

THE LAW ON REFERENDUM OF THE REPUBLIC OF ARMENIA

Chapter I General Provisions

Article 1. The Definition of Referendum

Referendum (national voting) is a means to implement directly the authority of the people, to solve important issues of state life, to adopt the laws and decisions of the Republic of Armenia, and to explore the public opinion.

Article 2. The Principles of Conduct of the Referendum

1. The Referendum is held based on the right to universal, equal and direct suffrage by secret ballot. Each citizen has a right to one vote.

2. The participation in the referendum is free. The oversight over the expression of citizens' will is forbidden.

Article 3. The Right to Participate in the Referendum

1. Citizens of the Republic of Armenia, who have attained the age of 18 years can participate in the Referendum.

2. The citizens, eligible for participation in the referendum, who live or are living outside Armenia during the preparation and conduct of referendum, participate in the referendum on equal basis according to the procedures defined by this law and the Referendum Central Commission.

3. Citizens who have been recognized as incapacitated by a court ruling as well as those that have been sentenced to imprisonment by a court judgment entered into legal force and endure punishment cannot participate in the referendum.

Article 4. The Issues Submitted to Referendum

1. The issues of adopting a Constitution or making amendments to it can be submitted to referendum.

2. The following issues cannot be submitted to referendum:

- a) Articles 1, 2 and 114 of the Constitution
- b) the issues of probing or reducing the powers of incumbent President and incumbent National Assembly as well as incumbent state and local self-governing bodies
- c) the issues related to human and citizens' rights, freedoms and obligations, the elimination or restriction of constitutional guarantees providing their implementation, as well as issues directly bestowed to the exclusive competence of state and local self-governing bodies

Article 5. The Circumstances Precluding the Conduct of Referendum

1. Referendum cannot be conducted in a territory comprising over one third of the population of Republic of Armenia in case of declaring state of martial law or state of emergency, as well as within two months after the abolition of state of martial law or state of emergency.

2. A double referendum on the same issue or on an issue having the same content cannot be conducted within a year after the official announcement of the results of referendum.

Article 6. The Legislation on the Referendum

The legislation on the Referendum consists of the Constitution, this Law, the Electoral Code of Republic of Armenia and other legal acts.

CHAPTER II INITIATIVE FOR THE CONDUCT OF THE REFERENDUM AND THE APPOINTMENT OF A REFERENDUM AND THE PUBLICATION OF THE DRAFT SUBMITTED TO REFERENDUM

Article 7. The Initiative of the Conduct of a Referendum on the Issue of Adopting a Constitution or Making Amendments to It. The Appointment of Referendum and its Conduct

1. The right to initiate a referendum on adopting a constitution or amending it belongs to the President and the National Assembly of Republic of Armenia.

2. After approving the draft of the Constitution or the draft of the constitutional amendments by the procedure defined by a law of Republic of Armenia "National Assembly Rules of Procedure" the National Assembly sends the draft to the President of Republic of Armenia in order to submit it to referendum.

3. The President of the Republic may return the Draft Constitution or the draft of constitutional amendments, approved by the National Assembly, within twenty one days following its submission back to the National Assembly, with his/her objections and suggestions, requesting a reexamination.

4. The President of the Republic will submit it to a referendum within the period prescribed by the National Assembly a draft Constitution or draft constitutional amendments, when they are reintroduced by at least two thirds of the total number of Deputies of the National Assembly.

5. The President of the Republic submits a draft Constitution or draft constitutional amendments introduced by himself/herself to the National Assembly. The National Assembly makes a decision according to the procedure defined by the Law of Republic of Armenia "National Assembly Rules of Procedure" on giving an agreement to submit the draft introduced by the President to referendum.

6. The President of the Republic calls a referendum within 21 days after submitting the draft suggested by the National Assembly with the exception of the case defined in point 4 of this article, or within 7 days after receiving the approval of the National Assembly.

7. The referendum shall be conducted not earlier than 45 and not later than 60 days after the official publication of the President's decree on conducting referendum.

8. The draft submitted to referendum shall be published in the "Official Gazette of Republic of Armenia", through mass media founded by state bodies not later than 40 days prior to the referendum day for public information.

Article 8. The Initiative for the Conduct of a Referendum on the Issue of Adopting Laws, the Appointment of Referendum and Its Conduct

1. The right to initiate a referendum on the issue of adopting laws belongs to the National Assembly or the Government.

2. After approving the draft law according to the Law of Republic of Armenia "National Assembly Rules of Procedure" the National Assembly sends the draft to the President of the Republic for submitting it to referendum.

3. The President of the Republic may return the Draft Law, approved by the National Assembly, within 21 days following their submission back to the National Assembly, with his/her objections and suggestions, requesting a reexamination.

4. The President of the Republic shall submit it to a referendum within the period prescribed by the National Assembly a draft law when it is reintroduced by at least two thirds of the total number of Deputies of the National Assembly.

5. Within two days after receiving the draft law introduced by the Government, the President of the Republic introduces the draft to the National Assembly for getting the approval of the National Assembly to submit it to referendum.

6. The National Assembly makes a decision according to the procedure defined by the Law of Republic of Armenia "National Assembly Rules of Procedure" on approval to submit the draft submitted by the President to referendum.

7. The President of the Republic calls a referendum within 21 days after submitting the draft introduced by the National Assembly with the exception of the case defined in point 4 of this article, and within 7 days after receiving the approval of the National Assembly on the draft introduced by the Government.

8. The referendum shall be conducted not earlier than 45 and not later than 60 days after the official publication of the President's decree on conducting referendum.

9. The draft submitted to referendum shall be published in the "Official Gazette of Republic of Armenia" for public information, through the mass media founded by state bodies not later than 30 days prior to the referendum day.

CHAPTER III: THE REFERENDUM COMMISSIONS

Article 9. The System of Referendum Commissions

The referendum commissions are:

Referendum Central Commission (hereinafter Central Commission)

a) Referendum Regional Territorial Commission (hereinafter Regional Territorial Commission)

b) Referendum Precinct Commission (hereinafter Precinct Commission)

Article 10. The Formation of Referendum Commissions

1. The Central and Regional Territorial Referendum Commissions are the respective commissions formed according to the procedure defined in the Electoral Code. The Central Electoral Commission formed by the procedure stipulated in the Electoral Code of the Republic of Armenia exercises the functions of the Referendum Central Commission.

2. The Referendum Precinct Commissions are formed according to the procedure defined for the formation of Precinct Electoral Commissions by the Electoral Code.

In case that the Referendum takes place on the same day with elections for President or National Assembly of the Republic of Armenia, then, precinct electoral commissions formed by the procedure stipulated in the Electoral Code of the Republic of Armenia perform powers of the Referendum Precinct Commissions.

Article 11. The Powers of Central Commission

The Central Commission:

- a) Leads the work of referendum commissions;
- b) Oversees the legality and provides the equal application of this law during the organization and conduct of referendum;
- c) Considers the decisions adopted by the referendum commissions, received applications and complaints regarding the actions and inactivity of the referendum commissions, reviews or invalidates the decisions that contradict the laws and decisions of Government of Republic of Armenia, that contradict the decisions of referendum commissions adopted within their competences, as well as the decisions of the referendum commissions adopted in excess of their powers, eliminates the violations of citizens' rights occurred in the result of actions or inactivity of the referendum commissions;
- d) Takes decisions and other normative acts providing for the application of the provisions of this law and obligatory for all commissions;
- e) Gives clarifications and instructions on the implementation of this law;
- f) Listens to reports of state and local self-governing bodies on the issues relating to the preparation and conduct of the referendum;
- g) Disposes the financial means allocated for the conduct of the referendum, distributes those between the commissions, oversees their fulfillment;
- h) Undertakes measures for providing the referendum commissions with territories, material, technical and communication means corresponding to the required work conditions of the referendum commissions;
- i) Establishes the samples of ballots and other referendum documents;
- j) Establishes the forms of seals of commissions, orders them and allocates to the commissions, defines the procedure for the return of the seals after the referendum
- a) Provides the publication of the draft submitted to referendum to the mass media
- b) Accredits the representatives of mass media and international organizations implementing observation mission according to a procedure defined by itself
- c) Defines a single procedure for summation of referendum results
- d) According to the requirements of the Electoral Code of Republic of Armenia summarizes and announces the results of referendum, provides the submital of corresponding documents to the archive
- e) Organizes trainings for the members of referendum commissions
- f) In case of a violation of the requirements of this law as well as with the issues of organization of referendum, applies to relevant competent bodies
- g) implements other powers defined in this law and in the Electoral Code of Republic of Armenia

Article 12. The Powers of Regional Territorial Commissions

The Regional Territorial commission

- a) systemizes the work of the precinct commissions;
- b) oversees the legality during the organization and conduct of referendum in a corresponding region, provides for the equal application of this law;
- c) Considers the applications and complaints regarding the decisions, actions and inactivity of subordinate commissions, reviews and invalidates their decisions that contradict the laws, decisions of Government of Republic of Armenia, CEC decisions and its decisions, as well as the decisions of the subordinate commissions adopted in excess of their powers, eliminates the violations of citizens' rights occurred in the result of actions or inactivity of the subordinate commissions;
- d) According to the procedure established by the CEC, oversees the formation of voter lists of citizens eligible for participation in the referendum;
- e) Provides for the collaboration between the Central Commission, bodies of territorial governance and local self-governance;
- f) Collaborates with mass media with the purpose of covering the issues submitted to referendum;
- g) Accredits the representatives of mass media;
- h) Organizes trainings for members of precinct commissions;

i) Approves the referendum precincts, numbers them, and appoints the precinct center. Sends this data to the central commission within two days;

j) Distributes the allotted financial means between the precinct commissions, oversees their efficient use, provides the precinct commissions with required items;

k) Undertakes measures for providing the precinct commissions with territories, material, technical and communicational means, and documents corresponding to the required work conditions of the referendum commissions;

l) Submits the seals of the commissions to the precinct commission Chairman not later than 2 days prior to the day of voting;

m) Based on the protocols of precinct commissions announces the preliminary voting results by precinct, summarizes and publishes the results of voting in the region;

n) Applies to corresponding competent bodies in case of violation of this law and on the issue of organization of referendum;

o) Exercises other powers prescribed in this law and in the Electoral Code of Republic of Armenia;

Article 13. The Powers of Precinct Commissions

1. The precinct commission

a) Informs the citizens eligible for voting and resident in the region through personal notices on the location of commission, on the place and time of the conduct of events in relation to the organization of referendum;

b) Provides the furnishing of the precinct center;

c) Oversees the application of this law within the territory of the precinct;

d) Organizes the voting in the precinct, summarizes their results and presents them to the Regional Territorial commission;

e) Resolves the issues of disputable ballots by voting;

f) Considers the applications and complaints regarding the violation of this law and adopts decisions on them, in case of necessity applies to competent bodies;

g) Disposes the allotted financial means;

h) Exercises other powers prescribed in this law and in the Electoral Code of Republic of Armenia;

1. The powers of the precinct commissions are terminated from the moment seven days after of the official announcement of the referendum results, and in case of disputing the referendum results in the Constitutional Court, after the decision of the Constitutional Court is adopted.

Article 14. The Organization of the Work of Commissions

1. The Commissions exercise their activity through sessions, based on the principle of collegiality.

2. The Chairman of the commission, or the deputy Chairman by his instruction, leads the work of the commission

3. During the period of organization and conduct of referendum, staff working on temporary basis are formed in the regional commissions, the staff lists and their salary are defined by the Central Referendum Commission, separately for central commission and each regional commission; For supplementary work, the chairman of the Central Commission shall establish a staff to work on permanent basis. A similar staff may be established on a temporary basis in territorial commissions upon the agreement of the Central Commission. The Central Commission shall decide the wages for the members of the staff.

4. The Chairman of the commission establishes the agenda for the regular sessions;

5. Extraordinary sessions are called by the Chairman of the commission upon his/her initiative or upon the written request of one third of the members of commission within the time appointed by them. The chairman of the commission informs the commission members in advance on the conduct of the extraordinary session;

6. The session of the commission is valid if more than the half of commission members are present;

7. The decision of the commission is adopted by the majority of the votes of the members present at the session; Voting may be considered as held if more than half of the total number of commission members participated in voting. A decision may be considered as adopted if more than half of the total number of voters participated in voting. In the event of equal share of votes, vote of the commission chairman (chairperson of the session) is decisive".

8. The commissions are receiving clerical registers with page numbers and sealed by the superior commission, where the corresponding clerical work, in relation to the organization and conduct of referendum, shall be registered by dates and times;

9. The commission members are obliged to participate in the sessions of the corresponding commissions. In case of three unfounded absences in accordance with the decision adopted by the majority of the total number of votes the respective commission is authorized to terminate the powers of a commission member;

10. The referendum documents are handed and accepted in the commission with a mandatory registration in the clerical register by signature of the giver and recipient;

11. The referendum documents shall be submitted to the superior commission immediately following the summarization of referendum results.

12. The Central commission submits the referendum documents for keeping to the state archive of Republic of Armenia after the official announcement of referendum results in conformity with the defined procedure.

Article 15. Transparency During the Implementation of the Work of the Commissions

1. The referendum commissions conduct their work in a transparent manner. It is forbidden for the referendum commissions to adopt secret decisions. The Referendum Commissions shall conduct its activities publicly. Decisions of the Referendum Commissions on preparation and implementation of the referendum shall be officially published in press within three days after adopting the decision;

2. The decisions of commissions shall be published in mass media. The copies of those decisions shall be provided to the representatives of accredited mass media of the commission.

3. The Chairman of the commission provides for the participation of observers, representatives of mass media in the work of the commission according to the procedure defined in this law and the Electoral Code of Republic of Armenia, and ensures the necessary and equal working conditions provides them with required and equal working conditions for them.

4. In accordance with the procedure established in the Electoral Code of the Republic of Armenia, citizens shall be informed about the composition of commissions, location and working hours of commissions, formation of precincts and precinct centres, timeframes for submission of applications on inaccuracies taken place in the lists of citizens, who are eligible for participation in the Referendum

Article 16. Procedures for Adjudication of Decisions, Actions and Inactivity of the Commissions

1. Decisions, actions and inactivity of the commission can be appealed to a superior electoral commission or court, within two days after the publication of the decision, or the action, or the disclosure of the violation of legislation as a result of the inaction, with the exception of the decisions of the Precinct Commissions, on the summarization of voting results, which can be appealed on the day following the voting, until 18:00. If nothing else is prescribed by Law, then, the decisions, activities and inactivity of the referendum commissions, except the decisions of Territorial Commission on summarization of the results of voting, may be appealed within two days after publishing the decision, implementing the activity or discovering a violation of the Constitution occurred in the result of the inactivity to a superior commission or court, with the exception of decisions of Precinct Commission on the results of voting, which may be appealed next day before 14:00. Concerning these complaints, the superior commission or court shall make a decision before the summarization of the results of voting. If nothing else is prescribed by Law, then, the superior commission or court shall make a decision within five days. Decisions of Territorial Commissions on the summarization of the results of voting shall be appealed to the Central Commission.

2. The courts and superior commission are taking reasoned decisions regarding the complaints within a five days period. If the facts mentioned in the complaint require additional verification the court may take a decision not later than within seven days. (Recognized as invalid)

3. Within five days prior to the day of referendum the courts and superior commissions are taking decisions not later than the day of referendum. Applications received within five days prior to voting shall be considered and decisions shall be made immediately

4. The disputes regarding the referendum results are subject for the Constitutional Court. Appeals on such disputes may be made within seven days after the official announcement of referendum results.

5. The courts and the prosecutor's offices are obliged to organize their work (also on holidays) so that to ensure the consideration of complaints and adoption of decisions within the defined terms. The day of voting shall be recognized as a working day for employees of courts and prosecutor's offices.

CHAPTER IV: THE VOTERS LIST OF CITIZENS ELIGIBLE FOR PARTICIPATION IN REFERENDUM . REFERENDUM PRECINCTS AND PRECINCT CENTERS. THE FUNDING OF REFERENDUM

Article 17. The Procedure for Compilation of Voter Lists of Citizens Eligible for Participation in Referendum

The procedure for compilation and maintenance of voter lists of citizens eligible for participation in referendum (hereinafter lists), inclusion of citizens in lists, requirements for the lists, publicity of the lists, procedure for the consideration of applications regarding the inaccuracies in lists and the correction of the lists, submission of lists to

commissions are defined according to the procedures defined in provisions of Chapter Two of the Electoral Code of Republic of Armenia relating to the compilation and maintenance of voter lists, inclusion of citizens in voter lists, requirements for the voter lists, publicity of the lists, procedure for the consideration of applications regarding the inaccuracies in lists and the correction of the lists and submission of lists to commissions during national elections.

Article 18. The Precincts and Precinct Centers

The precincts and precinct centers are formed according to the procedures defined in the Electoral Code of Republic of Armenia.

Article 19. Funding of the Referendum

1. Expenses for organization and conduct of the referendum, including the compilation of the lists, are covered by state budget.

2. The Government allocates the funds, envisaged for preparation and conduct of referendum, to the Central Commission five days after the referendum is appointed.

3. In case if there are no means in the state budget envisaged for preparation and conduct of referendum, the referendum is funded from the reserve fund of the state budget and in case of impossibility they are funded from the reserve of Central Bank, on the condition that it will afterwards be reimbursed from the state budget.

4. The financial means shall be distributed among the commissions on the basis of the decision of Government, in conformity with the procedure defined by the competent state body in the field of finance and economy according to budget estimates provided by Central Commission. The financial means shall be given to the Referendum commissions based on the estimates made by the Central Commission according to the procedure established by the Government of the Republic of Armenia. Commission chairman shall dispose the financial resources and take the responsibility of using these means in compliance with the procedure established by the Central Commission.

CHAPTER V: THE CAMPAIGN

Article 20. The Campaign During the Preparation for Referendum

1. In relation to the issue submitted to referendum the right to campaign by means and manners not prohibited by law belongs to citizens, parties and non-governmental unions of Republic of Armenia.

2. The state guarantees the free implementation of campaign regarding the issue submitted to referendum.

3. The campaign begins on the day when the referendum is appointed and ends one day prior to the day of voting.

4. The posters posted not in the precinct center can be left in their place on the voting day and on the day prior to it.

5. The below mentioned cannot campaign:

a. State and local self-governing bodies, as well as their staff while performing their official duties

b. Members of the Constitutional Court and Judges, officials of the Ministry of Internal Affairs and National Security, officials (staff) of the Prosecutor's office, and the military.

c. Charitable and religious organizations

d. foreign citizens and organizations

6. The campaign can be conducted through mass media, through public campaign events (such as meetings and gatherings, public discussions, debates, rallies, marches and demonstrations) by printing publications, disseminating audiovisuals.

7. The persons eligible for campaigning can publish and disseminate posters, papers and other printed campaign materials by means not prohibited by law.

8. The community leader, not later than within five days after the assignment of the referendum, allocates special places for display of campaign posters. The community leaders pursue that the posters displayed in special places are not torn. These places should be convenient for voters' visiting. In every precinct there should be not less than one place of that kind.

9. During the announcement of the results of the public polls on the issue submitted to referendum the mass media is obliged to mention the name of the organization that conducted the poll, the time of the conduct of the poll, the number of the people questioned for the poll (the voting mode), the means for collecting the information, the correct formulation of the question, the assessment of possible statistical inaccuracies. It is forbidden to publish the results of the public polls on the issue submitted to referendum within the last three days of the campaign.

10. Printed campaign materials shall contain information on the organizations and people that are responsible for the publication, as well as information on the printing company and the quantity.

11. It is forbidden:

a) To disseminate anonymous printed campaign materials. Whenever anonymous or false printed campaign materials are found, the informed Commission takes measures to prevent such activities and addresses the relevant bodies in order to eliminate the illegal activities.

b) Giving (promising) - personally or through other means - money, food, bonds, and goods to citizens free of charge or on privileged terms or rendering (promising) services during the stage of campaign.

c) To influence citizens eligible for participation in referendum orally or in written form, through music or visual means, to collect signatures, as well as to campaign on the issue submitted to referendum in other ways on the voting day and the day prior to it, within the precinct center or in its vicinity, as well as right at its entrance.

d) To publish the result of voting of a citizen who participated in the referendum before the voting has finished

e) To assemble in groups on the voting day in the area surrounding the precinct center, in the radius of 50 meters.

12. The referendum commissions oversee the conformity of the procedure defined for the campaign. In case of its violation the commissions may apply to the competent bodies for preventing them, as well as to the court for holding the person eligible for campaigning liable according to the procedure defined by law.

Article 21: Fund for the Referendum Campaign

1. Those who are eligible for campaigning can create a referendum fund for the purpose of funding the referendum campaign.

2. The means of the fund are accumulated in the Central bank of Armenia in a special account.

3. The fund is formed from the personal means, voluntary payments of private persons and legal entities.

4. The following have no right to contribution to the fund:

a) state and local self-governing bodies

b) fiscal institutions (organizations)

c) foreign private persons and legal entities

d) stateless persons

e) charitable and religious organizations, international organizations and international non-governmental movements.

f) those organizations which have foreign means in the amount of more than 30 percent in their share capital. Their contribution to the fund will be passed the state budget.

5. The general amount of contributions must not exceed 10000 - times of the value of minimum salaries of the adopted balance basis of Republic of Armenia.

6. It is forbidden to spend means not included in the fund during the campaign.

7. The Central Bank in three days periodically presents reference to the Central Commission on the financial activities of the funds, which are terminated one day prior to the voting.

CHAPTER VI

OBSERVERS

Article 22: The Rights to Observation Mission

1. During the referendum the right of observation mission belongs to:

a. Political parties of the Republic of Armenia

b. Non-governmental organizations

c. Representatives of foreign countries and international organizations

1. During the Referendum the right to observation mission belongs to:

a. Parties of the Republic of Armenia, with the exception of those cases when the Referendum is carried out on the day of elections for President or elections of the National Assembly of the Republic of Armenia"

b. International organizations

c. Representatives of foreign countries

d. Those foreign and Armenian NGO's, which in their charter include issues of human rights protection and democracy.

In case the Referendum is conducted on the day of Presidential Elections or elections of the National Assembly of the Republic of Armenia, then, the organizations mentioned in Item d. of this paragraph have the right to observation mission if they do not support any candidate or party.

2. The procedure of accreditation and activities of the organizations executing observation mission is established by the Central Commission. The Central Commission shall establish the procedure on the observation mission.

3. The accreditation of observers is implemented according to the procedure presented in RA Electoral Code.

Article 23: The Rights, Duties and Guarantees for the Activities of the Observers and the Representatives of Mass Media

1. The observers and the mass media representatives have the right to:

a. Be present at the sessions of referendum commission and also in the polling station during the voting.
b. Be familiarized, without impediments, with referendum documents, the samples of the ballots, documents, the decisions of Referendum Commissions, the protocols of the sessions; receive their copies, make extracts from the protocols.

c. Appeal the decisions of referendum commission, the actions of the commission members or their inactivity.

2. The observer and the mass media representatives do not have the right to interfere with the work of the commission.

3. One member of an accredited observation mission member can participate in the work with an advisory vote or be present during the voting of the sessions of the referendum commission.

4. The observers follow the work of the referendum commission during the voting. They can make suggestions and remarks regarding that to the commission Chairman, and the latter undertakes required measures.

5. No restriction of the rights of observers and mass media representatives is allowed.

6. The observers and mass media representatives cannot be subject to liability for their opinions expressed in the course of voting and summarization of the voting and results of the referendum.

CHAPTER VII THE PROCEDURE FOR PREPARATION AND CONDUCT OF VOTING

Article 24. The Procedure for Referendum Voting

The procedure for preparation and conduct of referendum voting is defined in the Electoral Code of RA, if not prescribed by this law.

Article 25. Referendum Ballot, the Ballot Box, the Seals of the Commission

1. The samples of the ballot, ballot box and the seals of the commission are approved by the Central Commission. During the voting each citizen receives one ballot.

2. In the case of holding referendum on two or more issues simultaneously, the citizens are given ballots, the number of which corresponds to the number of the issues. The ballots must differ from each other.

3. The form and the content of the ballot are setup by the Central Commission.

4. The ballot papers are issued not earlier than 10 days and not later than 3 days prior to the voting day.

5. The commission seals are prepared by the order of the Central Commission, according to the samples approved by that commission.

6. The procedure for submitting and returning the seals to the commissions is defined in this law and RA Electoral Code.

7. The referendum ballots are submitted to the commissions according to the procedure defined by this law and Electoral Code of RA.

Article 26. Preparation for Referendum

1. The Precinct Commissions are in charge of preparation of voting.

2. Tables for registration of voters, handing out ballot to voters, sealing the ballots, and for the conduct of oversight on the ballot, shall be installed at precinct centers.

3. The ballot box is installed in a place visible for the persons authorized to be present at the precinct.

4. The Precinct Electoral Commission shall install a signboard at the precinct center or at the entrance of the precinct center, with ballots specimen filed in.

Article 27: Preparation And Conduct of Voting In Diplomatic And Consular Missions: Preparation And Conduct of Voting for the Arrested And Detained

The procedure for preparation and conduct of voting in the diplomatic and consular missions, the preparation and conduct of voting of arrested, detained, including procedure for penetration into the precinct center, registration of the citizens eligible for participation in the referendum, the procedure of the voting is defined in the RA Electoral Code.

Article 28: The Procedure for Marking In the Ballot

1. If the participant of the voting votes for he/she marks next to words "I am for" in the ballot, if he/she votes against - marks next to of the words "I am against".

2. Citizens, who are unable to fill in the ballot independently, have the right to invite another person into the voting booth, who shall not be a representative of accredited mass media, an observer and a commission member. Except for the above-mentioned case, the presence of other persons in the voting booth while filling in the ballot is prohibited.

3. The voter comes out of the voting booth with his filled-out ballot folder four times and approaches the ballot box. The person responsible for the ballot box opens the ballot box and allows the voter to drop his/her ballot paper into the ballot box.

4. It is forbidden to take the ballot outside of the precinct center.

Article 29: The Invalid Ballots

1. The ballots marked at the same time next to words "I am for" and "I am against", ballots without any mark, with extra marks or not signed or sealed ballots are considered as invalid.

2. The electoral commission settles the matter of disputable ballots by means of voting.

Article 30: Inappropriate Ballots

1. Ballots differing from the approved specimen are considered as not corresponding to the approved specimens.

2. The electoral commission settles the matter of disputable ballots by means of voting.

3. When the results of elections are summed up, ballots of not approved specimen will not be taken into account

CHAPTER VIII THE PROCEDURE FOR SUMMARIZING THE RESULT OF REFERENDUM AND DETERMINING THE NUMBER OF INACCURACIES

Article 31: The Procedure for Summarizing the Results of Voting Determining the Number of Inaccuracies In the Polling Station

1. The Chairman of the Precinct Electoral Commission bans the access of voters to the precinct center at 20:00 p.m., enables the voters at the precinct center to vote, closes the ballot box, invites asks all the persons not entitled to attend the sessions of the Precinct Electoral Commission out, and closes the precinct center. After these steps are performed the Precinct Electoral Commission starts the session for summarization of the voting results. For that purpose:

a) Counts, cancels and seals according to the procedure defined by Central Commission the unused, wrongly marked and returned ballots.

b) Counts the total number of the participated voters on the basis of the lists.

c) Counts the number of participated voters, that received ballots, on the basis of signatures in the list and seals the mentioned list.

d) Opens the ballot box

2. The chairman takes out one ballot from the ballot box, announces the inappropriate ballot, validity or invalidity of the ballot and in the case of validity also whether it is voter "for" or "against" the issue submitted to referendum. Upon a request the ballot shall be passed to the other members of commission. In case if the member disagrees with the chairman he makes an objection. The objection shall be submitted to voting. In the case of objection the decision is made by the result of the voting, and in case of no objection the chairman puts the ballot in the ballot pile of "for", "against" or "invalid" according to his/her announcement, and reveals the next ballot from the ballot box. The same action is repeated for all ballots in the ballot box. During these actions the commission members are banned from making marks on the ballots, as well as having pencils, pens or other objects for making notes.

3. After assortment of all ballots available in the ballot box the chairman, in the presence of the commission members, counts the ballots recognized as invalid, the ballots voted "for", the ballots voted "against" one by one. Based on the results the number of the invalid ballots, the ballots voted "for", the ballots voted "against" is counted. The counted and sorted ballots are packed and sealed according to procedure defined by the Central Commission.

4. The precinct commission, based on the summary precinct protocol, compiles a protocol on the number of inaccuracies. The commission determines the number of inaccuracies by comparing the number of the signatures in the list. The difference with the total number of the ballots in the ballot box is considered as the number of inaccuracies.

5. Each action stipulated in third and fourth points of this article shall be conducted in the priority mentioned, each one after the previous one is accomplished and the appropriate protocol is compiled. A separate protocol is compiled on each of the actions, with the signatures of all present members and in two copies, one of which is packed and sealed with the documents considered as basis.

6. Simultaneously, in case of drafts on two or more issues being submitted to referendum, the summarization of voting result for each is implemented separately.

Article 32: The Procedure for Summarizing the Voting Results In the Precinct Commission

1. The following is registered in the summary protocol of voting results:

a. The total number of the citizens eligible for participation in the referendum, according to The list,

b. The number of registered voters and the voters who received ballots, according to their signatures

- c. The number of ballots allotted to the polling station.
- d. The number of cancelled ballots
- e. The number of valid ballots in the ballotbox
- f. The number of invalid ballots in the ballotbox
- g. The total number of the in the ballotbox
- h. The number of ballots cast for
- i. The number of ballots cast against

2. The figures of counting and registering in the protocol are announced publicly.

3. The protocol is signed by the members of commission present at the session; it is sealed by the Chairman of the commission. If any member of the commission has a special opinion on the data of the protocol, he/she makes a remark on it next to her/his signature and submits her/his written opinion which shall be attached to the protocol.

4. If the member of the commission refuses to sign the protocol, or has left the commission after the session on summation of voting results had started, a protocol is compiled on this and attached to the summation protocol of the voting results.

5. Upon the request of the observer they are provided with copies of the precinct protocols ratified by the signature of the Chairman or the Secretary and the seal of the commission.

6. From the end of the voting until the compilation of the protocol on the inaccuracies, the session of the precinct electoral commission cannot be interrupted.

7. At the end of the session, but not later than within 12 hours after the voting is has ended, the Chairman of the commission publishes the results of the voting.

8. Copies of the summation protocol and the number of inaccuracies are displayed at the precinct centre, in a visible place. Not later than within 14 hours after the voting is completed the Chairman of the precinct commission submits documents related to referendum to the Regional Territorial Commission according to the procedure defined by the Central Commission.

Article 33. Procedure for Summation of Voting Results in the Regional Territorial Commission

1. Based on the summation protocols of precinct commissions, the Regional Territorial Commission summarizes the preliminary results of the referendum in the region: the total number of citizens included in the list, the number of votes voted for, the number of the voters who voted against, the total number of the voters who voted for, and the amount of inaccuracies.

2. Not later than within 22-18 hours after the end of the referendum, the preliminary results are registered, published by the Chairman of Regional Territorial Commission and are officially forwarded to the CEC.

3. Not later than within 48 hours after the completion of voting, and in the case of complaints in the Court, or Regional Territorial Commissions on the results of voting in the precincts - not later than 5 days, the Regional Territorial Commission compiles summation protocol of the voting, entering:

- a. the total number of the voters by voter lists
- b. the number of the registered voters who have received the ballots, according to the signatures.
- c. the number of the ballots allotted to the precinct commissions
- d. the number of the cancelled ballots
- e. the number of the valid ballots in the ballotbox
- f. the number of the invalid ballots in the ballotbox
- g. the total number of the established ballots in the ballotbox
- h. the number of the ballots cast for
- i. the number of the ballots cast against
- j. the number of inaccuracies

4. The final protocol is signed by the TEC members attending the session; it is sealed by the chairman. If any member of the commission has a special opinion on the data of the protocol, he/she makes a remark next to her/his signature and submits her/his written opinion which is attached to the protocol.

5. If a member of commission refuses to sign the protocol, a protocol thereof is compiled, which is attached to the summation protocol of the final results of elections in the constituency.

6. The protocol is signed by the members of the commission attending the session; it is sealed by the Chairman.

7. The results of the referendum are published in the territory, and the Chairman of the Regional Territorial Commission submits one copy of the relevant protocol together with all the rest of the referendum documentation to the Central Commission.

8. Upon the request of an observer, he/she is given copies of the summarization protocol, on the referendum results in the constituency, which has to be ratified by the signature of the Chairman of the commission or the Secretary and the seal of the commission.

9. After the voting is completed, the Regional Territorial Commission is obliged to report to the Central Commission at least every three hours on the current referendum results by precincts.

10. Upon the written request of at least three members of the precinct commission the Regional Commission verifies the conformity of the precinct summarization protocols of the relevant precinct with the factual results of the referendum. The members of the relevant precinct can participate in verification. Based on a written request of the precinct commission member who submitted special opinion, the Territorial Commission verifies the conformity of precinct protocols with the factual results of voting in the respective precinct. Authors of special opinions submitted during the compilation of precinct protocols in respective precinct commission, as well as Chairman of that commission and observers may be present during verification.

Article 34: Procedure for Summarization of Referendum Results In the Central Commission

1. Not later than 28 hours after the voting has been completed, the preliminary results of referendum based on the preliminary results from the Regional Territorial Commissions are published by the Central Commission, including the total number of the eligible voters in the lists, the number of ballots for, the number of ballots against, the total turnout, and the number of inaccuracies.

2. Not later than 72 hours after the voting has been completed, the CEC calls a session, which can be attended by the eligible people, based on the final results of the referendum in Regions, and in case of complaints in the Court or Regional Territorial Commissions not later than in seven six days, completes the summary protocol of the referendum entering:

- a. The total number of the eligible voters by the voter lists
- b. The number of registered voters, who have received ballots, according to the signatures.
- c. The number of ballots allotted to the precinct commissions
- d. The number of cancelled ballots
- e. The number of valid ballots in the ballot box
- f. The number of invalid ballots in the ballot box
- g. The number of ballots "for"
- h. The number of ballots "against"
- i. The number of inaccuracies

3. The protocol is signed by members of commission attending the session, and it is sealed by the Chairman.

4. If a member of the commission has a special opinion on a data in the protocol, he/she makes a remark next to his/hersignature and submits his/her written opinion which is attached to the protocol.

5. If a member of the commission refuses to sign the protocol, a protocol thereof a relevant remark is made in the protocol.

6. The Chairman of the Central Commission or a member of a commission pointed by the Chairman gives information on the current referendum results every 3 hours after the voting is completed on the Public TV. Within 3 hours after taking a decision on the results of the referendum the Chairman of the Central Commission or a member of the commission pointed by the Chairman officially announces the final results of referendum live on Public TV.

7. Before the announcement of the preliminary results of the referendum the sessions of Central Commission shall not be terminated.

8. Upon the request of an observer, he/she is given the copies of the summary protocol of referendum ratified by the signature of the Chairman or the Secretary and the seal of the commission.

Article 35: The Summarization of the Results of the Referendum

1. The Central Commission, after having summarized the results of referendum according to Article 34 of this Law takes one of the following decisions;

- 1) on the adoption of the issue submitted to referendum
- 2) on the non-adoption of the issue submitted to referendum
- 3) on recognizing the results of the referendum as invalid

2. The draft submitted to referendum is considered as adopted if more than half of the voters voted for it, but not less than one third of the citizens included in the lists.

3. The draft submitted to referendum is considered as not adopted if the requirements of the point 2 are not provided.

4. The results of the referendum are considered as invalid, if the number of inaccuracies or the violations held during the preparation and conduct of the referendum have in fact or could have had in fact on the results of the referendum.

If the results of the referendum are considered as invalid, a new voting is conducted according to the procedures defined in this law not sooner than 10 days and not later than 20 days after the decision to invalidate the entered into force.

5. The results of the referendum can be disputed in the Constitutional Court within 7 days after the official announcement of the results.

Article 36: Enforcing the Laws Adopted By the Referendum, Constitution And Its Amendments

1. The constitution or the amendments to it are enforced after Central Commission and the laws adopted through referendum enter into force from the moment of publishing the drafts in the "Official Gazette of RA" within five days after announcing the Decision of the Central Commission or Constitutional Court on the results of the referendum.

Article 37: The Storage of the Referendum Documents

The referendum documents are stored in the State Archives for at least 10 years in conformity with the procedures established by the Central Commission.

CHAPTER X LIABILITY FOR VIOLATIONS OF THIS LAW

Article 38: Liability for Violations of the Provisions of This Law

Violations of the provisions of this law cause liability as defined by law for violations committed against the suffrage.

CHAPTER XI CONCLUDING PROVISIONS

Article 39: Enforcement of This Law

1. This law shall take effect upon its official publication.

2. After this law takes effect, the law "On referendum" with all its later amendments and additions adopted in 1991 April 2, is repealed. 9 October 2001 HO -225