the procedure of popular initiative as contradicting the Constitution of the Republic of Armenia;
 - (5) in the case of failure to inform the Central Electoral Commission of the intention to continue the initiative on adopting the draft law within the time period prescribed by part 1 of this Article;
 - (6) upon entry into force of the decision of the Central Electoral Commission on summarisation of the results of the referendum, where the act put to referendum was not adopted, or — if the decision of the Central Electoral Commission adopted based on the results of the referendum was appealed against — when the Constitutional Court of the Republic of Armenia upholds the decision on summarisation of the results of the referendum;
 - (7) upon entry into force of the act put to referendum.
8. The Central Electoral Commission shall terminate the registration of the initiative group within three working days after grounds provided for by part 4 of this Article emerge.
 9. Upon registration the initiative group shall obtain the right to initiate the process of joining the initiative on adopting the draft law by citizens by means of collection of signatures.
 7. Citizens having attained the age of 18 may participate in collection of signatures (by way of initiating, organising, and assisting).
 10. Only those citizens who, at the moment of signing, have the right to participate in a referendum may sign.
 11. The collection of signatures shall be carried out by signing forms for collection of signatures on the spot or electronically, unless the Central Electoral Commission has prescribed a procedure which requires carrying out the collection of signatures electronically only.
 12. In the case of signing on the spot a person shall personally (in handwriting) fill in his or her passport data, sign it and hand it over to the person carrying out the collection of signatures, and in the case of the electronic method the person shall sign the form electronically.
 13. The collection of signatures shall be carried out within 45 days or, in the case prescribed by Article 10 of this Law, within 60 days upon registration of the initiative group.
 14. The forms for collection of signatures and details of the collection process shall be prescribed by the Central Electoral Commission.
 15. Samples of the forms for collection of signatures shall be posted on the website of the Central Electoral Commission with a possibility to download.

Article 14. Certification of the validity of the signatures

1. Where within the time limits prescribed by this Law the minimum number of signatures required by the Constitution of the Republic of Armenia has been collected, the authorised representative of the initiative group shall, not later than on the 15th day upon expiration of the time limits prescribed by part 10 of Article 13 of this Law, apply to the Central Electoral Commission, submitting the signed forms.

2. The Central Electoral Commission shall complete the process of certification of the validity of signatures within a period of one month upon receiving the application of the authorised representative of the initiative group and the signed forms.
3. If the Central Electoral Commission establishes after an appropriate check-up that valid signatures in the number required by the Constitution of the Republic of Armenia are present, then it shall render a decision on certifying the validity of the signatures; otherwise, it shall reject the certification of the validity of the signatures.
4. The Central Electoral Commission shall, within a period of three days upon rendering the decision on certifying the validity of the signatures or on rejecting the certification, send it to the authorised representative of the initiative group, unless the authorised representative of the initiative group has received it during the sitting of the Central Electoral Commission; the Central Electoral Commission shall also post said decision on the website of the Central Electoral Commission by the end of the next day.
5. The authorised representative of the popular initiative shall, within a period of 15 days upon receiving the decision on certifying the validity of the signatures, submit the relevant draft to the National Assembly of the Republic of Armenia.
6. The decision on rejecting the certification of the validity of the signatures may be appealed against by the popular initiative group under judicial procedure.
7. The procedure for certifying the validity of the signatures shall be prescribed by the Central Electoral Commission.
8. In exercising its powers provided for by part 14 of Article 13, part 7 of this Article, parts 3 and 10 of Article 18 of this Law, the Central Electoral Commission shall adopt sub-legislative regulatory legal acts.

CHAPTER 4.

ORGANISATION OF THE REFERENDUM

Article 15. The system of referendum commissions

1. The organisation of a referendum shall be ensured by the Central Electoral Commission formed in accordance with the Constitution of the Republic of Armenia and the Constitutional Law of the Republic of Armenia "The Electoral Code", while the conduct of a referendum shall be ensured by district electoral commissions and precinct electoral commissions formed in accordance with the Constitutional Law of the Republic of Armenia "The Electoral Code".
2. For the purpose of organisation and conduct of a referendum the electoral commissions shall exercise the powers provided for by this Law, as well as the powers vested in the electoral commissions at the time of elections of the National Assembly by the Constitutional Law of the Republic of Armenia "The Electoral Code" that are applicable to and necessary for the organisation and implementation of the referendum.
3. The procedures for activities of the electoral commissions during a referendum, the status of the members of the electoral commissions, the procedure for appealing against decisions, actions and omissions of the electoral commissions, for review of applications (complaints) and recommendations in the commissions and recount of voting results shall be established by the Constitutional Law of the Republic of Armenia "The Electoral Code" in accordance with the procedure prescribed for the elections of the National Assembly.

Article 16. Lists of citizens with the right to participate in a referendum, referendum precincts, precinct centres and funding of a referendum

1. The procedure for compiling and keeping lists of citizens with the right to participate in a referendum, for enrolling citizens in the lists, the requirements set out for the lists, accessibility of the lists, the procedure for review of the applications concerning inaccuracies in the lists and for correction of the lists, as well as for provision of the lists to the commissions, shall be prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code" in accordance with the procedure prescribed for the elections of the National Assembly.
2. The referendum precincts and precinct centres shall be formed under the procedure prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code".
3. The funding of the expenses that are necessary for the organisation and conduct of a referendum shall be carried out in accordance with the procedure prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code" for the elections of the National Assembly.

CHAPTER 5

CAMPAIGN

Article 17. Main rules of the campaign

1. Citizens of the Republic of Armenia, author of the initiative of holding a referendum, political parties, alliances of political parties and non-governmental organisations shall have the right to conduct a campaign with regard to the issue put to referendum through means and measures not prohibited by law. The fact that the period of the campaign is fixed, shall not restrict the conduct of the campaign during other period not prohibited by this Law.
2. The campaign shall start on the seventh day following the day of the official promulgation of the decree of the President of the Republic on calling a referendum and shall be completed one day before the voting day.
3. One party to "YES" and one party to "NO" campaign may exist with regard to each issue put to referendum. Subjects having the right to conduct a campaign listed in part 1 of this Article may conduct a campaign by joining parties to "YES" or "NO" campaign or separately.
4. Parties to "YES" and "NO" campaign may use public means (free and paid airtime of public television and public radio, the right to post a campaign poster, printed campaign and other materials on outdoor billboards, free of charge places within the territory of a community designated for posting a campaign poster, printed campaign and other materials) for conducting a campaign, and other persons may use public means for conducting a campaign only upon the written consent of the authorised representative of a party to the campaign with the conditions specified in the consent which may not contradict the requirements prescribed by law for the conduct of a campaign.
5. The author of the initiative of holding a referendum shall be deemed to be a party to "YES" campaign following the promulgation of the decree of the President of the Republic on calling a referendum.

6. The authorised representative of a popular initiative shall be deemed to be the authorised representative of the party to "YES" campaign — in case of a popular initiative, the Prime Minister of the Republic of Armenia or the representative appointed upon the decision thereof — in case of the initiative of the Government of the Republic of Armenia, the Deputy indicated as a representative in the official letter on the initiative — in case of the initiative of the Deputies of the National Assembly.

7. Deputies of the National Assembly having voted against or having abstained from voting on the draft decision of the National Assembly with regard to holding a referendum or on draft law submitted to the National Assembly upon popular initiative, respectively, may form a party to "NO" campaign.

8. In case of a failure of the subjects referred to in part 7 of this Article to be registered as a party to "NO" campaign within a period of seven days following the promulgation of the decree of the President of the Republic on holding a referendum, a group consisting of at least 50 citizens may form a party to "NO" campaign.

9. A party to "NO" campaign shall be subject to registration in the Central Electoral Commission.

10. A party to "NO" campaign shall — within a period of three days from the moment of formation thereof — submit a letter to the Central Electoral Commission for the purpose of registration.

11. The authorised representative of the party to "NO" campaign, and in the case provided for by part 8 of this Article — the decision on forming a party to "NO" campaign and appointing an authorised representative shall be specified in the letter, as well as the carbon copies of the identification documents of the members of the party to "NO" campaign shall be attached to the letter or the decision.

12. The Central Electoral Commission shall — within a period of three days following the receipt of the letter and the documents — register the party to "NO" campaign and the authorised representative thereof or refuse the registration, where the requirements referred to in part 8 of this Article are not observed.

13. The Central Electoral Commission shall publish on its website information on persons that are parties to "YES" campaign, as well as the names, surnames of the authorised representatives of the parties to "YES" and "NO" campaign and means for contacting them.

14. It shall be prohibited to conduct a campaign and disseminate any type of campaign material by:

(1) public servants, officials holding political and discretionary positions while performing their official duties, except when they are the authors of the initiative of holding a referendum;

(2) pedagogical staff of education institutions while performing their duties;

(3) judges, prosecutors, officers of investigation bodies, officers of the Police, national security bodies, penitentiary institutions, officers of the Probation Service, officers of the Judicial Acts Compulsory Enforcement Service and military servants;

(4) members of electoral commissions;

(5) foreign nationals and organisations, stateless persons and international organisations.

15. The following shall be prohibited:

(1) the campaign to the parties — during the campaign, as well as on the day preceding the voting day and on the voting day, to provide (promise), in any manner, gratuitously or on preferential conditions — money, securities, goods (including food) to citizens or to provide (promise) services to them;

(2) the campaign on the voting day and on the day preceding it — through public speeches, public events, as well as through print media, radio companies and television companies (including during satellite broadcasting) carrying out terrestrial on-air broadcasting;

(3) assembling in groups on the territory — with up to 50 metre radius — adjacent to a polling station, as well as cluster of vehicles on the territory adjacent to the entrance of a polling station on the voting day.

16. Enforcement of the provisions of point 3 of part 4 of this Article shall be ensured by the Police of the Republic of Armenia adjunct to the Government of the Republic of Armenia, irrespective of the request of the electoral commission.

Article 18. Ways of conducting a campaign

1. Campaign may be conducted through the mass media, in the form of public campaign events (assemblies, meetings, public discussions, debates, gatherings), through publishing and disseminating campaign posters, printed and other materials.

2. The state shall guarantee free conduct of the campaign with regard to the issue put to referendum.

3. Free conduct of the campaign shall be ensured by state and local self-government bodies by providing the parties to the campaign with halls and other premises for the purpose of organising assemblies, meetings and other referendum-related events. These shall be provided to the parties to campaign on equal grounds and free of charge as prescribed by the Central Electoral Commission. Halls of general education institutions may be provided to the parties to campaign only after 18:00, or on non-working days, and only in cases where there are no other relevant halls for conducting a campaign in the given community (administrative district of Yerevan).

4. No later than seven days after calling a referendum, the marz governor and, in case of Yerevan, the Mayor of Yerevan shall submit to the Central Electoral Commission the list of halls and premises that are provided free of charge to parties to the campaign in accordance with the procedure prescribed by the Central Electoral Commission for the purpose of organising assemblies, meetings and other referendum-related events. This list shall be posted on the official website of the Central Electoral Commission.

5. Parties to the campaign shall be provided with the premises envisaged by part 3 of this Article on equal conditions.

6. Persons entitled to conduct a campaign may publish and disseminate campaign posters, printed campaign and other materials in a manner not prohibited by law. Printed campaign materials must include information on the client, printing organisation and the print run.

7. For the purpose of posting the campaign posters, the heads of the communities shall — no later than within five days following the day of the official promulgation of the decree of the President of the Republic on holding a referendum — allocate special places designated for posting them. The heads of the communities shall ensure that the posters posted on special places are not torn off.

8. The places allocated to the parties to the campaign must — to the maximum extent possible — be convenient and accessible for the visit of the voters, must ensure equal surface for "YES" and "NO" campaigns.

9. The posters not located in the polling station on the voting day and the day preceding it may remain in their places.

10. The rules prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code" for the election campaign of the elections of the National Assembly shall apply to a campaign conducted through the mass media, as well as to the use of campaign posters, printed campaign and other materials, unless otherwise prescribed by this Law. The procedure and number of the hours for providing the parties to the campaign with free and paid airtime through the mass media shall be prescribed by the Central Electoral Commission.

11. The schedule for free and paid airtime provided through the mass media shall be prescribed by the Central Electoral Commission at least five days before the time limit prescribed for providing airtime. The schedule for airtime shall be prescribed in such a way as to ensure equal opportunities for the parties to the campaign, not to reduce significantly the effect of the campaign on the public or otherwise lead to actual prohibition of the campaign or reduce the effectiveness of the campaign.

12. The number of free and paid hours provided for the campaign to the parties to the campaign through the mass media shall be equal. The parties to the campaign shall have the right to:

(1) use free of charge no more than 60 minutes of airtime on public television, and no more than 120 minutes of airtime on public radio;

(2) use on paid grounds no more than 120 minutes of airtime on public television, and no more than 180 minutes of airtime on public radio at the account of the means of the campaign fund.

13. Parties to the campaign shall be provided with free and paid airtime on the basis of a written application submitted to the airtime provider.

14. When publishing the results of an opinion poll on public opinion related to the issue put to referendum, the mass media shall be obliged to indicate the time limits of the poll, the number of respondents and the type of sample, type and place of collection, precise wording of the question, statistical evaluation of a possible error, and the client.

15. It shall be prohibited for radio companies or television companies carrying out on-air broadcasting to publish the results of voting "YES" or "NO" by the participants of the referendum on the voting day by 20:00.

Article 19. Campaign financing fund

1. One fund for "YES" campaign and one fund for "NO" campaign may be set for the purpose of financing the campaign. The provisions of the Constitutional Law of the Republic of Armenia "The Electoral Code" related to the election funds shall extend to funding of a campaign, unless otherwise provided for by this Law. Other persons participating in the campaign shall not have the right to form a separate fund.

2. Means of the fund shall be collected in the Central Bank of the Republic of Armenia, in temporary special accounts opened with the Central Bank of the Republic of Armenia based on the application of the authorised representative of a party to the campaign for the purpose of forming a fund. Revenues shall not be calculated and paid from those accounts.

3. The fund shall be formed from voluntary contributions by natural and legal persons.

4. The following shall not have the right to make contributions to the fund:

(1) state and local self-government bodies;

(2) budgetary institutions (organisations);

(3) foreign states, foreign natural and legal persons;

(4) stateless persons;

(5) charitable, religious, international organisations;

(6) organisations having more than 30 percent foreign share in a joint-stock capital;

(7) state and community non-commercial organisations and commercial organisations with state and community participation.

Article 20. The procedure for making contributions to a campaign financing fund

1. The total amount of contributions made to the account of the fund must not exceed 100 000-fold of the minimum salary. The amount of contributions made to the campaign fund by political parties, non-governmental organisations or alliances of political parties may not exceed 25 000-fold of the minimum salary in each case. The declaration on the contributions made to the campaign fund and on the use thereof shall be submitted to the Oversight and Audit Service of the Central Electoral Commission 20 days and 10 days before the voting day, respectively, as well as on the third day after the voting day.
2. Each natural person may make a voluntary contribution to the campaign fund in the amount of up to 500-fold of the minimum salary. Each of the political parties, non-governmental organisations or alliances of political parties may make a contribution to only one fund.
3. The amounts paid to accounts of funds by the persons referred to in part 4 of Article 19 of this Law, as well as the contributions exceeding the amount prescribed by part 1 of this Article shall be transferred to the State Budget.
4. The use of means and resources of public finance and state bodies, as well as spending the means outside of the scope of the fund during the campaign shall be prohibited.
5. The Central Bank of the Republic of Armenia shall, every three days, submit to the Oversight and Audit Service of the Central Electoral Commission a statement of information on financial receipts and expenditure of the funds.
6. All operations with the accounts of election funds shall be terminated as of the voting day.
7. Based on the application of parties to the campaign, the Central Electoral Commission shall allow making payments from the fund after the voting day as well, only for transactions carried out before the voting day.
8. After the voting day, the parties to the campaign may use, in non-cash, the means remaining in the fund for the purpose of appealing against the referendum results, including for the purpose of using legal services, by informing thereon the Central Electoral Commission.

CHAPTER 6.

OBSERVERS

Article 21. RIGHT to observation mission and a proxy

1. The following shall have the right to observation mission during the referendum:
 - (1) parties of the Republic of Armenia, except for the cases when the referendum is held on the day of election of the National Assembly of the Republic of Armenia;
 - (2) international organisations and foreign non-governmental organisations, the statutory objectives whereof include issues related to democracy and protection of human rights, economic or environmental protection issues;
 - (3) non-governmental organisations of the Republic of Armenia, the statutory objectives whereof include — for minimum one year preceding the day of calling a referendum — issues related to democracy and protection of human rights, economic or environmental protection issues.

2. Where the referendum is held on the day of elections of the National Assembly of the Republic of Armenia, the organisations provided for by points 2 and 3 of part 1 of this Article shall have a right to observation mission, provided that they do not support the candidates or parties.
3. The representatives of diplomatic and consular representations accredited in the Republic of Armenia may — upon invitation — carry out observation of the process of referendum in the status of a visitor during the referendum.
4. The representatives of the electoral bodies of other states may — upon invitation — carry out observation of the process of referendum in the status of a visitor during the referendum.
5. The procedure for sending an invitation to the visitors shall be prescribed as laid down in the Constitutional Law of the Republic of Armenia “The Electoral Code”.
6. The procedure for sending an invitation to international organisations, representatives of foreign states and foreign non-governmental organisations for conducting an observation mission shall be prescribed as laid down in the Constitutional Law of the Republic of Armenia “The Electoral Code”.
7. The reports on referendum submitted by international organisations, foreign non-governmental organisations, observation missions shall be posted on the official website of the Central Electoral Commission.
8. The accreditation of observers shall be carried out as prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code”.
9. The parties to the campaign may have proxies.
10. Only citizens with the right of suffrage may act as a proxy. Judges, prosecutors, officers of investigation bodies, officers of the Police and national security bodies, the Judicial Acts Compulsory Enforcement Service, penitentiary institutions, officers of the Probation Service, military servants, observers, members of the electoral commission may not act as a proxy.
11. A party to the campaign shall submit to the Central Electoral Commission an application for the proxy certificates after the day of calling a referendum but not later than 15 days before the voting day.
12. After receiving the application, the Central Electoral Commission shall — within a five-day period — issue to the authorised representative of the party to the campaign proxy certificates equal to three-fold of the number of the formed referendum precincts, wherein the name of the party to the campaign shall be indicated. The party to the campaign shall fill in the certificates and provide them to the proxies.

Article 22. Rights, obligations, procedure for functioning and guarantees of observers, proxies, representatives of the mass media and visitors

1. The procedure for conducting an observation mission during the referendum, the accreditation of observers and the mass media, rights, obligations, procedure for functioning and guarantees of observers and representatives of the mass media shall be prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code”.
2. The status, registration, rights, obligations, procedure for functioning and guarantees of proxies, as well as of visitors during the referendum shall be prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code”.

CHAPTER 7.

PROCEDURE FOR PREPARATION FOR VOTING OF REFERENDUM AND HOLDING THEREOF

Article 23. Preparation for voting of referendum and holding thereof

1. The regulations prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code” shall be applied with regard to the preparation for the voting of referendum and holding thereof, unless otherwise provided for by this law.
2. The voting of the referendum shall be held only at the polling stations formed within the territory of the Republic of Armenia, except for the cases prescribed by this Law.

Article 24. Ballot paper, ballot envelope of the referendum, self-adhesive stamp, seals, individual seal of the member of precinct electoral commission and ballot box

1. The form and sample of the ballot paper of the referendum shall be prescribed by the Central Electoral Commission. The Central Electoral Commission shall establish the sample ballot paper in such a way that it is possible to ensure the confidentiality of the voting. The ballot paper must contain a notice on the procedure for filling in a ballot paper.
2. The title of the draft (issue) put to referendum, the words “YES” and “NO” shall be indicated in the ballot paper with an empty tick box next to each of them on the right side for making a note.
3. During the voting each citizen shall receive one ballot paper and ballot envelope. In case of putting one or more issues to referendum at the same time, the citizens shall be given as many ballot papers and ballot envelopes as is the number of issues put to referendum. The ballot papers and envelopes shall be made in such a way that they clearly differ from each other.
4. The ballot envelope shall be made from opaque paper. The form and sizes of the ballot envelope shall be prescribed by the Central Electoral Commission in such a way that it enables the self-adhesive stamp to be posted on the ballot paper in the envelope.

Self-adhesive stamp shall be a typographically printed stamp with protective layers, whereon the date of the voting and the number of the electoral precinct shall be indicated. Self-adhesive stamp is subject to special record-registration.

5. The ballot papers shall be printed no earlier than ten days and no later than three days before the voting day, on the basis of a statement of information — provided by the authorised body ten days before the voting day — on the number of citizens with the right to participate in the referendum.
6. Self-adhesive stamps shall be printed for each precinct, by rounding the number of citizens with the right to participate in the referendum in the electoral precinct up to the nearest hundred.
7. The Central Electoral Commission shall ensure the printing of ballot papers, ballot envelopes and self-adhesive stamps.
8. Precinct electoral commissions shall be provided with technical equipment for the registration of citizens with the right to participate in the referendum. The technical equipment must contain the electronic list of citizens with the right to participate in the referendum, in accordance with the requirements of the Constitutional Law of the Republic of Armenia “The Electoral Code”.
9. During the referendum, ballot papers, ballot envelopes, self-adhesive stamps, individual seals of the members of precinct electoral commissions, ballot boxes, technical equipment and other items shall be allocated and returned to the district electoral commissions and precinct electoral commissions in the

manner and within the time limits prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code”, unless otherwise provided for by this law.

Article 25. Preparation for voting

1. The preparation for the voting shall be carried out in the manner and within the time limits prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code”, unless otherwise provided for by this law.
2. The polling station shall have the following:
 - (1) the text of the issue put to referendum;
 - (2) the decision of the Constitutional Court of the Republic of Armenia on recognising the draft legal act put to referendum as complying with the Constitution of the Republic of Armenia.
3. During the referendum, the furnishing of the voting room shall be carried out in the manner and within the time limits prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code”.
4. Polling booths shall be provided for voting, the number of booths being determined on the following ratio: at least one booth for 750 citizens. The polling booth shall be assembled in such a way that the citizen is able to vote privately from those present in the voting room, and that there is sufficient lighting and a pen.
5. The polling booths shall be placed within at least one metre distance from each other; they shall be placed in such a position that the elector has his or her face turned to the commission and the back turned to the wall during the voting.

Article 26. Preparation for and holding of the voting of arrestees, detainees, military servants, convicts; organisation of voting in diplomatic and consular representations

1. The regulations prescribed by the Constitutional Law of the Republic of Armenia “The Electoral Code” shall apply to the preparation for and holding of a voting of arrestees, detainees, military servants, convicts with the right to participate in the referendum, including to the registration of citizens with the right to enter the polling station, to participate in the referendum, as well as to the organisation of voting in diplomatic and consular representations.

Article 27. Procedure for filling in the ballot paper

1. Where the voting participant agrees to adopt the issue put to referendum, he or she shall put a uniform mark, as prescribed by the Central Electoral Commission, in the empty tick box next to the word “YES”, and where he or she disagrees — in the empty tick box next to the word “NO”.
2. The voting participant who is unable to fill in the ballot papers on his or her own, shall have the right to invite, after having notified the chairperson of the commission, another person into the voting booth, who must not be a member of commission, proxy, observer, mass media representative or visitor. The person shall have the right to assist only one citizen who is unable to fill in the ballot paper on his or her own. Except for the mentioned case, the presence of other person in the voting booth while filling in the ballot paper shall be prohibited. The data of the person assisting the citizen unable to fill in the ballot paper on his or her own shall be entered in the registration book of the precinct electoral commission.
3. Where the commission member or the proxy finds that cases of violations of the voting procedure have taken place in the voting process as provided for by this Law or Constitutional Law of the Republic of Armenia “The Electoral Code”, he or she shall have the right to demand that his or her position be recorded in the registration book.

Article 28. Validity of the ballot paper

1. An established sample ballot paper shall be invalid where:
 - (1) it contains marks both next to words "YES" and "NO";
 - (2) it does not contain any mark;
 - (3) apart from the mark established by the Central Election Commission for voting or the resembling one, it contains another mark disclosing the identity of the voter;
 - (4) the form prescribed for putting a mark in the ballot paper is obviously violated.
2. An insignificant violation of the established form may not be considered as a basis for invalidity of the ballot paper if the voting participant's intention is clear and unambiguous.
3. The ballot paper shall be valid where one of the grounds for invalidity of the ballot paper prescribed by part 1 of this Article is not available.

Article 29. Established sample ballot papers

1. An established sample ballot paper shall be the ballot paper of the sample approved by the Central Electoral Commission which has been taken out of the envelope and which bears a self-adhesive stamp of that precinct.

CHAPTER 8.

PROCEDURE FOR SUMMARISATION OF THE RESULTS OF THE REFERENDUM AND DETERMINATION OF INACCURACIES

Article 30. Procedure for summarisation of voting results at the precinct

1. The voting results of the referendum shall be summarised at the precinct as prescribed by Constitutional Law of the Republic of Armenia "The Electoral Code".
2. In case the referendum is held on the same day as the election of local self-government bodies, or the local referendum, the precinct electoral commission shall in the first place summarise the voting results of the referendum.

Article 31. Protocol of precinct electoral commission on voting results

1. Based on counting of voting results, the precinct electoral commission shall draw up a protocol on the voting results at the precinct, which shall include the following:
 - (1) the total number of citizens with the right to participate in the referendum at the referendum precinct, which shall be equal to the sum of the number of citizens included in the main list and supplementary lists;
 - (2) the total number of voting participants;
 - (3) the number of self-adhesive stamps allocated to the precinct electoral commission (shall be filled in by the district commission);
 - (4) the number of numbered passes allocated to the precinct electoral commission (shall be filled in by the district electoral commission);
 - (5) the number of passes printed by means of technical equipment, received from voting participants;

- (6) the number of numbered voting passes received from voting participants;
- (7) the total number of numbered voting passes received from voting participants (the sum of the figures referred to in points 5 and 6 of this part);
- (9) the number of unused numbered passes;
- (10) the number of unused self-adhesive stamps;
- (11) the number of invalid ballot papers;
- (12) the number of ballot papers with "YES" votes;
- (13) the number of ballot papers with "No" votes.

2. The drawing up and signing of the protocol, the publication thereof at the precinct, the packing and submission of the referendum related documents to the district electoral commission shall be carried out in the manner and within the time limits prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code" for the elections of the National Assembly.

Article 32. Procedure for determination of inaccuracies

1. The amount of inaccuracies shall be calculated and recorded as prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code".

Article 33. Actions of district electoral commission after receiving the protocols of precinct electoral commissions

1. The district electoral commission shall check the validity of drawing up the protocols on the voting results at the precincts; in case of arithmetic errors, the chairperson and the secretary of the precinct electoral commission shall correct them, certifying the corrections with their signatures. The baseline data shall not be modified. Data produced by the precinct electoral commission by way of counting one by one shall be deemed baseline data.

2. The district electoral commission shall enter the data of protocols on the voting results at the precinct into a computer. The tabulation of the voting results of the referendum shall be carried out in the manner and within time limits prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code" for the elections of the National Assembly.

3. The district commission shall submit — 24 hours after the end of voting — one copy of the protocol on the voting results at the precinct, to the Central Electoral Commission.

4. During the referendum, the district electoral commission shall not draw up a protocol on summarisation of the voting results, for recount of the voting results, it shall investigate, within the time limits prescribed by the Constitutional Law of the Republic of Armenia "The Electoral Code", the violations recorded in the registration books of precinct electoral commissions on the voting day, summarise the investigation results at the sitting of the commission, and submit the decision adopted thereon to the Central Electoral Commission.

Article 34. Procedure for summarisation of the results of the referendum at the Central Electoral Commission

1. No later than 24 hours after the end of voting, based on the voting results in precincts, received from district electoral commissions, the Central Electoral Commission shall, in accordance with the requirements of this Article, summarise the preliminary voting results of the referendum, endorse them by a protocol and officially publish those results during live broadcasting on public radio and public television.

2. On the seventh day after the voting day, based on the protocols on the voting results in precincts, the recounting results, the decisions adopted on the voting results, the Central Electoral Commission shall draw up a protocol on the voting results.

3. The following shall be indicated in the protocol on the voting results:

- (1) the total number of citizens with the right to participate in the referendum, which shall be equal to the sum of the number of citizens included in the main list and supplementary lists;
- (2) the total number of voting participants;
- (3) the total number of self-adhesive stamps allocated to the precinct commissions;
- (4) the total number of numbered passes allocated to the precinct commissions;
- (5) the total number of passes printed by means of technical equipment, received from voting participants;
- (6) the total number of numbered voting passes received from voting participants;
- (7) the total number of passes received from voting participants;
- (8) the total number of unused numbered passes;
- (9) the total number of unused self-adhesive stamps;
- (10) the total number of invalid ballot papers;
- (11) the total number of ballot papers with "Yes" votes;
- (12) the total number of ballot papers with "No" votes;
- (13) the total amount of inaccuracies.

4. The total amount of inaccuracies shall be equal to the sum of the total amount of inaccuracies in all the formed referendum precincts.

5. The protocol shall be signed by the commission members. The protocol shall be sealed by the chairperson of the commission.

6. A carbon copy of the protocol on the voting results, certified by the signatures of the commission chairperson and the secretary, and by the commission seal, shall be provided to persons having the right to be present at the sitting of the electoral commission, upon their request.

7. On the seventh day after the voting day, based on the protocol on the voting results, court judgments, decisions adopted due to consideration of applications (complaints) received by commissions, decisions of district electoral commissions adopted on the violations recorded on the voting day in the registration books of precinct commissions, and decisions adopted on the voting results, the Central Electoral Commission shall summarise the referendum results and adopt a decision on the referendum results.

Article 35. Summarisation of referendum results

1. The Central Electoral Commission shall, in the manner and within the time limits prescribed by Article 34 of this Law, summarise the referendum results and adopt any of the following decisions:

- (1) on adopting the draft put to referendum;
- (2) on calling a repeat voting in separate referendum precincts;

- (3) on not adopting the draft put to referendum;
 - (4) on declaring the referendum results invalid and calling a new voting.
2. Pursuant to Article 207 of the Constitution of the Republic of Armenia, an act put to referendum shall be adopted in case more than half of the participants of the referendum, but not less than one fourth of citizens with the right to participate in referenda, have voted in favour.
 3. The draft put to referendum shall be considered as not adopted where the requirements of part 2 of this Article are not observed.
 4. Where in the course of the voting such violations of this Law or the Constitutional Law of the Republic of Armenia "The Electoral Code" have taken place that might have affected the referendum results, the Central Electoral Commission shall adopt a decision on holding a repeat voting in separate referendum precincts, where it is possible to remedy the consequences of those violations by such measure.
 5. Where in the course of preparation and holding of referendum or in the course of repeat voting in separate precincts, such violations of this Law or the Constitutional Law of the Republic of Armenia "The Electoral Code" have taken place that might have affected the referendum results, the Central Electoral Commission shall adopt a decision on declaring the referendum results invalid and shall call a new voting.
 6. In respect of disputes related to the referendum results, an application may be submitted to the Constitutional Court of the Republic of Armenia on the fifth day following the official publication of referendum results, by 18.00.
 7. A repeat voting in separate precincts shall be called and held in the manner and within time limits prescribed by this Law and the Constitutional Law of the Republic of Armenia "The Electoral Code". New voting shall be held no earlier than 15 and no later than 30 days following the entry into force of the decision on declaring the referendum results invalid, as prescribed by this Law.

Article 36. Entry into force of the Constitution of the Republic of Armenia or amendments made thereto and of the laws adopted through referendum

1. The Constitution of the Republic of Armenia or amendments made thereto and of the laws adopted through referendum shall enter into force on the day following the publication of the legal act adopted through referendum in the "Official Journal of the Republic of Armenia", unless a later time limit is provided by the act adopted through referendum.
2. The publication in the Official Journal of the Republic of Armenia shall be made following the publication of the decision of the Central Electoral Commission on adopting the draft put to referendum, where the decision of the Central Electoral Commission has not been appealed against before the Constitutional Court of the Republic of Armenia.
3. Where the decision of the Central Electoral Commission adopted with regard to the referendum results has been appealed against before the Constitutional Court of the Republic of Armenia, the publication of the legal act adopted through referendum in the Official Journal of the Republic of Armenia shall be made no later than within five days following the decision of the Constitutional Court of the Republic of Armenia on upholding the decision on summarisation of referendum results.

Article 37. Depositing referendum related documents for maintenance

1. Within a period of seven days following entry into force of the decision of the Central Electoral Commission on referendum results, and in case of appealing against the referendum results — within a period of seven days following entry into force of the decision thereon of the Constitutional Court of the

Republic of Armenia, the referendum related documents shall be deposited in the National Archives of Armenia for maintenance in the manner prescribed.

CHAPTER 9.

FINAL PROVISIONS

Article 38. Entry into force of this Law

1. This Law shall enter into force on the day the newly-elected President of the Republic assumes his or her position; the provisions of this Law prescribing the procedure for exercising the right of proposing a draft law to the National Assembly under the procedure of popular initiative shall enter into force on the day following the official promulgation of this Law.
2. Law of the Republic of Armenia HO-225 of 12 September 2001 "On referendum" shall be repealed on the day the newly-elected President of the Republic assumes his or her position.