

# Amendments to the Electoral Code of the Republic of Armenia

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## LAW OF THE REPUBLIC OF ARMENIA

Adopted 20 October 2016

### ON MAKING ADDITIONS AND AMENDMENTS TO THE ELECTORAL CODE OF THE REPUBLIC OF ARMENIA

**Article 1.** To add part 11.1. to the Article 8 of the Electoral Code of the Republic of Armenia dated 25 May 2016 (hereinafter – the Code) as follows:

“11.1. In the course of elections to the National Assembly the specialized organization selected as a result of tender held in accordance with the procedure established by the Government, is permitted by the Central Electoral Commission to carry out video-recording of polling process and the process of summarizing of polling results in all electoral precincts and perform simultaneous online broadcasting in live mode through specially designated website(s).

Video-recording should be performed by static cameras. The cameras should hold in their view the ballot box, the polling station and its entrance with radius of up to 50 meters, as well as the processes of electors’ registration, allocation of ballot envelopes and ballot papers, and summarizing of polling results. Video-recording and online live broadcasting should be carried out in view of maintaining the principle of ballot secrecy envisaged by this Code.

The person disposing the polling station premises and electoral commissions are obliged to support the specialized organization in terms of organizing the process of video-recording and online broadcasting, however, they do not bear any obligation for organizing the process and for its quality.

The specialized organization provides to electoral commissions, political parties running in elections and organizations having carried out observatory missions copies of the materials of videotaping performed at the electoral precinct, based on written application, providing they pay the cost of copying. The application may be presented prior to the expiry of time period for disputing the resolution of the Central Electoral Commission on National Assembly being elected, and in case of this resolution being disputed, until resolution adopted by Constitutional Court. The application should include the number of electoral precinct the copy of videotaped materials of which is requested, also an electronic carrier meeting the requirements established by the specialized organization should be presented along with the application.

The videotaped materials are archived by the specialized organization and stored in accordance with the procedure established for storage of electoral documents”.

**Article 2.** To state second paragraph of part 1 of Article 13 of the Code as follows:

“The lists of electors having participated in the polling, with the exception of the signed lists of electors developed in military stations, penitentiary institutions and facilities for detention of arrestees, are published in accordance with the procedure established by this Code”.

**Article 3.** In the part 4 of Article 31 of the Code, to add “or if the application has been submitted in violation of the time periods envisaged by part 2 of this Article” after the words “requirements of points 1 and 2 of part 1 of Article 30 of this Code”.

**Article 4.** In the point 4 of the part 1 of Article 32 of the Code:

1) to remove the words “and in the course of the session on summarizing the polling results, the reference printed out through technical device in accordance with the procedure established by point 3 of part 2 of Article 68 of this Code”.

2) to state the last sentence as follows: “Without intervening the activities of an Electoral Commission and without impeding the polling process, to make extracts and notes from election documents on their own (except for lists of electors having participated in the polling, polling passes). During the polling, it is prohibited to make extracts and notes from the lists of electors having participated in the polling and polling passes”.



**Article 5.** In the point 3 of the part 1 of Article 34 of the Code

1) to remove the words “and in the course of the session on summarizing the polling results, in accordance with the procedure established by point 3 of part 2 of Article 68 of this Code – with the list of electors having participated in the polling,”

2) to state the last sentence as follows: “Without intervening the activities of an Electoral Commission and without impeding the polling process, to make extracts and notes from election documents on their own (except for lists of electors having participated in the polling, polling passes), during the recount of polling results to make extracts on their own, from the list of electors having participated in the polling. During the polling, it is prohibited to make extracts and notes from the lists of electors having participated in the polling and polling passes”.

**Article 6.** to add part 8 to the Article 35 of the Code, as follows:

“8. Provisions established by this Article are also applicable towards the authorized representative of the candidate for Community Head and Member of Council”.

**Article 7.** In Article 41 of the Code:

1) in the 2<sup>nd</sup> part, to replace words “authorized representatives” with words “authorized representatives of the political party running in elections, candidate for Community Head and Member of Council”.

2) to state the part 6 as follows:

“6. A citizen may simultaneously be included in the composition of only one electoral commission, with the exception of the instance envisaged by this part for the member of Precinct Electoral Commission.

A citizen may be a member of more than one Precinct Electoral Commission simultaneously, if different polling dates are set for the elections”.

**Article 8.** In part 10 of Article 46 of the Code, to remove the words “Statement printed through technical device established by point 3 of part 2 of Article 68, or”

**Article 9.** In the Article 48 of the Code:

1) in the part 8, to replace the figures “9-15” with figures “9-18”

2) to add parts 16-18 with the following contents:

«16. The following persons are entitled to submit application regarding polling made instead of another person:

1) authorized representative of the political party running in the elections, the candidate for Community Head or Member of Council,

2) a proxy,

3) a member of the relevant Precinct Electoral Commission,

4) the elector who has not participated in the polling, whose signature is present in the list of electors against his/her details as an evidence of his/her participation in the polling.

The entitled person submits the application regarding polling made instead of another person to the relevant Precinct Electoral Commission on the date following the polling, starting from 12:00pm, up to the 11:00 am of the third day following the polling.

Applications regarding polling made instead of another person should be provided separately, per persons who are absent from the Republic of Armenia and have not participated in polling, and persons who are present in the Republic of Armenia and have not participated in polling.

Electoral commission rejects initiation of administrative proceeding for application regarding polling made instead of another person, and does not consider the application in essence, if the application has been presented with violation of provisions of this part.

17. Applications regarding polling made instead of another person are considered in view of maintaining the fundamental principles of administration established by the Law of the Republic of Armenia "On the basics of administrative action and administrative proceeding".



When considering applications regarding polling made instead of a person absent from the Republic of Armenia, the District Electoral Commission:

1) checks the information on the absence of the person from the Republic of Armenia, using the electronic Border Management Information System (hereinafter BMIS) applied by the border troops of the National Security Service of the Republic of Armenia by the Government of the Republic of Armenia.

If based on BMIS system data it is identified that the person in relation to whom the application is submitted, has crossed the Republic of Armenia border outbound, after the polling was launched, then this application is treated as objectless and the administrative proceeding in relation to this is discontinued.

If based on BMIS system data it is identified that the person in relation to whom the application is submitted, has not crossed the Republic of Armenia border or the last time he/she crossed it inbound, when entering to the Republic of Armenia, then this application is treated as objectless and the administrative proceeding in relation to this is discontinued.

2) determines whether the person in relation to whom the application is submitted has been recorded through the technical device.

3) in case of elector registered through the technical device and having an ID card, also checks whether the fingerprint submitted at the registration matches the fingerprint of the same person in the electronic database of the identification cards maintained by the Police.

When organizing review of applications regarding polling made instead of another person, the District Electoral Commission may request involvement of the Police, National Security Service, and other bodies, as required.

If there is no sufficient evidence proving the participation of the person in the polling, then by applying the presumption of credibility, exclusively with the purpose of making resolution as per the election results, it is considered that the polling instead of another person has taken place.

Irrespective of the process of considering the application in the District Electoral Commission, all applications are also submitted to the relevant law enforcement body.

18. Applications regarding polling made instead of another person should have an irrevocable declaration of any person that the elector has not participated in the polling and another person has polled instead of that elector.

The applicant should also state in writing and undersign that he/she is aware of the criminal liability in case of false declaration regarding polling made instead of another person.

The declaration should contain the declarant's name, patronymic, surname, personal identification document number (if it is a passport - the serial and sequential number), registered address, residence address, if different from the registered address, phone number or email address, declaration date. The declaration should also indicate name, patronymic, surname of the elector who did not participate in the polling, electoral precinct number, the list to which the elector belongs, the elector's number in the appropriate list. The declaration is submitted in original, signed exclusively by the person submitting the declaration.

The applicant should state in writing and undersign that he/she is aware of the criminal liability for submitting a declaration with false signature attached to the application regarding polling made instead of another person. The declaration is considered as one with false signature if it is not signed by the person in whose name the declaration is given, or is signed by a fictitious person. The requirement set out in this paragraph does not apply to cases where the applicant and the declarant are the same person.

Applications regarding polling made instead of another person should be submitted in original, signed exclusively by the applicant. The application should contain the applicant's name, patronymic, surname, registered address, residence address, if different from the registered address, then - phone number or email address, list of documents attached, the application date. The applications of the persons specified in 1-3 points of Article 16, should also be accompanied by a copy of document confirming the applicant's status.

Sample forms of application regarding polling made instead of another person, declaration, as well as forms of acknowledging criminal liability for submitting false declaration on polling made instead of on another person, and for submitting declaration attached to the application regarding polling made instead of another person with forged signature, are approved by the Central Electoral Commission and placed on the Commission's website with an option to download.

In case of absence of documents required to be attached to the application, or in case of incompliance with the requisite requirements set forth for the declaration in this part, the administrative proceeding of the application is rejected. If the same person has submitted more than one application regarding polling made instead of another person, or if one application contains details of more than one person having polled instead



of another persons, and as a result of the inspection it is revealed that at least one false declaration on polling instead of on another person, or at least one declaration on polling instead of on another person with forged signature is attached to the submitted application, then subsequent consideration of applications submitted by that person is stopped, the administrative proceeding is discontinued, and all materials are submitted to the relevant law enforcement authority. The details of information regarding polling made instead of another person which have been previously checked and verified, are taken into consideration for adopting resolution on the election results".

**Article 10.** To delete the words "without the right to photocopy, photograph or videotape them" from the part 14 of Article 50 of the Code.

**Article 11.** In Article 66, part 8, second sentence, after the word "the relevant row of the elector in the list of electors", to add "the elector signs against his/her data, in the column envisaged for the elector's signature".

**Article 12.** In Article 68, part 2 of the Code,

1) To edit the first sentence of point 2 to read as follows:

"2) counts the total number of participants in the polling on the basis of electors' signatures in the lists of electors."

2) to edit point 3 to read as follows:

"3) if the technical device has operated without interruption throughout the polling, then during the elections to the National Assembly prints out a statement through technical device indicating the numbers of District Electoral Commission and the electoral precinct, sequential number of the electors registered through the technical device in the list of electors of the relevant electoral precinct. The statement should include a reference to the electors whose registration was performed through keyboard input of identification documents' data into technical device.

If it is impossible to print the statement, a relevant record is made in the Registration Journal.

One copy of the statement, signed by the Chairman of the Precinct Electoral Commission and sealed by the Commission's seal, is placed in the sack.

By one copy of the statement, signed by the Chairman of the Precinct Electoral Commission and sealed by the Commission's seal, is provided upon request to the candidates, observers present at the summarizing session, and by one proxy from a political party running in elections.

Lists of electors (except the signed lists of electors generated in a military station, penitentiary institution and facility for detaining arrestees) are packaged, the package is sealed and signed by the Chairman and Secretary of Precinct Electoral Commission, and are submitted to District Electoral Commission in accordance with the procedure established by Part 9 of Article 71 of this Code. Signed lists of electors generated in a military station, penitentiary institution and facility for detaining arrestees are packed separately, the package is sealed and placed in the sack".

**Article 13.** In part 9 of article 71 of the Code, to add the words "package of list of electors" after the word "the sack".

**Article 14.** To add part 3.1. to the Article 73 of the Code.

"3.1. During elections to the National Assembly, starting from 12:00 of the day following the polling, the District Electoral Commission scans the lists of electors, which may be observed by the members of Electoral Commission, candidates, proxies, observers and representatives of mass media.

Lists of electors are scanned in the manner and criteria established by the Central Electoral Commission so that the elector's sequential number in the list of electors of the given electoral precinct, his/her surname, name, patronymic, date of birth, registered address, as well as the columns envisaged for elector's signature and for the individual stamp of the member of Electoral Commission responsible for the registration of electors, are visible.

No later than 24 hours after the start of scanning process, the scanned lists of electors are officially published on the Central Electoral Commission's website with an option to download and search by electoral precincts".

**Article 15.** In the Article 74, part 9 of the Code, to replace the words “copies of [protocol and] resolution within a two-day period” with words “copies of Protocol and resolution on the results of elections within a five-day period”.

**Article 16.** In the Article 118, part 7 of the Code, to replace the words “within a two-day period after adopting a resolution on the results of elections [of Community Head], submits it to the Central Electoral Commission and Marzpet” with the words “within a five-day period after adopting a resolution on the results of elections [of Community Head], submits it to Marzpet”.

**Article 17.** In the Article 119, part 8 of the Code, to replace the words “within a two-day period after adopting a resolution on results of election [of members of Community Council], submits it to the Central Electoral Commission and Marzpet” with the words “within a five-day period after adopting a resolution on results of elections [of members of Community Council], submits it to Marzpet”.

**Article 18.** In the Article 141, part 6 of the Code, to add the following fourth paragraph.

“Within a 5-day period, the Protocol on candidates elected as member of Yerevan Council is sent to the Prime Minister, and the Protocol on candidates elected as member of Gyumri and Vanadzor Council – to the relevant Marzpet.”.

**Article 19.** Provisions of Articles 1,2,4,5, and 8-14 of this law shall apply after this law enters into force – starting from the first elections to the National Assembly.

**Article 20.** This law enters into force on the tenth day after official publication.

**President of the Republic of Armenia**

**S. Sargsyan**

29 October 2016  
Yerevan  
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