

# **ELECTORAL CODE**

## **OF THE REPUBLIC OF ARMENIA**

**Adopted on 26 May 2011**

### **PART ONE**

#### **SECTION 1**

#### **GENERAL PROVISIONS**

##### **CHAPTER 1**

##### **MAIN PROVISIONS**

#### **Article 1. The Foundations of Elections**

1. In accordance with the Constitution of the Republic of Armenia, elections of the Republic of Armenia President as well as to the National Assembly and local self-government bodies shall be conducted by secret ballot on the basis of universal, equal, and direct suffrage.

2. Within the scope of the powers vested in them by law, officials of state government and local self-government bodies shall bear responsibility for the lawfulness of the preparation, organization, and implementation of elections.

3. Suffrage law shall be governed by the Republic of Armenia Constitution and this Code.

#### **Article 2. Right to Vote**

1. Citizens of the Republic of Armenia that have attained the age of 18 on the day of the voting shall have the right to vote in the Republic of Armenia. Persons that do not have citizenship of the Republic of Armenia shall have the right to vote in elections of local self-government bodies in case of being registered for at least six months prior to the voting day in the population register of the community where the election is conducted.

2. In elections of local self-government bodies, the rights and obligations prescribed by this Code for citizens of the Republic of Armenia shall be extended also to persons that have the right to vote in elections of local self-government bodies.

3. Citizens declared by court judgment as lacking active legal capacity, as well as citizens sentenced by a final court judgment to imprisonment and serving the sentence in a penitentiary institution, may not vote or be elected.

4. Military servicemen undergoing compulsory military service or training musters, arrested or detained persons, as well as citizens not registered in the Republic of Armenia may not participate in the voting in local self-government elections and National Assembly elections under the majoritarian electoral system.

5. Citizens not registered in the Republic of Armenia may participate in the voting in national elections (national elections are the elections of the President of the Republic, as well as the National Assembly elections under the proportional electoral system) if they are included in the supplementary list of voters in accordance with the procedure prescribed by this Code.

### **Article 3. Equal Suffrage**

1. Voters shall participate in elections on equal grounds.

2. The state shall ensure equal conditions for the exercise of the right of suffrage of voters.

3. Voters shall, irrespective of ethnic origin, race, sex, language, faith, political or other opinion, social origin, property or other status, have the right to vote and to be elected.

### **Article 4. Direct Suffrage**

1. The President of the Republic, the National Assembly deputies, as well as local self-government bodies, except for the Mayor of Yerevan, shall be elected directly.

### **Article 5. Secrecy of the Vote**

1. The vote shall be secret. Secrecy of the vote shall be not only a right, but also an obligation of a voter. Control over the free expression of will of a voter shall be prohibited.

### **Article 6. Publicity of Elections**

1. Elections shall be prepared and conducted publicly.

2. Normative decisions of the Central Electoral Commission shall be published in accordance with the procedure prescribed by the Republic of Armenia Law on Legal Acts. Individual decisions of the Central Electoral Commission shall be posted on the website of the Central Electoral Commission on the day of adoption in case of national elections and by the end of the following working day in case of all other elections. Normative decisions of the Central Electoral Commission shall be posted on the website of the Central Electoral Commission on the day of their state registration in accordance

with the procedure defined by the legislation and receipt by the Central Electoral Commission in case of national elections and by the end of the working day following such state registration and such receipt in case of all other elections.

The website of the Central Electoral Commission is [www.elections.am](http://www.elections.am) .

3. For purposes of ensuring the publicity and transparency of organizing and conducting elections, raising the public awareness, and ensuring the security, protection and fail-safe operation of the “Elections” automated system, as well as for the proper performance of the powers vested in electoral commissions by this Code, such commissions shall be provided with the necessary software, hardware, communication means, equipment, and other facilities.

4. Candidates, political parties (alliances of political parties) participating in elections under the proportional electoral system, may, in national elections and elections of the Yerevan Council of Aldermen, submit their campaign programs in the electronic form prescribed by the Central Electoral Commission for the purpose of posting on the website of the Central Electoral Commission. After such programs are submitted, the Central Electoral Commission shall post them on the website by the end of the working day following submission.

5. Candidates shall, within five days of the expiry of the time limit prescribed by this Code for the registration of candidates, submit a declaration on their property and income to the relevant electoral commission; candidates for the President of the Republic shall submit also a *curriculum vitae* and one photo.

6. Political parties (political parties included in an alliance of political parties) participating in elections under the proportional electoral system shall, within five days of the expiry of the time limit prescribed by this Code for the registration of electoral lists of political parties (alliances of political parties), submit to the Central Electoral Commission a declaration on the property and financial assets of the political party.

The Central Electoral Commission shall define the declaration forms (for candidates for the President of the Republic and for political parties and political parties included in an alliance of political parties, also the electronic forms of declarations), their submission procedure, the day as at which the property declaration is submitted, and the time period for which the income declaration is submitted.

7. Declarations of candidates for the President and declarations of political parties shall, within a three-day period of submission, be posted on the website of the Central Electoral Commission. Copies of the declarations of other candidates shall be provided to members of electoral commissions, proxies, mass media representatives, and observers on the basis of their written requests.

8. During elections of the President of the Republic and to the National Assembly, the Authorized Body maintaining the Voter Register of the Republic of Armenia shall, on the thirtieth, twentieth, tenth day preceding the voting day and on the day preceding the voting day, publish the total number of voters included in the Voter Register of the Republic of Armenia, mentioning also the number of voters included in each supplementary list.

9. Voters shall, in the procedure prescribed by this Code, be informed of the composition, locations, and working hours of electoral commissions, the time limits for submission of applications on inaccuracies in the lists of voters, and of the nomination and registration of candidates, the voting day, and the voting results and the election results.

10. On the voting day, precinct electoral commissions shall be obliged to communicate to the territorial electoral commission, by 11:30, 14:30, 17:30, and 20.30 hours, the number of voters having participated in the voting at the particular electoral precinct as of 11:00, 14:00, 17:00, and 20:00 hours, respectively. Territorial electoral commissions shall summarize, publish, and communicate such data to the Central Electoral Commission at the same frequency. In national elections, the Central Electoral Commission shall, at 9:00 of the voting day, publish information on the progress of elections; from 12:00 to 21:00, the Central Electoral Commission shall, once every three hours, publish information as per the Marzes [regions] (in Marzes, also as per Marz centers and communities in the Marz having more than 10,000 voters) and the City of Yerevan on the number of voters having participated in the voting as of the foregoing hour. After the information on the number of voters having participated in the voting is published, it shall be posted on the website of the Commission as per electoral precincts.

11. The Central Electoral Commission shall, no later than starting at 0:00 hours on the day following the voting, carry out the tabulation of voting results as per electoral precincts. The Central Electoral Commission shall complete the tabulation of the preliminary results of the voting and shall post the preliminary results of the election on the website of the Commission no later than within an hour of the receipt of the last piece of information from an electoral precinct concerning the voting results, but no later than within 24 hours of the end of the voting.

12. Proxies, observers, mass media representatives, and, with the consent or upon assignment of the chairperson of the superior electoral commission, members of a superior electoral commission shall be entitled to be present at the sessions of electoral commissions and in polling stations during the entire voting process in accordance with the procedure prescribed by this Code. Proxies, observers, and mass media representatives may take photos and videos of sessions of the electoral commission, as well as of the voting process without violating the right of voters to secrecy of the ballot.

13. In the cases stipulated by Part 10 of this Article, the Central Electoral Commission shall publish the data by live broadcast over the Public Radio and Public Television of Armenia from the premises of the Central Electoral Commission.

## **CHAPTER 2**

### **VOTER LISTS**

#### **Article 7. Maintaining the Voter Register; Compiling Lists of Voters**

1. The Voter Register of the Republic of Armenia is a permanently maintained document, which is compiled as per Marzes and communities. Citizens of the Republic of Armenia, which are included in the State Population Register of the Republic of

Armenia, are registered in a community of the Republic of Armenia, and have the right to vote shall be included in the Voter Register of the Republic of Armenia.

Citizens having no registration in the Republic of Armenia, as well as persons that do not have citizenship of the Republic of Armenia but have the right to vote in elections of self-government bodies, shall not be included in the Voter Register of the Republic of Armenia, which does not restrict their right to be included in the list of voters.

2. The Voter Register of the Republic of Armenia shall be maintained and the list of voters compiled by the public administration body authorized by the Government of the Republic of Armenia (hereinafter referred to as “the Authorized Body”) maintaining the State Population Register. The Authorized Body shall be responsible for compiling and maintaining the Voter Register and the list of voters in accordance with the requirements of this Code.

3. Heads of penitentiary institutions and places for holding arrestees, as well as commanders of military units shall compile lists of voters, too, in the cases and procedure prescribed by this Code.

4. The Authorized Body shall submit to the Central Electoral Commission the Voter Register of the Republic of Armenia as per communities twice a year, in June and November (during the first week of each), and in the case of national elections also as per electoral precincts at least 41 days prior to the voting day; such submission shall be in electronic form for posting on the website of the Central Electoral Commission with a search feature. The Voter Register of the Republic of Armenia shall be a permanent and integral part of the website of the Central Electoral Commission.

### **Article 8. Inclusion of Voters in the List**

1. The list of voters of a community shall be compiled on the basis of the Voter Register of the Republic of Armenia as per electoral precincts. Such list of voters of a community shall include the persons that have the right to vote in relevant elections pursuant to Article 2 of this Code.

2. In each election, a voter shall be included only in one list of voters and only once.

In elections of self-government bodies, citizens that became registered in the respective community after announcing an election there may not be included in the list of voters of such community. The provisions of this paragraph shall not apply to citizens that became registered in such community by virtue of marriage, demobilization from compulsory military service for a term, release from a prison sentence, moving for the purpose of establishing permanent residence in the Republic of Armenia or acquiring real estate in such community.

3. In case of national elections, voters registered in another community may, no later than seven days prior to the voting day, file an application with the head of the Authorized Body or of its relevant subdivision (hereinafter referred to as “the Authorized Body”) on temporary removal from the list of voters of the place of his registration, indicating the address where he will be on the voting day. The form of such application shall be defined by the Central Electoral Commission.

The Authorized Body shall, within a three-day period of receiving the application, issue a statement to the voter on removing his data from the list of voters of the place of his registration and on including him in a supplementary list of voters of the electoral precinct where he will actually be. The form of the statement shall be defined by the Central Electoral Commission.

4. For the purpose of participating in the voting in national elections, voters not registered in the Republic of Armenia shall, no later than seven days prior to the voting day, submit an application on including them in the list of voters, indicating the address of the place of stay in the Republic of Armenia on the voting day. The Authorized Body shall, within a three-day period of receiving such application, include the voter in the supplementary list of voters of the electoral precinct closest to his place of stay on the voting day and shall provide him a statement thereon. The forms of the application and of the statement shall be defined by the Central Electoral Commission.

5. In national elections, the Police of the Republic of Armenia shall, no later than four days prior to the voting day, by 14:00 of such day, compile the list of police officers seconded to electoral precincts on the voting day, indicating in the list the surname, first name, and patronymic, the year, month and day of birth (hereinafter referred to as “the Date”), as well as the address of the place of registration of such voters. Based on such lists, the Authorized Body shall remove such police officers from the list of voters of their places of registration and shall, in accordance with the requirements on lists of voters stipulated by Article 9 of this Code, compile a supplementary list of police officers voting in such electoral precinct.

6. In national elections, the head of an inpatient facility shall, no later than five days prior to the voting day, by 14:00, submit to the Authorized Body the list of voters undergoing inpatient treatment, which have no possibility to visit the polling station on their own, but wish to participate in the voting. Such list shall indicate the surname, first name, patronymic, date of birth, and address of the place of registration of such voters.

Based on the submitted lists, the Authorized Body shall remove the voters undergoing inpatient treatment from the list of voters of the places of their registration, and shall, in accordance with the requirements concerning the lists of voters stipulated by Article 9 of this Code, compile a supplementary list of voters participating in the voting at the inpatient facility.

7. In national elections, military servicemen undergoing compulsory military service or training musters shall, in case of being granted temporary leave from service in accordance with the procedure defined by the legislation, be removed from the list of voters of the respective military unit, and may be included in the list of voters of the places of their permanent residence, provided that an application on including them in such list of voters is filed within the time limit specified in Part 3 of this Article. The form of the application and the list of documents attached thereto shall be defined by the Central Electoral Commission.

8. In national elections, military servicemen undergoing compulsory military service, as well as contract servicemen registered in the territory where a military unit is deployed, members of their families registered within the same territory that have the right to vote, as well as voters undergoing training in musters shall be included in the list of voters of the military unit.

9. In national elections, the Ministry of Defense of the Republic of Armenia shall, no later than 50 days prior to the voting day, submit the number of voters registered in military units to the community mayor, the Authorized Body, and the Central Electoral Commission in accordance with the procedure prescribed by the Central Electoral Commission. The provisions of this Part shall also apply to the National Security and Police troops of the Republic of Armenia.

10. Contract servicemen registered outside the territory of a military unit shall be included in the list of voters of the community in accordance with the general procedure.

11. Lists of voters detained in an institution shall be compiled by the head of the penitentiary institution three days prior to the voting day.

### **Article 9. Requirements on Lists of Voters**

1. Lists of voters shall be compiled according to the addresses of the places of registration of voters.

2. A list of voters shall include the name of the Marz and the community, and, in separate columns, the voter's:

(1) Number in the list;

(2) Surname, first name, and patronymic (if the patronymic is specified in the registration documents);

(3) Date of birth; and

(4) Address of the place of registration and, in case of voters not registered in the Republic of Armenia, the address of the place of residence in the Republic of Armenia on the voting day.

3. The numbering in the lists of voters provided to precinct electoral commissions, referred to in Point 1 of Part 2 of this Article, shall be carried out as per electoral precincts; the number of the electoral precinct shall also appear on each sheet of the lists, and four additional columns shall be designated for the following:

(1) The series and number (hereinafter referred to as "the Number") of the voter's personal identification document;

(2) The voter's signature;

(3) The individual seal of the commission member responsible for the registration of voters; and

(4) Remarks: remarks in the list of voters may be made in accordance with the procedure prescribed by the Central Electoral Commission.

4. In case of more than one concurrent elections, a separate column for the voter's signature for each vote shall be provided.

5. The lists of voters shall be compiled in the form of a journal, paginated for up to 1,000 voters, so that each journal of the lists of voters provided to an electoral precinct having more than 1,000 voters includes the data of an approximately equal number of voters. Each page of the list of voters may contain data on no more than 20 voters.

6. The list of voters and the supplementary list of voters prepared by the Authorized Body in cases prescribed by this Code shall be compiled and paginated by the Authorized Body, and each page of such list shall be signed and sealed by the Authorized Body.

7. The lists of voters prepared in a military unit, penitentiary institution, and place of holding arrestees shall be compiled and paginated by, and each page of such lists shall be signed and sealed by, the commander of the respective military unit or the head of the penitentiary institution or place of holding arrestees, respectively.

#### **Article 10. Providing Lists of Voters to Electoral Commissions and to the Entity Controlling the Premises of a Polling Station**

1. The Authorized Body shall, no later than 40 days prior to the voting day, provide to the entity controlling the premises of a polling station one copy of the list of voters containing on the last page a statement on the time limits and place of submitting applications on inaccuracies in the lists of voters, as well as on the manner, time period, and conditions of their review, to be posted in the polling station. The form of such statement shall be defined by the Central Electoral Commission.

2. The Authorized Body shall, 10 days prior to and three days prior to the voting day, provide a statement, as per constituencies and electoral precincts, on the number of voters to the Central Electoral Commission in case of national elections and elections of the Yerevan Council of Aldermen, and to the territorial electoral commission in case of local self-government elections and by-elections of a National Assembly deputy under the majoritarian electoral system.

3. The Authorized Body shall, two days prior to the voting day, provide to chairpersons of precinct electoral commissions the lists of voters (including supplementary lists) compiled by the Authorized Body as per electoral precincts and the addresses of residential buildings (houses) included in the electoral precinct, in two printed copies (the first copy of the lists of voters, including the supplementary lists, shall be compiled in the form of a journal, and the second copy shall be for posting in the polling station), as well as the forms necessary for compiling supplementary lists of voters under Article 13 of this Code.

4. The Authorized Body shall, within the time limits prescribed by Parts 1 and 3 of this Article, provide the lists of voters to the Central Electoral Commission in an electronic medium.

5. Three days prior to the voting day, the commander of a military unit shall provide to the chairperson of the territorial electoral commission the lists of voters registered in the respective military unit, in a sealed envelope that shall be opened only on the voting day at the precinct electoral commission.

6. Two days prior to the voting day, the head of a penitentiary institution shall deliver the list of voters to the precinct electoral commission chairperson.



7. On the voting day, the head of a place for holding arrestees shall compile and deliver the list of voters to the precinct electoral commission member who is organizing the voting through a mobile ballot box in the place for holding arrestees.

#### **Article 11. Access to the Lists of Voters**

1. The list of voters of the Republic of Armenia, except for the lists compiled in military units and the lists signed by voters, shall be freely accessible.

Lists signed by voters shall not be published, and no copy of these lists shall be made; furthermore, they may not be photographed or videotaped.

2. In national elections and elections of the Yerevan Council of Aldermen, the Authorized Body shall post on the Internet the list of voters as per electoral precincts 40 days and two days prior to the voting day. The lists of voters posted on the Internet as per electoral precincts must be downloadable.

3. The entity controlling the premises of the polling station shall, 40 days prior to the voting day, post the list of voters in the polling station in a place visible for everyone.

4. The chairperson of a precinct electoral commission shall, two days prior to the voting day, post a copy of the list of voters, including the supplementary lists, in the polling station in a place visible for everyone. Such lists shall remain posted in the polling station until the termination of the authority of the precinct electoral commission.

5. Lists of voters registered in military units shall be posted in military units in a place visible to servicemen 10 days prior to the voting day.

6. In case of forming more than one electoral precincts in a community, the Authorized Body shall send notices to voters about the voting day, the number of the polling station, and the place and time of the voting no later than three days prior to the voting day.

#### **Article 12. Procedure of Filing Applications on Eliminating Inaccuracies in the Lists of Voters; Procedure of Reviewing Such Applications and Correcting the Lists of Voters**

1. Everyone shall be entitled to file, no later than five days prior to the voting day, an application with the Authorized Body on eliminating inaccuracies (including those not related personally to the applicant) in the lists of voters. Within five days of receiving such an application, but no later than four days prior to the voting day, the Authorized Body shall, if sufficient grounds prescribed by this Code are present, make the necessary changes or corrections to the list of voters and inform the applicant thereof in writing.

2. During the four days preceding the voting and until the end of the voting, everyone shall have the right to file an application with the Authorized Body on being included in the list of voters. Decisions concerning applications on being included in the lists shall be rendered in such time frames as to enable a voter to participate in the voting.

The Central Electoral Commission shall define the form of the statement issued by the Authorized Body on a person not being included in the list of voters, which is to be

submitted to the relevant precinct electoral commission. The precinct electoral commission shall make an addition to the list of voters based on the statement issued by the Authorized Body on being included in the list of voters: such addition shall be made on the voting day by drawing up a supplementary list in accordance with the procedure prescribed by Article 13 of this Code.

3. Disputes on eliminating inaccuracies in the list of voters and on making additions to the list shall be resolved in the procedure and time limits prescribed by the Administrative Procedure Code of the Republic of Armenia. The court shall render a judgment on eliminating inaccuracies in the lists within three days of receiving an application. The court shall render a judgment on making additions to the list within a time period that will enable the voter concerned to participate in the voting. A court judgment on eliminating inaccuracies in the lists of voters shall be enforced by the Authorized Body. Additions to the list of voters, based on a judgment on being included in the list of voters, shall be made by a precinct electoral commission on the voting day by means of compiling a supplementary list in accordance with the procedure prescribed by Article 13 of this Code. For purposes of correcting the Voter Register, courts shall send a copy of the judgment on including voters in the list of voters to the Authorized Body for making corresponding changes in the Voter Register, too.

4. Electoral commissions may not, at their initiative, make any changes, whether corrections or additions, to the lists of voters (including supplementary lists), except for correcting spelling errors and technical errors in the electoral precinct on the voting day, as well as in the case prescribed by Article 13 of this Code.

### **Article 13. Supplementary Lists of Voters**

1. Precinct electoral commissions shall compile a supplementary list of voters in accordance with the procedure prescribed by this Code. The documents considered the basis for including a voter in the supplementary list of voters shall be annexed to the supplementary list.

2. Supplementary lists of voters shall be compiled in accordance with the requirements for the lists of voters provided to precinct electoral commissions for the voting, by means of adding one column for indicating the number and date of either the relevant court judgment or the statement issued by the Authorized Body.

3. Each page of a supplementary list of voters compiled by a precinct electoral commission shall be signed and sealed by the precinct electoral commission chairperson. After the end of the voting, the chairperson of the commission shall indicate at the end of the list the total number of voters included in the supplementary list.

## **CHAPTER 3**

### **ELECTORAL PRECINCTS AND POLLING STATIONS**

#### **Article 14. Electoral Precincts**

1. The Authorized Body shall, with the participation of the community mayor and a member of the territorial electoral commission, form electoral precincts no later than 45 days prior to the voting day, taking into account local as well as other conditions, with the aim of creating more favorable conditions for the voting.

2. Electoral precincts shall be formed with sequential numbering. The procedure of numbering electoral precincts shall be defined by the Central Electoral Commission.

3. An electoral precinct shall, at the time of formation, include not more than 2,000 voters. The number established by this Part may be changed in case of correcting the lists of voters and in cases provided by Article 8 of this Code.

4. An electoral precinct may not include different settlements.

#### **Article 15. Polling Stations**

1. The voting shall be conducted in a polling station.

2. A polling station shall be as close as possible to the residential buildings and houses located in the electoral precinct. The polling station shall be selected in such a way as to ensure the proper conduct of the voting. If appropriate buildings and premises owned by state bodies or local self-government bodies are lacking in an electoral precinct, the respective community mayor may rent appropriate premises for locating a polling station in order to create more favorable conditions for voters. The community mayor shall be responsible for selecting the location of a polling station, as well as for furnishing the voting room in accordance with the requirements defined by Article 55 of this Code.

3. A polling station may not be located in buildings occupied by state bodies and local self-government bodies, or military educational institutions, military formations, or health care institutions.

4. In national elections, polling stations shall be formed also in detention facilities.

5. Local self-government bodies shall take appropriate measures in polling stations to safeguard accessibility for purposes of the exercise of voting rights by voters with physical capacity limitations.

#### **Article 16. Designating a Polling Station**

1. No later than 43 days prior to the voting day, the community mayor (or the head of the penitentiary institution in cases provided by this Code) shall designate a polling station. The community mayor shall provide information about it to the Authorized Body,

the relevant territorial electoral commission, and the entity controlling the premises of the polling station.

2. If it is impossible to properly organize the voting or if it is impossible to conduct the voting in a polling station, the community mayor shall be obliged, upon the request of the chairperson of the territorial electoral commission, to change the location of the polling station no later than five days prior to the voting day, and, in exceptional cases (natural disaster, accident, fire, or *force majeure*), to change the location of the polling station also on the voting day with the consent of the chairperson of the territorial electoral commission.

3. In case of changing the location of a polling station, the community mayor shall give immediate notice thereof to the voters.

## CHAPTER 4

### CONSTITUENCIES

#### Article 17. Constituencies

1. Constituencies equal in number to the number of mandates of the National Assembly deputies under the majoritarian electoral system shall be formed in the territory of the Republic of Armenia.

2. A constituency shall be a unified territory that may not include communities of different Marzes or non-adjacent settlements within a Marz. Constituencies of the City of Yerevan may not include other communities.

3. Constituencies shall be formed taking into account the borders of the Marzes, the geographic, topographic, and physical features of the area, availability of means of communication, as well as the existing social and other factors.

The number of constituencies formed in each Marz (or in the City of Yerevan) shall be determined as follows: the number of voters in the Marz shall be multiplied by the number of mandates of deputies elected under the majoritarian electoral system, the result shall be divided by the total number of voters included in the Voter Register of the Republic of Armenia, and the whole numbers shall be separated, which shall be the numbers of constituencies formed in each Marz (or in the City of Yerevan). The remaining constituencies shall be distributed in the order of the decimal numbers, according to the “one constituency per one Marz” (City of Yerevan) principle. Under the procedure defined by this paragraph, the number of constituencies formed in each Marz (in the City of Yerevan) shall be changed only in case of change of the number of mandates of the National Assembly deputies under the majoritarian electoral system.

In each constituency formed in a Marz (in the City of Yerevan), the number of voters shall not be more than 10 percent more or less than the ratio of the total number of voters in the Marz (in the City of Yerevan) to the number of constituencies formed in such Marz (in the City of Yerevan).

4. Constituencies shall be formed and numbered by the Central Electoral Commission.

5. At by-elections of a National Assembly deputy under the majoritarian electoral system, the borders of a constituency shall not be changed.

## **CHAPTER 5**

### **THE PRE-ELECTION CAMPAIGN**

#### **Article 18. Main Principles of the Pre-Election Campaign**

1. The pre-election campaign period is the period during which the rules in effect are the rules defined by this Code for ensuring equal opportunities for the candidates in access to public resources, campaigning, and financial transparency.

Prescription of the pre-election campaign period may not restrain campaigning during other periods nor prohibited by this Code.

The pre-election campaign period shall start on the seventh day after the last day of the time period defined by this Code for registration of candidates and electoral lists of parties, and shall expire one day prior to the voting day. Campaign during such period shall hereinafter be referred to as “the pre-election campaign.”

Campaigning shall be prohibited on the voting day and on the preceding day.

2. The state shall safeguard free pre-election campaigning. Free pre-election campaigning shall be safeguarded by state government and local self-government bodies by means of providing halls and other premises for pre-election meetings, meetings of voters with candidates, and other election-related events. They shall be provided to candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system on equal grounds and free of charge in accordance with the procedure prescribed by the Central Electoral Commission.

3. No later than 20 days after calling national elections and elections of the Yerevan Council of Aldermen, the Marzpets [regional governors] and the Mayor of Yerevan (in the case of Yerevan) shall submit to the Central Electoral Commission the list of halls and other premises that are available free of charge to candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. Such list shall be posted on the website of the Central Electoral Commission.

4. Voters, candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall have the right to campaign, in any way not prohibited by law, for or against a candidate, political party, or alliance of political parties.

5. After calling elections, candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system may form

election campaign offices. Election campaign offices may not be located in buildings occupied by state government bodies and local self-government bodies (except for cases where election campaign offices occupy an area not belonging to such bodies), or in buildings in which electoral commissions are functioning. Signboards placed on election campaign offices shall not be regarded as print campaign materials for purposes of this Code, unless they contain direct appeals to vote for or against a candidate or political party (or political party alliance), unless the number of such posters exceeds the number of election precincts formed for the purpose of elections, and unless the surface area of each poster (signboard) exceeds six square meters.

6. The following shall be prohibited from conducting pre-election campaigning and disseminating any campaign materials:

(1) State government bodies and local self-government bodies, as well as state and municipal servants, and the pedagogical staff of educational institutions during the performance of their duties;

(2) Members of the Constitutional Court, judges, prosecutors, officers serving in the Police, the National Security Service, and penitentiary institutions, as well as military servicemen; and

(3) Members of electoral commissions.

7. During the pre-election campaign, as well as on the day preceding the voting and on the voting day, candidates, political parties, and political party alliances shall be prohibited from giving (promising), in person or via someone else acting on their behalf or in any other manner, gratuitously or on preferential terms, any money, food, securities, or goods to voters, or from providing (promising) services to voters. Charitable organizations whose names may resemble (be associated with) the names of political parties or political party alliances or the names of candidates may not, during the pre-election campaign, carry out charitable activities in communities in which there are elections with the participation of such candidates or political parties or political party alliances or candidates nominated by them.

8. Candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, and other participants in elections shall observe the established procedure for pre-election campaigning. Electoral commissions shall oversee compliance with the established procedure for pre-election campaigning. In case of violation of this procedure by candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, the commission that registered the candidate or the electoral list of the political party or political party alliance shall request the competent authorities to prevent such violations or to issue a warning in respect of the violating candidate, political party, or political party alliance, giving a reasonable period not exceeding three days for eliminating the violation. If the violation is not eliminated during the specified period, the commission shall file a court claim to repeal the registration of the candidate or of the electoral list of the political party or political party alliance.

If a candidate, as well as a political party or political party alliance participating in elections under the proportional electoral system violates the established procedure of pre-election campaigning in a way that can materially affect the outcome of the elections, then the commission that registered the candidate or political party or political

party alliance shall file a court claim to repeal the registration of the candidate or of the electoral list of the political party or political party alliance.

9. Arrested or detained candidates shall conduct the pre-election campaigning via their proxies in electoral processes. To this end, arrested or detained candidates shall be entitled, during the pre-election campaign, to have meetings with up to three of their proxies, for up to two hours a day, at the institutions for holding arrestees or in detention institutions, respectively.

### **Article 19. Pre-Election Campaigning via the Mass Media**

1. Candidates for the President of the Republic, as well as political parties and political party alliances participating in elections shall have the right to use air time of the Public Radio and Public Television (including by live transmission) on equal grounds, free of charge, and for pay.

2. For each national election and election of the Yerevan Council of Aldermen, the Central Electoral Commission shall, on the day following the expiry of the time limit provided for registration of candidates and lists of political parties and political party alliances, prescribe the procedure and schedule for providing free-of-charge and paid air time on the Public Radio and Public Television to candidates for the President of the Republic, as well as political parties and political party alliances participating in elections under the proportional electoral system.

3. The Public Radio and the Public Television shall be obliged to ensure non-discriminatory conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system.

News programs of the Public Radio and the Public Television shall present impartial and non-judgmental information on the pre-election campaigns of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system.

The failure of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system to organize events or to provide information about such events shall not serve as a basis for the mass media not publishing information about the campaign of the other participants of the elections.

4. No later than 10 days after calling national elections and elections of the Yerevan Council of Aldermen, the Public Radio and Public Television shall disclose the minute price of their paid air time, which may not exceed the average cost of commercial advertisement for the six months immediately preceding the calling of elections and may not be changed until the end of the pre-election campaign.

5. The provisions defined by Parts 3 and 4 of this Article shall extend equally to other radio and television companies performing terrestrial broadcasting, irrespective of the form of ownership, which provide air time to candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system for purposes of campaigning.

6. No later than 10 days after calling elections of the National Assembly or by-elections of a deputy under the majoritarian electoral system, the regional television

companies performing terrestrial broadcasting within the Marz territory shall be obliged, for purposes of providing airtime to candidates for a deputy under the majoritarian electoral system, to disclose the minute price of their paid air time, which may not exceed the average cost of commercial advertisement for the six months immediately preceding the calling of elections and may not be changed until the end of the pre-election campaign.

7. It shall be prohibited to interrupt radio and television programs concerning the pre-election campaign by advertisements of goods or services.

8. When performing terrestrial broadcasting, radio and television programs concerning the pre-election campaign shall be audio- and video-taped. They shall be retained for at least three months.

9. The National Commission for Television and the Radio shall oversee compliance with the established procedure for pre-election campaigns by television and radio companies performing terrestrial broadcasting.

10. During the period of the pre-election campaign in national elections and elections of the Yerevan Council of Aldermen, the National Commission for Television and the Radio shall monitoring the provision by television and radio companies exercising terrestrial broadcasting of equal conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. To this end, the National Commission for Television and the Radio shall elaborate and, no later than 20 days after calling national elections and elections of the Yerevan Council of Aldermen, publish and submit to the Central Electoral Commission the methodology for assessing the provision by television and radio companies performing terrestrial broadcasting of equal conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system during the period of the pre-election campaign.

11. In national elections and elections of the Yerevan Council of Aldermen, the National Commission for Television and the Radio shall, no later than on the 10<sup>th</sup> day and 20<sup>th</sup> day of the time period established for the pre-election campaign, as well as two days prior to the deadline established for summarizing the election results, publish and submit to the Central Electoral Commission the findings of the monitoring on fulfillment of the requirements of this Article by television and radio companies performing terrestrial broadcasting during the period of the pre-election campaign, as well as the conclusion of the Commission on compliance by television and radio companies performing terrestrial broadcasting with the procedure established for pre-election campaigning.

12. Newspapers and magazines founded by state government bodies or local self-government bodies shall be obliged to ensure non-discriminatory and impartial conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system during the period of the pre-election campaign.

## **Article 20. Procedure of Using Campaign Posters and Print Campaign Materials during the Pre-Election Campaign**



1. Candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall have the right to disseminate, on equal grounds and in an unimpeded manner, campaign posters, print campaign materials, and other materials.

2. Campaign posters may be posted only in places envisaged by this Article.

It shall be prohibited to post campaign posters on buildings occupied by state government bodies or local self-government bodies, on or inside public catering or trading facilities and on or inside public transportation means, irrespective of the form of ownership.

Campaign posters may be posted on or inside buildings, premises, and means of transport belonging to or possessed by natural or legal persons upon their consent, unless this Article prohibits the posting of posters in such places.

Campaign posters may be posted or used without restrictions during pre-election campaign gatherings, meetings with voters, and other events connected with the pre-election campaign, at the places of holding such events. Campaign posters posted in such events shall, after the event is over, be removed by the relevant candidate or party or alliance of political parties.

Natural persons entitled to carry out campaign may carry campaign materials with them without any restrictions.

3. The community mayor shall be obliged, within 21 days after calling elections, to decide upon designating free-of-charge places for posting campaign posters in the territory of the community, establishing conditions that will safeguard equal opportunities (equal surface area) for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. This power shall be a mandatory power for the community mayor.

In case of a community with 10,000 or more voters, the community mayor shall submit to the Central Electoral Commission the decision on allocating free-of-charge places for posting campaign posters within a three-day period after the adoption of such decision.

4. The community mayor may, upon the request of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, allocate paid places with a surface area of up to five square meters in case of national elections and elections of the Yerevan Council of Aldermen, and in case of other elections — without any restriction on the surface area. When designating paid places for campaign posters, the community mayor shall be obliged to ensure non-discriminatory and impartial conditions in the territory of the community for all candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. With the purpose of ensuring equal conditions in the territory of the community, candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall adjust the dimensions of posters to fit in the places designated by the community mayor for posting posters.

5. Organizations managing outdoor billboards shall, in case of placing campaign posters, during the period of the pre-election campaign, ensure non-discriminatory and impartial conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system.

6. For the purpose of providing the candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system with billboards with a surface area exceeding five square meters in national elections and elections of the Yerevan Council of Aldermen, organizations or bodies disposing of outdoor billboards shall, within a period of 21 days after calling elections, submit information to the Central Electoral Commission on the number, surface area, location, and rental fees for billboards provided during the period of pre-election campaign to candidates, as well as to political parties and political party alliances participating in elections under the proportional electoral system. The Central Electoral Commission shall post such information on its website for informing candidates, political parties, and alliances of political parties. Candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall, within the time limits prescribed by this Code for submitting documents for registration of electoral lists of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, submit applications to the Central Electoral Commission for the purpose of placing campaign posters on those billboards in accordance with the procedure prescribed by the Central Electoral Commission. Based on such information, the right to post campaign posters on outdoor billboards shall be distributed by Central Electoral Commission decision between candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. Based on the Central Electoral Commission decision, candidates, political parties, and alliances of political parties shall conclude contracts with organizations managing outdoor billboards, for the purpose of posting campaign posters. Where no contract is concluded by the candidate, political party, or alliance of political parties within a three-day period after entry into force of the Central Electoral Commission decision, the manager of the billboard shall be free to conclude another contract.

The provisions of the first paragraph of this part do not apply to campaign banners posted alongside roadways. All applications on receiving permission to post such banners shall be granted by officials authorizing the posting thereof. The costs of posting campaign banners shall be born by the respective candidates, political parties, or alliance of political parties. No fee shall be charged for the placement of such campaign banners.

7. It shall be prohibited to scratching off or tear posters or write on them or damage them in any other way.

8. The community mayor and the heads of organizations managing outdoor billboards shall ensure the removal of campaign posters of candidates, political parties, or political party alliances the registration of which has been repealed or declared as invalid.

9. Campaign posters placed in violation of the provisions of this Article shall be removed by the community mayor, with the help of the Police if necessary. This function shall be considered as a power delegated to the community mayor.

10. Print campaign materials shall include information on the client, the publisher, and the print run.

11. It shall be prohibited to disseminate anonymous print campaign materials. In case of detecting anonymous or false print campaign materials, the informed electoral commission shall apply to the competent authorities to terminate the illegal conduct.

### **Article 21. Prohibition of Influence on the Free Expression of the Will of Voters**

1. Employees of radio and television companies performing terrestrial broadcasting, who are registered as candidates, shall be prohibited from covering the elections and anchoring radio and television program or participating therein, except for cases prescribed by Article 19 of this Code.

2. During the pre-election campaign, state and municipal servants and mass media employees shall be prohibited from exercising their powers for the purpose of influencing the free expression of the will of voters by means of creating unequal conditions among candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, or by demonstrating bias.

3. When publishing the findings of an opinion poll on ratings of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, the organization carrying out the opinion poll shall indicate the poll time frames, the number of respondents, the form of the sample, the type and place of the collection, the exact wording of the question, the statistical estimate of possible errors, and the client.

Radio or television companies performing terrestrial broadcasting shall be prohibited to publish, at any time prior to 20:00 hours of the voting day, findings of any opinion polls of voters as to whom they have voted for.

4. On the voting day, it shall be prohibited to assemble in groups in the area adjacent to a polling station, within a radius of fifty meters, or to cluster vehicles in the area adjacent to the entrance of a polling station. The enforcement of the provisions of this Part shall be ensured by the Police of the Republic of Armenia, independently of requests by the relevant electoral commission.

### **Article 22. Restrictions on Pre-Election Campaigns of Candidates Holding Political, Discretionary, or Civil Positions, as well as Candidates that are State or Municipal Servants**

1. Candidates holding political, discretionary, or civil positions, as well as candidates that are state or municipal servants shall conduct the pre-election campaigns subject to the following restrictions:

(1) Making direct or indirect statement urging to vote for or against a candidate, political party, or alliance of political parties during one's performance of official duties, and any abuse of official position to gain advantage at elections shall be prohibited;

(2) It shall be prohibited to use for pre-election campaign purposes areas, transportation and communication means, or material and human resources provided

for the performance of official responsibilities, except for security measures applicable in respect of high-ranking officials subject to state protection under the Republic of Armenia Law on Ensuring the Safety of Persons Subject to Special State Protection.”

For purposes of pre-election campaigning, these candidates shall make use of state property on grounds equal to those for other candidates.

(3) It shall be prohibited to coverage the activities of these candidates via the mass media, except for cases prescribed by the Constitution, official visits and receptions, as well as activities carried out by them during natural disasters.

2. Where the other activities of a candidate referred to in this Article are covered, the mass media performing terrestrial broadcasting shall consider it when covering the activities of other candidates in order to comply with the non-discrimination principle of equal coverage prescribed by Article 19 of this Code.

## **CHAPTER 6**

### **THE FINANCING OF ELECTIONS**

#### **Article 23. Financing of the Organization and Conduct of Elections**

1. The state budget shall finance the expenditures of organizing and conducting elections (including the compilation of lists of voters and the organization of professional training courses on conducting elections), as well as the expenditures necessary for the operation of the electoral commissions. Such expenditures shall be envisaged by a separate budget line in the state budget and shall be included in one line in the Plan of Procurements for State Needs.

For procurements made using the financial means provided for the organization and conduct of elections, the procurement procedure shall be established by the Central Electoral Commission in accordance with the Republic of Armenia Law on Procurements.

2. In case of conducting early elections, the elections shall be funded from the reserve fund of the state budget or, if impossible, from the reserve fund of the Central Bank.

3. Where budgetary funds are not provided in a timely manner, or no financial means exist in the reserve fund of the Central Bank of the Republic of Armenia, or the allocated financial means are insufficient to finance the elections or the second round of elections, the Central Electoral Commission shall have the right to take a loan from private banks on a competitive basis or to use means available in the special account of the Central Electoral Commission for electoral deposits. The Government shall repay such loan or the means used from the special account for electoral deposits within a period of three months.

4. Financial means intended for elections (including those provided for the maintenance of commissions) shall be allocated to the “Staff of the Central Electoral Commission” public administration institution. The “Staff of the Central Electoral

Commission” public administration institution shall, in accordance with the procedure prescribed by this Code and the legislation of the Republic of Armenia, manage the financial means and shall be responsible for using such means in accordance with the cost estimates prepared by the Central Electoral Commission.

5. The territorial electoral commission shall submit a report on the use of financial means to the Central Electoral Commission within a period of 20 days after the elections. The Central Electoral Commission shall submit a report on the expenditures incurred to the Control Chamber of the Republic of Armenia and the Staff of the Central Electoral Commission shall submit such a report to the Oversight and Audit Service of the Central Electoral Commission in the procedure and time periods prescribed by the legislation of the Republic of Armenia.

#### **Article 24. Electoral Deposits**

1. Candidates, as well as political parties and political party alliances participating in the elections under the proportional electoral system shall pay an electoral deposit to the bank account of the Central Electoral Commission.

2. The amount of the electoral deposit shall be returned within a period of seven days after receiving an application in case of:

(1) Being elected or participating in the distribution of mandates under the proportional electoral system;

(2) Receiving 5 percent or more of the total number of ballots voted “for” the candidates;

(3) Self-withdrawal prior to the registration of candidates or electoral lists of political parties and alliances of political parties;

(4) Declaring the election results invalid and calling a new election; or

(5) The death of a candidate – to his heirs.

In all other cases, the amount of the electoral deposit pledge shall not be returned.

#### **Article 25. Formation of the Pre-Election Fund**

1. Candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall open a pre-election fund for the purpose of financing their pre-election campaign. Political parties included in an alliance of political parties and candidates nominated only under the proportional electoral system may not create a separate pre-election fund. Financial means of the pre-election fund of candidates for the President of the Republic, as well as political parties and political party alliances participating in elections under the proportional electoral system shall be collected in the Central Bank of the Republic of Armenia, whereas those of other candidates - in a commercial bank that has branches in all Marzes of the Republic. The Central Bank of the Republic of Armenia shall provide the list of such banks to the Central Electoral Commission. For the purpose of creating a pre-election

fund, banks shall open special temporary accounts on the basis of applications of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. Interest income shall not be accrued or paid out of such accounts.

2. The pre-election fund of a candidate shall be made up of:

- (1) His personal funds;
- (2) Funds provided by the political party that nominated him; and
- (3) Voluntary contributions by persons having the right to vote;

3. The pre-election fund of political parties and political party alliances registered under the proportional electoral system shall be made up of:

(1) The funds of such political party, or, in case of an alliance of political parties - from the funds of the political parties that are members of the alliance; and

(2) Voluntary contributions by persons having the right to vote.

4. Amounts paid to the accounts of pre-election funds by natural and legal persons not specified in Parts 2 and 3 of this Article shall be transferred to the state budget.

5. The Central Electoral Commission shall define the procedure of recording contributions made to and expenditures made from pre-election funds.

6. The maximum limits of contributions made to pre-election funds shall be prescribed by this Code. Amounts exceeding the maximum limits of contributions prescribed by this Code, which were made to pre-election funds, shall be transferred to the state budget.

7. Banks in which special temporary accounts have been opened shall submit a statement of revenues and expenditures of pre-election funds of candidates, political parties, and alliances of political parties to the Oversight and Audit Service of the Central Electoral Commission once every three working days after the end of the time limit prescribed by this Code for the registration of candidates or electoral lists of political parties or political party alliances. The Oversight and Audit Service shall summarize such data, compile a brief statement, and post it on the website of the Central Electoral Commission.

## **Article 26. Use of Resources of Pre-Election Funds**

1. The candidates may use the resources of the pre-election fund to finance any event aimed at pre-election campaigning.

2. Candidates, as well as political parties and political party alliances participating in the elections under the proportional electoral system shall use only the resources of the pre-election fund to finance pre-election campaigning via the mass media, to rent halls and premises, to prepare (post) campaign posters, to acquire print campaign and other materials, and to prepare any campaign material (including print materials) to be provided to voters. The maximum amount of expenses made from the pre-election fund for such purposes shall be prescribed by this Code.

In case the goods and services prescribed by this Part are delivered at a price lower than the market price or are acquired prior to the creation of the pre-election fund, then they shall be included in the expenditures of the pre-election fund at their market price.

3. If it is substantiated that the services or goods delivered for the pre-election campaign are not included in the expenditures of the pre-election fund at their market price, the Central Electoral Commission shall render a decision to oblige a candidate, a political party, or an alliance of political parties to transfer to the state budget an amount that is thrice the amount of expenditures not included in the fund expenditures.

4. If it is substantiated that the expenditures made for the pre-election campaign of a candidate, a political party, or an alliance of political parties have exceeded the maximum limit of the pre-election fund prescribed by this Code, the electoral commission shall render a decision to oblige the candidate, political party, or alliance of political parties to transfer to the state budget an amount that is thrice the amount by which the maximum limit of the pre-election fund prescribed under this Code has been exceeded.

5. If the difference between the amount spent for the pre-election campaign and the amounts paid to the state budget under Parts 3 and 4 of this Article and the maximum limit of the pre-election fund prescribed by this Code exceeds 10 percent of the maximum limit of the pre-election fund prescribed by this Code, the court shall, upon an application of the electoral commission, repeal the registration of the respective candidate or electoral list of the respective political party or political party alliance.

6. In case of failure, within five days of rendering the decision of the electoral commission, to transfer the amounts prescribed by this Article to the state budget or to appeal the decision of the electoral commission by judicial procedure, the electoral commission shall collect the mentioned amount by court procedure.

7. All transactions involving the accounts of pre-election funds shall be terminated effective from the voting day.

8. Based on an application of a candidate or political party and political party alliance, the Central Electoral Commission shall allow to make payments from the fund also after the voting day, but only for transactions carried out before the voting day.

9. The resources remaining in the pre-election fund after the election shall, within a three-month period of the official publication of the election results, be used for charitable purposes at the discretion of the candidate, political party, or political party alliance. After the expiry of the three-month period, the resources remaining in the pre-election fund shall be transferred to the state budget.

10. In case of declaring elections as not having taken place, the resources remaining in the pre-election fund shall be blocked until the registration of candidates or electoral lists of political parties and political party alliances for new elections. In case of new elections, candidates, political parties, and political party alliances may use the resources remaining in their pre-election funds.

11. The resources remaining in the pre-election funds of candidates, political parties, or political party alliances not participating in new elections shall be transferred to the state budget.

12. The provisions of Parts 3, 4, and 5 of this Article are concerned solely with the financing of pre-election campaigning via the mass media, rental of halls and premises, preparation (posting) of campaign posters, acquisition of print campaign and other materials, and preparation of any campaign material (including print materials) to be provided to voters, as prescribed by Part 2 of this Article.

### **Article 27. Declaration on Contributions to Pre-Election Funds and Their Use**

1. Candidates, political parties, and political party alliances shall submit to the Oversight and Audit Service of the Central Electoral Commission a declaration on the contributions made to their pre-election funds and the use thereof, on the 10<sup>th</sup> and 20<sup>th</sup> day after the start of the pre-election campaign prescribed by this Code, as well as no later than three days before the relevant period for summarizing election results as defined by this Code. The declaration shall be accompanied by the signed contracts of the candidate, political party, or political party alliance on pre-election campaigning via the mass media, rental of halls and premises, preparation (posting) of campaign posters, acquisition of print campaign and other materials, and preparation of any campaign material (including print materials) to be provided to voters.

2. The electronic form of the declaration shall be defined by the Central Electoral Commission. The declaration form shall also include guidelines on the procedure and time limits for compiling and submitting the declaration.

3. The declaration shall include:

(1) The timeline of all contributions made to the pre-election fund and the amounts of contributions;

(2) All expenditures incurred for the acquisition of each service, asset, or product as defined by Part 2 of Article 26 of this Code, the time period of incurring them, and information on documents confirming such expenditures; and

(3) The amount remaining in the pre-election fund.

4. Within three days of their submission, the declarations shall be posted on the website of the Central Electoral Commission.

5. If a candidate is not obliged to open a fund in accordance with the procedure defined by Article 140 of this Code, and consequently is not obliged to submit a declaration, but certain facts emerge, which indicate that the candidate has spent more than 500-fold the minimum salary for the pre-election campaign, the candidate shall submit a declaration to the Oversight and Audit Service within three days, if so demanded by the Central Electoral Commission, and shall attach the signed contracts thereto.

### **Article 28. The Oversight and Audit Service**

1. The Central Electoral Commission shall establish an Oversight and Audit Service to supervise the use of resources provided to electoral commissions and to the staff of the Central Electoral Commission, the contributions made to pre-election funds, and the accounting and spending of such contributions.



2. The Oversight and Audit Service shall also supervise the ongoing financial operations of parties.

3. The position of the Head of the Oversight and Audit Service shall be a civil position. The other two employees of the Service shall be civil servants. The Head of the Oversight and Audit Service shall be appointed by Central Electoral Commission decision. The post salary of the Head of the Oversight and Audit Service shall be equal to 75 percent of the post salary fixed for a member of the Central Electoral Commission. The Head of the Service may not be a member of any political party.

4. For the purpose of supervising contributions to pre-election funds and the accounting and spending thereof, each faction of the National Assembly shall, within a 10-day period of calling national elections or elections of the Yerevan Council of Aldermen, appoint to the Oversight and Audit Service one auditor, who must be a qualified auditor in the Republic of Armenia and must have the right to vote. The auditors appointed to the Service by alliances of the National Assembly shall work on a voluntary basis. Their activities shall terminate on the fifth day after publishing the election results.

5. During regular national elections, regular elections of the Yerevan Council of Aldermen, and regular local self-government elections, up to five specialists may be engaged in the Oversight and Audit Service on a contractual basis for a period of up to one month.

6. The Oversight and Audit Service shall, within two days of receiving the declarations on the use of resources of the pre-election funds of candidates, political parties, and political party alliances, check them, prepare a statement based on the results of such checks, and submit them to the Central Electoral Commission for review. After discussion in a session of the Commission, the statement shall be posted on the website of the Central Electoral Commission.

7. The operating procedures of the Oversight and Audit Service shall be defined by the Central Electoral Commission in accordance with the requirements of this Code and the Republic of Armenia Law on Political Parties.

## **CHAPTER 7**

### **OBSERVERS, PROXIES, AND MASS MEDIA REPRESENTATIVES**

#### **Article 29. Right to Observation Missions**

1. The following shall have the right to observation missions during elections:

(1) International organizations;

(2) Diplomatic and consular representations accredited in the Republic of Armenia;  
and

(3) Foreign non-governmental organizations and those of the Republic of Armenia, the tasks of which, as enshrined in their statutes, include issues relating to democracy

and the protection of human rights, provided that they do not support candidates or political parties or political party alliances.

2. International organizations, diplomatic and consular representations accredited in the Republic of Armenia, and foreign non-governmental organizations may carry out an observation mission in case there is an invitation. Citizens of the Republic of Armenia may not be engaged as observers in the observation missions of international organizations and foreign non-governmental organizations.

The following shall have the right to send, to the organizations and persons specified in this Part, invitations to carry out an observation mission:

- (1) The President of the Republic;
- (2) The Speaker of the National Assembly;
- (3) The Prime Minister; and
- (4) The Central Electoral Commission.

3. Election reports of observation missions of international organizations and foreign non-governmental organizations shall be posted on the website of the Central Electoral Commission.

### **Article 30. Accreditation of Observers**

1. Observers of the organizations specified in Article 29 of this Code shall carry out their mission after having been accredited in the Central Electoral Commission.

2. Applications to be accredited or applications to alter (supplement) the list of accredited observers shall be filed with the Central Electoral Commission after calling elections, but no later than 10 days prior to the voting day.

3. No later than seven days after receiving the application, the Central Electoral Commission shall deliver to such organizations the certificates issued for observers.

Certificates of observers may, in the case of non-governmental organizations registered in the Republic of Armenia, be sealed also by the seal of the organizations.

4. The Central Electoral Commission shall reject an application to accredit observers, if the statutory objectives of the applying organization do not meet the requirements of Part 1(3) of Article 29 of this Code, or if the documents filed do not comply with the requirements of the decision of the Central Electoral Commission defined by Part 7 of this Article.

5. If an observer supports any candidate, or any political party or political party alliance participating in the proportional contest of elections, the Central Electoral Commission shall have the right to deprive the respective organization of the right to carry out an observation mission.

6. The powers of observers shall terminate on the eighth day after the official publication of the election results, unless the election results have been appealed in

court. If the election results have been appealed in court, the powers of observers shall cease on the day following the date of publishing the judicial act, unless a revote has been called. Re-registration of observers shall not be required in case of a revote.

7. The Central Electoral Commission shall define the procedure of accrediting observers, the list of documents and information necessary for such accreditation, the forms of observers' certificates, and the procedure of completing such forms.

### **Article 31. Rights, Obligations, and Safeguards of Activities of Observers and Mass Media Representatives**

1. Observers and mass media representatives shall have the right:

(1) To be present in sessions of the electoral commission, and in the voting room, too, during the voting.

Observers of non-governmental organizations registered in the Republic of Armenia may be present at sessions of electoral commissions, and also in the voting room during the voting, if they have a qualification certificate to become engaged in the electoral commission or have received, through a test, a certificate conferring them the right to carry out an observation mission. The training courses shall be organized in the City of Yerevan and in the Marzes (by precincts in the Marzes) at least once a year based on the applications of citizens and lists submitted by non-governmental organizations. Qualification certificates shall be granted based on a test.

Anyone can participate in the test, regardless of participation in the training course. The test is conducted either on the basis of a computer or in a standard way. Representatives of mass media and non-governmental organizations may monitor the training courses and the test.

(2) To observe, in accordance with the procedure prescribed by the Central Electoral Commission, the process of printing, transporting, keeping, and counting ballots;

(3) Freely to become familiar with specimen ballots in the presence of the electoral commission chairperson, deputy chairperson, secretary, or any member of the commission assigned by the chairperson of the commission, freely to become familiar with electoral documents under the disposal of the electoral commission, the decisions of the commissions, the minutes of sessions, relevant court decisions, the relevant statements provided to the voters by the Authorized Body, as well as to receive copies or excerpts thereof (except for the lists signed by the voters), and independently to take excerpts from the lists signed by the voters during the recount of the election results;

(4) Freely to move around the voting room for observing ballots and the ballot box; and

(5) To enjoy other rights provided by this Law.

2. Observers and mass media representatives shall have no right to intervene with the activities of the electoral commission.

3. On the voting day, an observer shall observe the activities of the electoral commission and may submit his observations and recommendations to the chairperson of the commission.

4. Any limitation of the rights of observers and mass media representatives under this Code shall be prohibited. No one (including the electoral commissions) shall be entitled to make the observer or the mass media representative leave the room or otherwise to isolate them from being present at the activities of the commission, except for cases of their arrest or detention.

5. Observers and mass media representatives shall be obliged to comply with the requirements of this Code.

### **Article 32. Status of Proxies**

1. Parties and alliance of political parties may, after registering their electoral lists, and candidates may, after becoming registered, have proxies for protecting their interests in electoral commissions and in their relations with state government bodies and local self-government bodies, organizations, and the mass media. Only citizens having the right of suffrage may be proxies.

2. After registration of candidates or after registration of the electoral lists of political parties or political party alliances, the electoral commission making the registration shall, within a five-day period, provide the authorized representative of the candidate, political party, or political party alliance the certificates of proxies, the number of which shall be three-fold the number of precincts. In the certificate, the relevant commission shall indicate the name of the political party or political party alliance, or the first name, patronymic, and surname of the candidate. The candidate or his authorized representative or the authorized representative of the political party or political party alliance shall complete the certificates and provide them to the proxies.

3. Members of the Constitutional Court, judges, prosecutors, employees of the Police of the Republic of Armenia and the National Security Service of the Republic of Armenia, servants of the Service for Compulsory Execution of Judicial Acts, servants of penitentiary institutions, military servicemen, observers, candidates, and members of electoral commissions may not act as proxies.

### **Article 33. Rights, Obligations, and Safeguards of Activities of Proxies**

1. A proxy shall have the right:

(1) To participate in an advisory capacity in sessions of the electoral commission, and to be present in the voting room during the voting;

(2) Freely to become familiar with specimen ballots in the presence of the electoral commission chairperson, deputy chairperson, or secretary or any commission member so assigned by the commission chairperson, freely to become familiar with electoral documents under the disposal of the electoral commission, decisions of the commissions, minutes of sessions, relevant court decisions, and the relevant statement provided to voters by the Authorized Body, as well as to receive copies or excerpts thereof (except for the lists signed by the voters), and independently to make excerpts from the lists signed by the voters during the recount of the voting results;

(3) In the procedure and cases prescribed by this Code, to appeal against the decisions, actions, and inaction of commissions;

(4) To observe, in the procedure prescribed by the Central Electoral Commission, the process of printing, transporting, keeping, and calculating ballots;

(5) Without interfering with the activities of the commission, to be physically present near the commission member who registers voters, the commission member who provides a ballot and ballot envelope, and the commission member who seals the ballot envelopes and controls the ballot box, and to observe their activities;

(6) To observe the activities of the electoral commission on the voting day and to submit observations and recommendations thereon to the commission chairperson;

(7) During the summarization of the voting results, freely to become familiar with the cast ballots and markings made thereon in the presence of the electoral commission chairperson, deputy chairperson, secretary, or a commission member so assigned by the commission chairperson, as well as to be present during the counting of the ballots and summarization of voting results; and

(8) To exercise other powers reserved for proxies by this Code.

2. The proxy shall exercise his powers in accordance with the procedure prescribed by this Code.

3. One proxy of each candidate, and one proxy of each political party or alliance of political parties participating in the proportional contest of the election may be present at the session of the electoral commission and during the voting.

4. Any limitation of the rights of proxies prescribed by this Code shall not be permitted. No one (including electoral commissions) may remove the proxies from the voting room or otherwise isolate them from the activities of the commission, except for cases of their arrest or detention.

5. A proxy shall comply with the requirements of this Code.

## **SECTION 2**

### **ELECTORAL COMMISSIONS**

#### **CHAPTER 8**

#### **THE SYSTEM, OF ELECTORAL COMMISSIONS; THE STATUS OF MEMBERS OF ELECTORAL COMMISSIONS**

##### **Article 34. The System, Status and Operational Procedure of Electoral Commissions**

1. For purposes of organizing and conducting elections, a three-level system of electoral commissions shall be formed, consisting of the Central Electoral Commission, territorial electoral commissions, and precinct electoral commissions.

2. A territorial electoral commission shall be formed for each constituency. The seats of the territorial electoral commissions shall be determined by the Central Electoral Commission based on the National Assembly decision on the formation of majoritarian constituencies.

3. Where the territory of a community (except for Yerevan) is included in more than one constituencies, the Central Electoral Commission shall, no later than 65 days prior to the voting day, determine the territorial electoral commission of the constituency that includes a greater number of voters in the community concerned and is empowered to organize and conduct local self-government elections in the such community.

4. Electoral commissions shall be independent of state government bodies and local self-government bodies in the exercise of their powers.

5. Electoral commissions shall act on the basis of the principles of legality, collegiality, and publicity.

6. State government bodies and local self-government bodies shall provide territorial electoral commissions with the necessary office space and facilities, at no cost, and shall support them to ensure their normal working activities.

##### **Article 35. Functions of Electoral Commissions**

1. Electoral commissions shall ensure the exercise and protection of voters' rights of suffrage.

##### **Article 36. Acts of Electoral Commissions**

1. The Central Electoral Commission shall adopt normative and individual legal acts. Territorial and precinct electoral commissions shall adopt individual legal acts.

2. Legal acts of electoral commissions adopted within the scope of their powers shall be binding for execution.

##### **Article 37. Status of Electoral Commission Members**

1. Members of electoral commissions shall act independently within the electoral commission and shall not represent the entity that appointed them.

2. Members of electoral commissions shall be exempted of training musters and, during the period of national elections, also from conscription. Members of the Central Electoral Commission shall be exempted of military mobilization, as well.

3. The consent of the Central Electoral Commission shall be required to detain a member of the Central Electoral Commission or to initiate proceedings to have an administrative sanction imposed on him by judicial procedure.

4. Members of the Central Electoral Commission shall work on a permanent basis and shall be prohibited from engaging in any political party or entrepreneurial or other paid occupation, save for scientific, pedagogical, and creative work, and from engaging in political activities.

5. Members of territorial electoral commission shall work on a permanent basis and may not be a member of any political party or engage in political activities.

6. Members of electoral commissions shall have the right to become familiar, in advance, with issues and documents submitted to the commission for review, to make speeches at the commission sessions, to submit proposals and to demand conducting a vote in respect of such matters, as well as to ask questions of the session participants and to receive answers.

7. Members of electoral commissions shall be obliged to perform the assignments given to them by the commission chairperson within the scope of his authority.

8. Members of a superior electoral commission shall, upon the assignment or the consent of the chairperson of such superior commission, be obliged or have the right, respectively, to participate in an advisory capacity in sessions of the lower electoral commission, and to be present in the voting room on the voting day.

9. To exercise their powers, members of territorial and precinct electoral commissions may on their own initiative be exempted of their official duties.

10. A member of an electoral commission shall be obliged to participate in the activities of the commission and perform his functions.

11. The salaries of members of territorial and precinct electoral commissions in their regular workplace shall be preserved.

12. In the first session of the commission attended by him, each member of such electoral commission shall publicly read and sign an undertaking "On performing duties of the electoral commission member in accordance with the requirements of the Republic of Armenia Constitution and legislation," which shall be attached to the journal of the electoral commission. The text of the electoral commission members' undertaking "On performing duties of the electoral commission member in accordance with the requirements of the Republic of Armenia Constitution and legislation" shall be defined by the Central Electoral Commission.

## **Article 38. Funding of Electoral Commissions and Remuneration of Electoral Commission Members**

1. Electoral commissions shall be funded and their members remunerated from the state budget in accordance with the procedure prescribed by this Article. The Central Electoral Commission may have an off-budgetary account for implementing programs aimed at improving the quality of the electoral administration and technical refurbishment of the electoral commissions.

2. The post salary of the Central Electoral Commission Chairperson shall be equal to the post salary of Constitutional Court members prescribed by the Republic of Armenia Law on Post Salaries of Senior Officials of Legislative, Executive, and Judicial Authorities of the Republic of Armenia. The post salary of the Deputy Chairperson and the Secretary of the Commission shall be equal to 85 percent of the post salary of the Commission Chairperson. The post salary of the Commission members shall be equal to 75 percent of the post salary of the Commission Chairperson.

3. In case of national new elections or by-elections, new elections or by-election of the Yerevan Council of Aldermen, or new or by-elections of a National Assembly deputy under the majoritarian electoral system, as well as in case of regular elections of local self-government bodies, the territorial electoral commission chairperson or deputy chairperson or secretary shall, for each month of the period of conducting elections (60 days), be remunerated in the amount of the post salary of a Central Electoral Commission member, whereas commission members shall be remunerated in the amount of 50 percent of the remuneration of the territorial electoral commission chairperson.

In case of other elections, the territorial electoral commission chairperson, deputy chairperson, and secretary shall be remunerated in the amount of the remuneration of a precinct electoral commission chairperson.

4. During the period of elections, a precinct electoral commission chairperson shall be remunerated in the amount of double the minimum salary defined by the legislation of the Republic of Armenia, whereas the commission secretary and members shall be remunerated in the amount of the minimum salary. Members of precinct electoral commissions shall be remunerated after summarizing the election results.

5. The electoral commission chairperson, secretary, or members shall not be paid additional remuneration in case of a revote.

The precinct electoral commission chairperson, secretary, or members shall not be remunerated if they have not signed the protocol, or in case of early termination of their powers.

6. In case of national by-elections, by-elections of the Yerevan Council of Aldermen, by-elections of a National Assembly deputy under the majoritarian electoral system, or regular elections of local self-government bodies, the post salaries of the civil servants and other employees of the headquarters of the Central Electoral Commission shall be doubled for each month of the election period. During the period defined by this Part, the difference of the post salaries of civil servants (employees) of the Central Electoral Commission headquarters shall be included in the costs of preparing and conducting elections.



7. In accordance with the approved annual cost estimate of the Central Electoral Commission for each year, up to 15 percent of the funds available in the special account of the Central Electoral Commission for electoral deposits may, upon the decision of the Central Electoral Commission, be used to study the election administration practice, to implement programs geared at improving the quality of the election administration, to carry out technical refurbishment of the electoral commissions, and to prepare and publish materials related to the electoral legislation.

The funds remaining in the special account of the Central Electoral Commission for electoral deposits may, by decree of the Republic of Armenia Government, be used for technical refurbishment of electoral commissions and for preparing and publishing materials related to the electoral legislation.

## **CHAPTER 9**

### **FORMATION OF ELECTORAL COMMISSIONS**

#### **Article 39. Foundations of Forming Electoral Commissions**

1. Citizens that have the right of suffrage and meet the requirements of Articles 40 and 41 of this Code, respectively, may be involved in the composition of the Central Electoral Commission and territorial electoral commissions.

2. Persons having conviction for the crimes provided by Articles 149 to 154.6 of the Criminal Code of the Republic of Armenia may not be a member of an electoral commission. The National Assembly deputies, members of the Constitutional Court, judges, prosecutors, ministers and their deputies, Marzpets and their deputies, mayors of communities and members of municipal councils of aldermen, military servicemen, persons serving in the National Security Service, in the Police, in the Service for Compulsory Execution of Judicial Acts, or in penitentiary institutions, as well as proxies, authorized representatives, observers, and candidates may not be members of territorial and precinct electoral commissions.

3. Citizens having the right of suffrage, who have, in accordance with the procedure prescribed by the Central Electoral Commission, completed professional training courses on the administration of elections and have been awarded qualification certificates, may be involved in the composition of precinct electoral commissions.

4. Training of the territorial electoral commission members shall be carried out after the formation of the commissions.

5. Professional training courses on the administration of elections shall be organized and conducted by the Central Electoral Commission in accordance with the procedure prescribed by the Commission. The training courses shall be organized in the City of Yerevan and in Marzes (in Marzes – by constituencies) at least once a year, based on the applications of citizens and the lists submitted by political parties. Qualification certificates shall be issued based on a test. Anyone may take the test, irrespective of being enrolled in the courses. The test shall be carried out on a computer or by the standard testing method. Representatives of the mass media and non-governmental organizations may observe the process of training courses and the tests.

6. A citizen may be involved in the composition of only one electoral commission.

7. Information on the composition of electoral commissions shall be published in accordance with the procedure prescribed by the Central Electoral Commission.

#### **Article 40. Procedure of Forming the Central Electoral Commission**

1. The Central Electoral Commission shall have seven members. Members of the Central Electoral Commission shall be appointed by the President of the Republic upon nomination by the Human Rights Defender of the Republic of Armenia, the Cassation Court of the Republic of Armenia, and the Chairperson of the Chamber of Advocates of the Republic of Armenia. Members of the Central Electoral Commission shall be appointed for a six-year term, with the exception of the first convocation of the Central Electoral Commission formed after the entry into force of this Code and with the exception of the case defined by Part 7 of this Article.

2. Three members of the Central Electoral Commission shall be appointed upon nomination by the Human Rights Defender of the Republic of Armenia, two members upon nomination by the Chairperson of the Chamber of Advocates of the Republic of Armenia, and two members upon nomination by the Chairperson of the Cassation Court of the Republic of Armenia. The two members appointed upon nomination by the Chairperson of the Cassation Court of the Republic of Armenia and the two members appointed upon nomination by of the Chairperson of the Chamber of Advocates of the Republic of Armenia shall be representatives of different sexes, and at least one of such two members shall have legal education or a scientific degree in law.

3. A citizen of the Republic of Armenia who has the right of suffrage may be a member of the Central Electoral Commission if he does not publicly carry out social and political activities and has:

(1) Higher legal education and at least three years of professional experience in the last five years;

(2) A scientific degree in law and at least three years of professional experience in the last five years;

(3) Higher education and at least five years of public service experience in state bodies in the last 10 years; or

(4) Higher education and at least three years of professional experience in the last five years in a standing electoral commission or in the staff thereof.

4. The Central Electoral Commission Chairperson, Deputy Chairperson, and Secretary shall be elected by the Commission from among its members.

5. Information on candidates for membership in the Central Electoral Commission shall be submitted to the Staff to the President of the Republic of Armenia by 18:00 no earlier than 30 days and no later than 20 days prior to the termination of powers of the member of the Central Electoral Commission. The Central Electoral Commission Chairperson shall, no later than 50 days before termination of powers of the member of the Central Electoral Commission, notify the officials empowered to nominate

candidates for membership in the Commission on termination of powers of such member of the Central Electoral Commission.

6. The Decree of the President of the Republic on appointing members of the Central Electoral Commission shall be promulgated no later than seven days prior to the termination of powers of the member of the Central Electoral Commission.

7. In case of early termination or termination of powers of a member of the Central Electoral Commission, the vacant position shall be filled within a 21-day period in accordance with the procedure prescribed by this Article. In case of early termination of powers of a member of the Central Electoral Commission, the new member of the Commission shall be appointed for the remaining period of the term of office of the member whose powers were terminated early. In such cases, if the remaining term of office is less than one year, the term of office of the new member of the Commission shall be six years plus the remaining period of the preceding member.

8. Members of the Central Electoral Commission shall have the right to nominate candidates for the Chairperson, Deputy Chairperson, and Secretary of the Central Electoral Commission.

9. The Central Electoral Commission Chairperson, Deputy Chairperson, and Secretary shall be elected by open vote.

Where one candidate has been voted for the position of the Chairperson, Deputy Chairperson, or Secretary of the Central Electoral Commission, he shall be elected in case of receiving more than half of the votes of the participants of the voting.

Where more than one candidate has been voted for the position of the Chairperson, Deputy Chairperson, or Secretary of the Central Electoral Commission, the candidate who received the largest number of "for" votes shall be elected. In the case of equality of votes, a lot shall be drawn between the candidates that received the largest number of "for" votes.

#### **Article 41. Procedure of Forming a Territorial Electoral Commission**

1. A territorial electoral commission shall have seven members. A territorial electoral commission shall be formed for a six-year period. The Central Electoral Commission shall appoint the members of the territorial electoral commissions until the termination of the powers of the territorial electoral commission.

2. The number of representatives of each sex in the territorial electoral commission shall be at least two.

3. A citizen of the Republic of Armenia who has the right of suffrage may apply to be involved in a territorial electoral commission, provided that he does not publicly carry out social and political activities and has:

(1) Higher legal education and at least two years of professional experience in the last five years;

(2) A scientific degree in law and at least two years of professional experience in the last five years;

(3) Higher education and, during the last six years, at least three years of professional experience of public service in state government bodies, at least three years of professional experience of municipal service in local self-government bodies, or at least three years of managerial experience in state non-commercial organizations; or

(4) Higher education and at least two years of professional experience in the last five years in a standing electoral commission or in the staff thereof.

4. To select candidates for membership in the territorial electoral commissions, the Central Electoral Commission shall disseminate, through the mass media, an announcement on the time limits for submission of applications by citizens and the requirements for membership in a territorial electoral commission. The form of the application and the list of the required documents shall be defined by the Central Electoral Commission.

5. Citizens that submit an application to be involved in the composition of territorial electoral commissions and meet the requirements defined by Part 3 of this Article may be appointed as members of territorial electoral commissions.

6. If the standard of gender equality provided by Part 2 of this Article is not violated *a priori*, the Central Electoral Commission may, in case of being unanimous:

- (1) Appoint all members of the territorial electoral commission;
- (2) Appoint some members of the territorial electoral commission; or
- (3) Reduce the list of candidates under consideration.

7. In the cases prescribed by Parts 2 and 3 of this Article, the Central Electoral Commission shall appoint the remaining members of the territorial electoral commission by the preferential voting procedure stipulated by Article 166 of this Code.

8. If the number of citizens having submitted applications to be involved in the composition of a territorial electoral commission is not sufficient to form the commission, whilst also meeting the standard of gender equality, the Central Electoral Commission shall fill the vacant positions for commission members from among the persons that have completed professional training courses on the administration of elections and have been awarded qualification certificates.

9. In case of early termination or termination of the powers of a member of a territorial electoral commission, the Central Electoral Commission shall fill the vacant position in the 21-day period in the procedure stipulated by this Article for forming a territorial electoral commission.

10. The Central Electoral Commission decision on appointing members of territorial electoral commissions shall be adopted no later than 14 days prior to the day of termination of the powers of the territorial electoral commission.

11. The Central Electoral Commission shall convene the first meeting of the territorial electoral commission no later than seven days prior to the day of termination of the powers of the existing territorial electoral commission. The first session of the territorial electoral commission shall, prior to election of the commission chairperson, be chaired

by the most senior member of the commission. The formed territorial electoral commission shall assume its powers at 12.00 on the day of termination of the powers of the existing territorial electoral commission.

12. The chairperson, deputy chairperson, and secretary of a territorial electoral commission shall be elected by relevant commissions from among their members in accordance with the procedure defined for the election of the Central Electoral Commission chairperson, deputy chairperson, and secretary.

#### **Article 42. Procedure of Forming a Precinct Electoral Commission**

1. A precinct electoral commission shall have at least seven members.

2. Members of a precinct electoral commission shall be appointed by:

(1) Political parties or political party alliances that have a faction in the National Assembly — one member each where the number of factions is more than four, and two members each where the number of factions is less than five; and

(2) The relevant territorial electoral commission — two members.

To appoint a member to each precinct electoral commission, each member of the territorial electoral commission (except for the commission chairperson) may nominate one candidate. Where the number of nominated candidates is more than two, the territorial electoral commission shall select the two members of the precinct electoral commission by drawing lots, in accordance with the procedure prescribed by the Central Electoral Commission.

3. Where no member of the precinct electoral commission is appointed by any political party or political party alliance in the procedure and time limits prescribed by this Code for the formation of the precinct electoral commission, or the number of candidates nominated by the members of the territorial electoral commission is less than two, the vacant positions of the commission shall be filled by the chairperson of the relevant territorial electoral commission, instead of them, within a three-day period after the expiry of the time limit established for the formation of the commission. In case of filling vacant positions of the precinct electoral commission in accordance with the procedure prescribed by this Part, the Central Electoral Commission decision on distribution of chairpersons and secretaries of precinct electoral commissions by precincts shall not be changed.

4. The chairperson and secretary of the precinct electoral commission shall be appointed by decision of the relevant territorial electoral commission from among the members appointed to the commission by political parties and political party alliances, in accordance with the distribution prescribed by Part 5 of this Article, except for the case prescribed by Part 3 of this Article. Where a political party or an alliance of political parties has appointed two members to the precinct electoral commission, it shall, when appointing, indicate which of them shall hold the position of the chairperson or the secretary of the commission.

5. The positions of chairpersons and secretaries in precinct electoral commissions shall be distributed among political parties or alliances of political parties, which have a faction in the National Assembly. The number of positions of chairpersons and

secretaries of precinct electoral commissions available to each political party or political party alliance shall be determined by the following formula:

$$NCS = (NSP/90) \times NP$$

taken as whole numbers, where:

**NCS** is the number of chairpersons and secretaries, respectively, available for the political party or political party alliance;

**NSP** is the number of mandates obtained by the political party or political party alliance in the National Assembly under the proportional electoral system;

**NP** is the number of electoral precincts formed;

**“90”** is the number of mandates of deputies in the National Assembly under the proportional electoral system.

The remaining positions of a chairperson and secretary of precinct electoral commissions shall be distributed in the order of the value of remainder.

Where, during early local self-government elections, the number of electoral precincts formed is less than three, the distribution of positions of a chairperson and secretary of precinct electoral commissions shall be carried out by drawing lots, in accordance with the procedure prescribed by the Central Electoral Commission, taking into account that those two positions within the same commission may not be filled simultaneously by the representatives of the political parties or political party alliances participating in the formation of the government.

The distribution of chairpersons and secretaries of precinct electoral commissions by electoral precincts shall be carried out prior to the beginning of the time limit for submission of applications on appointing members to a precinct electoral commission, in accordance with the procedure prescribed by the Central Electoral Commission.

6. Applications on appointing members to the precinct electoral commission shall be submitted to the Central Electoral Commission no earlier than 30 days and no later than 25 days prior to the voting day up to 18.00, whereas in case of early elections no earlier than 20 days and no later than 18 days prior to the voting day up to 18.00. An application on appointing members to the precinct electoral commissions shall be signed by the head of the political party or, upon his assignment, by the deputy head (secretary) of the political party, in case of alliances of political parties — the head of faction or secretary of faction.

The procedure for appointing members to the precinct electoral commission, the form of the application, and the list of necessary documents and information shall be defined by the Central Electoral Commission.

7. The first session of a precinct electoral commission shall be convened in the polling station at 12:00 on the third day following the formation of the commission.

8. In case of early termination or termination of powers of a member of a precinct electoral commission, the vacant position shall be filled in accordance with the

procedure defined by this Code for the formation of a precinct electoral commission, within a seven-day period, but no later than three days prior to the voting day.

9. Where no member has been appointed to the precinct electoral commission within the time limit and in the procedure defined by Part 8 of this Article, the vacant positions of commission members shall be filled by the territorial electoral commission chairperson from among the persons that have the right to be involved in precinct electoral commissions. In this case, where the person appointed within the time limit and in the procedure prescribed by Part 8 was to hold the position of the chairperson or secretary of the commission, the person appointed by the chairperson of the electoral commission shall be appointed to that position.

10. Where at 8.00 on the voting day the number of members of a precinct electoral commission who have appeared is less than five in case of an electoral precinct with up to 1,000 voters, the powers of the members that have not appeared shall terminate early, and the number of the members shall be supplemented with up to five members respectively by the chairperson of the territorial electoral commission from among the persons that have the right to be involved in precinct electoral commissions. Where at 8.00 on the voting day the number of members of a precinct electoral commission that have appeared is less than seven in case of an electoral precinct with more than 1,000 voters, the powers of the members that have not appeared shall terminate early, and the number of the members shall be supplemented with up to seven members respectively by the chairperson of the territorial electoral commission from among the persons that have the right to be involved in precinct electoral commissions.

11. The powers of a precinct electoral commission shall cease five days after the voting day, unless an appeal has been lodged against the election results. In case an appeal has been lodged against the election results, and a revote is conducted, the powers of the precinct electoral commission shall terminate five days after the day of the revote.

12. In case of adopting a decision on declaring as invalid the voting results in specific electoral precincts, or in case of calling a revote in such electoral precincts, the powers of the members of such precinct electoral commissions shall be deemed terminated early, and they may not be involved in the composition of precinct electoral commissions conducting the revote. In this case, precinct electoral commissions shall be formed within a three-day period following adoption of the decision on calling a revote in specific electoral precincts, in accordance with the procedure prescribed by this Code for forming a precinct electoral commission.

#### **Article 43. Procedure of Dismissing an Electoral Commission Chairperson, Deputy Chairperson, or Secretary; Procedure of Early Termination of the Powers of an Electoral Commission Member**

1. The chairperson, the deputy chairperson, and secretary of the Central Electoral Commission or of a territorial electoral commission may be dismissed from office by a decision adopted by at least two thirds of the total number of votes of the commission members, if they do not properly exercise the powers conferred upon them.

2. The powers of the Chairperson, Deputy Chairperson, or Secretary of the Central Electoral Commission or a territorial electoral commission shall be deemed terminated, if he has filed an application for self-withdrawal from office.

3. The chairperson and secretary of a precinct electoral commission may be removed from office by decision adopted by at least two thirds of the total number of votes of the commission members, provided that they manifestly demonstrate inaction on the day preceding the voting day or on the voting day, which may undermine the preparation of the voting, the normal process of the voting, or the summarization of the voting results. In such case, the chairperson or secretary of the precinct electoral commission shall be appointed by the chairperson of the territorial electoral commission from among other members of such precinct electoral commission.

4. The powers of a member of an electoral commission shall terminate early if:

(1) He is not eligible for appointment to the commission;

(2) He refuses to sign the text of the undertaking “On performing duties of the electoral commission member in accordance with the requirements of the Republic of Armenia Constitution and legislation”;

(3) He has been convicted under Articles 149 to 154.6 of the Criminal Code of the Republic of Armenia, or a sentence of detention or imprisonment has been imposed on him;

(4) He has filed an application for self-withdrawal from the office of a commission member: a member of the Central Electoral Commission shall file such application with the President of the Republic, and members of other commissions — with the chairperson of the superior electoral commission;

(5) The chairperson or secretary of a precinct electoral commission has filed an application on self-withdrawal from office: such an application may be filed with the chairperson of the territorial electoral commission by 18.00 no later than three days prior to the voting day;

(6) He has been drafted to the army; or

(7) In other cases provided by this Code.

In the cases stipulated by Paragraphs 1 to 6 of this Part, the fact of early termination of powers shall be recognized by the President of the Republic in case of a member of the Central Electoral Commission, or by the chairperson of the superior electoral commission in case of members of other commissions.

5. The Administrative Court may terminate the powers of a member of the Central Electoral Commission early, if such member has violated the provisions of this Code. Such a demand may be filed with the Administrative Court by the President of the Republic.

The Administrative Court may terminate the powers of a member of a territorial electoral commission early, if such member has violated the provisions of this Code. Such a demand may be filed with the Administrative Court by the Central Electoral Commission.

A territorial electoral commission may terminate the powers of a member of a precinct electoral commission early, but no later than five days prior to the voting day, if such



member has violated the provisions of this Code. Such a demand may be filed with the territorial electoral commission by the political party (alliance of political parties) that appointed him to such commission, or by the chairperson of the territorial electoral commission that appointed him, or the member of the territorial electoral commission that nominated him.

The procedure prescribed by this Part may be enforced on the ground of failing to attend the regular sessions of the Central Electoral Commission or the territorial electoral commission without good cause, if the respective commission member has failed to attend three or more regular sessions without good cause during three calendar months.

The procedure prescribed by this Part shall not be enforced on the ground of failing to attend the regular sessions of a precinct electoral commission.

6. In case of failure to attend three or more regular sessions of the Central Electoral Commission or the territorial electoral commission without good cause during three calendar months, the respective commission shall have the right to terminate the powers of such commission member early by a decision adopted by majority vote of the total number of its members.

#### **Article 44. Organizing the Activities of an Electoral Commission**

1. The activities of an electoral commission shall be managed by the commission chairperson or, upon assignment by or in the absence of the chairperson, by the deputy chairperson of the commission, or, in case of a precinct electoral commission, by the commission secretary.

2. The chairperson of the Central Electoral Commission and the chairperson of a territorial electoral commission shall define the schedule of regular sessions. Precinct electoral commissions shall convene regular sessions within the time limits prescribed by this Law.

3. Extraordinary sessions of the Central Electoral Commission and a territorial electoral commission shall be convened by the commission chairperson on his own initiative or upon the written demand of at least one third of the commission members, on the date indicated by the latter, by notifying the commission members thereof using the available means of communication. An extraordinary session of a precinct electoral commission shall be convened by the commission chairperson upon the demand of the chairperson of the respective territorial electoral commission.

4. The session of the electoral commission is competent if attended by more than half of the commission members.

A member of the Commission shall be obliged to participate in the voting. A decision shall be adopted if more than half of the attending members of the commission vote for such decision, except for the cases prescribed by this Code.

Besides members of the Commission, the head of the Oversight and Audit Service may place items on the agenda of a session of the Central Electoral Commission within the scope of the competence reserved to the Service. The chief of staff of the

Commission, too, may place items on the agenda in relation to financial and economic matters.

5. In case of a tie vote when adopting a decision on the election results, the vote of the commission chairperson shall be decisive.

6. Electoral commissions shall receive a journal of records with numbered pages, sealed by the respective superior commission.

The requirements concerning the journal of records, as well as the procedure of keeping records shall be established by the Central Electoral Commission.

7. Information about the participation of commission members in sessions shall be entered into the journal of records. The respective records shall be signed by the commission members attending the session.

8. Members of the electoral commission and persons having the right to participate in sessions of the commission (including on the voting day in the voting room), except for voters and police officers on duty in the polling station, shall visibly carry on their outer clothing the identification badges certifying their right to be present. Observers of non-governmental organizations registered in the Republic of Armenia shall, for being present at the electoral commission, and during the voting — also in the voting room, also carry the qualification certificate for being involved in the composition of the electoral commission or for carrying out an observation mission. The commission chairperson shall prohibit the presence in the electoral commission (in the polling station) of persons that have no right to be present in the electoral commissions, and during the voting — also in the voting room, as well as the presence of persons that are without a relevant identification badge on their outer clothing.

9. Members of an electoral commission shall be obliged to participate in the sessions of the commission.

10. Copies of and excerpts from decisions, protocols, and entries of the journal of records (except for excerpts from lists signed by the voters) shall be sealed and signed by the commission chairperson and secretary. The documents received from the precinct electoral commission shall be sealed only on the voting day.

#### **Article 45. Specifics of Administrative Proceedings in the Central and Territorial Electoral Commissions**

1. Administrative proceedings in electoral commissions shall be carried out in accordance with the Republic of Armenia Law on Foundations of Administration and Administrative Proceedings, subject to the specifics and time limits stipulated by this Code.

2. The applicant shall be notified of the review of his application (complaint) in the Central Electoral Commission by means of posting information on the date and time of such review on the website of the commission. If there are any means of electronic communication indicated in the application (complaint), such as a telephone number or an e-mail address (hereinafter referred to as “electronic means of communication”), the applicant (complainant) shall be notified through such means, as well.

The applicant (complainant) shall be deemed notified of the review of his application (complaint) in the territorial electoral commission in case if information on the date and time of such review is posted in the commission in a place visible for everyone, and where any means of electronic communication are indicated in the application (complaint) — in case if he is concurrently informed through such means of communication.

3. Participants in proceedings may not challenge the composition of or a member of the electoral commission conducting the administrative proceeding. A member of the electoral commission conducting the administrative proceedings may not withdraw himself, either.

4. During the election period, in view of the workload, participants of administrative proceedings shall become familiar with the materials of the administrative proceedings in the electoral commission conducting the proceedings, prior to the session convened within the scope of such proceedings. Summary minutes of the session shall be kept, regardless of the presence of the participants of the proceedings.

5. An administrative act adopted by the Central Electoral Commission shall enter into force when posted on the Commission's website after the publication in its session. After posting the act on the website, a short message on the adoption of the administrative act shall be sent to the participants of the proceeding, if the application (complaint) indicates any means of electronic communication.

6. An administrative act adopted by a territorial electoral commission shall enter into force when a copy of such act is posted in the commission in a place visible for everyone after its publication at the commission session. A short message on the adoption of the administrative act shall be sent to the participants of the proceeding, if the application (complaint) indicates any means of electronic communication.

7. The administrative act of the electoral commission shall, within a three-day period of adoption, be forwarded to the participants of the administrative proceedings by attaching the delivery receipt to the case file, unless the participants of such proceedings received the act in the commission.

8. During the period of elections, administrative proceedings may not be suspended.

#### **Article 46. Appealing against Decisions, Actions, and Inaction of Electoral Commissions; Filing an Application on Declaring as Invalid the Voting Results in an Electoral Precinct or the Results of the Election**

1. The decisions and actions (inaction) of an electoral commission may be appealed by:

(1) Everyone who considers that his subjective right of suffrage has been or may be violated;

(2) A proxy who considers that the rights of the proxy or the grantor prescribed by this Code have been violated;

(3) An observer who considers that the rights of an observer prescribed by this Code have been violated; or

(4) A commission member who considers that a lower commission or the commission of which he is a member has violated his or another person's rights prescribed by this Code.

2. An application on declaring as invalid or null and void the registration of a candidate or the registration of the electoral list of a political party (or alliance of political parties), as well as appeals against the results of the elections, may be filed only by the candidate or the political party (alliance of political parties) that submitted the electoral list, respectively. An application on declaring as invalid or null and void the registration of a candidate included in a political party's electoral list may be filed only by the political party (alliance of political parties) that submitted the electoral list.

3. An application on declaring as invalid the voting results in an electoral precinct may be filed by:

(1) A candidate, as well as a political party (alliance of political parties) participating in the elections under the proportional electoral system;

(2) A proxy, if he was present in such electoral precinct;

(3) A member of the relevant precinct electoral commission, if he has recorded a special opinion in the protocol; or

(4) A member of the Central Electoral Commission.

An application on declaring as invalid the election results may be filed by a candidate, or by a political party (alliance of political parties) participating in the elections under the proportional electoral system.

4. If the electoral commission considers that the appeal or application filed does not comply with the requirements of this Article, it shall refuse to instigate administrative proceedings.

5. Decisions and actions (inaction) of the precinct electoral commission and the results of the voting in an electoral precinct may be appealed in the territorial electoral commission.

6. The decisions and actions (inaction) of a territorial electoral commission (except for decisions on the results of elections of members of the National Assembly under the majoritarian electoral system, and elections of community mayors and members of the council of aldermen) may be appealed in the Central Electoral Commission. Decisions on the results of elections of members of the National Assembly under the majoritarian electoral system may be appealed in the Constitutional Court. Decisions of a territorial electoral commission on the results of elections of community mayors and members of the council of aldermen may be appealed in the Administrative Court.

7. Decisions and actions (inaction) of the Central Electoral Commission (except for decisions taken on the results of national elections) may be appealed in the Administrative Court. Decisions of the Central Electoral Commission on the results of national elections may be appealed in the Constitutional Court.

8. In case of lodging an appeal against decisions or actions (inaction) of an electoral commission to a superior commission, the party lodging such appeal shall bear the burden of proving the factual circumstances asserted by him, whereas the electoral commission shall bear the burden of proving the factual circumstances underlying the decision taken by such commission. The electoral commission examining the appeal may obtain evidence on an *ex officio* basis. The rules defined by this Part shall also apply to applications on declaring as invalid the results in an electoral precinct or on declaring as invalid the results of the election.

9. Appeals against decisions taken by or actions or inaction of the precinct electoral commission during the voting day may be filed with the relevant territorial electoral commission on the voting day or from 12.00 to 18.00 of the day following the voting day.

Appeals against the decisions taken by or actions or inaction of the precinct electoral commission during the days preceding the voting day may be filed with the territorial electoral commission within two calendar days of the day on which the applicant learnt or was reasonably obliged to learn about the violation.

Appeals against the decisions, actions, or inaction of a territorial electoral commission may be filed with the Central Electoral Commission within three calendar days of the day on which the applicant learnt or was reasonably obliged to learn about the violation.

An application for declaring as invalid the voting results in an electoral precinct may be filed with the respective territorial electoral commission only on the day following the voting day, from 12.00 to 18.00 hours.

An application for declaring as invalid the election results may be filed with the respective electoral commission before 18.00 no later than two days prior to the end of the relevant time limit prescribed by this Code for summarizing the election results.

10. If, as a result of reviewing the appeal or application, the territorial electoral commission concludes that, during the voting, there have been such violations of the requirements of this Code, which could have materially affected the voting results, and if it is impossible to determine the real results of the voting, and the violation is not expressed in the inaccuracies, then the territorial electoral commission shall declare as invalid the voting results in the electoral precinct concerned. In such case, the materials shall be sent to the prosecution office.

11. An application on declaring as null and void the registration of a candidate, the registration of the electoral list of a political party (or alliance of political parties), or the registration of a candidate included in such electoral list may be filed prior to the voting day. The decision of the territorial electoral commission on the registration of a candidate may be appealed in the Central Electoral Commission within three days of the day on which the applicant learnt or was reasonably obliged to learn about the violation, but no later than the day preceding the voting day.

The handling of applications received in electoral commissions after the expiry of such time limits shall be determined after summarizing the election results.

12. After calling elections, prior to summarizing the results of elections, the electoral commissions shall respond to the appeals and applications prescribed by this Article, and, in cases prescribed by this Code, shall take decisions relating to such appeals and

applications within a five-day period, but no later than prior to the day preceding the voting or prior to summarizing the results of elections, respectively.

#### **Article 47. Requirements on Applications and Complaints; Procedure of Their Review in Electoral Commissions**

1. Applications and complaints (hereinafter referred to as “applications”) shall be reviewed and responded to within the time limits prescribed by the legislation of the Republic of Armenia, except for cases prescribed by this Code.

2. An application shall be signed by the applicant or the person lodging the complaint (hereinafter “the applicant”) and shall contain his first name, surname, postal address, and date of submission. The application may also contain data on the applicant’s means of electronic communication (telephone number, electronic mail, etc.). The applicant shall clearly state his demand, provide substantiations, and attach potential evidence to the application. Applications containing false information or no information about the applicant shall not be considered.

3. If an application contains formal errors that can be corrected, the electoral commission shall provide the applicant an opportunity to correct such mistakes or shall correct them itself and give the applicant prior or posterior notice thereof. If the list of documents attached is incomplete, the electoral commission shall suggest to the applicant completing it within the specified time limit.

4. The applicant shall address the application to the electoral commission that has jurisdiction to resolve the issue raised. If there is a deadline prescribed by this Code for filing the application, the application shall be deemed filed by the due date if it has been delivered to the relevant electoral commission prior to such deadline. The commission chairperson shall forward the application to a member of the commission and shall distribute copies of the application to the other members of the commission. The issues raised in the application shall be examined by the commission members. Each member of the commission shall have the right to submit a draft decision on the application to be reviewed at the commission session. If no member of the commission has submitted a draft decision on refusing to institute administrative proceedings, the administrative proceedings shall be deemed instituted. In case of refusing the institution of administrative proceedings, the response to the application shall be sent to the applicant with the signature of the commission chairperson. The applicant shall have the right to participate in the review of his application at the commission session, to provide substantiations, to ask questions of the speakers concerning the application, and to make a speech.

5. The response to an application on obtaining information shall be sent with the signature of the commission chairperson, and copies of the response shall be distributed to the commission members. If the required information or a copy of the required document is posted on the website of the Central Electoral Commission with the possibility to download, the applicant shall be informed thereof and shall not be provided with photocopies or excerpts thereof.

6. Electoral commissions shall take appropriate measures in relation to matters requiring urgent solution.

## **Article 48. Recount of the Voting Results**

1. A candidate or proxy who was present in the process of summarizing the voting results in the electoral precinct, or a precinct electoral commission member who recorded his special opinion on the procedure by which the voting results were summarized in the protocol of the voting results in the electoral precinct, shall have the right, in the procedure and time periods prescribed by this Code, to appeal the voting results in the electoral precinct concerned by means of filing with the territorial electoral commission an application for recounting the voting results in the electoral precinct (hereinafter "a recount").

An application to recount the voting results in the electoral precinct may be filed only with the respective territorial electoral commission from 12.00 to 18.00 on the day following the voting.

2. The application for a recount shall contain the first name, surname, and postal address of the applicant, as well as the number of the electoral precinct where the recount is demanded, as well as the voting (if several votings were conducted concurrently) for which recount of results is demanded. Evidence on erroneous summarization of the voting results may be attached to the application.

3. If several votings were conducted concurrently, a member of the precinct electoral commission may file an application for a recount only with regard to the results of the voting, in the protocol of which he recorded his special opinion.

4. If several votings are conducted concurrently, a separate application for a recount shall be submitted with regard to the results of each voting.

5. The territorial electoral commission shall record the applications filed for a recount in the order of receipt, indicating the time of receipt.

6. The recount process shall start at 09:00 on the next day following the time limit prescribed for filing recount applications and shall end at 14.00 on the fifth day following the voting day (hereinafter referred to as "the deadline for the recount"). While carrying out a recount, the electoral commission shall work without rest days, from 09:00 to 18:00. The electoral commission shall continue the recount after 18.00, if it has not completed the recount already started for the electoral precinct, as well as in cases when by working till 18:00, it is not possible to complete the recount of the voting results specified in Part 7 of this Article prior to the deadline for the recount.

7. The territorial electoral commission shall recount all the voting results, concerning which, in the opinion of the territorial electoral commission, substantial proof has been provided on the erroneous summarization of the voting results. The territorial electoral commission shall also recount the results of all the votings about which the territorial electoral commission developed, based on examining their protocols (including the inaccuracies), suspicion of erroneous summarization of the results.

8. If the recount of the voting results specified in Part 7 of this Article is completed before the deadline for the recount, or none took place, the commission shall, based on the available applications for recount, draw lots to determine the order in which the voting results will be recounted.

9. Withdrawal by an applicant of the application for a recount of the voting results shall not serve a basis for not carrying out the recount.

10. The recount shall be carried out in accordance with the requirements of this Code for summarizing the voting results in an electoral precinct, except for the counting of the number of ballot envelopes of the defined specimen, and shall compile a protocol on the recount of voting results in the electoral precinct by filling in the numbers found by the precinct electoral commission in the “number of ballots provided to the commission,” “numbers of stubs,” and “number of defined-specimen ballot envelopes in the ballot box” fields, unless they contain obvious mechanical errors.

When carrying out the recount, a ballot envelope shall be considered not a defined-specimen ballot envelope, if it obviously differs from the defined specimen or is not sealed or is sealed with a different seal. A ballot shall be considered not a defined-specimen ballot, if it obviously differs from the defined specimen. The validity of a ballot shall be determined in accordance with the requirements of Article 68 of this Code.

Persons having the right to attend the session of the commission shall, if they so demand, receive copies of such protocols.

11. Depending on the workload, the territorial electoral commission may carry out the recount of the voting results in an electoral precinct with at least three commission members. When carrying out a recount of the voting results with at least three commission members, the duties of the precinct electoral commission chairperson prescribed by this Code in relation to summarizing the voting results shall be carried out by the secretary or deputy chairperson of the territorial electoral commission, and, where they are not among the three members, then by the member nominated by the chairperson of the territorial electoral commission.

12. The duration of the recount of the voting results in an electoral precinct may not exceed four hours.

13. Members of the respective precinct electoral commission, persons that have the right to be present in sessions of the electoral commission, persons that filed the recount application, candidates, and proxies of candidates shall have the right to be present at the recount process.

14. During the recount of voting results, the applicant shall have the right to become familiar, in addition to other documents, with the lists signed by voters, and independently to take excerpts, without the right to photocopy them or take their photos or videotape them. Proxies, observers, and mass media representatives may photograph and videotape the recount process.

15. The absence of the person that filed the applicant for a recount shall not serve as a basis for not carrying out or terminating the recount.

16. The territorial electoral commission shall reject the application for a recount of the voting results in a precinct, and the recount shall not be carried out, if the recount was demanded in violation of the provisions of this Article.



## CHAPTER 10

### POWERS OF ELECTORAL COMMISSIONS

#### Article 49. Powers of the Central Electoral Commission

1. The Central Electoral Commission is a standing state body responsible for organizing elections and supervising the lawfulness thereof. The Central Electoral Commission:

(1) Shall exercise supervision over the use of state budget funds allocated for preparing and conducting elections;

(2) Shall adopt its and its subordinate electoral commissions' rules of procedure;

(3) Shall organize and conduct professional training courses on conducting elections, and define the procedure of organizing training courses and issuing qualifications;

(4) Shall supervise the consistent application of this Code;

(5) Shall define the forms and specimens of ballots, protocols, and other electoral documents, and the procedure of filling in and keeping them, and provide electoral commissions with the necessary electoral documents;

(6) Shall define the standard forms of the documents required for the registration of candidates and of electoral lists of political parties (alliances of political parties);

(7) Shall adopt, within the scope of its powers, decisions that are binding throughout the whole territory of the Republic;

(8) Shall abolish, declare as invalid or null and void, and revoke commission decisions that contradict this Code, save for decisions of territorial electoral commissions on the election of the National Assembly deputies under the majoritarian electoral system, and of community mayors and members of the council of aldermen;

(9) Shall hear the communications of electoral commissions and state bodies on preparing and conducting elections;

(10) Shall accredit observers and mass media representatives;

(11) Shall organize the publication of biographical data of the candidates for the President of the Republic;

(12) Shall register the National Assembly deputies elected under the proportional electoral system, and issue identifications of a National Assembly deputy;

(13) Shall call new elections and by-elections of the National Assembly of the Republic of Armenia;

(14) Shall adopt decisions provided for by this Code, as well as decisions not contradicting this Code for regulating the electoral processes;

- (15) Shall publish a training manual for members of precinct electoral commissions, proxies, and observers at the time of each national election;
- (16) Shall define the procedure of drawing lots in electoral commissions;
- (17) Shall approve the ballot box sample (dimensions);
- (18) Shall exercise supervision of the financial activities of political parties;
- (19) May create institutions in accordance with the procedure prescribed by law; and
- (20) Shall exercise other powers prescribed by this Code.

2. Within three months of publishing the final results of national elections, the Chairperson of the Central Electoral Commission or, upon his assignment, any member of the Central Electoral Commission shall make a statement to the National Assembly on the organization and conducting of elections, on the analysis of violations of the Electoral Code, and on amendments proposed to the legislation. This statement shall be posted on the website of the Central Electoral Commission.

3. The Central Electoral Commission may propose to the Government of the Republic of Armenia legislative amendments for improving the administration of the electoral process.

#### **Article 50. Powers of a Territorial Electoral Commission**

1. A territorial electoral commission is a standing state body. The territorial electoral commission shall:

- (1) Carry out supervision of the fulfillment of the requirements of this Code in the constituency territory;
- (2) Approve the ballot specimens designed for local self-government elections;
- (3) Define, in accordance with the procedure prescribed by the Central Electoral Commission, the numbering of electoral precincts and submit this information to the Central Electoral Commission within a two-day period;
- (4) Provide information to the Central Electoral Commission on the activities of precinct electoral commissions and on its own activities;
- (5) Review the applications (complaints) received with regard to decisions and activities of precinct electoral commissions, and review or abolish decisions of precinct electoral commissions that contradict this Code;
- (6) Publish the preliminary results of the voting for each electoral precinct, based on data in protocols of precinct electoral commissions;
- (7) Announce the date of local self-government elections;
- (8) Monitor how the lists of voters are compiled and posted for public information in electoral precincts;

(9) Supervise the process of furnishing the polling stations in accordance with the requirements of this Code;

(10) Register candidates for the National Assembly deputies under the majoritarian electoral system, and candidates for the community mayor and members of the council of aldermen, and issue to them identifications of the specimen defined by the Central Electoral Commission;

(11) Supervise the compliance of precinct electoral commissions with the requirements of this Code;

(12) Declare as invalid the voting results in an electoral precinct; and

(13) Exercise other powers provided for by this Code.

### **Article 51. Powers of a Precinct Electoral Commission**

A precinct electoral commission shall:

(1) Organize the voting and summarize the results of the voting in the electoral precinct;

(2) Prepare a protocol on the results of the voting in the electoral precinct and post a copy of the protocol in the polling station;

(3) Submit to the territorial electoral commission its seal, stamp, and journal of records, two copies of the protocol on the results of the voting, the sack for electoral documents, and the ballot box; and

(4) Exercise other powers provided for by this Code.

### **Article 52. Submission of Electoral Documents and Their Receipt in Electoral Commissions**

1. Electoral documents shall be delivered at electoral commissions by means of their signature by the delivering and receiving persons and issuing a receipt.

2. For preparing and conducting elections, the electoral commissions shall be provided with ballots, forms, other documents, stationery, and other supplies. The chairpersons of electoral commissions shall be responsible for their safekeeping.

3. After summarizing the results of the voting, the electoral documents of a precinct electoral commission shall be deposited in the State Archive of Armenia for safekeeping in accordance with the established procedure.

### **Article 53. Cooperation of Electoral Commissions and the Police**

1. The central and regional bodies of the Police of the Republic of Armenia, as well as their services and subdivisions shall be obliged to ensure the normal process of elections and the unimpeded work of electoral commissions and their members. The Police of the Republic of Armenia shall maintain rule and order during election-related events, support the commissions upon the request of commission chairpersons, and

ensure the safe transfer and safekeeping of electoral documents in electoral commissions.

### **SECTION 3**

## **THE VOTING; SUMMARIZATION OF THE VOTING RESULTS**

### **CHAPTER 11**

## **ORGANIZATION OF THE VOTING**

### **Article 54. Place and Time of the Voting**

1. The voting shall be conducted only in polling stations formed in the territory of the Republic of Armenia, between 08:00 and 20:00, except for cases prescribed by this Code. Voters that are present in the voting room at 20:00, but have not cast a vote yet, shall have the right to vote.

2. In national elections, the voting for voters, which are undergoing in-patient treatment in in-patient healthcare facilities and are not capable of personally visiting the polling station on the voting day, shall be conducted through a mobile ballot box taken to the in-patient healthcare facility.

The voting shall be conducted with due respect for confidentiality of the vote, in accordance with the procedure defined by the Central Electoral Commission. Proxies, observers, and mass media representatives may be present during the voting organized in the in-patient healthcare facilities. The voting in the in-patient healthcare facilities shall be organized in such a way as to be completed by 18:00.

### **Article 55. The Voting Room**

1. The voting shall be conducted in a room specially furnished for that purpose. There shall be one such room in each electoral precinct.

2. The voting room shall, to the maximum extent possible, be spacious and meet the following requirements:

(1) Provide the possibility to ensure, during the entire voting process, the regular concurrent work of the precinct electoral commission members and persons that have the right to be present in the voting process; and

(2) Enable precinct electoral commission members and observers to keep within sight the ballot box, the voting booths (provided that the secrecy of ballot is not violated), and the space between the voting booths and the ballot box.

3. The furnishing of the voting room shall be completed by 24:00 of the day preceding the voting day.

## **Article 56. The Voting Booths**

1. Booths shall be allocated for voting: at least one booth shall be allocated for every 750 voters.

2. The voting booth shall be assembled in such a way that the voter fills in his ballot confidentially from those present in the polling station, and that there is sufficient light and a pen.

3. The voting booths shall be placed at least one meter away from each other, in such a way that the voter, while voting, has his back to the wall and his face to the commission.

## **Article 57. Ballots and Ballot Envelopes**

1. Where several votings are conducted concurrently, the ballots shall be made in such a way that they clearly differ from each other.

2. The cutting line of the ballot shall be perforated. The ballot shall contain the name of the printing house and a note on how to fill in the ballot. Ballots shall be made of opaque paper.

3. Above the cutting line of the ballot, on the stub, the number of the ballot shall be indicated. The surname, first name, and patronymic of candidates, and the names of political parties (alliances of political parties) shall be listed on the left in the alphabetical order, below the cutting line, and empty checkboxes shall be placed on the right for the voter to mark.

4. If only one candidate is voted, the words "for" or "against" shall be placed below the line containing the candidate's surname, with empty checkboxes on the right side of each of such words.

5. The Central Electoral Commission shall ensure the printing of the ballots.

6. Ballots shall be printed no earlier than 10 and no later than three days prior to the voting day, on the basis of information on the number of voters provided by the Authorized Body 10 days prior to the voting day.

7. Ballots shall be provided to the precinct electoral commissions on the day preceding the voting day: the number of such ballots shall be up to three percent higher than the number of voters in each electoral precinct, but no less than two ballots more than the number of voters.

8. In case the registration of a candidate or the registration of the electoral list of a political party (alliance of political parties) is declared as invalid or null and void after the printing of the ballots, the name of the candidate or the political party (alliance of political parties) shall be removed from the ballots in accordance with the procedure prescribed by the Central Electoral Commission.

9. The Central Electoral Commission shall ensure the manufacturing of the ballot envelopes. When several votings are conducted concurrently, the ballot envelopes for

each voting shall be made in such a way that they clearly differ from each other by colors and match the colors of the respective ballots.

10. Ballot envelopes shall be provided to the precinct electoral commission on the day preceding the voting day.

**Article 58. Seals, Stamps, Individual Seal of a Precinct Electoral Commission Member, Individual Stamp of a Precinct Electoral Commission Member, Individual Stamp of a Proxy, and the Ballot Box**

1. Samples of the seals and stamps of electoral commissions and of the individual seals of members of precinct electoral commissions shall be approved by the Central Electoral Commission. They shall be manufactured by order of the Central Electoral Commission.

2. The seal of a precinct electoral commission shall bear a four-digit number.

3. The Central Electoral Commission shall place the seals of precinct electoral commissions in opaque packages, close them without making any notes thereon, apply the Central Electoral Commission's seal on them, and deliver them to the territorial electoral commissions no earlier than five and no later than three days prior to the voting day, in such a way that each precinct gets one seal; in doing so, the Central Electoral Commission may only track the quantity of seals delivered. Stamps and the individual seals of members of precinct electoral commission shall also be delivered within this time limit.

4. In territorial electoral commissions, the packages shall be sealed and delivered to the chairpersons of precinct electoral commissions on the day preceding the voting; each precinct electoral commission chairperson shall receive one packaged seal.

5. In case of national elections and elections of the Yerevan Council of Aldermen, the precinct electoral commission seals shall be delivered to the Central Electoral Commission, in accordance with the procedure prescribed by the Central Electoral Commission, 24 hours after the end of the voting. In other elections, the seals of precinct electoral commissions shall be delivered to the Central Electoral Commission within a three-day period after the end of the voting.

In case of carrying out a second round of voting, a revote, or new elections, new seals shall be issued to the precinct electoral commissions.

6. Individual seals, distinct from one another, shall be provided to precinct electoral commission members one day prior to the voting day in accordance with the procedure prescribed by the Central Electoral Commission. After the end of the voting, the individual seals shall be packaged and placed in the precinct electoral commission's disposable sack for electoral documents (hereinafter referred to as "the sack").

7. After the end of the voting, the stamp of the precinct electoral commission shall, in the procedure and time prescribed by Part 5 of this Article, be returned to the Central Electoral Commission.

8. More than one ballot boxes may be used in a polling station in accordance with the procedure prescribed by the Central Electoral Commission.

9. A member of a precinct electoral commission and a proxy may have an individual stamp, but it shall not be compulsory. A member of a precinct electoral commission may use his individual stamp instead of his signature in the cases prescribed by Article 59(7), Article 67(8), and Article 71(7). A proxy may use an individual stamp instead of his signature in the cases prescribed by Article 67(8) and Article 71(7).

### **Article 59. Preparation for the Voting**

1. The voting shall be prepared by the precinct electoral commissions.

2. Ballots, ballot envelopes, the packaged seal, the stamp, and the individual seals of commission members shall be stored in a special fire-proof safe located in the voting room. The procedure for storing them shall be defined by the Central Electoral Commission.

3. During the voting, the precinct electoral commission chairperson shall be obliged to ensure compliance with the requirements of this Code and maintain the necessary rule and order in the polling station.

4. Desks shall be placed in the polling station for registering voters, providing ballots and ballot envelopes to voters, and sealing ballot envelopes. At least one working space shall be provided for a proxy between a working space for registering voters and a working space for providing ballots and ballot envelopes to voters. If the member registering the voters and the member providing the ballots and ballot envelopes to voters have both been nominated by the political parties (political party alliances) representing the parliamentary opposition, the proxy of the political party (political party alliance) representing the parliamentary majority or the proxy of the candidate nominated by such party (alliance) shall have the priority right to occupy the workplace designated for a proxy. Moreover, priority shall be given to the proxy of the political party that has a larger faction in the parliament. Otherwise, the proxy of the political party (political party alliances) representing the parliamentary opposition or the proxy of the candidate nominated by such party (alliance) shall have the priority right to occupy such workplace. Moreover, priority shall be given to the proxy of the political party that has a larger faction in the parliament, unless the commission member nominated by such party (alliance) is performing functions.

5. The ballot box and the desks of commission members shall be located in places that are visible for everyone that has the right to be present in the electoral precinct.

6. Ballot specimens, a poster with the biographies and photos of candidates for the President of the Republic, and the electoral lists of political parties (alliances of political parties) shall be posted in the voting room or at the entrance to the voting room.

7. On the day preceding the voting, the precinct electoral commission shall draw lots at its session to select the three commission members that will sign the ballots; such members shall be obliged to sign, or stamp with their individual own stamps or seal with their individual seals, all the ballots and all the pages of the lists of voters by 24:00 of the same day (the signatures, the stamp, and the individual seal shall be put on the back side of the ballots and of each page of the lists), making relevant entries in the journal of records and respectively placing in it samples of the signature, the stamp, and the individual seal. After the end of this process, the individual seals of the commission members shall be kept in a special fire-proof safe located in the voting room.

## **Article 60. Organization of the Voting in Diplomatic and Consular Representations**

1. Voters that are on diplomatic service in diplomatic and consular representations of the Republic of Armenia, as well as the voting members of their families residing abroad with them may, in case of being outside the territory of the Republic of Armenia on the voting day, participate in national elections by voting electronically in the procedure and time limits prescribed by the Central Electoral Commission. The Central Electoral Commission shall be obliged to define such conditions for electronic voting that will guarantee the free expression of the will of voters and the secrecy of the vote.

2. Electronic voting may be conducted after the end of the time limit prescribed for the registration of electoral lists of candidates and political parties (alliances of political parties), but no later than five days prior to the voting day.

3. The provisions of this Article shall also apply to the voting staff of overseas representations of legal entities registered in the Republic of Armenia (irrespective of the form of ownership), as well as the voting members of their families residing abroad with them.

## **Article 61. Organization of the Voting in Places where Arrested and Detained Persons are Held**

1. Arrested voters shall participate in the voting through a mobile ballot box in accordance with the procedure prescribed by the Central Electoral Commission. The voting by arrested voters shall be organized so that it ends before 18:00 hours.

2. The voting in places where detained persons are held shall be prepared and organized by the head of the penitentiary institution in accordance with the procedure prescribed by this Code and by the Central Electoral Commission. The voting in places where detained persons are held shall be organized after 09:00 hours, depending on the number of persons having the right to vote. The Central Electoral Commission shall set the starting time of the voting for each place where detained persons are held, in such a way that the voting is finished by 20:00 hours.

## **CHAPTER 12**

### **THE VOTING PROCEDURE**

#### **Article 62. Actions of the Precinct Electoral Commission prior to the Voting**

1. At 07:00 hours on the voting day, at the session conducted in the polling station, the precinct electoral commission shall, by drawing lots, decide upon:

(1) The members carrying out the registration of voters, at the rate of at least one member per 1,000 voters;

(2) The members providing ballots and ballot envelopes, at the rate of at least one member per 1,000 voters;



(3) At least one member responsible for sealing ballot envelopes and for the ballot box;

(4) At least one member conducting the voting through a mobile ballot box; and

(5) The rotation, every two hours, of functions between the members of the precinct electoral commission.

The commission chairperson and secretary shall not participate in the drawing of lots.

2. The precinct electoral commission chairperson shall, in the presence of commission members and persons entitled to be present in the voting, open the fire-proof safe, take out individual seals of commission members and hand to each commission member the individual seals assigned to them as a result of lots drawn the day before; then, take out the stamp, the ballots, the ballot envelopes, the lists of voters, and the packaged seal, check the integrity of the package of the packaged seal, open the packaged seal, and announce the seal number after seal it in the journal of records. The chairperson shall check whether the ballot box is empty, shall close and seal the box, hand the list of voters to the members responsible for registering voters, hand ballots and ballot envelopes (in stacks of 100 each) to the members providing ballots and ballot envelopes, and hand the seal and the stamp to the members responsible for sealing the ballot envelopes and for the ballot box. The precinct electoral commission chairperson shall make appropriate records of all of the aforementioned actions in the journal of records.

### **Article 63. Commencement and Procedure of Voting**

1. At 08:00 hours on the voting day, the precinct electoral commission chairperson shall declare the commencement of the voting and authorize the entry of voters into the voting room.

2. The commission chairperson shall arrange and supervise the organization and conduct of the voting, if necessary support the members performing certain functions and replace them in case of their absence. Upon the assignment of the commission chairperson, the commission secretary shall make notes in the journal of records, support the members performing certain functions, and replace them in case of their absence.

3. It shall be prohibited to enter a polling station with arms and ammunition.

4. Military servicemen, officers serving in the national security service and the police troops shall enter the polling station not in a marching order and without arms and ammunition. Where the normal process of the voting is undermined, only police officers may enter the polling station with arms with the permission of the precinct electoral commission chairperson.

5. Apart from the electoral commission members and the voters, the following persons may be present in the polling station: proxies, observers (local observers may be present only on the basis of qualification certificates on involvement in the electoral commission or performance of an observation mission), mass media representatives, and members of superior electoral commissions. A candidate may be present in the polling station only for the purpose of participating in the voting.

6. No more than 15 voters may concurrently be present in the voting room. For the purposes of ensuring the normal voting process, the precinct electoral commission chairperson shall be entitled to admit voters to the voting room one by one. In case it is impossible for the electoral commission to secure implementation of this provision, it shall be secured with the support of the Police based on a demand of the precinct electoral commission chairperson.

7. To make the voting accessible for voters with difficulties of participation in the voting process, the Central Electoral Commission shall be obliged to create additional opportunities and enable the free expression of the voter's will and the confidentiality of the vote.

#### **Article 64. Registration of Voters**

1. Voters participate in the voting personally; voting by proxy shall be prohibited. Each voter shall register in the list of voters held by the electoral commission member responsible for registration.

2. The electoral commission member responsible for registration of voters shall check the voter's identification, find his name and surname in the list of voters, and fill in the data of the personal identification document in the empty box next to the name, after which the voter shall sign next to such data in the column designated for the voter's signature. The electoral commission member carrying out the registration of voters shall put his individual seal in the relevant column, next to the signature of the voter. If the voter himself is unable to sign in the list of voters, he shall be entitled to seek the assistance of another citizen, save for members of the electoral commission.

3. The following shall be deemed a personal identification document: the national passport (without biometrical data), the identification card, the temporary document replacing the national passport or the identification card issued by the Authorized Body; the military certificate or the military record card in the case of military servicemen, if they register (vote) in the list of voters compiled by the military unit. Conscript servicemen that have been granted temporary leave from service in accordance with the procedure prescribed by the legislation shall vote in the places of their permanent residence using the military record cards, presenting also a copy of a document on granting temporary leave from service.

A voter may not be denied access to the voting on the basis that the validity term of his personal identification document has expired.

#### **Article 65. The Voting**

1. During the voting, each citizen shall receive one ballot (or ballots, if several votings are conducted concurrently) and one ballot envelope (or envelopes, if several votings are conducted concurrently).

2. Immediately after being registered, a voter shall approach the commission member responsible for providing ballots and ballot envelopes. The commission member shall tear the stub of the ballot (or ballots, if several elections are conducted simultaneously) and give the lower part of the ballot to the voter, together with the ballot envelope. The voter shall proceed to the voting booth to vote.

3. The voter shall fill in the ballot secretly in the voting booth. It shall be prohibited to enquire, in any manner, about the vote of the voter.

4. A voter who is unable to fill in the ballot on his own shall have the right to invite, after notifying the precinct electoral commission chairperson, another person into the voting booth, who shall not be a member of an electoral commission or a proxy. A person shall have the right to assist only one voter who is unable to fill in the ballot on his own. Except for this case, the presence of another person in the voting booth at the time of filling in the ballot shall be prohibited. The information about the person assisting a voter unable to fill in the ballot on his own shall be recorded in the journal of records of the precinct electoral commission.

5. If a voter considers that he has filled in the ballot incorrectly or has damaged it, he may apply to the commission chairperson to receive a new ballot. Upon assignment of the precinct electoral commission chairperson, a new ballot shall be provided to the voter, and a relevant entry shall be made in the list of voters next to the respective voter's first name and surname. Any stub of a ballot shall be attached to the ballot incorrectly filled in (damaged), and the latter shall be cancelled immediately.

6. The electoral commission member responsible for providing ballots and ballot envelopes shall, in accordance with the procedure prescribed by the Central Electoral Commission, arrange the stubs of ballots by sequence and deliver them to the precinct electoral commission chairperson. The latter shall place them in a fire-proof safe in separate bundles.

7. It shall be prohibited to communicate information about the voting in the polling station.

After the voting, the voter shall leave the polling station immediately.

During the voting, it shall be prohibited for the candidate to stay in the polling station or within a radius of up to 50 meters from the polling station, except for the case of participation in the voting.

#### **Article 66. Procedure of Filling in the Ballot and Sealing the Ballot Envelope**

1. A voter shall put a uniform mark, of the form defined by the Central Electoral Commission, in the check box next to the name of the candidate and political party (alliance of political parties) for which he is voting.

2. When one candidate is voted, the voter shall mark next to the word "for" (in case of voting for such candidate) or next to the word "against" (in case of voting against such candidate).

3. After marking the ballot, the voter shall fold the ballot while in the voting booth, insert it into the ballot envelope, and approach the ballot box. When several concurrent votings are taking place, the voter shall insert each ballot into the respective ballot envelope.

4. The commission member responsible for putting a seal on the ballot envelope and for the ballot box shall seal the ballot envelope and allow the voter to drop the ballot envelope into the ballot box only after checking the absence of a stamp in the voter's

personal identification document pertaining to participation in the given election, and in case no such stamp is present, only after putting such stamp in the voter's personal identification document. If the voter's personal identification document already contains a stamp confirming the participation of the voter in the current election, the commission member shall, through the chairperson of the commission, inform the police officers on duty about the attempt to commit a crime, shall remove the ballot from the ballot envelope, return the envelope to the commission member providing ballots and ballot envelopes, and attach any stub to the ballot and immediately cancel the ballot in accordance with the procedure prescribed by the Central Electoral Commission. At his own initiative or at the request of another commission member or proxy, the commission member responsible for sealing ballot envelopes and for the ballot box may check (refer to another commission member or proxy) the personal identification document of the voter.

The commission member responsible for sealing the ballot envelopes and for the ballot box shall stamp the ballot envelope, open the ballot box slot, and enable the voter to drop the ballot envelope into the ballot box. The ballot envelope shall be sealed with the seal of the precinct electoral commission. Throughout the voting process, this seal shall remain near the ballot box in a place visible for everyone.

5. For the purpose of putting a stamp in personal identification documents, precinct electoral commissions shall be provided with a substance that stays for at least 12 hours after use, after which it disappears.

6. If a commission member or proxy considers that the voting procedure prescribed by this Code has been violated during the voting, he may demand his finding to be recorded in the journal of records.

## **CHAPTER 13**

### **PROCEDURE OF SUMMARIZING AND TABULATING THE VOTING RESULTS, DETERMINING THE INACCURACIES, AND SUMMARIZING THE ELECTION RESULTS**

#### **Article 67. Procedure of Summarizing the Voting Results in an Electoral Precinct**

1. At 20:00 hours, the precinct electoral commission chairperson shall declare about the end of the voting and forbid the entry of voters into the voting room. The commission shall allow the voters already present in the voting room to vote, after which the commission chairperson shall close the ballot box slot.

2. The precinct electoral commission shall start its session of summarizing the voting results in the presence of the persons entitled to be present in the commission session (the candidate may also participate in this session). For this purpose, it shall:

(1) Package and seal the individual seals of commission members, and place them in the sack of electoral documents;

(2) Count the total number of unused ballots, ballots incorrectly filled in (damaged), and returned ballots, and cancel the unused ballots in accordance with the procedure prescribed by the Central Electoral Commission, package them, seal the package, and place it in the sack;

(3) Package the stubs of used ballots, seal the package, and place it in the sack;

(4) Separately count the number of voters in each supplementary list of voters (including the supplementary list compiled in the electoral precinct on the voting day), and add the number of voters in the list of voters to that of supplementary lists to arrive at the total number of voters in the electoral precinct; and

(5) Count the number of voters who participated in the voting (*i.e.* received ballots) based on the voters' signatures in the list of voters (including supplementary lists), package the lists, seal the package, and place it in the sack.

3. The results of the actions defined by Part 2 of this Article shall be published and recorded in the journal of records. The commission chairperson shall immediately communicate the number of the voting participants in the electoral precinct to the territorial electoral commission chairperson through the available means of communication. Upon the request of a proxy, an excerpt from the journal of records concerning the number of participants in the voting shall be provided to such proxy, certified by the signatures of the commission chairperson and secretary and the commission seal.

The precinct electoral commission shall collect the unused ballot envelopes and package them for the purpose of their submission to the territorial electoral commission along with the sack. The package of unused ballot envelopes shall not be placed in the sack.

4. The commission chairperson shall open the ballot box, take one ballot envelope out of the ballot box, loudly announce whether or not the envelope is of the established specimen, and demonstrate it visibly to those present. If requested, the ballot envelope shall be passed on to the other members of the commission. A commission member who disagrees with the opinion expressed by the commission chairperson shall raise an objection. Based on the results of a vote where an objection is raised (the commission member's proposal is put to a vote, and if the proposal is not adopted by vote, then the commission chairperson's proposal is considered to be adopted), or based on the original announcement of the commission chairperson where no objection is raised, the commission chairperson shall take the ballot out of the ballot envelope of the established specimen, announce whether the ballot is valid or invalid or not of the established specimen and, if it is valid, then announce also how it is voted, then demonstrate it visibly to those present. If requested, the ballot shall be passed on to the other members of the commission. A commission member who disagrees with the opinion expressed by the commission chairperson shall raise an objection. Based on the results of a vote where an objection is raised (the commission member's proposal is put to a vote, and if the commission member's proposal is not adopted by vote, then the commission chairperson's proposal is considered to be adopted), or based on the original announcement of the commission chairperson where no objection is raised, the chairperson shall, according to the voting mark in the ballot, put the ballot in the package of ballots cast for the respective candidate or political party (alliance of political parties), and where there is only one candidate, in the packages of ballots voted "for" or

“against,” or in the package of invalid ballots, and put the ballot envelope in the package of ballot envelopes of the established specimen, after which the commission chairperson shall take the next envelope out of the ballot box.

This procedure shall be repeated in relation to all the ballot envelopes in the ballot box. During the sorting of ballot envelopes and ballots, commission members shall be prohibited from making any notes and having with them any pens, pencils, or other objects for making notes.

5. Where more than one ballot of the same vote or a ballot (ballots) that is not of the established specimen are found inside a ballot envelope, the ballot (ballots) shall be placed back into the envelope, and the envelope shall be placed in the package of ballot envelopes that are not of the established specimen.

If a ballot envelope is not of the established specimen, the ballot inside such envelope shall not be taken out, and the ballot envelope shall be placed in the package of ballot envelopes that are not of the established specimen.

Ballot envelopes that are not of the established specimen, together with the ballots inside them, shall be immediately cancelled and packaged. This package shall be submitted to the territorial electoral commission without being placed in a sack.

6. After having sorted all the ballot envelopes and ballots in the ballot box, the commission chairperson shall count, in the presence of the commission members, one by one, the number of ballot envelopes of the established specimen, ballots recognized as invalid, ballots voted for each candidate or political party (alliance of political parties), or, where only one candidate is voted, the ballots cast for or against such candidate. The counted numbers shall be published, as well as recorded in the journal of records.

7. When summarizing the results, ballot envelopes that are not of the established specimen and ballots that are not of the established specimen shall be neither considered nor counted.

8. The counted and sorted ballot envelopes and ballots shall be packaged in accordance with the procedure prescribed by the Central Electoral Commission. The packages shall be sealed and placed in the sack.

The packages shall have the signature of the commission chairperson. Other members of the commission and proxies shall also be entitled to sign the packages or stamp them with their own stamp. The first names and surnames of the signatories shall be recorded, and samples of the signature or the stamp shall be put, in the journal of records.

9. Proxies, observers, and mass media representatives may photograph and videotape the process of summarizing the voting results.

10. If several elections are conducted concurrently, the precinct electoral commission shall, first of all, summarize the voting results of the national elections; if an election of the President of the Republic is conducted together with other elections, the precinct electoral commission shall, first of all, summarize the voting results of the election of the President of the Republic; in case of elections of the National Assembly — the voting results of the elections under the proportional electoral system; and in case of local self-

government elections — the voting results of the elections of the community council of aldermen.

### **Article 68. Validity of Ballots**

1. A ballot of the established specimen shall be invalid if:

(1) It contains markings for more than one candidate or political party (or alliance of political parties);

(2) It contains markings next to both the words “for” and “against,” when one candidate is voted upon;

(3) It contains no marking;

(4) It contains a marking, different from the mark established by the Central Electoral Commission for voting or one similar to it, which discloses the identity of the voter;

(5) It is neither signed by an electoral commission member nor stamped with a member’s individual seal or own stamp; or

(6) The defined form of marking the ballot is manifestly breached: an insignificant breach of the defined form may not be deemed a ground of invalidity of the ballot, provided that the voter’s intention is clear and unequivocal.

2. A ballot shall be valid, unless it is invalid.

### **Article 69. Ballots not of the Established Specimen**

1. A ballot that differs from the established specimen, as well as the following shall be ballots that are not of the established specimen:

(1) A ballot that is inside a ballot envelope that is not of the established specimen;

(2) Ballots inside a ballot envelope, when there are more than one ballots inside the envelope; and

(3) Ballots found in the ballot box without a ballot envelope.

### **Article 70. Ballot Envelopes not of the Established Specimen**

1. A ballot envelope that obviously differs from the established specimen, a ballot envelope that is not sealed, a ballot envelope that is sealed with a different seal, as well as the following shall be ballot envelopes that are not of the established specimen:

(1) A ballot envelope containing no ballot;

(2) A ballot envelope containing more than one ballot;

(3) A ballot envelope containing a ballot that is not of the established specimen; or

(4) A ballot envelope with markings disclosing the identity of the voter.

## **Article 71. Precinct Electoral Commission Protocol on the Voting Results**

1. Based on the calculations made in accordance with the procedure prescribed by Article 67 of this Code, the precinct electoral commission shall prepare a protocol on the results of the voting in the electoral precinct, which shall include the following:

- (1) The number of voters, separately, in each supplementary list of voters (including those in the supplementary list compiled in the electoral precinct on the voting day);
- (2) The total number of voters in the electoral precinct, which shall be equal to the number of voters in the supplementary lists of voters plus the number of voters in the main list of voters;
- (3) The number of participants of the voting (the number of signatures of voters that were registered and received ballots);
- (4) The number of ballots provided to the precinct electoral commission and the stub numbering (filled in by the territorial electoral commission);
- (5) The total number of cancelled ballots (unused ballots, ballots incorrectly filled in or ballots damaged, and ballots returned by the voters);
- (6) The number of invalid ballots;
- (7) The number of ballots voted for each candidate or political party (alliance of political parties);
- (8) The number of ballots voted against a candidate (this line shall be provided when one candidate is voted upon); and
- (9) The number of ballot envelopes of the established specimen, which are present in the ballot box.

2. The protocol shall be signed by the chairperson, secretary, and member, and sealed by the commission chairperson.

3. A commission member shall be obliged to sign the protocol. If a commission member has an objection (special opinion) with regard to the data in the protocol, he shall enter his opinion in writing in the protocol in the special place designated for such objections.

4. The precinct electoral commission session may not be interrupted from the moment the voting is over until the compilation of the protocol on the voting results in the electoral precinct.

5. The commission shall complete the compilation of the protocol at the end of the session, but no later than 10 hours after the end of the voting. The commission chairperson shall publish the protocol on the voting results in the electoral precinct.

6. The protocol shall be compiled in four copies: one copy shall be posted in the polling station next to the list of voters, and another shall be placed in the sack of electoral documents.



7. The sack must bear the signature of the commission chairperson. The other members of the commission and the proxies shall also be entitled to sign on the sack or to stamp it with their own stamp. The first names and surnames of the signatories, and samples of the signature or the stamp shall be recorded in the journal of records.

The sack of electoral documents shall be closed in the precinct electoral commission. The commission chairperson shall be responsible for closing the sack in the precinct electoral commission in accordance with the prescribed procedure.

8. An excerpt from the protocol on the results of the voting in the electoral precinct shall be provided to persons entitled to be present in the commission if they so demand. Such excerpts shall be certified by the signatures of the commission chairperson and secretary, as well as the commission seal.

9. No later than within 12 hours of the end of the voting, the precinct electoral commission chairperson and secretary shall submit to the appropriate territorial electoral commission the sack, the package of ballot envelopes not of the established specimen, the package of unused ballot envelopes, two copies of the protocol on the voting results, the journal of records, and the seal and stamp of the commission, in accordance with the procedure prescribed by the Central Electoral Commission.

## **Article 72. Procedure of Determining the Inaccuracies**

1. In order to calculate the amount of inaccuracies in an electoral precinct:

(1) The number of ballots provided to the precinct electoral commission shall be compared to the sum of the number of cancelled ballots and the numbers of valid and invalid ballots in the ballot box: if the number of ballots provided to the precinct electoral commission is smaller than the sum of the number of cancelled ballots and the numbers of valid and invalid ballots in the ballot box, the difference, in absolute value terms, shall be recorded as the first inaccuracy amount. Otherwise, zero shall be recorded as the first inaccuracy amount;

(2) The number of signatures in the list of voters shall be compared to the sum of the numbers of valid and invalid ballots in the ballot box: if the sum of the numbers of valid and invalid ballots in the ballot box is greater than the number of signatures in the list of voters, the difference, in absolute value terms, shall be recorded as the second inaccuracy amount. Otherwise, zero shall be recorded as the second inaccuracy amount;

(3) The number of ballot envelopes of the established specimen in the ballot box shall be compared to the sum of the numbers of valid and invalid ballots in the ballot box: the difference, in absolute value terms, shall be recorded as the third inaccuracy amount; and

(4) The sum of the number mentioned in the third paragraph of this Part and the greater of the numbers mentioned in the first and second paragraphs of this Part shall be considered the total amount of inaccuracies in a particular electoral precinct.

2. The amount of inaccuracies in an electoral precinct shall be calculated and recorded by the electoral commission summarizing the voting results by means of the "Elections" automated system.

3. In case of declaring as invalid the results of the voting in an electoral precinct, the number of participants of the voting in such precinct shall be recorded as the total amount of inaccuracies in such precinct.

4. When preparing the protocol on the voting results, the number of voters, including those in supplementary lists, the number of participants of the voting, the number of provided ballots, and the stub numbering of the precinct where the results of the voting were declared as invalid shall be added to the respective results of the voting in other precincts. The number of ballots provided to such polling station shall be recorded as the number of cancelled ballots. Zero shall be recorded under the other results of the protocol of the electoral precinct where the voting was declared as invalid, except for the amount of inaccuracies.

### **Article 73. Actions by the Territorial Electoral Commissions after Receiving the Protocols of Precinct Electoral Commissions**

1. The territorial electoral commission shall check the validity of compilation of protocols on the voting results in electoral precincts; if there are arithmetic errors, the chairperson and secretary of the respective precinct electoral commission shall correct them and endorse the corrections with their signatures. The source data shall not be altered. Source data is the data obtained by the precinct electoral commission by means of the unit count.

2. The territorial electoral commission shall input the data of protocols on the electoral precinct voting results into a computer by means of special software in accordance with the procedure prescribed by the Central Electoral Commission. The software shall contain reasonable safeguards against incorrect data input. The Commission shall regularly, but no less frequently than once every three hours, tabulate the voting results of the constituency as per electoral precincts, with the help of a computer. The territorial electoral commission shall complete the input of data from protocols on voting results in electoral precincts into the computer no later than within 18 hours of the end of the voting. The territorial electoral commission shall tabulate the voting results as per electoral precincts.

3. A copy of the tabulated constituency voting results, endorsed by signatures of the commission chairperson (deputy chairperson) and secretary, as well as by the commission seal, shall immediately be posted in the commission in a place visible for everyone. Upon their request, persons entitled to be present in electoral commission sessions shall be given a copy of the tabulated constituency voting results, endorsed by signatures of the commission chairperson (deputy chairperson) and secretary, as well as by the commission seal.

24 hours after the end of the voting, the territorial electoral commission shall submit to the Central Electoral Commission a copy of the protocol on the voting results in the electoral precinct in national elections and elections of the Yerevan council of aldermen.

4. In national elections and elections of the Yerevan council of aldermen, the territorial electoral commission shall not compile a protocol summarizing the voting results in the constituency. For the purposes of recounting the voting results, the territorial electoral commission shall examine the inaccuracies recorded on the voting day in the journals of records of precinct electoral commissions within the time limits defined by this Code, summarize the results of such examination in its session, and submit to the Central Electoral Commission the decision taken about it.

## **Article 74. Procedure of Summarizing in a Territorial Electoral Commission the Results of Elections of a National Assembly Deputy under the Majoritarian Electoral System and the Results of Local Self-Government Elections**

1. A territorial electoral commission shall, no later than within 18 hours of the end of the voting, in accordance with the requirements of this Article and based on the protocols of the voting results in electoral precincts, summarize the preliminary results in its respective constituency of the elections of a National Assembly deputy under the majoritarian electoral system and of local self-government elections, and shall endorse them in the form of a protocol.

2. On the fifth day after the voting day, the territorial electoral commission shall, based on the protocols on voting results in the electoral precincts, the results of recounts, and the decisions adopted on the voting results, compile a protocol on the voting results in the constituency.

3. The voting results protocols on the results of the elections of a National Assembly deputy under the majoritarian electoral system and of local self-government elections shall include the following:

(1) The total number of voters separately for each supplementary list of voters of the electoral precinct in a constituency (including those in supplementary lists compiled in the electoral precincts on the voting day);

(2) The total number of voters of the constituency (it is equal to the sum of the total number of voters in all the electoral precincts formed in the constituency for the election);

(3) The total number of voting participants (the number of signatures of voters that registered and received ballots);

(4) The number of ballots provided to the precinct electoral commissions and the stub numbering;

(5) The total number of ballots cancelled in the precinct electoral commissions;

(6) The number of invalid ballots;

(7) The number of ballots voted for each candidate;

(8) The number of ballots voted against a candidate (this line shall be indicated when one candidate is voted on);

(9) The number of ballot envelopes of the established specimen in the ballot box; and

(10) The total amount of inaccuracies.

The total amount of inaccuracies in a constituency (community) shall be equal to the sum of the total amounts of inaccuracy in the electoral precincts included in such constituency (community).

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

5. The chairperson of the territorial electoral commission shall publish the compiled protocol.

6. One copy of the protocol shall be posted in the commission in a visible place immediately after performing the actions stipulated by this Article.

7. A copy of the protocol on the voting results, signed by the commission chairperson and secretary and sealed with the commission seal, shall be provided to persons entitled to be present in the commission session, if they so demand.

8. On the fifth day after the voting day, the territorial electoral commission shall, based on the protocol on constituency voting results, court judgments, decisions made as a result of reviewing applications (complaints) received in the commission, and the decision adopted on the violations recorded on the voting day in the journals of records of precinct electoral commissions, summarize the constituency voting results and adopt a decision on the election results.

9. The territorial electoral commission shall submit copies of the protocol and the decision to the Central Electoral Commission within a two-day period.

**Article 75. Procedure of Summarizing, in the Central Electoral Commission, the Results of Elections of the President of the Republic and of Elections under the Proportional Electoral System**

1. No later than 24 hours of the end of the voting, in accordance with the requirements of this Article and based on the precinct voting results received from the territorial electoral commissions, the Central Electoral Commission shall summarize the preliminary voting results of national elections, endorse them in a protocol, and officially announce such results in a live broadcast on the Public Radio and Public Television.

2. On the seventh day after the voting day, the Central Electoral Commission shall, based on the protocols of the voting results in an electoral precinct, the recount results, and the decisions adopted on the voting results, compile a protocol on the voting results.

3. The protocol on the voting results shall contain:

(1) The total number of voters for each supplementary list of voters of electoral precincts (including those in supplementary lists compiled in the electoral precinct on the voting day);

(2) The total number of voters (it is equal to the sum of the total number of voters from all the electoral precincts formed for elections);

(3) The number of voting participants;

(4) The number of ballots provided to the precinct electoral commissions and the stub numbering;

(5) The total number of ballots cancelled at the precinct electoral commissions;

(6) The number of invalid ballots;

(7) The number of ballots voted for each candidate, political party (alliance of political parties);

(8) The number of ballots voted against a candidate (this line shall be filled when one candidate is voted on);

(9) The number of ballot envelopes of the established specimen in the ballot box; and

(10) The total amount of inaccuracies.

In case of national elections, the total amount of inaccuracies shall be equal to the sum of the total amounts of inaccuracy of all the electoral precincts formed.

4. The protocol shall be signed by the commission members and sealed by the commission chairperson.

5. A copy of the protocol on the voting results, signed by the commission chairperson and secretary and stamped by the commission seal, shall be provided to persons entitled to be present at the commission session, if they so demand.

6. On the seventh day after the voting day, the Central Electoral Commission shall, based on the protocol on the voting results, court judgments, decisions taken as a result of reviewing applications (complaints) received by the commission, decisions adopted by territorial electoral commissions regarding violations recorded on the voting day in the journal of records of precinct electoral commissions, and decisions on the voting results, summarize the election results and adopt a decision on the results of the elections.

## **PART TWO**

### **SECTION 4**

#### **ELECTIONS OF THE PRESIDENT OF THE REPUBLIC**

##### **CHAPTER 14**

###### **GENERAL PROVISIONS**

###### **Article 76. The Electoral System**

1. In the election of the President of the Republic, the whole territory of the Republic of Armenia shall be one majoritarian constituency.

2. The President of the Republic shall be elected through a system of absolute majority and, in the second round, through a system of relative majority.

###### **Article 77. Requirements for Candidates for the President of the Republic**

1. Any person who has attained the age of 35, is not a citizen of another state, has been a citizen of the Republic of Armenia for the last 10 years, has permanently resided in the Republic for the last 10 years, and has the right of suffrage, may be elected as the President of the Republic.

2. The same person may not be elected to the office of the President of the Republic for more than two consecutive terms.

##### **CHAPTER 15**

#### **NOMINATION AND REGISTRATION OF CANDIDATES FOR THE PRESIDENT OF THE REPUBLIC**

###### **Article 78. Right to Nominate a Candidate for the President of the Republic**

1. Citizens, through self-nomination, and political parties shall have the right to nominate candidates for the President of the Republic.

###### **Article 79. Nomination of Candidates for the President of the Republic**

1. A political party shall nominate a candidate for the President of the Republic by decision of its congress or permanently functioning body. Each political party shall have the right to nominate one candidate for the President of the Republic.

2. In the case of self-nomination, the citizen shall file a notarized application on self-nomination.

3. The decision of the congress or permanently functioning body of a political party on nominating a candidate for the President of the Republic and the application of a citizen on self-nomination shall contain the following information about the candidate:

- (1) Surname, first name, and patronymic;
- (2) Date of birth;
- (3) Place of residence;
- (4) Place of employment and position (occupation); and
- (5) Political party affiliation.

4. The following shall be attached to the decision of the congress or permanently functioning body of a political party and the application of a citizen on self-nomination:

- (1) Information about the authorized representative of the candidate (indicating the surname, first name, patronymic, date of birth, personal identification document number, place of employment, and position (occupation));
- (2) A receipt on payment of the electoral deposit;
- (3) A statement attesting that the candidate has been a citizen of the Republic of Armenia for the last 10 years, has not held citizenship of another state, and has permanently resided in the Republic of Armenia for the last 10 years;
- (4) The written consent of the candidate to be registered as a candidate for the President of the Republic (only in case of being nominated by a political party);
- (5) A copy of the candidate's personal identification document; and
- (6) The charter of the party (only in case of being nominated by a political party).

5. The form of the statement prescribed by Paragraph (3) of {art 4 of this Article shall be approved by the Central Electoral Commission. The statement shall be issued by the authorized state body within a three-day period of applying, but no earlier than publishing a statement on the voting day of the President of the Republic.

The authorized state body shall render a decision refusing to provide the statement of the mentioned form to applicants, if the information about such person does not meet the requirements prescribed by Part 1 of Article 77 of this Code.

6. The mentioned documents shall be submitted to the Central Electoral Commission only by the candidate or the authorized representative within the time limit prescribed by Part 1 of Article 97 of this Code.

7. In case of detecting errors, erasures, scratches, or misprints in documents submitted for registration as a candidate for the President of the Republic, the Central Electoral Commission shall be obliged to draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, itself correct the obvious errors and misprints in the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or

misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the Central Electoral Commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies or to complete the documents within such time period, the registration of the candidate shall be denied.

#### **Article 80. Electoral Deposit of a Candidate for the President of the Republic**

1. Candidates for the President of the Republic shall make an electoral deposit in the account of the Central Electoral Commission in the Central Bank of the Republic of Armenia in the amount of 8,000-fold the minimum reference salary defined by the legislation of the Republic of Armenia (hereinafter referred to as “the minimum salary”).

#### **Article 81. Registration of a Candidate for the President of the Republic**

1. A candidate for the President of the Republic may be registered only upon nomination by one political party.

2. A candidate for the President of the Republic shall be registered without voting, if the commission members have not raised any objection to such registration.

3. Prior to registration of a candidate for the President of the Republic, the candidate and his authorized representative shall have the right to participate in sessions of the Central Electoral Commission in an advisory capacity.

4. The Central Electoral Commission shall publish the statement on registration of candidates for the President of the Republic within a three-day period.

#### **Article 82. Denying Registration of a Candidate for the President of the Republic**

1. The Central Electoral Commission shall deny registration of a candidate for the President of the Republic if:

(1) He does not have the right to be elected; or

(2) The documents submitted for registration are incomplete or falsified.

2. Where a member of the Central Electoral Commission raises an objection to the registration of a candidate for the President of the Republic, the objection shall be put to a vote. The registration may be denied by at least a two-thirds majority vote of the total number of members of the Commission.

#### **Article 83. Declaring as Invalid the Registration of a Candidate for the President of the Republic**



1. The Central Electoral Commission shall declare as invalid the registration of a candidate for the President of the Republic by a decision taken by at least a two-thirds majority vote of the total number of the commission members, if certain facts become known after the registration, by virtue of which the candidate has no right to be elected or the documents submitted for registration were falsified.

**Article 84. Procedure of Appeals against Decisions to Deny or to Declare as Invalid the Registration of a Candidate for the President of the Republic**

1. The Central Electoral Commission decision on denying or declaring as invalid the registration of a candidate for the President of the Republic may be appealed in the Administrative Court of the Republic of Armenia in the procedure and time defined by the Administrative Procedure Code of the Republic of Armenia.

2. The candidate shall be deemed registered or re-registered according to a court judgment on declaring as invalid the Central Electoral Commission decision on denying or declaring as invalid the registration of such candidate.

**Article 85. Repealing the Registration of a Candidate for the President of the Republic**

1. The registration of a candidate for the President of the Republic shall be repealed:

- (1) By decision of the Central Electoral Commission, where he has filed an application on self-withdrawal; or
- (2) Based on a court judgment, where he has violated the provisions of Part 8 of Article 18 or Article 26 of this Code;

**CHAPTER 16**

**STATUS OF CANDIDATES FOR THE PRESIDENT OF THE REPUBLIC**

**Article 86. Legal Equality of Candidates for the President of the Republic**

1. Candidates for the President of the Republic shall have equal rights and obligations arising from the status of a candidate for the President of the Republic.

**Article 87. Rights and Obligations of Candidates for the President of the Republic**

1. A candidate for the President of the Republic shall acquire his status upon registration. The rights and obligations defined by this Code shall apply to a candidate for the President of the Republic until the deadline for challenging the Central Electoral Commission decision on the election of the President of the Republic or, in case of challenging such decision, until the Constitutional Court adopts a decision.

2. Candidates for the President of the Republic, with the exception of those holding political positions, shall be exempted from the performance of their work duties from the time of their registration as candidates till the summarization of the election results.

Candidates for the President of the Republic shall not have the right to use their official position for gaining an advantage during the pre-election campaign.

3. A candidate for the President of the Republic shall be exempt from army mobilization and training musters.

4. Employers shall be prohibited from dismissing, transferring to another job, or sending on a work-related trip a candidate for the President of the Republic upon the employer's initiative.

5. A candidate for the President of the Republic shall have the right to withdraw his candidacy in case of submitting an application by 18:00 hours no later than 10 days prior to the voting day.

An application on self-withdrawal shall be notarized, or the candidate shall confirm his application on self-withdrawal in a session of the Commission.

In case of self-withdrawal, the Central Electoral Commission shall repeal the registration of the candidate, and the candidate shall be obliged to compensate the expenses incurred by the State for his pre-election campaign.

6. A candidate for the President of the Republic, or the President elected (prior to assuming the office of the President of the Republic), may be arrested or detained, or be subject to the initiation of a process to impose a judicial sanction upon him, only with upon the consent of the Central Electoral Commission. The Central Electoral Commission shall adopt a decision on the aforementioned issue by at least a two-thirds majority vote of the total number of its members. The provision of this Part shall not apply to citizens arrested or detained prior to being registered as a candidate, as well as to cases of substituting arrest with detention and extending the detention period of the detained candidate.

## **CHAPTER 17**

### **PRE-ELECTION CAMPAIGN OF A CANDIDATE FOR THE PRESIDENT OF THE REPUBLIC**

#### **Article 88. Election Fund of a Candidate for the President of the Republic**

1. For the purpose of pre-election campaigning, a candidate for the President of the Republic shall open a pre-election fund in the Central Bank of the Republic of Armenia, which shall be supplemented with the voluntary contributions specified in Article 25 of this Code.

2. The amount of a candidate's own contributions to his pre-election fund may not exceed 5,000-fold the minimum salary.

3. The amount of the pre-election fund contributions by the political party that nominated the candidate may not exceed 25,000-fold the minimum salary.

4. The amount of expenditures incurred by a candidate from his pre-election fund for conducting the pre-election campaign, renting halls and premises, preparing (posting) campaign posters, acquiring print and other campaign materials, and preparing any type of campaign material (including print material) provided to voters shall not exceed 100,000-fold the minimum salary.

5. Each natural person may make a voluntary contribution to the pre-election fund of a candidate in the amount of up to 100-fold the minimum salary.

#### **Article 89. Pre-Election Campaign of a Candidate for the President of the Republic**

1. Free and paid use of air time on the Public Radio and Public Television for the pre-election campaign of candidates for the President of the Republic shall be carried out in accordance with the procedure prescribed by the Central Electoral Commission.

2. A candidate for the President of the Republic may use no more than 60 minutes of free air time on the Public Television, and no more than 120 minutes of free air time on the Public Radio.

3. A candidate for the President of the Republic may, paying out of his pre-election fund, use no more than 120 minutes of paid air time on the Public Television, and no more than 180 minutes of paid air time on the Public Radio.

4. In a second round of elections, as well as in early elections of the President of the Republic, a candidate for the President of the Republic may use no more than 15 minutes of free air time on the Public Television and no more than 25 minutes of free air time on the Public Radio, as well as no more than 25 minutes of paid air time on the Public Television and no more than 35 minutes of paid air time on the Public Radio subject to payment out of his pre-election fund.

## **CHAPTER 18**

## **THE BALLOTS; SUMMARIZATION OF THE ELECTION RESULTS**

### **Article 90. The Ballots**

1. The ballot for the elections of the President of the Republic shall contain the surnames of candidates in the alphabetical order, their first names and patronymics, as well as the names of the nominating political parties, or the word "self-nomination" in case of self-nomination.

### **Article 91. Summarization of the Election Results**

1. The Central Electoral Commission shall summarize the results of the elections and shall adopt one of the following decisions in the procedure and time prescribed by Article 75 of this Code:

- (1) A decision on the election of the President of the Republic;
- (2) A decision on conducting a second round of elections;
- (3) A decision on declaring the election as invalid and non-election of a President of the Republic; or
- (4) A decision on declaring the election as not having taken place and non-election of a President of the Republic.

2. An application challenging the decision adopted on the basis of the results of elections of the President of the Republic may be lodged with the Constitutional Court, by 18:00 hours on the fifth day following the day of official announcement of the election result.

### **Article 92. Central Electoral Commission Decision on the Election of the President of the Republic**

1. The Central Electoral Commission shall adopt a decision on the election of a candidate as the President of the Republic, if he was voted for by more than half of the voters voting for all the candidates.

2. Where only one candidate is voted, he shall be elected if voted for by more than half of the participants in the voting.

3. In the second round of elections of the President of the Republic, the candidate voter for by the larger number of voters shall be elected as the President of the Republic.

**Article 93. Central Electoral Commission Decision on Conducting a Second Round of Elections of the President of the Republic**

1. Where more than two candidates were voted, and none of them were voted for by the required number of voters, a second round of elections of the President of the Republic shall be conducted on the 14<sup>th</sup> day after the voting. The two candidates voted for by the larger number of voters shall participate in the second round of elections of the President of the Republic.

**Article 94. Central Electoral Commission Decision on Declaring as Invalid the Election of the President of the Republic**

1. The election of the President of the Republic shall be declared as invalid in any round, if violations of this Code that could affect the outcome of the election took place in the course of preparing and conducting the election.

**Article 95. Central Electoral Commission Decision on Declaring the Election of the President of the Republic as not having Taken Place**

1. The election of the President of the Republic shall be declared as not having taken place if:

(1) The required number of voters have not voted for the only candidate; or

(2) The candidate who received the number of “for” votes required to be elected has died prior to the summarization of the election results.

**CHAPTER 19**

**CONDUCTING THE ELECTION OF THE PRESIDENT OF THE REPUBLIC**

**Article 96. Time frame for Conducting the Election of the President of the Republic**

1. The election of the President of the Republic shall be conducted 50 days prior to the end of the term in office of the President of the Republic.

2. No later than 70 days prior to the voting day, the Central Electoral Commission Chairperson shall make a statement on the Public Radio and the Public Television on the date of the election of the President of the Republic.

3. In the election of the President of the Republic, the voting day shall be declared as a non-working day.

## **Article 97. Time frame for Registering Candidates for the President of the Republic**

1. The documents required for registering a candidate for the President of the Republic shall be submitted to the Central Electoral Commission by 18:00 hours no earlier than 55 and no later than 45 days prior to the voting day.

2. Registration of candidates shall be performed no earlier than 45 and no later than 35 days prior to the voting day.

## **Article 98. New Election of the President of the Republic**

1. If the President of the Republic is not elected in the cases prescribed by Articles 94 and 95 of this Code, as well as in case of resignation or death of the President elect prior to assuming office after the elections, a new election shall be called, and the voting shall be conducted on the 40<sup>th</sup> day after calling a new election.

2. In case insurmountable obstacles arise for one of the candidates for the President of the Republic, the election of the President of the Republic shall be postponed for a period of two weeks. In case the obstacles declared insurmountable are not eliminated, a new election shall be called, and the voting shall be conducted on the 40<sup>th</sup> day after the expiration of the aforementioned two-week period.

3. In case of death of one of the candidates prior to the end of the voting, a new election shall be called, and the voting shall be conducted on the 40<sup>th</sup> day after calling a new election.

4. The new election of the President of the Republic shall be conducted by a new nomination of candidates in accordance with the procedure prescribed by this Code for an early election.

## **Article 99. Early Election of the President of the Republic**

1. In cases of resignation, death, impossibility of exercising his authority, or impeachment of the President of the Republic in accordance with the procedure prescribed by Article 57 of the Constitution, an early election of the President of the Republic shall be called, and the voting shall be conducted on the 40<sup>th</sup> day after the position of the President of the Republic becomes vacant.

2. Election of the President of the Republic may not be conducted during martial law or state of emergency, and the President of the Republic shall continue to exercise his authority. In such case, on the 40<sup>th</sup> day after the end of the martial law or state of emergency, an election of the President of the Republic shall be conducted in accordance with the procedure prescribed by this Code for early elections.

## **Article 100. Announcement of the Date of New or Early Elections of the President of the Republic**

1. No later than 39 days prior to the voting day, the Central Electoral Commission Chairperson shall make a statement on the Public Radio and Public Television about the new or early election of the President of the Republic.

## **Article 101. Nomination and Registration of candidates for the President of the Republic, Formation of Electoral Precincts, Designation of Polling Stations, and Publication of Voter Lists in New or Early Elections of the President of the Republic**

1. The documents required for the registration of a candidate for the President of the Republic shall be submitted to the Central Electoral Commission by 18:00 hours no earlier than 30 and no later than 25 days prior to the voting day.

2. Registration of candidates shall be performed no earlier than 25 and no later than 20 days prior to the voting day.

3. Electoral precincts shall be formed and polling stations designated no later than 25 days prior to the voting day. No later than 20 days prior to the voting day, the Authorized Body shall submit the lists of voters to the entity in charge of the premises of the polling station, which shall post them in the polling station in a place visible for everyone.

## **SECTION 5**

### **ELECTIONS OF THE NATIONAL ASSEMBLY**

#### **CHAPTER 20**

#### **GENERAL PROVISIONS**

### **Article 102. Composition of the National Assembly**

1. The number of the National Assembly deputies shall be prescribed by the Constitution of the Republic of Armenia.

### **Article 103. The Electoral System**

1. Elections of the National Assembly shall be conducted under the proportional and majoritarian electoral systems. 90 deputies shall be elected under the proportional electoral system from one multi-mandate constituency covering the whole territory of the Republic of Armenia, from among candidates for deputies nominated by political parties (alliance of political parties) in the electoral lists. 41 deputies shall be elected under the majoritarian electoral system: one deputy shall be elected per constituency.

#### **Article 104. Right to Vote**

1. Each voter shall have the right to one vote in the election under the proportional electoral system, and the right to one vote in the election under the majoritarian electoral system, save for cases prescribed by this Code.

#### **Article 105. Right to Be Elected**

1. Any person who has who has attained the age of 25, is not a citizen of another state, has been a citizen of the Republic of Armenia for the last five years, has permanently resided in the Republic for the last five years, and has the right of suffrage, may be elected as a National Assembly deputy of the Republic of Armenia.

### **CHAPTER 21**

#### **NOMINATION AND REGISTRATION OF CANDIDATES FOR A DEPUTY**

#### **Article 106. Right to Nominate a Candidate for a Deputy**

1. Political parties and alliances of political parties shall have the right to nominate candidates for a deputy to the National Assembly under the proportional electoral system.

A candidate for a deputy may be nominated only by the electoral list of one political party and only in one majoritarian constituency.

2. Alliances of political parties may be formed in case of at least two political parties forming a pre-electoral alliance.

3. During elections, political parties included in an alliance of political parties may not be included in another alliance of political parties.

4. The decision to join an alliance of political parties shall be adopted by the permanently functioning body of a political party.

5. Electoral lists of alliances of political parties shall be compiled from a separate list presented by each political party included in the alliance. The order of candidates for a deputy in the electoral list of an alliance of political parties shall be determined during joint consultations of the political parties included in such alliance and shall be approved by decision of the permanently functioning body of each political party included in the alliance.

6. Where a political party leaves the alliance of political parties, the names of candidates for a deputy nominated by such political party shall be removed from the electoral list of such alliance of political parties.

#### **Article 107. Nomination Restrictions**



1. Members of the Constitutional Court, judges, prosecutors, employees of the Police of the Republic of Armenia and the National Security Service of the Republic of Armenia, servants of the Service for Compulsory Execution of Judicial Acts and the rescue, tax, and customs authorities, servants of penitentiary institutions, as well as military servicemen may not be nominated as a candidate for a deputy to the National Assembly.

Citizens of the Republic of Armenia, which have citizenship of another state, may not be nominated and registered as a candidate for a deputy to the National Assembly.

2. Employees of state government and local self-government bodies and officials not subject to the restrictions prescribed by this Article shall be temporarily exempted from the performance of their work duties from the time of being registered as a candidate for a National Assembly deputy until the end of the pre-election campaign, with the exception of persons holding political positions.

### **Article 108. Nomination of Candidates for a Deputy to the National Assembly under the Proportional Electoral System**

1. Political parties shall file with the Central Electoral Commission an application to participate in the National Assembly elections under the proportional electoral system based upon the decision of their permanently functioning body; such an application shall be signed and sealed by the political party leader. Alliances of political parties shall file an application to participate in the National Assembly elections under the proportional electoral system based upon the decisions of permanently functioning bodies of political parties included in such alliance; such applications shall be signed and sealed by the leaders of political parties members of the alliance.

2. Each political party or alliance of political parties shall have the right to nominate only one electoral list of candidates. A political party included in an alliance of political parties shall have no right to nominate a separate electoral list on its own behalf. The number of persons of each sex shall not exceed 80% of any integer group of five candidates starting from the second number of the electoral list (2-6, 2-11, 2-16, and so on up to the end of the list) of a political party or alliance of political parties and of each party included in an alliance for the National Assembly election under the proportional electoral system. At least 25 candidates shall be included in the electoral list of a political party or alliance of political parties for the proportional-system election of the National Assembly. The number of candidates included in the electoral list of a political party may not exceed thrice the number defined by this Code for the number of mandates of the National Assembly deputies under the proportional electoral system. Persons that are not members of a political party may also be included in the electoral list of such party.

3. The following shall be attached to the application of a political party or alliance of political parties on participating in the National Assembly elections:

(1) The charter of the party (in case of an alliance of political parties, the charters of the parties included in the alliance);

(2) The decision of the permanently functioning body of the political party (in case of an alliance of political parties, the decisions of permanently functioning bodies of parties that are members of the alliance) on the nomination of an electoral list of

candidates for the National Assembly deputies under the proportional electoral system, as well as the electoral list, which shall include, with consecutive numbering, each candidate's surname, first name, patronymic, date of birth, political affiliation, personal identification document number, place of registered residence, work place, and position (occupation);

(3) The written consent of candidates included in the electoral list of the political party to be registered as a candidate for a deputy;

(4) Separate electoral lists of the political parties included in the alliance of political parties;

(5) The receipt on payment of the electoral deposit in the amount of 8,000-fold the minimum salary;

(6) A statement certifying that the candidates included in the electoral list of a political party have been citizens of the Republic of Armenia for the last five years, do not have citizenship of another state, and have permanently resided in the Republic of Armenia for the last five years; and

(7) Copies of the personal identification documents of the candidates included in the electoral list of a political party.

4. The Central Electoral Commission shall approve the form of the statement defined by Paragraph 6 of Part 3 of this Article. Such statement shall be issued by the Authorized State Body within a three-day period of applying, but no earlier than before calling elections.

The Authorized State Body shall, by its decision, refuse to issue the statement of the aforementioned form to the applicant, where the information concerning the applicant does not meet the requirements of Article 105 of this Code.

5. The application of a political party or alliance of political parties to participate in the elections of the National Assembly shall also contain information on up to two authorized representatives (surname, first name, patronymic, date of birth, personal identification document number, place of employment, and position (occupation)).

6. Registration documents shall be submitted to the Central Electoral Commission only by the authorized representative of the party or alliance of political parties before the deadlines prescribed by this Code.

After the passage of the deadline for the submission of registration documents, the political party or alliance of political parties may not make any changes in the electoral list.

7. In case of detecting inaccuracies, deletions, erasures, or misprints in the documents submitted for registration of the electoral list of a political party or of an alliance of political parties, the Central Electoral Commission shall be obliged to draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, itself correct the obvious errors and misprints in the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the Central Electoral Commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies detected concerning the electoral list of a party or party alliance or a candidate included in an electoral list or to complete the documents within such time period, registration of the electoral list of the party or party alliance shall be denied, and in case of a candidate included in the electoral list, his name shall be removed from the electoral list of the party.

### **Article 109. Registration of Electoral Lists of Political Parties for the National Assembly elections under the Proportional Electoral System**

1. If the Central Electoral Commission members raise no objections to the registration of the electoral list of a political party or an alliance of political parties, such list shall be registered without voting.

2. Within three days of the passage of the deadline for registration, the Central Electoral Commission shall publish the electoral lists of political parties and alliances of political parties.

3. An authorized representative may be present in the Commission session reviewing the issue of registering the electoral list of a political party or an alliance of political parties.

### **Article 110. Denying Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. The Central Electoral Commission shall deny registration of the electoral list of a political party or an alliance of political parties if:

(1) The submitted documents are incomplete or falsified;

(2) The electoral list does not meet the requirements defined by Part 2 of Article 108 of this Code;

(3) The political party has been liquidated;

(4) The number of political parties included in the alliance of political parties has fallen below two; or

(5) The activities of the political party have been suspended or prohibited.

2. In case a Central Electoral Commission member raises an objection with respect to the registration of the electoral list of a political party or an alliance of political parties, the objection shall be put to a vote. The registration of the electoral list shall be denied

by a decision adopted by at least a two-thirds majority vote of the total number of members of the Commission.

3. The Central Electoral Commission shall deny the registration of a candidate included in the electoral list of a political party if:

- (1) The candidate does not have the right to be elected; or
- (2) The documents submitted about such candidate are incomplete or falsified.

4. In case a Central Electoral Commission member raises an objection with respect to the registration of a candidate included in the electoral list of a political party, the objection shall be put to a vote. The registration of a candidate included in the electoral list of a political party shall be denied by a decision adopted by at least a two-thirds majority vote of the total number of members of the Commission.

#### **Article 111. Declaring as Invalid the Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. The Central Electoral Commission shall declare as invalid the registration of an electoral list of a political party or an alliance of political parties, if facts emerge after registration, by virtue of which:

- (1) The number of candidates in the electoral list has fallen below 25 as a result of declaring as invalid or repealing the registration of the candidates included therein; or
- (2) The documents submitted with respect to the political party are falsified.

2. The registration of a candidate included in the electoral list shall be declared as invalid, if facts emerge after registration, by virtue of which:

- (1) The candidate does not have the right to be elected; or
- (2) The documents submitted about him are falsified.

In such cases, the name of the candidate shall be removed from the list.

3. The registration of an electoral list of a political party or an alliance of political parties or a candidate included therein shall be declared as invalid by a decision adopted by at least a two-thirds majority vote of the total number of members of the Commission.

#### **Article 112. Procedure of Appeals against Decisions to Deny or to Declare as Invalid the Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. A Central Electoral Commission decision to deny or to declare as invalid the registration of the electoral list of a political party or alliance of political parties or a candidate included therein may be challenged in the procedure and time prescribed by the Administrative Procedure Code of the Republic of Armenia.

2. The electoral list of a political party or an alliance of political parties or a candidate included therein shall be deemed registered or re-registered according to a court judgment on declaring as invalid the Central Electoral Commission decision on denying or declaring as invalid the registration of such electoral list or such candidate.

### **Article 113. Repealing the Registration of the Electoral List of a Political Party or a Candidate Included Therein**

1. The registration of the electoral list of a political party or an alliance of political parties shall be repealed by decision of the Central Electoral Commission if:

(1) An application on self-withdrawal has been filed;

(2) The political party has been liquidated;

(3) The activities of the political party have been suspended or prohibited; or

(4) The number of political parties included in the alliance of political parties has fallen below two.

2. The registration of the electoral list of a political party or an alliance of political parties shall be repealed based on a court judgment in case of violation of the provisions of Part 8 of Article 18 or of Article 26 of this Code.

3. The registration of a candidate included in an electoral list shall be repealed by decision of the Central Electoral Commission if the candidate has filed an application on self-withdrawal.

4. The registration of a candidate included in an electoral list shall be repealed based on a court judgment if the candidate has violated the provisions of Part 8 of Article 18 or of Article 26 of this Code.

### **Article 114. Nomination of Candidates for a National Assembly Deputy under the Majoritarian Electoral System**

1. Citizens, through self-nomination, and political parties shall have the right to nominate candidates for a National Assembly deputy under the majoritarian electoral system.

2. A political party shall nominate a candidate for a National Assembly deputy under the majoritarian electoral system by decision of its permanently functioning body. A political party shall have the right to nominate one candidate for a deputy in each constituency. A political party may also nominate as a candidate for a deputy a person that is not a member of such political party.

3. In case of self-nomination, a citizen shall file a notarized application on self-nomination.

### **Article 115. Registration of Candidates for a National Assembly Deputy under the Majoritarian Electoral System**

1. The decision of a political party on nomination of a candidate for a National Assembly deputy under the majoritarian electoral system and a citizen's application for self-nomination shall contain the number of the constituency and the following information on the candidate:

- (1) Surname, first name, and patronymic;
- (2) Date of birth;
- (3) Place of registered residence;
- (4) Place of employment and position (occupation);
- (5) Political affiliation and information on up to two authorized representatives of the candidate (including surname, first name, patronymic, date of birth, personal identification document number, place of employment, and position (occupation)).

2. The decision of a political party on nomination of a candidate for a National Assembly deputy under the majoritarian electoral system and a citizen's application for self-nomination shall be submitted to the territorial electoral commission together with the following:

- (1) The written consent of the candidate to be registered in the given constituency as a candidate for a deputy (only in case of being nominated by a political party);
- (2) The receipt on payment of the electoral deposit in the amount of 1,000-fold the minimum salary;
- (3) A statement certifying that the candidate has been a citizen of the Republic of Armenia for the last five years, does not have citizenship of another state, and has permanently resided in the Republic of Armenia for the last five years; and
- (4) A copy of the candidate's personal identification document.

3. The Central Electoral Commission shall approve the form of the statement referred to in Paragraph 3 of Part 2 of this Article. The aforementioned statement shall be issued by the Authorized State Body within three days of applying, but no earlier than before calling elections.

The Authorized State Body shall adopt a decision refusing to provide a statement of the aforementioned form to the applicant, if the information about the applicant does not meet the requirements of Article 105 of this Code.

4. The documents defined by this Article shall be submitted to the territorial electoral commission only by the candidate or his authorized representative within the time limits prescribed by this Code.

5. In case of detecting errors, erasures, scratches, or misprints in documents submitted for registration as a candidate for a National Assembly deputy, the territorial electoral commission shall be obliged to draw the attention of those submitting such

documents to them, for the purpose of correcting them, and, in the presence of such persons, itself correct the obvious errors and misprints in the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the territorial electoral commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies or to complete the documents within such time period, the registration of the candidate shall be denied.

6. Candidates for a National Assembly deputy under the majoritarian electoral system shall be registered by decision of the territorial electoral commission.

If the territorial electoral commission members raise no objections with respect to the registration of a candidate, the latter shall be registered without voting.

7. The nominated candidate and his authorized representative may be present in the territorial electoral commission session reviewing the issue of registering the candidate.

#### **Article 116. Denying Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. The territorial electoral commission shall deny registration of a candidate for a deputy if:

- (1) The candidate does not have the right to be elected; or
- (2) The submitted documents are incomplete or falsified.

2. In case of a territorial electoral commission member raising an objection with respect to the registration of a candidate, the objection shall be put to a vote. Registration shall be denied by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

#### **Article 117. Declaring as Invalid the Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. A territorial electoral commission shall declare as invalid the registration of a candidate for a deputy if facts emerge after registration, by virtue of which:

- (1) The candidate does not have the right to be elected;
- (2) The submitted documents are falsified.

2. The registration of a candidate shall be declared as invalid by a decision adopted by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

**Article 118. Procedure of Appeals against Decisions to Deny or to Declare as Invalid the Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. The decision of a territorial electoral commission to deny or to declare as invalid the registration of a candidate for a deputy may be challenged in the procedure and time frames prescribed by the Administrative Procedure Code of the Republic of Armenia.

2. The candidate for a deputy shall be deemed registered or re-registered according to a court judgment on declaring as invalid the territorial electoral commission decision on denying or declaring as invalid the registration of such electoral list or such candidate.

**Article 119. Repealing the Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. The registration of a candidate for a National Assembly deputy under the majoritarian electoral system shall be repealed:

(1) By decision of the Central Electoral Commission, if he has filed an application on self-withdrawal; or

(2) Based on a court judgment, if he has violated the provisions of Part 8 of Article 18 or Article 26 of this Code.

## **CHAPTER 22**

### **STATUS OF A CANDIDATE FOR A DEPUTY**

**Article 120. Legal Equality of Candidates for a National Assembly Deputy**

1. Candidates for a deputy shall have equal rights and obligations arising from the status of a candidate for a deputy.

**Article 121. Rights, Obligations, and Safeguards of Activities of Candidates for a National Assembly Deputy**

1. A candidate for a National Assembly deputy shall acquire his status upon registration. The rights and obligations defined by this Code shall apply to a candidate for a National Assembly deputy until the deadline for challenging the electoral commission decision on being elected as a deputy or, in case of challenging such decision, until the Constitutional Court adopts a decision.

After the entry into force of the Central Electoral Commission decision on the election of deputies under the proportional electoral system, a person included in the electoral list of the political party, but not elected as a deputy shall acquire the status of a



candidate after the relevant mandate under the proportional electoral system becomes vacant.

2. Candidates for a deputy shall be exempt of army mobilization, compulsory military service, and training musters until the official announcement of the election results.

3. Candidates for a deputy shall have the right to withdraw their candidacy by submitting an application no later than by 18:00 hours 10 days prior to the voting day, as well as after the voting day. An application on self-withdrawal shall be notarized, or the candidate shall confirm his application on self-withdrawal in a session of the Commission.

The first name and surname of a citizen included in the electoral list of a political party may be removed from the list in accordance with the procedure prescribed by the Central Electoral Commission.

4. No later than by 18:00 hours at least 10 days prior to the voting day, political parties and alliances of political parties shall have the right to file an application on self-withdrawal.

5. A candidate for a National Assembly deputy or an elected deputy may, prior to assuming his powers of a deputy, be arrested or detained, or be subject to the initiation of a process to impose a judicial sanction upon him, only with upon the consent of the Central Electoral Commission. The Central Electoral Commission shall adopt a decision on the aforementioned issue by at least a two-thirds majority vote of the total number of its members. The provision of this Part shall not apply to citizens arrested or detained prior to being registered as a candidate, as well as to cases of substituting arrest with detention and extending the detention period of the detained candidate.

## **CHAPTER 23**

### **PRE-ELECTION CAMPAIGN IN ELECTIONS OF THE NATIONAL ASSEMBLY**

#### **Article 122. Pre-Election Fund of a Candidate for a Deputy; Pre-Election Fund of a Political Party**

1. For the purpose of pre-election campaigning, a candidate for a deputy, a political party or an alliance of political parties participating in the elections under the proportional electoral system shall open a pre-election fund, which shall be supplemented with the voluntary contributions specified in Article 25 of this Code.

2. A candidate for a deputy under the majoritarian electoral system may make a contribution to his pre-election fund in the amount of up to 1,000-fold the minimum salary, the political party that nominated the candidate – up to 2,000-fold the minimum salary. The political party or parties included in an alliance of political parties participating in the elections under the proportional electoral system together shall have the right to make contributions to the pre-election fund of the political party or the pre-

election fund of the alliance of political parties, respectively, in the amount of up to 15,000-fold the minimum salary.

3. Each natural person may make a voluntary contribution to the pre-election fund of a candidate, a political party, or an alliance of political parties in the amount of up to 100-fold the minimum salary.

4. During the pre-election campaign, a candidate for a deputy may spend an amount not exceeding 10,000-fold the minimum salary, and a political party or an alliance of political parties — an amount not exceeding 100,000-fold the minimum salary, to finance pre-election campaigning via the mass media, to rent halls and premises, to prepare (post) campaign posters, to acquire print campaign and other materials, and to prepare any campaign material (including print materials) to be provided to voters.

### **Article 123. The Pre-Election Campaign**

1. In elections of the National Assembly, the pre-election campaign shall be conducted in the procedure and time frames defined by this Code.

2. In elections of the National Assembly, political parties and alliances of political parties participating in the elections under the proportional electoral system shall enjoy the rights prescribed by Article 89 of this Code.

## **CHAPTER 24**

### **THE BALLOTS; SUMMARIZATION OF ELECTION RESULTS**

#### **Article 124. The Ballots**

1. National Assembly elections under the proportional and majoritarian electoral systems shall be conducted using different ballots.

2. The ballot for the National Assembly elections under the proportional electoral system shall contain the names of parties and party alliances in the alphabetical order, as well as the surnames, names, and patronymics of the first three candidates of the electoral list.

3. The ballot for the National Assembly elections under the majoritarian electoral system shall contain the surnames of candidates in the alphabetical order, their first names and patronymics, as well as the names of the nominating political parties, or the word “self-nomination” in case of self-nomination.

#### **Article 125. Summarization of the National Assembly Election Results under the Proportional Electoral System**

1. In the procedure and time frames prescribed by Article 75 of this Code, the Central Electoral Commission shall summarize the election results and shall adopt one of the following decisions:

(1) A decision on the election of National Assembly deputies under the proportional electoral system;

(2) A decision on calling a revote in certain electoral precincts;

(3) A decision on declaring as invalid the National Assembly elections under the proportional electoral system and on calling a revote for the National Assembly elections under the proportional electoral system; or

(4) A decision on declaring as invalid the National Assembly elections under the proportional electoral system and on calling a new election.

2. The mandates envisaged for the proportional electoral system of the National Assembly shall be distributed among the electoral lists of those political parties and alliances of political parties, which receive at least five percent of the “for” votes (in case of parties) and seven percent of the “for” votes (in case of alliances of political parties), respectively, of the sum of the total number of “for” votes and the inaccuracy amount. If the electoral list of only one political party or one alliance of political parties has received, respectively, at least five or seven percent of the “for” votes of the sum of the total number of “for” votes and the inaccuracy amount, then the next two political parties (alliances of political parties) that received the highest respective numbers of “for” votes shall participate in the distribution of mandates. If up to three political parties (alliances of political parties) participate in the National Assembly election under the proportional electoral system, all the parties (alliances of political parties) shall participate in the distribution of mandates.

3. The mandates envisaged for the proportional electoral system of the National Assembly shall be distributed among the electoral lists of political parties or alliances of political parties in proportion to the number of “for” votes cast in favor of each of them. The calculation of the number of seats available for the electoral list of each political party or alliance of political parties shall be carried out in the following manner: the number of “for” votes cast in favor of each list shall be multiplied by the number of mandates available for the electoral lists; the product shall be divided by the total number of “for” votes cast in favor of electoral lists participating in the distribution of mandates, then integers shall be distinguished, which shall be the number of mandates available to each electoral list.

4. The remaining mandates shall be distributed among electoral lists in the order of the magnitudes of the remainders, with the principle of one mandate to each. In case the remainders are equal, the contested mandate shall be given to the list that has received the highest number of “for” votes, and in case of a tie, the matter shall be settled by drawing lots.

5. A candidate shall be elected from the electoral list of a political party or an alliance of political parties, if the sequence number of such candidate in the electoral list is smaller than or equal to the number of mandates to be given to such electoral list.

6. The mandate of a candidate elected to the National Assembly under the proportional electoral system, if he has also been elected under the majoritarian electoral system, shall be given to the candidate who is the next in the electoral list of such political party or alliance of political parties.

7. The distribution of mandates among candidates included in the electoral list of a political party or an alliance of parties shall be carried out by a protocol of the Central Electoral Commission, by means of registering the National Assembly deputies elected from each electoral list.

Where the number of candidates included in the electoral list of a political party or an alliance of political parties is less than the number of mandates available as a result of distribution, such mandates shall be distributed among the electoral lists of the other political parties or alliances of political parties that have obtained the right to participate in the distribution of mandates, in the order of the magnitudes of the remainders, with the principle of one mandate to each.

8. The mandate of a deputy elected to the National Assembly under the proportional electoral system, whose powers have terminated prematurely, shall be given to the next candidate in the electoral list of such political party or alliance of political parties by a protocol of the Central Electoral Commission, within a one-week period of notifying the Commission. If there is no other candidate in the electoral list, the mandate shall be distributed in accordance with the principle laid down by the second paragraph of Part 7 of this Article.

9. Where, in the course of voting, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the National Assembly elections under the proportional electoral system shall be declared as invalid, and a revote for the National Assembly elections under the proportional electoral system shall be called.

10. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on declaring as invalid the National Assembly elections under the proportional electoral system, and shall call a revote for the National Assembly elections under the proportional electoral system.

11. Where the Central Electoral Commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of such decision. In this case, the time limits prescribed by this Code for summarizing the results of the National Assembly elections under the proportional electoral system shall be calculated from the revote day.

12. An application challenging the decision adopted based on the results of National Assembly elections under the proportional electoral system may be lodged with the Constitutional Court prior to 18:00 hours on the fifth day following the official announcement of the election result.

13. No earlier than 15 and no later than 30 days after the entry into force of the decision on declaring as invalid the National Assembly election under the proportional electoral system, a revote shall be conducted in accordance with the procedure prescribed by this Code, with the same participating political parties or alliances of political parties.

14. In case the results of a revote for the National Assembly elections under the proportional electoral system are declared as invalid, a new election shall be conducted no later than 70 days after the entry into force of such decision. In the event of a new election, the Central Electoral Commission shall adopt a decision on calling the voting day on the seventh day after the adoption of the decision on declaring as invalid the National Assembly election under the proportional electoral system.

15. The new election shall be conducted by a new nomination, in the procedure and time frames prescribed for early elections.

#### **Article 126. Summarization of the National Assembly Election Results under the Majoritarian Electoral System**

1. A territorial electoral commission shall summarize the election results in the procedure and time limits prescribed by Article 74 of this Code and shall adopt one of the following decisions:

- (1) A decision on the election of a deputy;
- (2) A decision on calling a revote in certain electoral precincts;
- (3) A decision on declaring the election of a deputy as invalid; and
- (4) A decision on declaring the election of deputy as not having taken place.

2. A candidate voted for by the greatest number of voters shall be elected as a deputy.

3. Where only one candidate is vote, he shall be elected if voted for by more than half of the participants in the voting.

4. If two and more candidates have received an equal number of the highest "for" votes, the elected candidate shall be determined by drawing lots between them.

5. Where, in the course of the voting, such violations of this Code have occurred that could have affected the elections results, the territorial electoral commission shall adopt a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the elections shall be declared as invalid, and a revote shall be called.

6. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on declaring as invalid the elections and shall call a revote.

7. Where the Central Electoral Commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of such decision. In this case, the time limits prescribed by this Code for summarizing the results of the National Assembly elections under the majoritarian electoral system shall be calculated from the revote day.

8. The election of the deputy shall be considered as not having taken place if:

(1) The required number of voters have not voted for the only candidate;

(2) The candidate that received the highest number of "for" votes has died before the summarization of the election results; or

(3) No candidate has been registered in the procedure and time periods prescribed by this Code for the registration of candidates, or less than two candidates have been registered within such time period.

9. The territorial electoral commission chairperson shall submit the decision on the summarization of the election results to the Central Electoral Commission within a period of two days.

10. An application challenging the decision adopted based on the results of National Assembly elections under the majoritarian electoral system may be lodged with the Constitutional Court prior to 18:00 hours on the fifth day following the official announcement of the election result.

11. In the event the election of a deputy is declared as invalid, then no earlier than 10 and no later than 20 days after the entry into force of such decision, a revote with the same candidates shall be conducted in accordance with the procedure prescribed by this Code.

If the results of a revote in the course of the election of a National Assembly deputy under the majoritarian electoral system are declared as invalid, a new election shall be conducted no earlier than 30 and no later than 40 days after the entry into force of such decision.

12. In case the election of a deputy is declared as not having taken place, a new election shall be conducted no earlier than 30 and no later than 40 days after the entry into force of the decision thereon.

13. In case of death of one of the candidates before the end of the voting, a new election shall be called, and the voting shall be conducted no earlier than 30 and no later than 40 days after calling the new election. In case of death of an elected deputy prior to assuming the powers after the elections, a new election shall be called, and the voting shall be conducted no earlier than 30 and no later than 40 days after calling the new election.

14. The new election shall be conducted by a new nomination of candidates, and within the time periods prescribed for early elections.

## CHAPTER 25

### CALLING AND CONDUCTING THE NATIONAL ASSEMBLY ELECTIONS

#### **Article 127. Time Frames for Calling and Conducting Regular Elections of the National Assembly; Time Frames for Nominating and Registering Candidates for a Deputy**

1. Regular elections of the National Assembly shall be conducted no earlier than 40 and no later than 30 days before the cessation of powers thereof.

2. No later than 70 days prior to the voting day, the President of the Republic shall promulgate a decree on calling regular elections.

3. The registration of documents of candidates for a National Assembly deputy under the proportional electoral system shall be submitted to the Central Electoral Commission by 18:00 hours no earlier than 55 and no later than 45 days prior to the voting day.

4. The registration of electoral lists of political parties or alliances of political parties shall be carried out by 18:00 hours no earlier than 45 and no later than 35 days prior to the voting day.

5. The registration documents of candidates for a National Assembly deputy under the majoritarian electoral system shall be submitted to the territorial electoral commission by 18:00 hours no earlier than 55 and no later than 45 days prior to the voting day.

6. The registration of candidates for a National Assembly deputy under the majoritarian electoral system shall be carried out by 18:00 hours no earlier than 45 and no later than 35 days prior to the voting day.

#### **Article 128. Calling and Conducting By-Elections of the National Assembly**

1. In case a National Assembly majoritarian electoral system mandate becomes vacant due to early termination of powers of a deputy, by-elections shall be conducted in the respective constituency.

2. By-elections of the National Assembly under the majoritarian electoral system shall be conducted in accordance with the procedure prescribed for regular elections, and within a period of 80 days after the mandate becomes vacant.

3. Elections under the majoritarian electoral system may not be conducted within the last year of term of powers of the National Assembly.

#### **Article 129. Calling and Conducting Early Elections of the National Assembly**

1. Early elections of the National Assembly shall be conducted no earlier than 30 and no later than 40 days after dissolving the National Assembly.

2. The President of the Republic shall promulgate a decree on calling early elections of the National Assembly together with the decree on dissolving the National Assembly.

3. The documents required for the registration of candidates for a National Assembly deputy under the proportional electoral system shall be submitted to the Central Electoral Commission by 18:00 hours no later than 25 days prior to the voting day.

4. The registration of electoral lists of political parties or alliances of political parties shall be carried out by 18:00 hours no earlier than 25 and no later than 20 days prior to the voting day.

5. Documents required for the registration of candidates for a National Assembly deputy under the majoritarian electoral system shall be submitted to the territorial electoral commission by 18:00 hours no later than 25 days prior to the voting day.

6. The registration of candidates for a National Assembly deputy under the majoritarian electoral system shall be carried out by 18:00 hours no earlier than 25 and no later than 20 days prior to the voting day.

7. Electoral precincts shall be formed and polling stations designated no later than 25 days prior to the voting day. No later than 20 days prior to the voting day, the Authorized Body shall deliver the lists of voters to the entity in charge of the premises of the polling station, who shall post them in the polling station in a place visible for everyone.

## **SECTION 6**

### **LOCAL SELF-GOVERNMENT ELECTIONS**

#### **CHAPTER 26**

#### **GENERAL PROVISIONS**

##### **Article 130. The Electoral System**

1. In the election of a community mayor, a single-mandate majoritarian constituency shall be formed in the territory of the community.

2. In the election of the community council of aldermen, one multi-mandate majoritarian constituency shall be formed in the territory of the community.

3. The community council of aldermen shall consist of:

- (1) Five members if the community has up to 1,000 voters;
- (2) Seven members if the community has from 1,000 to 2,000 voters;
- (3) Nine members if the community has from 2,000 to 4,000 voters;
- (4) 11 members if the community has from 4,000 to 10,000 voters.
- (5) 15 members if the community has from 10,000 to 70,000 voters; or
- (6) 21 members if the community has more than 70,000 voters.



## **Article 131. Right of Suffrage**

1. Each voter shall have the right to one vote:

(1) In the election of a community mayor; and

(2) In the election of a member of the council of aldermen.

## **Article 132. Requirements for Candidates for the Community Mayor and Members of the Council of Aldermen**

1. A person who has attained the age of 25, has been registered in the population register of the community where the election is conducted for at least six months prior to the voting day, and has the right to vote in local self-government elections under Article 2 of this Code may be elected as a community mayor.

2. A person who has attained the age of 21, has been registered in the population register of the community where the election is conducted for at least six months prior to the voting day, and has the right to vote in local self-government elections under Article 2 of this Code may be elected as a member of the community council of aldermen.

3. Members of the Constitutional Court, judges, prosecutors, employees of the Police of the Republic of Armenia and the National Security Service of the Republic of Armenia, servants of the Service for Compulsory Execution of Judicial Acts, servants of rescue, tax, and customs authorities, servants of penitentiary institutions, military servicemen, and members of electoral commissions may not be nominated as candidates for the community mayor and for a member of the community council of aldermen.

## **CHAPTER 27**

### **NOMINATION OF CANDIDATES FOR A COMMUNITY MAYOR AND A MEMBER OF THE COUNCIL OF ALDERMEN**

#### **Article 133. Nomination of Candidates for a Community Mayor and a Member of the Council of Aldermen**

1. Candidates for a community mayor and for a member of the Council of Aldermen may be nominated by political parties by decision of their respective territorial (primary, local) units, as well as by citizens with the right to be elected by way of self-nomination by means of filing an application thereon in a form defined by the Central Electoral Commission.

A political party may also nominate a person who is not its member as a candidate for a community mayor and for a member of the community council of aldermen.

2. The decision of the respective territorial (primary, local) unit on nominating a candidate for a community mayor and for a member of the council of aldermen, or the application in case of self-nomination, shall contain the name of the community and the following information about the candidate:

- (1) Surname, first name, and patronymic;
- (2) Date of birth;
- (3) Place of registered residence;
- (4) Place of employment and position (occupation); and
- (5) Party affiliation,

but may contain also information on up two authorized representatives of the candidate (their surname, first name, patronymic, date of birth, the personal identification document number, place of employment, and position (occupation)).

3. Candidates for a community mayor and for a member of the council of aldermen shall submit to the territorial electoral commission the following, together with the decision of the respective territorial (primary, local) unit of the political party or the application on self-nomination:

- (1) The receipt of payment of the electoral deposit;

The amount of the electoral deposit shall be as follows: in a community with up to 1,000 voters, a candidate for the community mayor shall pay 50-fold the minimum salary and a candidate for a member of the council of aldermen —10-fold the minimum salary; in a community with 1,000 to 2,000 voters, a candidate for the community mayor shall pay 100-fold the minimum salary and a candidate for a member of Council of Aldermen —15-fold the minimum salary; in a community with 2,000 to 4,000 voters, a candidate for the community mayor shall pay 150-fold the minimum salary and a candidate for a member of the council aldermen — 20-fold the minimum salary; in a community with 4,000 to 10,000 voters, a candidate for the community mayor shall pay 300-fold the minimum salary and a candidate for a member of the council of aldermen — 30-fold the minimum salary; in a community with 10,000 to 70,000 voters, a candidate for the community mayor shall pay 500-fold the minimum salary and a candidate for a member of the council of aldermen — 70-fold the minimum salary; in a community with more than 70,000 voters, a candidate for the community mayor shall pay 1,000-fold the minimum salary and a candidate for a member of the council of aldermen — 100-fold the minimum salary;

- (2) A statement on being registered in the population register of the community concerned for the last six months; and

- (3) A copy of the personal identification document.

4. The form of the statement referred to in Paragraph (2) of Part 3 of this Article shall be defined by the Central Electoral Commission. The statement shall be issued by the Authorized State Body within a three-day period of applying, but no earlier than the calling of elections.

The Authorized State Body shall, by its decision, deny issuance to the applicant of the statement of the aforementioned form, if the information on the applicant does not meet the requirements prescribed by Parts 1 and 2 of Article 132 of this Code, respectively.

5. The registration documents shall be submitted only by a candidate or an authorized representative within the time limits established by this Code.

6. In case of detecting errors, erasures, scratches, or misprints in documents submitted for registration as a candidate for a community mayor or a member of the council of aldermen, the territorial electoral commission shall be obliged to draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, itself correct the obvious errors and misprints in the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the territorial electoral commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies or to complete the documents within such time period, the registration of the candidate shall be denied.

#### **Article 134. Registration of Candidates for a Community Mayor and a Member of the Council of Aldermen**

1. Candidates for a community mayor and a member of the council of aldermen shall be registered by decision of the territorial electoral commission.

The candidate shall be registered unless members of the territorial electoral commission raise an objection with regard to registration.

2. A candidate and his authorized representative may be present in the territorial electoral commission session during the review of the issue of registering the candidate.

#### **Article 135. Denial of Registration of a Candidate for a Community Mayor and a Member of the Council of Aldermen**

1. The territorial electoral commission shall deny the registration of a candidate if:

(1) The candidate has no right to be elected; or

(2) The submitted documents are incomplete or falsified.

2. In case a commission member raises an objection with regard to registration of a candidate for a community mayor and a member of the council of aldermen, the objection shall be put to a vote. Registration may be denied by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

#### **Article 136. Declaring as Invalid the Registration of a Candidate for a Community Mayor and a Member of the Council of Aldermen**

The territorial electoral commission shall declare as invalid the registration of a candidate for a community mayor and a member of the council of aldermen, if facts emerge after registration, by virtue of which:

- (1) The candidate has no right to be elected; or
- (2) The submitted documents are falsified.

The registration of a candidate shall be declared as invalid by a decision adopted by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

**Article 137. Procedure of Appeals against Decisions to Deny or Declare as Invalid the Registration of a Candidate for a Community Mayor and a Member of the Council of Aldermen**

1. The territorial electoral commission decision to deny or declare as invalid the registration of a candidate for a community mayor or a member of the council of aldermen may be challenged in the procedure and time limits prescribed by the Administrative Procedure Code of the Republic of Armenia.

2. The candidate shall be deemed registered or re-registered according to a court judgment on declaring as invalid the territorial electoral commission decision on denying or declaring as invalid the registration of a candidate for a community mayor or a member of the council of aldermen invalid.

**Article 138. Repealing Registration of a Candidate for a Community Mayor or a Member of the Council of Aldermen**

The registration of a candidate for a community mayor or a member of the council of aldermen shall be repealed:

- (1) By decision of the territorial electoral commission, if he has filed an application on self-withdrawal:
- (2) By a court judgment, if he has violated the provisions of Part 8 of Article 18 or Article 26 of this Code.

**CHAPTER 28**

**STATUS OF CANDIDATES FOR A COMMUNITY MAYOR AND A MEMBER OF THE COUNCIL OF ALDERMEN**

**Article 139. Status and Legal Equality of Candidates for a community Mayor and a Member of the Council of Aldermen**

1. Candidates for a community mayor or a member of the council of aldermen shall acquire their status upon registration. The rights and obligations defined by this Code shall apply to the candidates for a community mayor and a member of the council of aldermen until the deadline for challenging the territorial electoral Commission decision

on the election of a community mayor or members of the council of aldermen, or, in case of challenging such decision, until the adoption of a decision by the Administrative Court.

Candidates shall have equal rights and obligations arising from the status of a candidate for a community mayor and a member of the council of aldermen.

2. A candidate for a community mayor or a member of the council of aldermen may apply for self-withdrawal no later than 10 days prior to the voting day, by 18:00 hours.

## **CHAPTER 29**

### **PRE-ELECTION CAMPAIGN OF CANDIDATES FOR A COMMUNITY MAYOR AND A MEMBER OF THE COUNCIL OF ALDERMEN**

#### **Article 140. Pre-Election Fund of Candidates for a Community Mayor and a Member of the Council of Aldermen**

1. A candidate for a community mayor in a community with 10,000 or more voters shall open a pre-election fund.

2. A candidate for a community mayor in a community with less than 10,000 voters, as well as a candidate for a member of the council of aldermen shall open a pre-election fund if he spends (may spend) an amount exceeding 500-fold the minimum salary to finance pre-election campaigning via the mass media, to rent halls and premises, to prepare (post) campaign posters, to acquire print campaign and other materials, and to prepare any campaign material (including print materials) to be provided to voters.

3. The fund shall be made up of the voluntary contributions referred to in Article 25 of this Code.

In case of a community with less than 10,000 voters, the candidate for a community mayor and a member of the council of aldermen may make contribution to his fund in the amount of up to 150-fold the minimum salary, whereas the political party nominating him — in the amount of up to 200-fold.

In case of a community with 10,000 or more voters, the candidate for a community mayor and a member of the council of aldermen may make contribution to his fund in the amount of up to 500-fold the minimum salary, whereas the political party nominating him — in the amount of up to 1,000-fold.

4. Any natural person may make a voluntary contribution to the pre-election fund of a candidate in the amount of up to:

(1) 50-fold the minimum salary in case of a community with up to 10,000 voters; or

(2) 100-fold the minimum salary in case of a community with more than 10,000 voters.

5. During the pre-election campaign, a candidate for a community mayor shall have the right to spend the following maximum amounts to finance pre-election campaigning via the mass media, to rent halls and premises, to prepare (post) campaign posters, to acquire print campaign and other materials, and to prepare any campaign material (including print materials) to be provided to voters:

- (1) 3,000-fold the minimum salary in case of a community with up to 4,000 voters;
- (2) 7,000-fold the minimum salary in case of a community that has from 4,000 to 10,000 voters;
- (3) 15,000-fold the minimum salary in case of a community that has from 10,000 to 70,000 voters; and
- (4) 25,000-fold the minimum salary in case of a community that has more than 70,000 voters;

and a candidate for a member of the council of aldermen — the following maximum amounts:

- (5) 500-fold the minimum salary in case of a community with up to 4,000 voters;
- (6) 1,000-fold the minimum salary in case of a community that has from 4,000 to 10,000 voters;
- (7) 3,000-fold the minimum salary in case of a community that has from 10,000 to 70,000 voters;
- (8) 5,000-fold the minimum salary in case of a community that has more than 70,000 voters.

#### **Article 141. The Pre-Election Campaign**

1. In local self-government elections, the pre-election campaign shall be conducted in the procedure and time frames defined by this Code.

### **CHAPTER 30**

#### **BALLOTS; SUMMARIZATION OF THE ELECTION RESULTS**

##### **Article 142. The Ballots**

1. The ballots for the election of a community mayor or a member of the council of aldermen shall contain the candidates' surnames, names, and patronymics (in the alphabetical order of the surnames), the name of the nominating party, and in case of self-nomination also the word "self-nomination." If the surnames, names, and patronymics of candidates coincide, the date of birth shall be specified, as well.

##### **Article 143. Summarization of the Election Results of a Community Mayor**

1. The territorial electoral commission shall, in the procedure and time period stipulated by Article 74 of this Code, summarize the election results and take one of the following decisions:

- (1) A decision on the election of a community mayor;
- (2) A decision on calling a revote in certain electoral precincts;
- (3) A decision on declaring as invalid the election of the community mayor; or
- (4) A decision on declaring the election of a community mayor as not having taken place.

2. The candidate voted for by the highest number of voters shall be elected as a community mayor. If only one candidate is voted, he shall be elected if more than half of the participants of the voting have voted for him.

If two and more candidates have received an equal number of the highest "for" votes, the elected candidate shall be determined by drawing lots between them.

3. Where, in the course of the voting, such violations of this Code have occurred that could have affected the elections results, the territorial electoral commission shall adopt a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the elections shall be declared as invalid, and a revote shall be called.

4. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the territorial electoral commission shall take a decision on declaring as invalid the elections and shall call a revote.

5. Where the territorial electoral commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of this decision. In this case, the time limits prescribed by this Code for summarizing the results of the elections of a community mayor shall be calculated from the revote day.

6. The election of a community mayor shall be declared as not having taken place if:

- (1) The required number of voters have not voted for the only candidate; or
- (2) No candidate has been registered in the procedure and time period prescribed by this Code for the registration of candidates, or the number of candidates registered during such time period is less than two;
- (3) In the cases prescribed by Part 7 of this Article; and
- (4) The elections were declared as invalid on the basis of the revote results.

7. A new election shall be called where one of the candidates dies prior to the end of the voting. A new election shall be called where the candidate that received the highest

number of “for” votes dies before the summarization of the election results, or where the elected community mayor dies after the election prior to assuming his powers.

8. The territorial electoral commission chairperson shall, within a two-day period of taking the decision on the election of a community mayor, submit it to the Central Electoral Commission and the Marzpet (regional governor).

9. Where the elections of a community mayor are declared as invalid, a revote shall be conducted with the same participating candidates 21 days after the voting day. A revote with the same participating candidates may be conducted only once.

10. An application challenging the decision adopted by the territorial electoral commission on the results of the elections of a community mayor may be lodged with the Administrative Court of the Republic of Armenia in the procedure and time prescribed by the Administrative Procedure Code of the Republic of Armenia.

#### **Article 144. Summarization of the Election Results of Members of the Council of Aldermen**

1. The territorial electoral commission shall, in the procedure and time period stipulated by Article 74 of this Code, summarize the election results and take one of the following decisions:

- (1) A decision on the election of members of the community council of aldermen;
- (2) A decision on calling a revote in certain electoral precincts;
- (3) A decision on declaring as invalid the election of the community council of aldermen; or
- (4) A decision on declaring the election of the community council of aldermen as not having taken place.

2. The respective number of candidates for members of the council of aldermen, subject to Part 3 of Article 130 of this Code, which receive the highest number of “for” votes, shall be elected in the community. In case of a tie of “for” votes, the elected candidate shall be determined by drawing lots between them in accordance with the procedure prescribed by the Central Electoral Commission.

3. Where, in the course of the voting, such violations of this Code have occurred that could have affected the elections results, the territorial electoral commission shall adopt a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the elections shall be declared as invalid, and a revote shall be called.

4. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the territorial electoral commission shall take a decision on declaring as invalid the elections and shall call a revote.



5. Where the territorial electoral commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of this decision. In this case, the time limits prescribed by this Code for summarizing the results of the elections of the community council of aldermen shall be calculated from the revote day.

6. Where the elections of members of a community council of aldermen are declared as invalid, a revote with the same participating of candidates shall be conducted 21 days after the voting day.

A revote with the same participating candidates may be conducted only once.

7. The election of members of a community council of aldermen shall be deemed as not having taken place if the number of candidates registered in the procedure and time period prescribed by this Code for the registration of candidates is less than or equal to the number of members of the community council of aldermen referred to in Part 3 of Article 130 of this Code, or, following registration, the number of candidates falls below half of the number of members of the community council of aldermen referred to in Part 3 of Article 130 of this Code, or, based on the results of the revote, the election of the community council of aldermen has been declared as invalid.

8. The territorial electoral commission chairperson shall, within a two-day period of taking the decision on the election of members of the community council of aldermen, submit it to the Central Electoral Commission and the Marzpet (regional governor).

9. An application challenging the decision adopted by the territorial electoral commission on the results of the elections of members of the community council of aldermen may be lodged with the Administrative Court of the Republic of Armenia in the procedure and time prescribed by the Administrative Procedure Code of the Republic of Armenia.

## **CHAPTER 31**

### **TIME PERIODS AND PROCEDURE OF CALLING AND CONDUCTING LOCAL SELF-GOVERNMENT ELECTIONS**

#### **Article 145. Time Periods of Calling and Conducting Regular Elections and Nominating and Registering Candidates**

1. Regular local self-government elections, except for the elections of the Yerevan Council of Aldermen, may be conducted up to four times a year. The voting days of regular local self-government elections shall be set by the Central Electoral Commission for each year.

2. Local self-government elections in a community shall be called by the Marzpet (regional governor) no later than 70 days before the expiry of the term of powers of a community mayor or of the members of the council of aldermen.

3. The documents necessary for registration of candidates shall be submitted to the territorial electoral commission no earlier than 35 and no later than 30 days prior to the voting day, by 18:00 hours.

4. Candidates shall be registered no earlier than 30 and no later than 25 days prior to the voting day, by 18:00 hours.

#### **Article 146. Calling and Conducting a New Election**

1. A new election shall be conducted on the last Sunday of the 40-day period following the day of death or resignation of the elected community mayor who did not assume his powers, or following the date of the territorial electoral commission a decision on declaring the elections of a community mayor or members of the council of aldermen as not having taken place, or following the date of entry into legal force of a court judgment. The new election shall be conducted by a new nomination of candidates in accordance with the procedure prescribed by this Code for early election of a community mayor or members of the council of aldermen. The new election shall be called by the Marzpet (regional governor).

#### **Article 147. Calling and Conducting an Early Election**

1. An early election of a community mayor shall be conducted on the last Sunday of the 40-day period following the entry into force of the Republic of Armenia Government decision on removal from office of a community mayor or on early termination of his powers.

2. The Government shall take a decision on calling an early election concurrently with removal from office of a community mayor or early termination of his powers.

3. Where the total number of members of a community council of aldermen reduces by half, an early election of the members of the community council of aldermen shall be conducted on the last Sunday of the 40-day period following the entry into force of the Republic of Armenia Government decision on calling an early election.

4. The documents necessary for the registration of candidates shall be submitted to the territorial electoral commission no earlier than 25 and no later than 21 days prior to the voting day, by 18:00 hours.

5. Candidates shall be registered no earlier than 21 and no later than 19 days prior to the voting day, by 18:00 hours.

6. Electoral precincts shall be formed and polling stations designated no later than 20 days prior to the voting day. Lists of voters shall be posted in the polling station, in a place visible for everyone no later than 17 days prior to the voting day.

### **SECTION 7**

#### **ELECTION OF THE YEREVAN COUNCIL OF ALDERMEN**

#### **CHAPTER 32**

#### **PROCEDURE OF ELECTION OF THE YEREVAN COUNCIL OF ALDERMEN**

#### **Article 148. Composition of the Yerevan Council of Aldermen**

1. The Yerevan City (hereinafter referred to as “Yerevan”) Council of Aldermen shall consist of 65 members.

#### **Article 149. Right to Vote in Elections of the Yerevan Council of Aldermen**

1. A person who is included in the population register of Yerevan and has the right to vote in local self-government elections pursuant to Article 2 of this Code may participate in the voting in elections of the Yerevan Council of Aldermen.

#### **Article 150. The Electoral System**

1. The election of the Yerevan Council of Aldermen shall be conducted under the proportional electoral system.

2. In the election of the Yerevan Council of Aldermen, the whole territory of Yerevan shall be one multi-mandate constituency.

#### **Article 151. Right to Be Elected**

1. A person who has reached the age of 21, has been registered in the population register of Yerevan (any administrative district of Yerevan) for at least six months prior to the voting day, and, pursuant to Article 2 of this Code, has the right to vote in local self-government elections, shall have the right to be elected as a member of the Yerevan Council of Aldermen.

2. Members of the Constitutional Court, judges, prosecutors, employees of the Police and the National Security Service of the Republic of Armenia, servants of the Service for Compulsory Execution of Judicial Acts, servants of rescue, tax, and customs authorities, servants of penitentiary institutions, military servicemen, and members of electoral commissions may not be nominated as candidates for a member of the Yerevan Council of Aldermen.

### **CHAPTER 33**

#### **CALLING AND CONDUCTING ELECTIONS OF THE YEREVAN COUNCIL OF ALDERMEN**

#### **Article 152. Time Periods for Calling and Conducting Regular Elections of the Yerevan Council of Aldermen and for Nominating and Registering Electoral Lists of Political Parties (Alliances of Political Parties)**

1. A regular election of the Yerevan Council of Aldermen shall be conducted no earlier than 40 and no later than 30 days prior to the end of its term.

2. Regular elections shall be called by decision of the Republic of Armenia Government in such a way that the Republic of Armenia Government decision on calling an election enters into force no later than 70 days prior to the voting day.

3. The documents necessary for registration of electoral lists shall be submitted to the Central Electoral Commission no earlier than 55 and no later than 45 days prior to the voting day, by 18:00 hours.

4. Electoral lists shall be registered no earlier than 45 and no later than 35 days prior to the voting day.

### **Article 153. Calling and Conducting Early Elections of the Yerevan Council of Aldermen**

1. Early elections of the Yerevan Council of Aldermen shall be conducted on a Sunday, no earlier than 30 and no later than 40 days after entry into force of the decision of the Republic of Armenia Government on reducing the term of powers of the Yerevan Council of Aldermen.

2. The decision of the Republic of Armenia Government on calling early elections shall be promulgated concurrently with the decision on dissolving the Yerevan Council of Aldermen.

3. No later than 29 days prior to the voting day, the Central Electoral Commission Chairperson shall make a statement regarding the date of the early elections of the Yerevan Council of Aldermen on the Public Radio and Public Television.

4. In case of early elections, the documents necessary for the registration of electoral lists shall be submitted to the Central Electoral Commission no later than 25 days prior to the voting day, by 18:00 hours.

5. In case of early elections, the electoral lists shall be registered no earlier than 25 and no later than 20 days prior to the voting day, by 18:00 hours.

6. In case of early elections, electoral precincts shall be formed and polling stations designated no later than 25 days prior to the voting day. The Authorized Body shall, no later than 20 days prior to the voting day, deliver the lists of voters to the entity in charge of the polling station premises, who shall then post them in the polling station in a place visible for everyone.

## **CHAPTER 34**

### **NOMINATION AND REGISTRATION OF CANDIDATES FOR MEMBERS OF THE YEREVAN COUNCIL OF ALDERMEN**

#### **Article 154. Right to Nominate Candidates for Members of the Yerevan Council of Aldermen**

1. Political parties and alliances of political parties shall have the right to nominate candidates for members of the Yerevan Council of Aldermen.

A candidate may be nominated by the electoral list of only one political party.

2. Alliances of political parties may be established in case of formation of a pre-electoral alliance of at least two political parties.

3. Political parties included in an alliance of political parties may not be included in another alliance of political parties in the course of elections.

4. The decision on joining an alliance of political parties shall be adopted by the decision of the permanently functioning body of the political party.

5. The electoral list of an alliance of political parties shall be formed based on separate lists submitted by each political party included in such alliance. In the electoral list of an alliance of political parties, the order of candidates shall be determined in the course of joint consultations between the political parties included in the alliance and shall be approved by decision of the permanently functioning body of each political party included in the alliance.

6. If a political party leaves the alliance of political parties, the names of candidates of such party shall be removed from the electoral list of the alliance of political parties.

#### **Article 155. Registration of the Electoral List of a Political Party (Alliance of Political Parties)**

1. Political parties shall submit the application for participating in elections to the Central Electoral Commission based on a decision of their permanently functioning body. The application shall be signed and sealed by the leader of the political party. Alliances of political parties shall submit the application for participating in elections to the Central Electoral Commission based on decisions of the permanently functioning bodies of the member parties of the alliance; the application shall be signed and sealed by the leaders of the member parties of the alliance.

2. Each political party or alliance of political parties shall have the right to nominate only one electoral list. A political party included in an alliance of political parties shall have no right to nominate a separate list of candidates on its own behalf. At least 25 candidates shall be included in the electoral list of a political party. The number of candidates included in the electoral list of a political party may not exceed thrice the number of mandates of members of the Yerevan Council of Aldermen prescribed by this Code.

The number of persons of each sex shall not exceed 80% of any integer group of five candidates starting from the second number of the electoral list (2-6, 2-11, 2-16, and so on up to the end of the list) of a political party or alliance of political parties and of each party included in an alliance. Persons that are not members of the party may also be included in the party's electoral list.

3. The following shall be attached to the application of a political party (alliance of political parties) to participate in the elections of the Yerevan Council of Aldermen:

(1) The charter of the party (in case of an alliance of political parties, the charters of the parties included in the alliance);

(2) The decision of the permanently functioning body of the political party (in case of an alliance of political parties, the decisions of permanently functioning bodies of

parties that are members of the alliance) on the nomination of an electoral list of candidates for the elections of the Yerevan Council of Aldermen, as well as the electoral list, which shall include the following information on each candidate:

- (a) Sequence number in the electoral list;
- (b) Surname, first name, and patronymic;
- (c) Date of birth;
- (d) Place of registered residence;
- (e) Place of employment and position (occupation); and
- (f) Party affiliation;

(3) A statement on the candidate having been included in the population register of Yerevan (any administrative district of Yerevan) for the last six months; and

(4) The candidate's written consent to be registered as a candidate for the Yerevan Council of Aldermen.

The statement referred to in Paragraph (3) of this Part shall be issued by the Authorized State Body within a three-day period of applying, but no earlier than the calling of elections. The form of the statement shall be defined by the Central Electoral Commission. The Authorized State Body shall, upon its decision, deny issuance of the statement of the mentioned form to the applicant, if the information on the applicant does not meet the requirements of Part 1 of Article 151 of this Code;

(5) Separate electoral lists submitted by the political parties included in the alliance of political parties;

(6) Receipt of payment of the election deposit in the amount of 3,000-fold the minimum salary; and

(7) Copies of the personal identification documents of the candidates.

4. Information on up to two authorized representatives (surname, first name, patronymic, date of birth, personal identification document number, place of employment, and position) shall be specified in the decision of the permanently functioning body of the political party (in case of an alliance of political parties – in the application for participating in the elections).

The registration documents shall be submitted to the Central Electoral Commission only through an authorized representative of the political party or alliance of political parties within the time periods defined by this Code.

5. In case of detecting errors, erasures, scratches, or misprints in documents submitted for the registration of an electoral list, the territorial electoral commission shall be obliged to draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, itself correct the obvious errors and misprints in the submitted documents.

The commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the Central Electoral Commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents.

In case of failure to eliminate inaccuracies detected concerning the electoral list of a party or party alliance or a candidate included in an electoral list or to complete the documents within such time period, registration of the electoral list shall be denied, and in case of a candidate included in the electoral list, his name shall be removed from the electoral list.

6. After the passage of the deadline for the submission of documents for registration, no changes may be made in the electoral list by a political party or an alliance of political parties.

The electoral list shall be registered unless objections are raised by the Central Electoral Commission members with regard to such registration.

Within a three-day period after the prescribed deadline for registration of electoral lists, the electoral lists shall be published in the "*Hayastani Hantapetutyun*" daily.

7. An authorized representative of a political party or an alliance of political parties may be present in the commission session during the review of the issue of registering the electoral list.

#### **Article 156. Denying Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. The Central Electoral Commission shall deny registration of the electoral list of a political party or an alliance of political parties if:

- (1) The submitted documents are incomplete or falsified;
- (2) The electoral list does not meet the requirements defined by Part 2 of Article 155 of this Code;
- (3) The political party has been liquidated;
- (4) The number of political parties included in the alliance of political parties has fallen below two; or
- (5) The activities of the political party have been suspended or prohibited.

2. If a Central Electoral Commission member raises an objection regarding registration of the electoral list of a political party or an alliance of political parties, the objection shall be put to a vote. Registration of the electoral list shall be denied by a

decision adopted by at least a two-thirds majority vote of the total number of members of the commission.

3. The Central Electoral Commission shall deny registration of a candidate included in the electoral list of a political party if:

- (1) The candidate has no right to be elected; or
- (2) The documents submitted concerning the candidate are incomplete or falsified.

4. If a Central Electoral Commission member raises an objection regarding registration of a candidate included in the electoral list of a political party, the objection shall be put to a vote. Registration of the candidate shall be denied by a decision adopted by at least a two-thirds majority vote of the total number of members of the commission.

#### **Article 157. Declaring as Invalid the Registration of the Electoral List of a Political Party or the Registration of a Candidate Included Therein**

1. The Central Electoral Commission shall declare as invalid the registration of an electoral list of a political party or an alliance of political parties, if facts emerge after registration, by virtue of which:

- (1) The number of candidates in the electoral list has fallen below 25 as a result of declaring as invalid or repealing the registration of the candidates included therein; or
- (2) The submitted documents are falsified.

2. The registration of a candidate included in the electoral list shall be declared as invalid, if facts emerge after registration, by virtue of which:

- (1) The candidate has no right to be elected;
- (2) The documents submitted on the candidate are falsified.

In such cases, the name of the candidate shall be removed from the list.

3. The registration of an electoral list of a political party or an alliance of political parties or a candidate included therein shall be declared as invalid by a decision adopted by at least a two-thirds majority vote of the total number of members of the Central Electoral Commission.

#### **Article 158. Procedure of Appeals against Decisions to Deny or to Declare as Invalid the Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. A Central Electoral Commission decision to deny or to declare as invalid the registration of the electoral list of a political party or alliance of political parties or a candidate included therein may be challenged in the procedure and time prescribed by the Administrative Procedure Code of the Republic of Armenia.



2. The electoral list of a political party or an alliance of political parties or a candidate included therein shall be deemed registered or re-registered according to a court judgment on declaring as invalid the Central Electoral Commission decision on denying or declaring as invalid the registration of such electoral list or such candidate.

**Article 159. Repealing the Registration of the Electoral List of a Political Party or a Candidate Included Therein**

1. The registration of the electoral list of a political party or an alliance of political parties shall be repealed by decision of the Central Electoral Commission if:

- (1) An application self-withdrawal has been filed;
- (2) The political party has been liquidated;
- (3) The activities of the political party have been suspended or prohibited; or
- (4) The number of political parties included in the alliance of political parties is less than two.

2. The registration of the electoral list of a political party or an alliance of political parties shall be repealed based on a court judgment in case of violation of the provisions of Part 8 of Article 18 or of Article 26 of this Code.

3. The registration of a candidate included in an electoral list shall be repealed by decision of the Central Electoral Commission if the candidate has filed an application on self-withdrawal.

4. The registration of a candidate included in an electoral list shall be repealed based on a court judgment if the candidate has violated the provisions of Part 8 of Article 18 or of Article 26 of this Code.

**CHAPTER 35**

**STATUS OF A CANDIDATE FOR A MEMBER OF THE YEREVAN COUNCIL OF ALDERMEN**

**Article 160. Status and Legal Capacity of Candidates for a Member of the Yerevan Council of Aldermen**

1. A candidate for a member of the Yerevan Council of Aldermen shall acquire his status upon registration. The rights and obligations defined by this Code shall apply to a candidate for a member of the Yerevan Council of Aldermen until the deadline for challenging the Central Electoral Commission decision on being elected as a member of the Yerevan Council of Aldermen or, in case of challenging such decision, until the Administrative Court adopts a decision.

After the entry into force of the Central Electoral Commission decision on the election of members of the Yerevan Council of Aldermen, a person included in the electoral list of a political party or alliance of political parties, but not elected as a member of the

Council of Aldermen shall acquire the status of a candidate after the relevant mandate under the proportional electoral system becomes vacant.

2. Candidates shall have equal rights and obligations arising from the status of a candidate for a member of the Yerevan Council of Aldermen.

#### **Article 161. Rights, Obligations, and Safeguards of Activities of Candidates for Members of the Yerevan Council of Aldermen**

1. Employees and officials of state government and local self-government bodies, with the exception of those holding political and discretionary positions, shall be temporarily exempted from performance of their work duties from the time of becoming registered as candidates until the end of the pre-election campaign.

2. Candidates shall be exempted from army mobilization, compulsory military service, and training musters.

3. The political party or alliance of political parties shall have the right to file an application on self-withdrawal no later than 10 days prior to the voting day, by 18.00 hours.

A candidate shall have the right to withdraw his candidacy no later than 10 days prior to the voting day, by 18.00 hours, as well as after the voting day. The name and surname of a citizen included in the electoral list of a party shall be removed from such list in accordance with the procedure defined by the Central Electoral Commission. The application of a candidate on self-withdrawal shall be notarized, or the candidate shall confirm his application on self-withdrawal in a session of the Commission.

### **CHAPTER 36**

#### **PRE-ELECTION CAMPAIGN IN ELECTIONS OF THE YEREVAN COUNCIL OF ALDERMEN**

#### **Article 162. Pre-Election Campaign in Elections of the Yerevan Council of Aldermen**

1. The pre-election campaign shall be conducted in the procedure and time periods prescribed by Articles 18 to 22 of this Code.

2. Political parties or alliances of political parties participating in the elections under the proportional electoral system shall conduct free and paid pre-election campaigning using air time of the Public Radio and Public Television in accordance with the procedure prescribed by the Central Electoral Commission.

3. In elections of the Yerevan Council of Aldermen, a political party or an alliance of political parties may use no more than 30 minutes of free air time on the Public Television, and no more than 50 minutes of free air time on the Public Radio; in case of early elections, they may use no more than 15 and 25 minutes of free air time on the Public Television and the Public Radio, respectively.

4. In elections of the Yerevan Council of Aldermen, a political party or an alliance of political parties participating in the elections under the proportional electoral system shall have the right to use no more than 50 and 80 minutes of paid air time on the Public Television and the Public Radio, respectively; in case of early elections, they may use no more than 25 and 40 minutes of paid air time on the Public Television and the Public Radio, respectively.

#### **Article 163. Pre-Election Fund of a Political Party in the Elections of the Yerevan Council of Aldermen**

1. For the purpose of pre-election campaigning, a political party or an alliance of political parties participating in the elections under the proportional electoral system shall open a pre-election fund, which shall be supplemented with the voluntary contributions specified in Article 25 of this Code.

2. A political party or parties included in an alliance of political parties participating in the elections of the Yerevan Council of Aldermen together shall have the right to make contributions to the pre-election fund of the political party or the pre-election fund of the alliance of political parties, respectively, in the amount of up to 10,000-fold the minimum salary.

3. Each natural person may make a voluntary contribution to the pre-election fund of a political party or an alliance of political parties in the amount of up to 100-fold the minimum salary.

4. During the pre-election campaign, a political party or an alliance of political parties participating in the elections under the proportional electoral system may spend an amount not exceeding 75,000-fold the minimum salary, to finance pre-election campaigning via the mass media, to rent halls and premises, to prepare (post) campaign posters, to acquire print campaign and other materials, and to prepare any campaign material (including print materials) to be provided to voters.

### **CHAPTER 37**

#### **THE BALLOTS; SUMMARIZATION OF THE ELECTION RESULTS**

##### **Article 164. The Ballots**

1. The names of political parties or alliances of political parties, in the alphabetical order, and the surnames, first names, and patronymics of the first three candidates included in the electoral list shall be specified in the ballot of the elections of the Yerevan Council of Aldermen.

##### **Article 165. Summarization of the Voting Results and the Election Results**

1. The election results of members of the Yerevan Council of Aldermen shall be summarized in the procedure for summarizing the voting results of the Republic of Armenia National Assembly elections under the proportional electoral system.

2. The Central Electoral Commission shall, in the procedure and time period stipulated by Article 75 of this Code, summarize the election results and take one of the following decisions:

(1) A decision on the election of members of the Yerevan Council of Aldermen;

(2) A decision on calling a revote in certain electoral precincts;

(3) A decision on declaring as invalid the elections of the members of the Yerevan Council of Aldermen and on calling a revote for the elections of the members of the Yerevan Council of Aldermen; and

(4) A decision on declaring as invalid the elections of the members of the Yerevan Council of Aldermen invalid and on calling a new election.

3. Mandates of the members of the Yerevan Council of Aldermen shall be distributed among the electoral lists of candidates of those political parties and alliances of political parties, which have received at least six percent of the “for” votes (in case of parties) and eight percent of the “for” votes (in case of alliances of political parties), respectively, of the sum of the total number of “for” votes and the inaccuracy amount.

If up to three political parties (or alliances of political parties) participate in the elections of the Yerevan Council of Aldermen, all the parties (alliances of political parties) shall participate in the distribution of mandates.

4. Mandates of members of the Yerevan Council of Aldermen shall be distributed among the electoral lists of political parties or alliances of political parties in proportion to the number of “for” votes cast in favor of each of them. The number of mandates available to each electoral list shall be calculated in the following manner: the number of “for” votes cast in favor of each electoral list shall be multiplied by the number of mandates available for the electoral lists; the product shall be divided by the total number of “for” votes cast in favor of the electoral lists participating in the distribution of mandates, then integers shall be distinguished, which shall be the number of mandates available to the electoral list of each political party or alliance of political parties.

Where, as a result of the distribution of mandates by the procedure prescribed by this Part, any of the political parties or alliances of political parties receives more than 40 percent of the seats, but not the absolute majority, then such political party or alliance of political parties shall be granted the absolute majority of the seats. Where two political parties or alliances of political parties receive more than 40 percent of the seats, but not the absolute majority, the political party or alliance of political parties that received the greatest number of mandates shall be granted the absolute majority of seats. The remaining mandates shall be distributed among the electoral lists of other political parties or alliances of political parties that acquired the right to participate in the distribution of mandates.

5. The remaining mandates shall be distributed among the electoral lists in the order of the magnitudes of the remainders, with the principle of one mandate to each. In case the remainders are equal, the contested mandate shall be given to the electoral list that has received the highest number of “for” votes, and in case of a tie, the matter shall be settled by drawing lots.

6. A candidate shall be elected from the electoral lists, if the sequence number of such candidate in the electoral list is smaller than or equal to the number of mandates to be given to such electoral list. The Central Electoral Commission shall compile a protocol on the candidates elected as members of the Yerevan Council of Aldermen.

7. If the number of candidates included in the electoral list of a political party or an alliance of political parties is less than the number of mandates available as a result of distribution of mandates, such mandates shall be distributed among the electoral lists of other political parties or alliances of political parties that have obtained the right to participate in the distribution of mandates, in the order of the magnitudes of the remainders, with the principle of one mandate to each.

8. The mandate of a member elected to the Yerevan Council of Aldermen, whose powers have terminated prematurely, shall be given to the next candidate in the electoral list of the respective political party or alliance of political parties by a protocol of the Central Electoral Commission, within a one-week period of notifying the Commission. If there is no other candidate in the electoral list, the mandate shall be distributed in accordance with the principle laid down by the second paragraph of Part 7 of this Article.

9. Where, in the course of voting, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the elections of the Yerevan Council of Aldermen shall be declared as invalid, and a revote for the elections of the Yerevan Council of Aldermen shall be called.

10. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on declaring as invalid the elections of the Yerevan Council of Aldermen, and shall call a revote for the elections of the Yerevan Council of Aldermen.

11. Where the Central Electoral Commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of such decision. In this case, the time limits prescribed by this Code for summarizing the results of the elections of the Yerevan Council of Aldermen shall be calculated from the revote day.

12. An application challenging the decision adopted based on the results of elections of the Yerevan Council of Aldermen may be lodged with the Administrative Court of the Republic of Armenia in the procedure and time period prescribed by the Administrative Procedure Code of the Republic of Armenia.

13. No earlier than 14 and no later than 21 days following the entry into force of the decision on declaring as invalid the elections of the Yerevan Council of Aldermen, a revote shall be conducted in accordance with the procedure prescribed by this Code, with the same participating political parties or alliances of political parties.

14. A revote shall be conducted once. In case the elections are declared as invalid after the revote, the Central Electoral Commission shall call a new election within a 21-

day period. The new election shall be conducted by a new nomination of candidates, and in the procedure and time period prescribed by this Code for early elections.

15. In case of early termination of powers of a member of the Yerevan Council of Aldermen, the mandate shall, within a one-week period of notifying the Commission thereof, be given to the next candidate in the electoral list of the respective political party or alliance of political parties, based upon a protocol of the Central Electoral Commission.

### **PART III**

#### **CHAPTER 38**

#### **ADDITIONAL, TRANSITIONAL, AND FINAL PROVISIONS**

##### **Article 166. The Preferential Voting Procedure**

1. In a preferential voting procedure, the left side of the ballot shall indicate the surnames, first names, and patronymics of all the candidates, while the right side shall include check boxes for each candidate, which shall be marked by the voter. The order of the candidates' names shall be determined by drawing a lot. The ballot may be substituted by an electronic data file expressing the preference.

2. The voter shall place "1" in the box next to the candidate of his first preference. Integral successive numbers starting from "2" shall then respectively be placed in the boxes next to the other candidates in the order of preference. No number shall be placed in the boxes next to those candidates to whom the voter gives no preference. However, in any event, the voter must have expressed preference for at least as many candidates as there are vacancies. At a particular stage of summarizing the voting results, the ballot shall be deemed in favor of the continuing candidate who has received the highest number of preference votes in such ballot.

3. The following definitions shall apply for the purposes of this Article:

- (1) **"A continuing candidate"**: a candidate who is neither excluded from the counting nor declared as elected at a certain stage of summarizing the voting results;
- (2) **"Value of a ballot"**: the numerical value assigned to the ballot in accordance with the procedure prescribed by this Article at a certain stage of summarizing the voting results;
- (3) **"Total value of ballots"**: the total sum of values of all the ballots not excluded from the counting at a certain stage of summarizing the voting results;
- (4) **"Value of a candidate's votes"**: the total sum of the values of ballots, cast in favor of such candidate, which are not excluded from the counting;

(5) **“Passing quota”**: the minimum number of votes necessary to be deemed elected at a certain stage of summarizing the voting results;

(6) **“Value of a candidate’s surplus votes”**: the difference between the passing quota and the value of the votes of a candidate who is deemed elected at a certain stage of summarizing the voting results; and

(7) **“Gender equality standard”**: a quantitative standard ensuring gender equality between the elected candidates (for instance, the number of representatives of each sex among the elected candidates shall not exceed six).

4. The voting results shall be summarized electronically. To summarize the voting results, the following steps shall be successively taken until the summarization of the voting results is completed. All the arithmetical actions shall be performed with the accuracy of two digits after the decimal point.

**Step 1.** Invalid ballots shall be excluded from the counting. A ballot shall be deemed invalid if it contains no indication of preference assigned to candidates of a number that is at least equal to the number of vacant positions, or more than one candidate has obtained the same degree of preference. All the valid ballots shall be deemed not excluded from the counting, and the value of those ballots shall be 1.

**Step 2.** Ballots cast in favor of candidates not excluded from the counting shall be sorted as per candidates. All the candidates shall be deemed to be continuing candidates.

**Step 3.** If the election of a representative of either sex *a priori* violates the gender equality standard, then:

a. All the candidates of such sex shall be excluded from the counting; and

b. Their ballots shall be distributed in the following manner: the ballot with the same value shall be added to the ballots of the continuing candidates in whose favor the ballot is cast.

**Step 4.** If the number of all the elected candidates equals the number of vacancies, the summarization of the voting results shall end.

If the number of all the elected candidates is smaller than the number of vacancies, but the maintenance of the gender equality standard unequivocally determines the candidates that shall fill the vacancies, such candidates shall also be deemed to be elected, and the summarization of the voting results shall end.

**Step 5.** The value of the candidate’s votes shall be calculated for each continuing candidate. Based on these calculations, the total value of the ballots shall be calculated, which shall be the total sum of votes of the continuing candidates.

The passing quota shall be calculated in accordance with the following formula:

**Passing quota = Total value of ballots / (number of vacant seats +1) + 0.01**

**Step 6.** Where there is no continuing candidate whose total value of votes is higher than or equal to the passing quota, then the process of summarizing the voting results shall resume from Step 10.

**Step 7.** The continuing candidate, whose total value of votes is the highest, shall be deemed elected.

**Step 8.** For the elected candidate, the value of surplus votes shall be counted, which equals the difference of the value of the candidate's votes and the passing quota. A new value of the vote shall be assigned to each ballot cast in favor of such candidate. In order to count it, the value of the vote of the ballot shall be multiplied by the value of the candidate's surplus votes and divided by the value of the candidate's votes.

**Step 9.** All the ballots of an elected candidate shall be re-distributed in the following procedure: the ballot shall be added to the ballots of the candidate in favor of whom it is cast. If there is no such continuing candidate, the ballot shall be excluded from the counting and shall never be used during the following summarization steps. The summarization of the voting results shall proceed from Step 3.

**Step 10.** A continuing candidate with the lowest value of votes shall be excluded from the counting unless it *a priori* violates the gender equality standard. In case it violates the gender equality standard, the candidate that received the fewest votes, whose exclusion will not *a priori* violate the gender equality standard, shall be excluded from the counting. If it is impossible, due to a tie of votes, to determine the candidate who received the fewest votes, the candidate to be excluded shall be determined by drawing lots.

Ballots of the candidate excluded from the counting shall be distributed in the following procedure: a ballot shall, with the same value, be added to the ballots of the continuing candidate in favor of whom it is cast. The summarization of the voting results shall proceed from Step 3.

### **Article 167. Transitional Provisions**

1. The acting Central and Territorial electoral commissions shall exercise their powers until the formation, in accordance with the procedure provided for by this Code, of the Central Electoral Commission and the territorial electoral commissions, respectively.

2. The Human Rights Defender of the Republic of Armenia, the Chairperson of the Cassation Court of the Republic of Armenia, and the Chairperson of the Chamber of



Advocates of the Republic of Armenia shall submit information about the members of the Central Electoral Commission to the President of the Republic within 14 days after the entry into force of this Code.

3. For the first formation of the Central Electoral Commission, the President of the Republic shall appoint the members of the Central Electoral Commission nominated by the Human Rights Defender of the Republic of Armenia for a term of office of three, five, and seven years respectively, the members nominated by the Chairperson of the Cassation Court of the Republic of Armenia – for a term of office of five and seven years, respectively, and the members nominated by the Chairperson of the Chamber of Advocates of the Republic of Armenia – for a term of three and five years, respectively.

4. The decree of the President of the Republic on the appointment of the members of the Central Electoral Commission shall be promulgated within 17 days after the entry into force of this Code.

5. The first session of the Central Electoral Commission shall be conducted on the day following the promulgation of the relevant decree of the President of the Republic, at 12.00 hours. The first session of the Central Electoral Commission shall be chaired by the eldest member of the Commission until the Commission Chairperson is elected.

6. Territorial electoral commissions shall be set up within 50 days of the entry into force of this Code. The first sessions of territorial electoral commissions shall be scheduled by the Central Electoral Commission.

Until the formation of new territorial electoral commissions:

(1) Precinct electoral commissions shall be set up in accordance with the following principle: one member of a territorial electoral commission appointing one member of a precinct electoral commission;

(2) The precinct electoral commission chairperson and secretary shall be elected by the procedure prescribed by this Code for the election of the Chairperson of the Central Electoral Commission; and

(3) The normative decisions of the Central Electoral Commission shall apply insofar as they are without prejudice to this Code.

7. Part 2 of Article 38 of this Code shall enter into force on the date of the first session of the Central Electoral Commission.

8. Part 2 of Article 28, the second sentence of Paragraph 1 of Part 1 of Article 31, the first paragraph of Part 3 of Article 38, Part 6 of Article 38, Part 1 of Article 145 of this Code, and the provisions of this Code related to the personal seal of the precinct electoral commission members shall enter into force on 1 January 2012.

9. Part 5 of Article 66 of this Code shall enter into force on the voting day of the first national election conducted after the entry into force of this Code.

10. The number of members of the community council of aldermen prescribed by Article 130 of this Code shall apply to communities in which elections of the members of the council of aldermen have been called after the entry into force of this Code.

#### **Article 168. Final Provisions**

1. This Code shall enter into force on the 10<sup>th</sup> day following its official publication, except for Part 2 of Article 28, the second sentence of Paragraph 1 of Part 1 of Article 31, Part 2 of Article 38, the first paragraph of Part 3 of Article 38, Part 6 of Article 38, Part 5 of Article 66, Part 1 of Article 145, and the provisions of this Code related to the personal seal of the precinct electoral commission members.

2. The Electoral Code of the Republic of Armenia adopted on 5 February 1999 shall be repealed upon the entry into force of this Code.

PRESIDENT OF THE REPUBLIC OF ARMENIA  
S. SARGSYAN  
14 June 2011  
Law HO-164