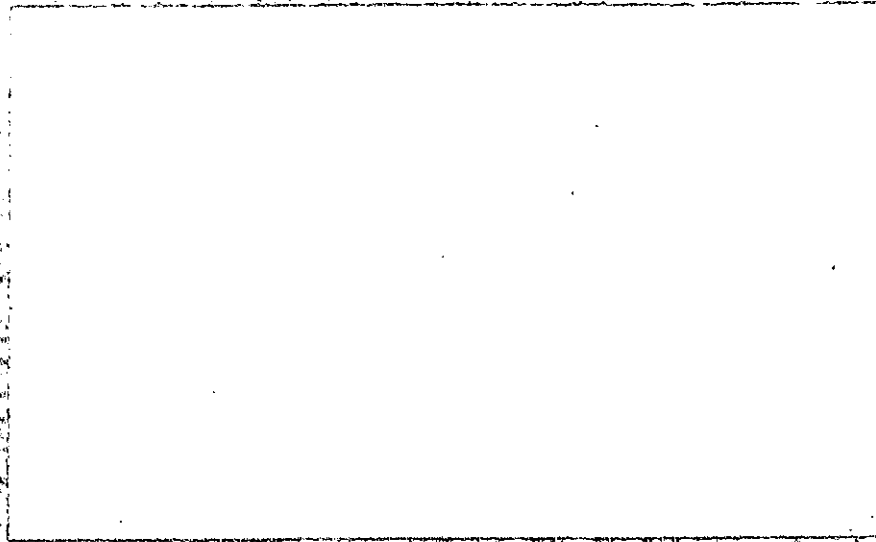


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Armenia

Technical Assistance
November 10, 1996 Municipal Elections

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Executive Summary

Project Background. The current IFES Electoral Reform Project was initiated by a February 1996 request from the Chairman of the National Assembly, Babken Ararktsyan, to the U.S. Ambassador to the Republic of Armenia, Peter Tomsen. The purpose of the request was to seek assistance in the preparation of the election laws governing the presidential and municipal elections scheduled for Fall 1996. The project was a follow-up to the 1995 IFES Technical Assistance Mission to Armenia in connection with the National Assembly elections and Constitutional Referendum. The 1995 election and referendum were marred by charges of fraud and intimidation, and numerous questions were raised by both international and domestic monitoring groups regarding the fairness and transparency of the process.

IFES placed Christopher Shields on the ground in Yerevan, Armenia, as Project Manager in late February 1996. He was joined by Election Administration Specialist Ann Gardner in March 1996. Election Law Consultant Mark Braden of Baker & Hostetler of Washington, DC and an outside counsel to the U.S. House of Representatives for election law, provided additional expertise to the Mission.

The IFES/Armenia Mission. The Mission's charge for 1996 was to serve as a technical information resource, to provide assistance to the National Assembly on election law development, to direct technical assistance to the Central Electoral Commission (CEC) in the form of specialized election administration assistance, to conduct high-impact voter education outreach, and to strengthen the NGO community. With these goals in mind, IFES:

- developed and distributed a training manual for Precinct Electoral Commission members;
- conducted instruction seminars for election officials in all 11 regions of Armenia;
- conducted voter education through the production and distribution of over 40,000 informational posters and fliers; and
- produced a series of "Town Hall" forums which brought representatives of the CEC to the Armenian public to explain the *Law on Elections for President for the Republic of Armenia* on local television, reaching over 1 million people in ten of the eleven regions.

Currently, the Mission is working on the development of a universal electoral code for all future elections in Armenia, as well as a series of other electoral reform projects, including continued voter education and information programming focused on increased citizen participation in building and strengthening democratic institutions.

Review and Assessment. In the aftermath of the 22 September presidential election and the civil unrest which followed¹, IFES conducted a full review of its programming options and elected to remain active in the effort to improve the electoral system and its administration by continuing its assistance to the Central Electoral Commission.

A comprehensive list of areas of critical concern, based on eyewitness observations of the IFES Mission during the 22 September election, was prepared and is included in *Section VII. Recommendations*. These recommendations are based on the overall events during the elections, provisions of the law in place at the time of the elections, and observations at the polling places, and address the following areas:

- Electoral Commission Accountability
- Training Curriculum for Electoral Commission Members
- Removal of Electoral Commission Members
- Future Municipal Governance Structures
- Pre-Election Campaign--Media
- Preparation of Voter Lists
- Ballot Accountability
- Procedure for Invalidating Ballots
- Unauthorized Persons in Polling Places
- Announcement of Final Results
- Recount Provisions
- Appeals Process
- Domestic Observers
- Election Law Violators

¹Appendix 1, IFES Technical Assessment Report, Armenian Presidential Election, issued 8 October 1996.

- Political Party Law
- Commonality Issues
- Transparency

A continuation of the IFES Election Administration training was determined necessary, although, as with the presidential election, promises by the Yerevan Regional Electoral Commission (REC) to facilitate participation by precinct commission chairmen were never fulfilled.

Electoral Process. First stage municipal elections were conducted on 10 November, with second stage elections scheduled for 24 November. Not all communities were able to complete the election process by 24 November due to lack of candidates, court challenges, or, in one community (in Yerevan), because election officials refused to hold the election.

IFES Access. The IFES Mission was granted open access to all electoral commissions at all levels. As noted above, the CEC granted the Mission access to all precincts for the purpose of conducting technical observation. The results of the observations were compiled into a memorandum presented to CEC chairman Khachatour Bezirjian².

Election Day. Permission was sought from and granted by the CEC to allow the IFES Mission to conduct technical observation of the 10 November first-stage Municipal Elections. The observations were conducted in 21 precincts within the Yerevan and Aragotsotn regions.

² Appendix 2.

I. Introduction

A. Scope of Project

As part of the overall IFES Mission to Armenia, technical assistance was planned for both the 22 September Presidential Election and the 10 November Municipal Elections. This assistance was provided to the Central Electoral Commission (CEC) in the form of technical advice, voter education materials, election administration training programming and materials, and other items as requested. In addition to the technical assistance, IFES provided on the spot assessments of proposed regulations, election day processes, and other issues.

Following the Presidential and Municipal Elections, IFES prepared a series of recommendations for the parliamentary Committee for State and Legal Issues. This committee has been mandated with responsibility for election laws by the *Law on Regulations for the National Assembly*.

B. Country Background

Armenia is the only former Republic of the former Soviet Union to acquire independence under the provisions of the Constitution of the Soviet Union, via referendum in 1991. At the same time, Levon Ter-Petrosian, a leader of the Karabakh Committee, was elected President by a wide majority. Armenia was regarded as a leader among the former Republics in terms of democratic development. However, subsequent outbreak of hostilities between Armenia and Azerbaijan over the disputed Nagorno-Karabakh territory, and the resulting blockade by both Turkey and Azerbaijan, forced Armenia into a siege environment which disrupted normal democratic development.

Six months prior to the July 1995 parliamentary elections, President Ter-Petrosian unexpectedly issued a decree banning the Armenia Revolutionary Federation-Dashnaktsyn (ARF) on the basis of allegations of terrorism and threats to overthrow the government by force. The ARF was, at the time, one of the most vocal and organized opposition parties in the country and had been expected to do well in parliamentary elections. The ban, which was supposed to be effective for only six months, remains in effect more than two years later.

The parliamentary elections, held in conjunction with the referendum on the new constitution, were observed by the United Nations (UN) and the Organization for Security and Cooperation in Europe (OSCE). A domestic observer organization consisting of five non-governmental organizations (NGOs) under the umbrella organization of "Vote Armenia" also took part in observing the election. The resultant reports of those organizations alleged numerous cases of voter and candidate intimidation prior to election day and numerous cases of fraud in the vote counts, questioned the integrity of the electoral process.

IFES provided technical assistance during the parliamentary election, developing voter education materials and publications, as well as an election administration training document.³

In the spring of 1996, the National Assembly passed the *Law on the Election for President of the Republic of Armenia* and the *Law on the Election for Self-Governing Bodies* to provide for the conduct of the presidential and municipal elections. In both laws, provisions were added which strengthened transparency, pre-election campaigning, and the structure of the electoral commission. Unfortunately, domestic observer organizations were deliberately excluded from the law.

The pre-election campaign proceeded very smoothly and was a considerable improvement over the 1995 election. On the actual voting day, 22 September, the process was conducted with minimum problems. Beginning with the closing of the polls, however, the situation deteriorated rapidly as reports of intimidation, obfuscation and outright vote fraud began to circulate. The transparency of the vote counting process was seriously compromised by the existence of pre-stamped and pre-signed vote summary protocols, by apparent irregularities in the correspondence between the official numbers of coupons and ballots, and by procedures surrounding military voting which international observers called significant attention to. The situation was further compounded by the lack of any official CEC investigations into the allegations of fraud, and by the fact that official precinct level results were never fully made public by the CEC.

During the three following days, opposition protests grew in number to the tens of thousands, culminating in an assault on the National Assembly building (which also houses the CEC) on the evening of 25 September in which the Chairman and one Vice Chairman of the National Assembly were injured. Several hours after the assault, President Ter-Petrosian issued a decree banning public meetings and effectively placing the capital city under martial law. The next day, an extraordinary session of parliament was held in which the leaders of the main opposition parties were stripped of their parliamentary immunity. During this session, which was broadcast live on nationwide television, some of these parliamentarians were physically assaulted on the floor of the National Assembly by Ter-Petrosian deputies.

Following these events, the major opposition parties, including the Communist Party of Armenia, stated that they would not formally participate in the municipal elections, but would not restrict individual party members from seeking municipal office as independent candidates.

Subsequent to these events, IFES conducted a review of the situation at that time and concluded that efforts to strengthen democratic institutions, specifically the electoral process, would be enhanced by continued involvement. As a result, IFES developed the following areas of focus with a series of recommendations to provide technical assistance during the run up to the municipal elections:

³ Appendix 3.

Regulatory Resolutions

- Construct a timetable to establish exact deadlines for precinct and community activities;
- Establish precise formats for submission of data from regions to CEC (e.g., submission of precinct population, location and numbering data);
- Establish precise formats for reporting preliminary data to superior level commissions (e.g., development of official tally sheets for preliminary reporting);
- Establish automatic triggers for recounting ballots in event of discrepancies of plus/minus 1% of the vote;
- Develop CEC resolution regarding checking and rechecking precincts whose protocols do not match, who report late, and in which there is the appearance of huge voter turnouts in the final 30 minutes;
- Establish voter intent as guide for declaring ballots invalid (e.g., an ink dot in a circle other than the obvious choice of the voter should NOT be considered sufficient to declare a ballot invalid);
- Redesign protocol sheets to better reflect the information requested by the CEC (e.g., CEC established by resolution that entries on protocols should be in both alpha and numeric formats--69, sixty nine);
- Re-write resolution regarding proximity of police presence: only ONE should be allowed to be near (NOT in) the voting center; and
- Review existing resolutions to confirm successful elements.

Reaffirmation of critical points of law

- Posting of precinct protocols;
- Continuity of counting period;
- NO unauthorized personnel in voting area (e.g., no mayors, no police chiefs, no Ministry of Interior plainclothesmen, no political party representatives other than authorized proxies, etc.); and
- Reconfirm that vote counts will be done at precinct voting centers (NOT in police stations).

Availability of documentation

- Copies of all minutes of meetings, resolutions, and documents authorizing actions by any electoral commission MUST be made available to ALL commission members.

Training for Municipal Elections

- Focus training efforts on Community Electoral Commissions; revise training manual to reflect municipal election law and conduct another series of training sessions.

Media Access

- Possibly conduct more televised "town hall" meetings for the municipal elections.

Supplementary Materials

- Develop and print "Rights of a Voter" poster outlining major rights of the voter when casting a ballot; and
- Develop and print "Who Should Be in the Voting Center" poster, detailing, according to the law, who should be allowed in the polling place.

C. Local Government Structure

There is only one layer of local government, consisting of 918 individual units called communities, which fall within the borders of 10 separate regions (Marzs). The Marz administrations are appointed by the president upon recommendation of the prime minister. In the city of Yerevan, which carries the status of a Marz, there are 12 additional units, called districts, for a total of 930 municipal entities. While each of the 12 districts have their own district leaders, the Mayor of Yerevan, is appointed directly by the president and carries the same powers as a regional administrator (Marzpet). All Marzpets have the power to petition the Government to remove local elected officials.

II. Local Election Process

A. The Law

The law governing this election is the *Law of the Republic of Armenia on the Elections of Local Self-Governing Bodies (hereinafter the Law)*⁴, written by the Committee for Legal and State Issues of the National Assembly of the Republic of Armenia, Edward Yegorian, Chairman. This Law was passed by the National Assembly and signed into law by the President of the Republic of Armenia, Levon Ter-Petrosian, on June 10, 1996.

Prior to the passage of this Law, all local authorities were appointed, first by the local soviets under the Soviet Constitution (used until the passage of the current constitution in 1995), then by the Central Government during the interim period prior to the 1996 elections.

B. Communities

There were two ballots on which voters cast their votes, Community Leader, and Community Council Members.

Community Leaders (mayors) were to be elected in 918 communities in the Republic, with an additional 12 district leaders elected in the city of Yerevan.

Community Council Members were to be elected at the same election. Communities of populations under 5,000 were to elect eight-member councils, communities of populations between 5,001 and 20,000 were to elect ten-member councils, and communities of populations over 20,001 were to elect 15-member councils.

- Communities under 5,000 in population have one Community Council district; all eight members were to be elected on one ballot
- Communities with 5,001 to 20,000 in population have two voting districts; each district was to have one ballot, each electing five members
- Communities with 20,001 to 45,000 in population have three voting districts; each district was to have one ballot electing five members
- Communities with populations over 45,001 have five majoritarian voting districts, each electing three members.

⁴ Appendix 4.

III. Election Preparation

A. Registration of Candidates

Candidates for Community Leader and Community Council Member are able to nominate themselves upon submission of an application for nomination and payment of an electoral deposit.

Electoral deposits for Community Leader and Community Council Member vary by population:

Community Leader		Community Council Member	
<i>Population</i>	<i>Deposit</i>	<i>Population</i>	<i>Deposit</i>
under 1,000	4,000 Drams	under 1,000	500 Drams
1,001 to 5,000	10,000 Drams	1,001 to 5,000	1,250 Drams
5,001 to 10,000	20,000 Drams	5,001 to 10,000	2,000 Drams
10,001 to 20,000	40,000 Drams	10,001 to 20,000	4,000 Drams
20,001 to 45,000	100,000 Drams	20,001 to 45,000	6,000 Drams
45,001 to 75,000	100,000 Drams	45,001 to 75,000	6,000 Drams
over 75,000	300,000 Drams	over 75,000	20,000 Drams

The electoral deposit is returned for all winning candidates for Community Leader and Community Council Members. It is also returned to those Community Leader candidates who receive more than 15 percent of the votes cast and those Community Council Member Candidates who receive more than five percent of the votes cast. All other electoral deposits are transferred to the State budget.

In addition to the electoral deposit, candidates provide nomination documents, in the manner set out by the Central Electoral Commission (CEC), which include certificate of citizenship in the Republic of Armenia, receipt for payment of electoral deposit, and certificate of residency. Additionally, the Community Electoral Commission (CoEC) is responsible for obtaining verification of timely tax payments for the previous three years.

Refusal to register a candidate requires a 2/3 vote of the CoEC membership. A candidate terminating candidacy must do so no later than 5 days prior to the voting.

B. Voter Lists

In each community, voter lists are compiled by the respective municipal jurisdiction (in Yerevan, the city mayor's office is responsible for voter lists prior to the formation of city district communities) consisting of two sections. First, the permanent residents of the community are included; and second, tax qualified voters, based on three years good standing as a taxpayer within the respective municipal jurisdiction.

Based on the general lists of voters, the CoEC compiles five copies of lists of voters by precinct and allocates them to precinct commissions.

Each voter was included on only one list of voters per electoral precinct. The first and last name of voter, his/her address, and date of birth are entered onto the lists of voters which includes those who would be 18 years old by election day.

C. Electoral Commissions

Elections are administered by appointed electoral commissions formed according to the Law. The electoral commissions for municipal elections are the CEC, the Regional Electoral Commissions (RECs), the CoECs and the Precinct Electoral Commissions (PECs). The principles and procedures for forming CoECs is found in the *Law of the Republic of Armenia on the Elections of Local Self-Governing Bodies*. The formation, principles and procedures of all other electoral commission are found in the *Law on Elections for President of the Republic of Armenia*.

Central Electoral Commission (CEC)

The CEC, under Article 8 of the Law, is formed based on the nomination of factions represented in the National Assembly. Each faction nominates two candidates for each party in the faction.

The CEC is comprised of 20 members, with 12 members from the Republic Bloc (Armenian National Movement, Armenian Christian Democratic Union, Liberal-Democratic/Ramkavar Party, Social Democratic-Hinchak Party, Intellectual Armenia, and Republican Party), two members from the Shamiram Party (which is closely allied to the Republic Bloc), two members from the National Democratic Union, two from Union for National Self-Determination, and two members from the Communist Party of Armenia. The combination of the Republic Bloc and the Shamiram Party creates an election administration organization weighted heavily in favor of the ruling bloc.

Nominees for membership on the CEC are submitted to the Chairman of the National Assembly. The Chairman verifies the legality of the nomination and submits the list of nominees to the Government, which in turn approves the nominees, as prescribed by the decrees of the President of the Republic.

The Chairman of the CEC is elected from the CEC membership, and is not dependent on approval by the Government. The eldest appointed member of the CEC chairs the first meeting until the new Chairman is elected. The current Chairman is Khachatour Bezirjian of the Armenian National Movement, lead party of the ruling Republic Bloc⁵.

Article 12 of the *Law of Elections of Local Self-Governing Bodies* gives the CEC its authority. The CEC is the body which organizes and conducts oversight of the elections. It is authorized to:

- Manage the united fund allocated for the elections, disburse the finances among the Electoral Commissions, oversee the allocation of office space, furnishings and other material and technical assets;
- Pass and publish the decisions and mandates on the procedure for the preparation and conduct of elections and on measures for the summarization of election results, and oversee their implementation;
- Determine the layout of election documentation, including ballots, ballot boxes, specimens of seals, and the procedure for completing and filing documentation;
- Determine the consecutive number of each REC;
- Attend to reports of the Electoral Commissions and corresponding government bodies concerning the implementation and preparation of elections;
- Issue accreditation to foreign observers;
- Elect and recall its own Deputy Chairman and Secretary;
- Appeal to respective competent state bodies in case of violations of the law; and
- Exercise other powers as prescribed by the law.

Although the formation of the Electoral Commissions is governed by the *Law of the Election of Local Self-Governing Bodies*, the powers granted the CEC are much less than the powers granted under the *Law of the Election of the President*.

One power not granted to the CEC for the municipal elections was that of issuing accreditation to representatives of mass media. For the presidential elections, the CEC had opposed accreditation at the local level as it was not according to law, and maintained that the mass media

⁵ Appendix 5

would be treated more fairly if accredited by the CEC. The CEC did accredit all media which so applied.

Regional Electoral Commissions (REC)

Each of the ten Marz (administrative regions) has one REC. These regions are Aragatsotn, Armavir, Ararats, Gegharkunik, Kotaik, Lori, Shirak, Syunik, Tavush and Vayots Dzor.

The formation of the RECs, according to Article 9 of the Law is much like that of the CEC, with each faction represented in the National Assembly nominating two candidates for each party included in the faction for each Marz REC. Under the Law, the RECs are comprised of 20 members, with 12 members from the Republic Bloc, two members from the Shamiram Party, two members from the National Democratic Union, two from Union for National Self-Determination, and two members from the Communist Party of Armenia. The combination of the Republic Bloc and the Shamiram Party create an election administration organization weighted heavily in favor of the ruling bloc at the regional level.

Nominees for membership on the REC are submitted to the Chairman of the National Assembly. The Chairman verifies the legality of the nominations and submits his verification to the CEC Chairman. The CEC Chairman approves the membership. The REC Chairman is elected at the first meeting of the REC⁶. The chair of this meeting, a member of the REC, is authorized by the Chairman of the CEC. If the REC does not elect a Chairman at its first meeting, the Chairman is appointed by the CEC from among the members of the REC within three days from the date of the forming of the REC. If no Chairman is appointed in this fashion, then the Chairman of the CEC appoints the Chairman of the REC from among the REC members within two days. All RECs were chaired members of the ruling bloc, which even resorted to *force majeure* to revoke earlier votes for Chairman and install Republic Bloc chairmen.

Article 13 of the *Law of the Election of Local Self-Governing Bodies* lists the responsibilities of the Regional Electoral Commissions. The RECs are empowered to:

- Oversee the implementation of the Law by subordinate Electoral Commissions in its region;
- Announce the date of elections;
- Form Community and Precinct Electoral Commissions, and make changes in their membership;

⁶ Appendix 6

- Form the boundaries of electoral districts and precincts by the presentation of local self-governing bodies and set the location of the polling place;
- Determine the consecutive numbers of voting districts and precincts as prescribed by the CEC;
- Provide the subordinate Electoral Commissions with materials and technical assistance, organize, in the prescribed manner, the preparation and conduct of the elections, oversee the implementation of the elections, and provide subordinate Electoral Commissions with office space, furnishings, transportation, electricity, communications equipment and other necessary items;
- Follow the transfer of lists of voters to the respective Electoral Commissions (ECs) and submit those lists for public review;
- Provide subordinate ECs with necessary electoral documentation;
- Change the place of voting in case of technical problems;
- Discuss applications and complaints on decisions and actions of the subordinate ECs, and revise or cancel decisions of subordinate ECs which contradict the law;
- Elect and recall the Deputy Chairman and Secretary of the RECs;
- Appeal to respective competent state bodies in case of violations of this law

Unlike the CEC, powers granted the RECs under the *Law of the Election of Local Self-Governing Bodies* are greater than the powers granted under the *Law of the Election of the President*.

Community Electoral Commissions (CoEC)

Under Article 10 of the *Law of the Election of Local Self-Governing Bodies*, CoECs are comprised of at least 9 members, and are based on nominations by members of the respective REC with every two members of the REC nominating one candidate. If the two members of each party nominated one candidate, the division among parties would be the same as in the superior ECs. If two members of the REC fail to appoint CoEC members or the membership falls below nine members, the Chairman of the REC appoints the missing members.

The Chairman of the CoEC is chosen from among the membership of the commission at its first meeting. If the CoEC does not elect a Chairman, then the Chairman is appointed by the REC Chairman from the commission. It was reported that large numbers of CoECs did not elect their own Chairman, but had one of their members appointed by the Chairman of the REC of their Marz.

Article 14 of the *Law of the Election of Local Self-Governing Bodies* establishes the powers of the CoEC. CoECs are empowered to:

- Oversee the implementation of this law by the Precinct Electoral Commissions;
- Discuss complaints and applications received concerning the decisions and actions of PECs; revise or cancel decisions which contradict the law;
- Supervise the compilation of voter lists by local self-governing bodies; compile the lists by precincts; pass them to the PECs and supervise the general notification of the lists;
- Prepare the buildings, booths, ballot boxes and other equipment for voting;
- Register and issue certificates to nominated candidates for Community Leaders and Council members, evaluate registrations as void or valid as prescribed by law; register and issue certificates to the proxies of the Community Leader and Council member candidates;
- Accredite the representatives of mass media as prescribed by the CEC;
- Organize the publication on an equal basis of biographies and pre-election programs of the candidates for all offices;
- Reveal, summarize and approve the results of the elections of local self-governing bodies; conduct checks in cases prescribed by law; recognize the elections as having taken place, invalid or not having taken place, if grounds as prescribed by law are justified;
- Issue certificates to elected Community Leaders and Council members;
- Elect and recall its own Deputy Chairman and Secretary; and
- Appeal to designated state bodies in case of violations of the law.

Precinct Electoral Commissions (PEC)

Article 10 of the *Law of the Election of Local Self-Governing Bodies* describes the structure of the PEC. The PEC is comprised of at least 15 persons. Nominees for the positions are derived from the REC with each member nominating one candidate. If a member of the REC does not nominate a PEC member and the number of members on the PEC is less than fifteen, then the Chairman of the REC appoints the required number of members.

The selection of the Chairman of the PEC is done exactly as the selection of the Chairman of the CoEC. There are no quorum requirements, and many Chairmen were elected without quorum or were appointed by the Chairman of the REC.

The PEC is authorized (under Article 15 of the Law) to:

- Ensure that voters are able to review the voter lists;
- Accept and discuss complaints on inaccuracies of the voter lists and resolve any disputes by adjusting the lists;
- Inform the voters of the location of the precinct, the day of the elections and the working hours of the commission;
- Organize the voting process, summarize the results of voting (e.g., participation, disputes, procedures, etc.) and submit the results to the CoEC; and
- Elect and recall its own Deputy Chairman and Secretary.

Termination of membership of Electoral Commissions

When the *Law for the Elections of Self-Governing Bodies* was being written, there was concern about the provisions for changing membership in the Electoral Commissions. As this law comprised the governing statutes for Commissions for both the Presidential and Local Body elections, discussion relates to both elections.

It is not easy to manipulate the membership of the CEC. This public body is the only one with powers emanating from the Republic, as public scrutiny deters manipulation.

The CEC Chairman can be terminated by the CEC by a majority of votes of its members. Since the Chairman was elected by Republic bloc CEC members, only under special circumstances would he be removed.

CEC membership can be terminated upon written personal request, or if the member has missed three consecutive sessions without cause.

Factions which nominated members originally may make substitutions if members have applied for premature termination, were absent as described above, or have died. The Secretary of the CEC must advise the faction leader in writing when a CEC member has missed two consecutive meetings so that the faction may present new nominations in a timely manner. The nominations must be done quickly. If new nominations are not received within the designated time period, the faction loses its right to nominate. However, vacancies are not filled unless the number of the respective Electoral Commission falls below the mandated minimum membership requirement: CEC-7; REC-7; CoEC-9; and PEC-15.

Delivery of Ballots, other materials

Voting documents are distributed and received by the Electoral Commissions through mandatory register entries which include the signatures of both the presenter and the recipient. Receipts are also issued.

Ballots are allocated to the Electoral Commissions in numbers equal to the total number of voters on the voter list, plus 50 percent.

All electoral documents, following summarization of the election results, are sent to the REC within three days. The REC provides security for the documents for two months from the day of summarization and, in the case of a legal disputes, until a final court decision is adopted.

IV. Voting Process

A. Prior to Opening the Polls

In setting up precincts, there must be a sufficient number of voting booths or rooms to ensure the secrecy of the ballot. A minimum of one booth or room complete with a table for marking the ballot is required for every 500 voters. Additionally, there should be one table per 1,000 voters for registration of voters, and one table per 1,000 voters for validation of ballots. No precinct can have more than 3,000 voters.

Prior to election day, the Precinct Electoral Commission (PEC) determines who will distribute the ballots, who will register voters and validate ballots with the PEC stamp, and what the working shifts of these PEC members. The members who perform these tasks are selected at random and registered in the precinct record. For each 1,000 voters, two members of a PEC are assigned these tasks.

In setting up the polling place, the ballot box and registration and validation tables must be placed in a location visible to a majority of those entitled to be in the precinct (i.e., PEC members, candidate proxies, international observers, and members of the media).

B. Opening the Polls

Prior to opening the polls on the day of the election, the PEC Chairman, in the presence of PEC members and those entitled to be present, performs the following tasks:

- Checks, closes and seals the ballot box;
- Distributes one list of voters to each PEC member responsible for voter registration and to the PEC member responsible for distributing the ballots;
- Distributes the number of ballots equal to the number of voters in the voter lists to the PEC members responsible for distributing the ballots;
- Verifies the integrity of the envelope stamped by the REC which contains the stamp for validating the ballots, and enters the envelope number in the registry;
- Opens each envelope and verifies that the seal of the packing stamp which assures the integrity of the ballots has not been broken; and
- Breaks the seal of the stamped package (which assures the integrity of the ballots), registers the serial number and the number of the stamp and gives it to the PEC member responsible for the registration of voters, thus assuring the integrity of the ballots.

These actions are conducted in consecutive sequence. Once these actions are completed, a report is issued documenting these actions.

The polls are open on election day from 8:00 to 22:00.

C. Process of Voting

Each voter presents his/her passport or other photo identification to the commission member distributing the ballots, who checks it, identifies the voter's name on the voter list, notes the number of the voter from the voter list on a coupon corresponding to the official format, and gives the completed coupon and one of each of the ballots for Community Leader and Community Council Member to the voter.

The voter then enters the designated booth or room to mark the ballot in secrecy. At least two extra blank ballots must be available in the voting booth or room at all times in case a voter incorrectly marks the ballot.

If a voter is physically incapable of completing the ballot, the voter may invite another person to assist, excluding commission members or candidate proxies. At all other times, the presence of unauthorized persons in the voting booth or room during completion of the voting process is prohibited.

The voter marks the ballot next to the name of the candidate for whom he or she is voting. If the voter opposes all candidates then the line "I disagree to all" is marked. This line appears after the names of the candidates.

When only one candidate is running for Community Leader or Community Council Member, the voter marks the line "I agree" if voting in favor, or marks the line "I disagree" across from the name of the candidate if opposed to that candidate.

After completing the ballot, the voter folds it, exits the voting booth or room, and takes the ballot to the table designated for registering and stamping ballots. The commission member responsible for registering and stamping ballots checks the name and number of the voter against the voter list, based on data on the voter's coupon, checks their passport or other proof of identity. The voter signs the voter list. The commission member then stamps the voter's ballot without taking it from the hands of the voter, and then the voter places the ballot in the ballot box and departs.

After leaving the voting booth or room, the voter may not return to it or open the marked and folded ballot.

V. Completion of Voting

A. Closing the Polls

The Chairman of the PEC seals the top of the ballot box at 22:00, lets out all unauthorized persons, and closes the polling place. After closing the polling place, the Precinct Electoral Commission members prepare to summarize the results of the voting through the following steps:

- The Chairman of the PEC packs and seals the stamp or stamps (used for assuring the integrity of the ballots), and notes the number of the electoral precinct and the serial number of the stamp on the outside of package;
- The total number of voters participating is tabulated, based on the original and supplemental voter lists from the pre-registration and validation tables (before voting);
- The number of registered voters is counted, based on the signatures on the original and supplemental voter lists from the post-registration ballot validation tables (after voting), after which this list is sealed; and
- The ballot box is then opened.

The PEC then begins tabulating the ballots and summarizing the results.

B. Counting of Ballots

Each of the following steps of the tabulation and summarization process is implemented consecutively, following the completion of each corresponding protocol. Each step requires a separate protocol which is compiled in duplicate and signed by the members of the PEC present at the session. One copy is sealed with the documents on which it is based.

The PEC Chairman takes out one ballot from the ballot box, declares loudly the verification of the ballot by a stamp corresponding to the approved specimen, the invalidity of the ballot, or the failure to correspond to the approved specimen. In case of a valid ballot, the PEC Chairman announces in whose favor the ballot is cast. The ballot is then passed to other members of the PEC. In case a PEC member disputes the opinion of the Chairman, that PEC member presents an objection, which is then voted upon.

The PEC Chairman puts the ballot in the stack of votes for the appropriate candidate in favor of whom the ballot is voted, in the "against everybody" stack, the "invalid or not corresponding to approved ballot specimen" stack, or in the "not verified by a stamp corresponding to approved specimen" stack based on the vote (in case of an objection). Then, the Chairman takes out the next ballot from the ballot box.

These actions are repeated for all ballots present in the ballot box separately for the elections of the Community Leader and Community Council Member. During the sorting procedure, the commission members may not take notes or have pens, pencils or other marking instruments with them.

After sorting all ballots in the ballot box, the PEC Chairman in the presence of the PEC members, counts the ballots one-by-one separately for the elections of the Community Leader and the elections of the Community Council Members, those not verified by a stamp corresponding to approved specimen, recognized as invalid and corresponding to the approved specimen, against all candidates, and the number of votes in favor of each candidate. Based on the results, the total number of valid ballots present in the ballot box and the total number of votes given in favor of candidates is calculated.

The counted ballots are packed as sorted and sealed.

C. Summarization of Results

The final protocol for summarizing the precinct results is compiled in duplicate, based on data from the separate protocols. One summary protocol is prepared for the elections of the Community Leader and one for the elections of the member of the community council.

The following is entered on the protocol summarizing the results of voting:

- The total number of voters, based on the voter lists;
- The number of registered voters, based on voter signatures;
- The number of valid ballots present in the ballot box;
- The number of canceled ballots and ballots not corresponding to approved specimen;
- The number of votes given in favor of each candidate;
- The number of ballots against all candidates; and
- The total number of votes given in favor of candidates.

The verified numbers from the protocol are then announced.

The protocol is signed by all commission members present at the session and stamped by the chairman of the commission. If a commission member has a dissenting opinion on the process of voting or on the results, it is indicated by a corresponding note near the commission member's signature, presenting this opinion in writing, which is then attached to the protocol.

Refusal to sign a protocol by a commission member is registered by the commission and attached to the protocol summarizing the results of the voting.

A session of a Precinct Electoral Commission cannot be interrupted from the moment of termination of voting until the compilation of the protocol summarizing the results.

After the completion of the session, the Chairman makes public the results of the voting in the precinct.

A copy of the protocol summarizing the results of the elections in a precinct is posted in the center of a precinct in a place visible to all. The Chairman of the Precinct Electoral Commission then immediately submits one copy of the protocol of summarizing the results of the voting, the stamp or stamps for verification of the ballots, and the sealed electoral documents to Community Electoral Commission.

Upon the request of a candidate's proxy or an accredited foreign observer, a copy of the summarization protocol is given, verified by the signatures of the Chairman of the PEC or the Secretary and validated with the PEC stamp.

D. Second Round Elections

Failure to obtain a majority of votes in the first round on 10 November required the two top candidates for Community Leader to participate in a second round election on 24 November. Second round elections for Community Council Members were held only for seats not filled in the first round. If the number of candidates running was less than 50 percent of the number of seats available in that district, the first election is then declared void and a new first round of voting is conducted. It is for this reason that, as of 1 April 1997, there are still some municipalities in Armenia which have yet to complete their elections. In one case, the Nork Marash district of Yerevan has failed to conduct any form of election at all, the CoEC has, on two separate occasions, refused to conduct the election at all. The current discussions on the development of a comprehensive electoral code indicates that in the future, municipal elections may be based on a winner-take-all formula, eliminating the need for second round elections.

Immediately following the 10 November election, the following second round elections were declared as necessary.

Region	Community Councils	Community Leaders
1. Aragotsotn	41	1
2. Ararat	20	0
3. Armavir	9	3
4. Gegharkunik	11	0
5. Yerevan	1	6
6. Lori	27	2
7. Kotaik	5	0
8. Shirak	25	3
9. Syunik	23	16
10. Vayot Dzor	15	2
11. Tavush	11	0
Totals	33	188

As of 1 April 1997, elections for Community Leader and for Community Council remained undecided several communities.

E. Court Cases

Court challenges of local election outcomes occurred in all regions of Armenia with the exception of the Tavush region. In the regions of Armenia outside of Yerevan, many elections were invalidated by decisions of the courts.

Yerevan communities had the highest number of court challenged elections. The following are reviews of election challenges monitored by IFES.

Achapniak. The second stage election between Torgom Madoyan, party affiliation ANM, and Paruyr Karapetian was appealed by the "loser" Paruyr Karapetian. This case was heard in the Mashtots District Peoples' Court, Slavik Sarkissian, Judge. IFES was in attendance at most sessions of this court.

Much evidence was introduced to show that many of the "voters" had not in fact voted, that they were dead, living in the United States, or other countries. One of the most telling things about the judgment of this case was based on the appeal by the plaintiff that an examination of the signed voter lists be done. The defendant, the Achapniak Community Electoral Commission, pled that to investigate the signed lists of voters would be to undermine the secrecy of the ballot. The judge agreed and the examination was not allowed.

Despite proxy protocols issued the night of the election which indicated a different result⁷, the judge found on behalf of the defendant, and suggested that if the plaintiff was not satisfied that an appeal be made to the Supreme Court. That appeal has been made.⁸

Nork Marash. The first election was not held on 10 November because most Precinct Electoral Commission members did not appear at the polling places to conduct the election. The absence of these members was due to perceived threats to their personal safety. A first election was subsequently held on November 24, and the winner was Vardges Hayotsyan, ANM and National Assembly member, who was reported as a non-resident of the Nork Marash Community.

This election was appealed to the Miasnikian District People's Court, Judge Marat Katvalian. The election was judged invalid on 19 December.⁹ A new election was scheduled for February 9, but once again precinct officials failed to report.

The plaintiff, Armen Armenakian, a member of the National Assembly and Reform group, had copies of the signed voter lists. The plaintiff found, without investigating the entire list, a group of 700 people who had signed but were dead, out of the country, in prison, or in the army (thus not allowed to vote). As in the Achapniak case, the defending CoEC attempted to deny access to the signed voter lists, saying it would undermine the secrecy of the ballots, which the judge refused to accept. Furthermore, the judge himself stated he had personally sent two people to prison who were recorded as having voted that day.

Other complaints presented in the case included the removal of names from the House of the Aged which had been included on voter lists for the presidential election; the commission members had been changed from those of the presidential election and the 10 November election; opposition proxies were not allowed the same access as the winner's proxies.

Erebuni. The election was challenged in district court, where testimony was given by the Chairman of Precinct 24, who testified that a group of unknown people had burst into the

⁷ Appendix 7.

⁸ Appendix 8.

⁹ Appendix 9.

precinct at 19:40 and began to stuff the ballot box. His first thought was to stop the election, but decided to continue the election and investigate later. When the ballot box was opened, members found 260 ballots with red validating stamps in favor of Ararat Khrimjan. (This precinct was using blue ink to validate its ballots) According to the results in this precinct Khrimjan got 193 votes. When the commission was filling in the protocols, they wrote in front of Khrimjan's name, 193+260 votes. The Chairman could not answer the plaintiff's question as to why he wrote 260 votes, except that it was written separately to display that 260 ballots were not normal. But when the summarizing protocol was written, instead of 193+260, 453 was written. When the district court judge upheld the election, the plaintiff sued the judge and the case was appealed to the Supreme Court, which also upheld the election.

VI. Observers

A. IFES Technical Observation

IFES conducted technical observation of 21 precincts in both Yerevan and the Aragotsotn region. The primary concern of these technical review visits was to determine areas of need during the preparation of recommendations to the National Assembly concerning the proposed Universal Electoral Code. Also, several possible areas of technical assistance to the Central Electoral Commission were noted, dependent on the final outcome of the Universal Electoral Code legislation.

IFES visited a number of precincts in Yerevan and Aragotsotn regions, reviewing polling place layout, use of space, voting procedures, availability of election administration materials, and other issues, as noted. Precinct officials were also asked if they had suggestions for consideration in preparing the Universal Electoral Code.

For the most part, the voting process proceeded normally, although it was the general consensus of precinct workers that voters found the ballot process cumbersome and sometimes confusing. Almost all suggested developing a simpler ballot process. At least two precincts failed to understand the critical need to keep the task of issuing ballots separate from the task of validating ballots (6/14 and 11/8 in Yerevan). This lack of understanding left these precincts open to later challenges from candidates.

The concept of process layout, i.e., the path followed by voters from the moment they enter the polling place, are registered and receive the ballots, enter the voting booth, present the back of the ballot for validation, drop the ballot into the ballot box, and finally exit the polling place, presented some space and layout problems. Examples of poor layout included setting the ballot box and validation desk at the entrance of the polling place (Yerevan 1/12), which caused incoming voters to walk between outgoing voters and the ballot box. By placing the ballot box in such a traffic area, it allows for the possibility of ballot box tampering by unauthorized individuals.

One disconcerting event occurred in a precinct where the preparations seemed poor (Yerevan 6/38). The voter registration list at the validation desk had an extra hand-written page of 15 supplemental voters. When this additional page was questioned by a proxy and by IFES, the precinct official at the desk stated that it was a mistake and began to crumple it up, evidently not understanding the IFES question of whether or not the voters were transferred to the correct pages. The precinct chairman came over, took the document out of her hand and started to tear it up, which IFES suggested would be the wrong thing to do.

There was an official from the Regional Electoral Commission on site who mediated the question, but it was probable that there was possibly a false list, or a genuine list possibly ignored which would create a problem in that precinct, should the results be appealed. Additionally, there were

only two booths, neither of which had sufficient provision of secrecy, and the room where the precinct chairman had offices had a table with a number of empty vodka bottles on it. It cannot be ascertained whether or not the contents were consumed on election day, but it did raise questions as to the voracity of the precinct chairman and, possibly, others.

Precinct Visits -- Yerevan

- 1/1 Turnout relatively low (440 out of 2333 voters by 19:50). There were a sufficient number of voting booths, but space problems resulted from an unsatisfactory process layout. The chairman had received the IFES book, but was never notified about the IFES training session held on Tuesday, 5 November. General comments about the process focused on the complexity of it and the inordinate length of the voting day (8:00 to 22:00).
- 1/6 Turnout moderate (570 out of 2656 voters by 15:35). There were several problems with extra ballots in voting booths, including an incident witnessed by IFES in which a man tried to vote 4 ballots at once, but was spotted by the precinct chairman upon taking the extra ballots to the validation table. The precinct chairman confiscated the 4 ballots and tore them up in front of the precinct committee. The voter was issued the correct number of ballots and allowed to vote properly, although there had been some consideration given to not allowing the voter to vote at all. General comments focused on the poor quality of the ballot papers (allowing anyone to see how a voter voted, even when the ballot was folded), plus the extra ballots in the voting booths amplified the problem of people attempting to vote too many ballots. IFES also noted that the precinct officials were "pre-folding" the ballots prior to issuing them to voters, leaving open the possibility for pre-marked ballots to be introduced into the system. Finally, while no police had been seen by IFES during its visit to the precinct, a proxy reported that there had been a conspicuous police presence up to 14:00.
- 1/9 Turnout relatively low (540 out of 2033 voters by 18:50). Good process layout which facilitated movement of voters, despite limited space. The precinct official had an IFES manual on hand, but had received no word of the IFES training session. There had been a dispute between two proxies, but IFES did not witness any problems during the visit to the polling place. There was a small crowd of men outside the polling place, with walkie-talkies, and a considerable amount of discussion with a number of cars that came and left the polling place without ever stopping and voting. General comments focused the on complexity of the voting process.
- 1/10 Turnout relatively low (560 out of 2260 voters by 19:25). Relatively good process layout, with some delay at one particular desk. The precinct chairman explained that this was due to older citizens not understanding the voting process. Voter lists were posted, but precinct chairman complained that the lists for this election were in worse shape than the ones for the presidential election, noting that a number of deceased voters not available

for the presidential election were suddenly available in the municipal election. The precinct had received an IFES manual, but was never notified of IFES training.

- 1/11 Turnout relatively low (230 out of 1347 voters by 19:35). Process layout very good and working well. Precinct chairman indicated no problems. The precinct had received the IFES manual but had not heard about IFES training.
- 1/12 Turnout moderately low (664 out of 2570 voters by 19:10). As noted above, precinct layout was not satisfactory. The PEC Chairman indicated dissatisfaction with the number of proxies, and commented on the complicated voting process. The precinct had received the IFES manual, but had not heard about IFES training. As in precinct 1/9, there was a large group of men outside polling place, milling around.
- 1/29 Turnout moderate (approximately 500 voters out of 2400 reported by precinct chairman by 13:00, but not confirmed). The Chairman refused to allow IFES to review the precinct except for the designated proxy area. The polling place was disorganized and confusing. Unidentified men were stopping and talking to voters at the entrance of the polling place, but no policemen were in evidence.
- 3/9 Turnout extremely low (172 out of 2560 voters by 14:50). Candidate posters were posted in the front entrance to the polling place. The process layout was satisfactory, but hampered by the extremely small area provided for the polling place. General comments focused on the lack of any kind of voter information about the candidates and the complexity of the voting process. The Precinct had received IFES manual, but had not heard about IFES training.
- 3/16 Turnout relatively low (330 out of 2620 voters by 14:30). This was one of the best organized precincts in Yerevan (could be used as a model for others in terms of organization and process layout). The most noticeable feature was the use of laminated photo ID badges for all precinct personnel. General comments focused on the unnecessary complexity of the voting process. The precinct had received the IFES manual, but had not heard about IFES training.
- 5/1 Turnout relatively low (250 out of 2220 voters by 13:35). The Chairman had no comments to make, nor any problems to report, although the telephone did not work. The process layout was very good with voting proceeding in an orderly manner. The Precinct had received the IFES manual, but had not heard about IFES training.
- 6/10 Turnout moderately low (97 out of 1300 voters by 12:40). The Precinct was well laid out, with voter lists accessible and visible to all. There was a large contingent of proxies. The Precinct had not received the IFES manual, nor heard about IFES training.

- 6/14 Turnout relatively low (202 out of 2464 voters by 12:25). The precinct polling place was located in an area far too small for the number of potential voters. This was complicated by a poor process layout, including the incorrect use of precinct officials who were both issuing and validating ballots.
- 6/16 Turnout relatively low (241 out of 2206 voters by 14:20). The PEC Chairman stated that there were absolutely no problems in the precinct, although he commented that there was a general lack of voter information on the candidates and the office up for election. The Precinct had received the IFES manual, but had not heard about IFES training.
- 6/38 Turnout extremely low (176 out of 2212 voters by 13:55). As mentioned above in the General Comments section, there were some questionable actions taken at this polling place by the precinct chairman, though it is unclear whether the actions were based on intent or ineptitude. The precinct had received the IFES manual, but had not heard about IFES training.
- 6/40 Turnout unreported at 9:30, but purpose of visit was to ensure that precinct was open and operating after reports that none of the four precincts in Nork Marash (Community 9) were to open at all. IFES observed a voter casting his ballot, and noted that he did not sign the validation list until after receiving and casting his ballots.
- 9/1-4 The Nork Marash Community failed to conduct elections due to the lack of a proper quorum of precinct officials necessary to conduct the elections. Approximately 2-5 officials for each precinct had appeared, but by 9:00 - 9:30, no others had appeared and the members present signed protocols stating that they could not open the polls without a legal number of members present. Two possible reasons for this situation have been reported: a) that members of one of the precincts had been threatened, so all precincts were closed, and, b) that, because of the expected results of the election, members decided not to appear.
- 11/8 Turnout extremely low. (237 out of 2986 voters by 13:05). Process layout was cramped; the Precinct officials issuing ballots were also validating the ballots. General comments focused on the lack of voter information about the offices up for election as well as the candidates seeking office. The PEC Chairman speculated on the possibility that the municipal elections were held too close to the presidential elections. One other item of note was that a uniformed policeman came into the office where IFES was talking to the precinct chairman and demanded to know the number of voters who had voted. The chairman sternly informed the policemen that the information would be available once the precinct had completed its work and did not disclose the information.
- 11/10 Turnout extremely low. (195 out of 2886 voters by 12:55). Good process layout with plenty of room for voters. General comments focused on the problems with the voter

lists, which were never corrected from the presidential election. The Precinct had not received the IFES manual, nor heard about IFES training.

- 11/19 Turnout extremely low (303 out of 3000 voters by 13:20). The Precinct had good process layout, and general comments focused on the complexity of the law, particularly the ballots and the ballot process. Had received IFES manual, but had not heard about IFES training.

Precinct Visits -- Aragotsotn

- 1/5 Turnout reported very high (approximately 1200 - 1300 voters out of 1800 reported by precinct chairman by 18:25, but not confirmed). The Precinct layout was good, no visible problems and none indicated by proxies or precinct officials.
- 1/7 Turnout reported moderate (approximately 1000 voters out of 2500 reported by precinct chairman by 17:00 pm, but not confirmed). Process layout satisfactory and control sufficient. The only problem encountered was one case of a voter trying to re-vote a second time, but was refused.
- 28/1 Turnout reported moderate (approximately 1500 voters out of 3000 reported by precinct chairman by 17:30, but not confirmed). Poll was extremely busy when IFES arrived. The process layout was hampered by lack of space. The main problem in this precinct was getting voters to understand that one voter at a time was allowed in the booth. Efforts to enforce this provision were continual, but had little effect.

B. Domestic Observers

Despite recommendations to the contrary, provisions for domestic observer organizations, not representing a candidate or member of the media, were deliberately excluded from both the presidential and municipal election laws.

A domestic observer organization called *It's Your Choice* was organized by the Union of Young Lawyers and other non-governmental organizations, but only allowed to stand outside the polling centers, away from the actual balloting.

C. International Observers

Invitations for international organizations to observe the municipal elections were issued by the Foreign Ministry several weeks prior to 10 November. The only organizations invited were the

CIS Parliamentary Assembly and the Council of Europe. Only the Council of Europe sent an observer delegation.¹⁰

D. Candidate Proxies

Candidates could register up to two proxies per precinct, which were issued certificates by the Community Electoral Commission to represent the interests of the candidate in the respective Electoral Commissions. Proxies represent the interests of their candidates before both state and public bodies, and have the right to be present at sessions of an Electoral Commission. Unfortunately, there were many reports, as in the presidential election, of proxies being denied access to the summarization process as guaranteed by the law.

While a proxy has the right to serve in an advisory capacity to an Electoral Commission, a proxy cannot be a voting member.

Only one proxy from each candidate may be present at any regular meeting of a Community or Precinct Electoral Commission.

By application to the Community Electoral Commission, a candidate can de-register a proxy and replace that person with a new proxy.

¹⁰ Appendix 10.

VII. Recommendations

After review of both the presidential election and the municipal elections, the primary focus should be on developing a comprehensive electoral code which eliminates many of the anomalies of the current laws. The National Assembly is currently developing a universal electoral code which will hopefully do this.

IFES is working with the National Assembly's Committee for State and Legal Issues and the special working group set up by National Assembly Chairman Babken Arartsyanyan, under the leadership of National Assembly Vice Chairman Ara Sahakian. As part of that work, IFES prepared a series of specific suggestions for consideration as the electoral code is developed.

Those recommendations include:

Electoral Commission Accountability

- Regional Electoral Commissions (RECs) must be given stricter accountability to the Central Electoral Commission (CEC). For example, the CEC, because the law did not so state, was unable to receive precinct information, such as number of voters per precinct and locations of precincts, unless voluntarily tendered by RECs. Most RECs acted as independent entities in the presidential election (e.g., the Yerevan REC). Consider making RECs directly subject to the CEC (hired and fired by the CEC) to ensure compliance to the Law.
- Civic education and election administration training must be required of all REC and CEC members. All local EC members should be provided with at least 4 hours of preparatory training before being allowed to conduct elections.
- A provision must be established that the CEC after setting the election date, will devise a calendar with lists of exact times and dates for the completion of deadlines in law along with a full definition of what must be provided to superior commissions. Establish strong sanctions for ECs who fail to meet those deadlines.
- Strengthen provisions regarding the availability of documentation to both the group of recipients listed in the law (media, candidate proxies, and observers) as well as to all members of ECs. Require that agendas for meetings be published before hand, and minutes for meetings be published afterwards at the CEC and REC levels, and that copies of agendas and minutes be provided to all EC members at all levels, as well as kept in the EC office for the life of that commission (if below the REC level; archived for 2 years at the CEC and REC levels). Additionally, declare all protocols from every level of electoral commissions to be public documents, to be viewed by the public upon request.

- Allow no alcoholic beverages on the premises of the polling place during the election day and the vote count.
- Restrict role of Community Electoral Commissions (CoECs) to municipal elections only. Do not use during national elections, allowing Precinct Electoral Commissions (PECs) to communicate directly with RECs.
- Define situations for the CEC to ensure fulfillment of legislative intent.
- Provide, if financially feasible, remuneration for electoral officials at all levels.

Training Curriculum for Electoral Commission Members

- Require certificate of election administration training, minimum of 20 hours of classroom or seminar time, for all REC and CEC members.
- Require minimum of four hours rudimentary training for CoEC and PEC members, immediately prior to the election. Such training should be included in the timetables established by the CEC regarding work plans of electoral commissions.

Removal of Electoral Commission Members

- The deletion of the attendance requirement from the Law as cause for the removal of EC members.
- Reporting mandates for any change(s) in electoral commission members. This should be reported to the CEC, and changes in membership could be done with the approval of the CEC. This would include resignation of EC members.
- The CEC should be provided with lists of all commission members in commissions of all levels throughout the Republic.

Future Municipal Governance Structures

- Consider the review of municipal governance structures, as current structure of over 900 municipal units in a country of no more than 3 million people lends itself to haphazard governance. The need to operate over 900 CoECs, duplicating in most cases the precincts, is unnecessarily cumbersome in administering elections. Consideration should be given to returning to the 38 Raions, within the new 10 region structure plus Yerevan. Consideration of placing communities of less than 5 precincts directly under the Marz or creating a sub-regional commission to oversee these smaller municipal entities would help to better organize the process.

Pre-Election Campaign -- Media

- Establish the basis for a written agreement on the distribution of television time for national candidates, both for state-provided time and candidate-provided time.
- Prohibit all political campaigning in National Government Ministries, Marz Government buildings, and Municipal Government buildings, specifically the posting of campaign posters in and on such buildings. Prohibit all political campaigning by ministers and employees of power ministries (i.e., Interior and National Security Ministry and Defense Ministry), whether their status is civil or military.

Preparation of Voter Lists

- The development of computerized, nationwide voter lists to be kept and maintained at the CEC, establishing an automatic periodic review (a canvas of voters once a year, or six months prior to a regularly scheduled election) to remove deceased or emigrated citizens from the rolls.
- Ensured availability of voter lists to national political parties (the parameters for qualification to receive lists could be based on the level of membership at all levels.)
- Codify method for changing voter registration from one location to another to replace current "supplemental" lists on election day. Change of registration must take place 30 days prior to election day. If voter fails to change registration, then voter must vote in old precinct.

Ballot Accountability

- Law must be strengthened to establish exact voter counts in each precinct, to avoid future problems connected with expanding and contracting lists.
- Strengthen existing enforcement provisions or consider the creation of new ballot accounting safeguards to avoid the level of discrepancies which occurred in the presidential election. Special emphasis should be placed on ballot handling before and after the voting process, as well as the timeliness of ballot handling during the counting and reporting process.
- Automatic checking of voting documents when protocols do not balance, outside of a tolerance of 5 ballots missing (e.g. if the total of valid and invalid ballots do not correspond with the number of signatures on the voter lists).

Procedure for Invalidating Ballots

- Establish guidelines to ensure that voter intent is main criteria for establishing whether a ballot is invalid or not.

Unauthorized Personnel in Polling Places

- Development of clear, definitive language regarding the presence of unauthorized personnel.
- Development of Official Electoral Commission ID badges (preferably with photos, if economically feasible), with requirement that those badges be displayed at all times during voting and vote count process.
- Establish authority for precinct officers to remove extraneous personnel from electoral precincts.
- Establish rules for security personnel, militia and police, and their activities during all aspects of the elections.

Announcement of Final Results

- Lengthen the time of announcement of final results from one week to two weeks for national elections.
- Require publishing of final results, by precinct, in government newspapers within one week of declaration of final results by CEC. (Hayastani Hanrepetutian and Respubliki Armenii)
- Re-emphasize the existing requirement for the posting of PEC protocols. Provide archiving of election documents (ballots, lists, etc.) for two years at the REC level, and archiving of all precinct protocols at the CEC level for two years.

Recount Provisions

- In addition to the existing appeals procedure, automatic recount provisions should be written into the law to ensure a thorough review of an election which either falls within a 1% margin of victory, or in which ballot accountability measures (like the coupon count, or whatever method succeeds it) show a discrepancy large enough to affect the outcome.
- Establish automatic recount provisions for any precinct, community, or parliamentary district which halts its vote count for any reason.

- Establish automatic spot check of a certain percentage of precinct summarizations as a "quality control" measure.

Appeals Process

- Review of appeals process for the realistic application of deadlines.
- Review of evidence during the appeals process to include strict guidelines on who is to be handling electoral documents, i.e., only court or Electoral Commission members should handle it with no allowance for other personnel to handle electoral documents. One exception would be the inclusion of any international observers, if such participated in the elections.

Domestic Observers

- Revisit the issue of allowing domestic observers. Perhaps consider designation of a "national organization" like the Center for Democracy and Human Rights (part local/part international) as domestic observer organization.

Sanctioning Election Law Violators

- Provisions should be developed for sanctioning election administrators who knowingly violate the law.

Include Political Party Law

- Incorporate Law on Public-Political Organizations (political parties) to the overall Universal Electoral Code.

Commonality Issues

- Establish a common ballot (as regards size, type, paper gauge, and layout) and ballot procedure for all types of elections and referendums.
- Establish a common article for voter rights. There should not be separate types of qualifications for a voter to have the right to vote. Either a voter is enfranchised or not.
- Establish a common set of electoral districts and precincts that do not change from election to election.
- Establish a common method of summarization, using the same protocol layout and process in each election.

- Establish common voting hours for all elections and referendums, shortening voting hours to no more than 12 hours, 8:00 to 20:00, or 10:00 to 22:00.
- Change all deadlines for candidates to remove their names from the ballot providing a more manageable period of time for printing of ballots, and to preclude candidate from running for office until very late in the campaign process. Make these deadlines common to all candidate elections.

Transparency

- Establish tamper-proof system of packaging and sealing of ballots, protocols, and transportation of these documents.
- Protocols cannot be signed prior to completion of the appropriate summarization process.

VIII. Conclusion

The Armenian municipal elections showed some improvement over the 22 September 1996 presidential elections, but there is much to be done to provide the Armenian electorate with a system in which it can place its trust. The failure to complete the process begun on 10 November 1996, (as pointed out earlier in this document, municipal elections remained to be held in some communities as late as 1 April 1997) raises serious concerns about the ability of the current government to repair the damage inflicted by the serious flaws from the presidential election. Still, the fact that the judicial process showed some successes in properly reviewing election appeals is an indication that there are some people who understand the need to build trust in electoral institutions.

The IFES Mission was provided considerable access to all levels of the electoral administration system, which is due in no small part to the high level of cooperation extended by Khachatour Bezirjian, Chairman of the Central Electoral Commission.

As already described, IFES has presented a series of recommendations based on its observations of both the presidential and municipal elections. Furthermore, IFES is currently involved in the development of a comprehensive electoral code which is hoped will remedy many of the problems current to the Armenian electoral system. The development of a mandatory election administration training component is necessary to instill a proper understanding of the heavy responsibility carried by election officials, and emphasize the need for more stringent application of transparency mechanisms to help strengthen public trust.

IFES views the Armenian municipal elections as a modest step forward in the process of democratic development. However, it still remains to be seen whether this represents sustainable progress in the enhancement of the electoral process.

APPENDICES

APPENDIX I



IFES TECHNICAL ASSESSMENT

ARMENIAN PRESIDENTIAL ELECTION

September 22, 1996 Presidential Election

Washington, D.C.

October 8, 1996

FLAWED ELECTIONS IN ARMENIA

FURTHER INVESTIGATIONS AND INTERNATIONAL SCRUTINY NECESSARY

IFES has been pursuing the advancement of democracy since opening a program office in Yerevan in February of this year.¹ The events leading up to the September 22 Presidential Election, election day itself, and the post-election vote counting process, as witnessed by IFES, all contain compromises or breaks in the "Law on Elections for President of the Republic of Armenia" (hereinafter the Law). The final results (see Appendix 1) as posted by the Central Electoral Commission of Armenia (hereinafter the CEC) also need to be investigated for various incongruities and for correspondence to precinct summary protocols.

ROLE OF ELECTORAL COMMISSIONS

A significant portion of the confusion regarding authenticity of finalized protocols is related to the infrastructure of the electoral commissions. The Chairman of the CEC was not always made aware of serious breaches in the Law. Regional Electoral Commissions, for example in Yerevan, Armavir and Gegharkunik, and various Precinct Electoral Commissions often operated as independent authorities responsible for their own interpretation of the Law.

ROLE OF THE MEDIA

Access to television, by far the most important source of information for most Armenians, was severely limited for members of opposition parties (see Appendix 2). One of the most serious breaches of the Law regarding pre-election use of the media was a one-hour campaign broadcast on behalf of the incumbent president made by the Minister of Interior on September 18, which was in direct violation of the Law (Article 19, paragraph 2). Further, none of the opposition's requests for

¹IFES' current mission in Armenia, which began in February of this year, is to serve as a technical information resource, to provide assistance to the National Assembly on election law development, to direct technical assistance to the Central Electoral Commission in the form of specialized election administration assistance, to conduct high-impact voter education outreach, and to strengthen the NGO community. With these goals in mind, the IFES office in Yerevan has: developed a training manual for Precinct Electoral Commission members and conducted instruction seminars in all 11 regions of Armenia; conducted voter education through the production and distribution of over 40,000 informational posters and fliers; developed a series of "Town Hall" forums which brought representatives of the Central Electoral Commission to the Armenian public to explain the Law on Presidential Elections on local television in ten regions; and continues to work on development of a universal electoral code for all future elections in Armenia.

television air time to communicate their grievances following election day were granted. State television, however, carried an "acceptance" speech by Ter-Petrosian on Monday.

DOMESTIC OBSERVERS

IFES sought to encourage both the National Assembly of Armenia and the Central Electoral Commission in the creation of legal provisions for domestic observer organizations since first establishing a presence in Armenia in February of this year, submitting a letter to CEC Chairman Bezirjian to this effect. The fact that a domestic observation group was allowed to participate in the 1995 National Assembly elections but was not allowed this year must be considered as a setback to the overall transparency of the election. Indeed, IFES, based on a similar experience in Moldova last year, had encouraged the CEC to consider allowing such observation by passing a resolution, fully within the scope of the Law.

DIASPORA VOTING

Of an estimated 800,000 potential voters worldwide, according to the CEC only 8,190 voters registered with their appropriate consulates or embassies. Of those, only 2,175 participated on election day. Absentee ballots are not provided for in the Law, and therefore in the United States for example, potential voters would have had to travel to either Washington, D.C. or Los Angeles in addition to paying a \$50 processing fee.

PROCESS SUCCESESSES

IFES would like to point out what must be considered as positive aspects of the election:

- **Improvements in the law.** Ballot design was changed to more clearly show a voters intent, all members of an electoral commission were required to sign vote tabulation protocols and were allowed to register their objections, and results for each individual precinct were to be posted immediately following the counting procedures.
- **Transparency at CEC level.** The difference between the Central Electoral Commission in charge of the presidential election and the Central Electoral Commission in charge of the parliamentary election was night and day. The primary reason for this change is a result of the election and stewardship of the new Chairman, Khachatour Bezirjian.
- **Voter education outreach.** Working with IFES, the CEC staged a series of televised "Town Hall" meetings around the country, reaching approximately 1.8 million viewers. Three thousand "How-To-Vote" posters developed by IFES, along with 20,000 one page handouts based on the poster, were distributed by the CEC. An additional 10,000 handouts were distributed to the major political parties and other public groups.
- **Voting center procedures.** One of the most notable complaints regarding the 1995 election was the chaos in the voting centers. Enough copies were printed to ensure that every single precinct and community official had their own copy of the pertinent provisions of the law.

ELECTION DAY

The election process proceeded relatively smoothly during the actual vote, except for a number of reported cases of subtle intimidation inside and outside the polling stations and suspected ballot tampering (e.g., PEC members "helping" voters by showing how to mark ballots, placing pen dots in the Ter-Petrosian circles, effectively marking it for the President or invalidating it if the voter marked their ballot for someone else).

The election process broke down as the vote count started, with multiple reports of proxies being threatened, documents being falsified, and in one case witnessed by the Political Officer of the American Embassy, the ballots of an entire precinct being stolen (Yerevan Precinct 6/22).

PROCESS FAILURES

- **Presence of unauthorized personnel in voting centers.** While the CEC provided for the precincts to have police available only outside the voting area, evidence shows that this policy was not followed and many voting centers had numerous police and Ministry of Interior personnel on hand in the voting areas, in close proximity to the ballot boxes.
- **Instances of pre-signed and pre-stamped blank protocols.** Blank regional, community and precinct summary protocols were signed by commission members in advance, circumventing the stated procedure for preparing such protocols (Article 30 of the Law) and providing ample opportunity for falsification of results.
- **Confusing procedures were followed regarding party proxy signatures on the backs of ballots.** The Law (Article 25, Paragraph 3) states that "two days prior to the day of voting" the PEC votes on accepting the signatures of the proxies to sign ballots based on the proxies' written request. Many precincts refused to allow proxy signatures, stating that two days prior meant 48 hours, i.e., that requests to sign had to be submitted on the third day prior.
- **Transparency violations regarding posting of protocols.** This is the most significant failure of the process. In almost all precincts that were checked by observers on the morning after the election, there were no posted protocols in the voting centers. The IFES Project Manager personally revisited all ten precincts which he had observed on Election Day and only one could produce a copy of the protocol. Failure to post the summary protocol results in a precinct is in direct violation of the Law (Article 26, Paragraph 15).
- **Exceptions to the Law.** One of the consistent themes of the Central Electoral Commission has been its insistence on strict interpretation of the Law. However, its lackadaisical response to the question of posting protocols publicly in the precincts indicates that strict interpretation of the Law came only when convenient to the government. Circumvention of the law came in regard to a request in the early morning hours of Monday, when at least one of the 12 communities in Yerevan (Malatia-Sebastia, Number 7) requested permission to suspend its count of coupons (the means for ensuring that the number of ballots and the number of voters

matched) until 8:00 pm that night. This request was granted by the Yerevan Regional Electoral Commission.

- **Potential abuse of voter lists.** A large potential for abuse existed in the voter lists themselves. Allegations of ballots being cast for voters known to be no longer living in a given region or to be deceased have been reported and need to be investigated. Verification of voter signatures and corresponding numbers on coupons can and should be completed.
- **Failure of Ballot Accounting Process.** The establishment of the parallel count of coupons was supposed to ensure that all ballots would be properly accounted for. This seemed to work in all but the Yerevan region. A serious discrepancy exists in Yerevan, most notably in communities Number 6--Central Community and Number 7--Malatia/Sebastia, which were the source of many reports of vote tampering during the vote count. In fact, Number 7--Malatia/Sebastia Community is the one which was allowed to shut down until 8:00 pm Monday night at the express permission of the Yerevan Regional Electoral Commission Secretary and the Central Electoral Commission Vice Chairman. The ballot and coupon boxes for that community were left unattended by the Community Electoral Commission during that time, but "watched" by the Ministry of Interior police.

Coupon Discrepancies in the Vote Count for the Election for President of the Republic of Armenia, 22 September 1996:

(Based on Final Results issued by the Central Electoral Commission)

Region	Total Voters	Total Coupons	Coupon
Yerevan	424,107	402,406	- 21,701
Aragotsotn	61,994	61,916	- 78
Ararat	122,112	122,140	+ 28
Armavir	122,213	122,234	+ 21
Gegharkunik	107,243	107,218	- 25
Lori	113,381	113,367	- 14
Kotaik	108,936	108,898	- 38
Shirak	104,085	104,046	- 39
Syunik	74,941	74,907	- 34
Vayots Dzor	30,637	30,637	0
Tavush	61,380	61,249	- 131
Overseas	2,175	2,173	- 2
TOTALS	1,333,204	1,311,191	- 22,013

Commenting on the OSCE's statement, the CEC has noted that, "... the perceived additional 21,128 should be interpreted as the approximate number of people signed and received blank ballot sheets but did not cast votes.", and argues that, "Even if we assume for the sake of argument that all of those 22,013 missing ballots were cast for Mr. Manukian, the final

outcome will still not bring Mr. Ter-Petrosian's percentage below 50 percent."² The problem with the missing ballot coupons is not a matter of whether the ballots/ballot coupons make a difference in the outcome, but rather that it represents gross violation of the Law. Voters are legally required to cast a ballot once they receive it, and precinct commission members are required to balance the number of coupons and ballots in their summary protocols.

In 1995 during the Referendum on Presidential Powers, IFES personnel watched as voting hours were extended an additional two hours, ostensibly for greater fairness to all voters, but effectively to allow voter turnout to rise above 50% and thus legitimize the results.

FINAL RESULTS

The Central Electoral Commission finalized the results on September 29 (see Appendix 1). There are several outstanding issues which leave the outcome subject to serious questioning. The margin needed for Ter-Petrosian to avoid a second round election was 21,941 votes ($646,888 - 21,941 = 624,947$, which is 50% of the 1,249,893 votes cast in favor of candidates). The number of unaccounted for coupons (the control mechanism for the ballots) was 22,013. The number of unaccounted for ballots (not mutually inclusive in the missing coupons) was 21,128.

In addition, the number of invalid ballots was 48,681. An interesting note here is that in reporting its preliminary results on 8:00 p.m. Monday and then on 12:00 noon on Tuesday, the number of invalid ballots dropped from 98,826 to 43,395. At the same time, the ballots marked against all increased only slightly from 4,536 to 4,808. While some of this discrepancy can be explained by the fact that Yerevan and two other regions were only partially reporting, the total voters reported on Monday differs from the total voters on Tuesday by only 10,004 votes, while the drop in invalid ballots is 55,431. The combined impact of these invalid ballots, coupled with the numbers of missing coupons and missing ballots, raises serious questions as to the certainty of the outcome.

POST ELECTION EVENTS

The one remaining transparency element, the proxies' copies of the protocols, are an unknown quantity at this point. The opposition, which had banded its proxies together into what may have been the most formidable element of their campaign, has reportedly divided up the protocols and sent them abroad for safe keeping. This has yet to be proved, although there are indications that the government has not yet located the proxy protocols.

POST ELECTION FOCUS

Most of the failures cited in the review of the election exemplifies the inherent weakness caused by an inclusive interpretation of the Law. The failure to assert its regulatory authority (see below) provided in the Law indicates a need to provide assistance to the CEC with regard to understanding its regulatory role in the electoral process--particularly its need for neutrality, development of regulations to assist it in asserting that regulatory role, and providing more specific legislative guidelines in the Law to allow the CEC enforcement powers to implement their regulatory role. With this in mind, issues of potential focus include:

²See the CEC statement of Chairman Khachatour Bezirjian on October 2, 1996.

- **Improvement of the overall regulatory capabilities of the CEC.** One of the key problems with this election was the failure of the Central Electoral Commission to effectively implement the Law through necessary regulatory powers and oversight. The hesitancy of the CEC to exercise the powers given to it in Article 9, Paragraph 2, Sub Paragraph 2 of the "Law on the Election for President of the Republic of Armenia" which states:

"Passes and publishes necessary decisions and mandates not contradicting the law, pertaining to procedures for the preparation and conduct of the elections; regarding measures necessary for the summarizing the results of elections; and oversight of their implementation;"

provides the Central Electoral Commission with ample authority to enforce the law. The failure of many Regional Electoral Commissions to provide data regarding the precincts was sign of problems to come. Many regions did not submit their precinct information in a timely manner, as well as not having consistent formats, leaving the CEC to guess at some data (number of eligible voters on which to determine ballot allocations, for instance) which was critical to the smooth operation of the electoral system. This failure to establish its authority led to many of the problems that developed during the vote count because of some regional chairmen's operational independence.

- **Development and establishment of more specific timetables for precinct officials.** One area of critical importance that the CEC should address is the development of accurate calendars for implementation of the Law. While the Law outlines time tables for implementation, the outlines are still vague enough to create confusion at the local level. In particular, the question of what last day to accept letters of application by party proxies to sign the back of the ballots provided considerable confusion. While Article 25, Paragraph 3 of the Law reads, *"Two days prior to the day of voting the Precinct Electoral Commission approves by its decision the list of proxies (1 candidate - 1 proxy), who had applied in writing in advance with a wish to confirm the validity of ballots by their signatures,"* many precincts applied various interpretations to the term, "two days prior", some stating it meant the applications had to be received before the second day prior, meaning three days prior, while others took the phrase at face value. A calendar of deadlines should have been adopted and issued by the CEC at the time of its installation in June. The confusion over proxy signatures on the ballots would have been resolved by a simple statement that "applications for proxies to sign ballots must be received by the Precinct Electoral Committees by 5:00 p.m., 20 September (or 19 September)."
- **Development by the CEC of a legal review work group for the Universal Electoral Code.** The Central Electoral Commission should play a major role in the National Assembly's development of a new Universal Electoral Code. One of the main problems facing most post-Soviet nations is the lack of understanding by lawmakers of the impact of the laws they write. The CEC could provide critical guidance on what does and does not work regarding the law. This work group should gather information on electoral laws in other countries to reinforce the suggestions given to the National Assembly.

- **Accountability for training.** The Central Electoral Commission, despite its support of training efforts, did not effectively foster an environment supportive of training efforts for precinct officials. Emphasis on the law itself, rather than how to implement the law, contributed to many problems in the election, especially regarding the counting process. A training curriculum must be developed, possibly in conjunction with the Institute for Public Policy or the Law College at Yerevan State University, for all levels of the Electoral Commission system. All members of electoral committees should be required to complete a series of courses or lectures to ensure that they understand both the law and its impact. Electoral Committees failing to provide access to such training should be subject to administrative disciplinary action.
- **Regulations for reporting results.** While the Law provides clear guidance for the movement of the electoral document from level to level, there is no guidance for the reporting of results in advance of the paperwork. Clear step-by-step instructions should be developed to regularize this process.
- **Regulations for providing recounts.** The CEC should establish clear regulatory guidelines regarding elections where recounts might be necessary. These guidelines would need to ensure the security of the ballots cast, as well as determine the validity of judgements made on interpreting "invalid" ballots.

We are deeply concerned about some of the violations which were witnessed and which have given rise to both domestic and international questioning of the integrity of the election process and the outcome. It is in Armenia's best interest to re-evaluate these problems and their impact. IFES wants to re-confirm our desire to work with you to clarify these issues of concern, and to ensure that future elections are devoid of such a level of controversy and confusion.

CONCLUSION

It is fact that the "Law on Elections for President of the Republic of Armenia" was compromised before during and after the election day. It is also clear that in order to invalidate claims of fraud and vote total manipulation serious and extensive investigations must be undertaken by the CEC as swiftly as possible. Given the breadth of observations and evidence, and reviewing the inconsistent data provided by the CEC as final results, failure to do so will ultimately result in substantiating claims of fraud and cast permanent doubt on the level of transparency of the electoral process in Armenia.

Appendix 1: Results

Preliminary results from the CEC as of 8:00 p.m. Monday, 23 September

Armenian Presidential Election - 22 September 1996

<i>Region</i>	<i>Total Eligible Voters</i>	<i>Total Voters Voting</i>	<i>Voters Voting %</i>	<i>Total Votes for all Candidates</i>	<i>Badalyan</i>	<i>Manukian</i>	<i>Manu- chian</i>	<i>Ter- Petrosian</i>
Yerevan	733,943	380,615	51.86	307,238	11,132	167,073	1,774	127,259
Aragatsotn	92,876	46,248	49.80	54,846	4,858	19,673	280	30,005
Ararat	175,011	129,572	74.04	116,858	4,599	41,084	592	70,583
Armavir	175,709	122,213	69.55	117,586	7,895	41,368	550	67,773
Gegharkhunik	158,389	107,575	67.92	102,673	7,550	29,556	500	65,067
Lori	230,910	112,366	48.66	108,566	8,788	38,863	656	60,259
Kotaik	190,000	102,767	54.09	100,305	9,588	46,586	577	43,554
Shirak	199,686	102,383	51.27	98,106	8,384	30,433	574	58,715
Syunik	104,543	74,597	71.36	69,238	2,803	30,923	417	35,095
Vayots Dzor	39,187	27,171	69.34	29,194	4,036	8,693	1,287	15,178
Tavush	93,478	60,188	64.39	57,779	3,442	15,886	364	38,087
Overseas	2,139	1,942	90.79	1,886	31	267	25	1,563
Totals	2,195,871	1,279,087	57.73	1,164,275	73,106	470,405	7,596	613,168
Percentages					6.28	40.40	0.65	52.67

Note: At this point, there was no data from Community #7 in Yerevan, and eligible voter and turnout data was incomplete in Yerevan Communities #2, 3, and 8; turnout data was incomplete in Yerevan Community # 6.

Note: The discrepancy between the number of actual voters and the number of votes cast for all candidates in Aragotsotn is how the CEC reported the data.

Preliminary results from the CEC as 12:00 noon Tuesday, 24 September

Armenian Presidential Election - 22 September 1996

Region	Total Eligible Voters	Total Voters Voting	Voters Voting %	Total Valid Votes	Badalyan	Manukian	Manu- chiaran	Ter- Petrosian
Yerevan	733,943	380,615	51.86	378,964	15,336	205,228	2,448	155,952
Aragatsotn	92,876	57,698	62.12	54,537	4,491	19,761	283	30,002
Ararat	175,011	129,572	74.04	116,858	4,599	41,084	592	70,583
Armavir	175,709	122,213	69.55	117,586	7,895	41,368	550	67,773
Gegharkhunik	158,389	107,575	67.92	102,673	7,550	29,556	500	65,067
Lori	230,910	112,366	48.66	108,566	8,788	38,863	656	60,259
Kotaik	190,000	102,767	54.09	100,305	9,588	46,586	577	43,554
Shirak	199,686	102,383	51.27	98,106	8,384	30,433	574	58,715
Syunik	104,543	74,597	71.36	69,238	2,803	30,923	417	35,095
Vayots Dzor	39,187	27,171	69.34	29,194	4,036	8,693	1,287	15,178
Tavush	93,478	60,188	64.39	57,779	3,442	15,886	364	38,087
Overseas	2,139	1,942	90.79	1,886	31	267	25	1,563
Totals	2,195,871	1,279,087	58.25	1,235,692	76,943	508,648	8,273	641,828
Percentages					6.23	41.16	0.67	51.94

Preliminary results from the CEC as of 8:30 p.m. Wednesday, 25 September

Armenian Presidential Election - 22 September 1996

<i>Region</i>	<i>Total Eligible Voters</i>	<i>Total Voters Voting</i>	<i>Voters Voting %</i>	<i>Total Valid Votes</i>	<i>Invalid & Against All*</i>	<i>Badalyan</i>	<i>Manukian</i>	<i>Manu- charian</i>	<i>Ter- Petrosian</i>
Yerevan	733,943	390,619	53.22	378,877	11,742	15,336	205,138	2,452	155,951
Aragatsotn	92,876	61,938	66.68	58,340	3,598	4,747	20,847	747	31,999
Ararat	175,011	121,692	69.53	116,161	5,531	4,774	40,061	625	70,701
Armavir	175,709	122,213	69.55	117,586	4,627	7,895	41,368	550	67,773
Gegharkhunik	158,389	107,575	67.92	102,673	4,902	7,550	29,556	500	65,067
Lori	230,910	113,368	49.09	108,119	5,249	8,911	38,294	664	60,250
Kotaik	189,685	108,694	54.43	103,356	5,338	9,731	47,862	590	45,173
Shirak	199,686	102,383	51.27	99,819	2,564	8,527	31,195	580	59,517
Syunik	104,543	74,934	71.68	70,729	4,205	3,954	30,886	554	35,335
Vayots Dzor	39,187	30,637	78.18	29,194	1,443	2,338	9,851	129	16,876
Tavush	93,478	61,236	65.51	57,769	3,467	3,442	15,886	364	38,077
Overseas	2,139	2,011	94.01	1,955	56	33	289	25	1,608
Totals	2,195,871	1,297,300	58.96	1,244,578	52,722	77,238	511,233	7,780	648,327
Percentages						6.21	41.08	0.67	52.09

* The last available figures on "Against All" put the total at just under 5,000. This puts the "Invalid" number at approximately 47,000.

Final results from the CEC as of 6:00 p.m. Sunday, 29 September

Armenian Presidential Election - 22 September 1996

<i>Region</i>	<i>Total Eligible Voters</i>	<i>Total Voters Voting</i>	<i>Voters Voting %</i>	<i>Total Valid Votes</i>	<i>Invalid & Against All*</i>	<i>Badalyan</i>	<i>Manukian</i>	<i>Manu- charian</i>	<i>Ter- Petrosian</i>
Yerevan	741,732	424,107	57.18	388,281	17,149	17,379	209,322	2,634	154,125
Aragatsotn	92,416	61,994	67.08	59,798	2,428	4,879	21,383	321	32,918
Ararat	174,238	122,112	70.08	116,725	5,615	4,774	40,061	625	70,701
Armavir	177,706	122,213	68.77	118,221	4,627	7,895	41,368	550	67,773
Gegharkhunik	160,420	107,243	66.85	102,160	5,177	7,489	29,293	496	64,416
Lori	219,904	113,381	51.56	109,162	4,910	8,921	38,601	663	60,220
Kotaik	189,685	108,936	57.43	104,053	5,542	9,731	47,862	590	45,173
Shirak	208,311	104,085	49.97	100,552	4,185	8,527	31,195	580	59,517
Syunik	104,543	74,941	71.68	71,440	3,885	3,932	31,093	552	35,377
Vayots Dzor	39,467	30,637	76.63	29,310	1,443	2,338	9,851	129	16,876
Tavush	93,577	61,380	65.59	58,079	3,701	3,442	15,786	364	38,077
Overseas	8,190	2,175	26.56	2,122	81	40	314	25	1,715
Totals	2,210,189	1,333,204	60.32	1,259,903	58,693	79,347	516,129	7,529	646,888
Percentages						6.34	41.29	0.60	51.75

*"Against All" votes number 10,012. "Invalid" ballots number 48,681.

The number of missing coupons is 22,013. The number of missing ballots is 21,128. These numbers are not mutually inclusive.

The number of votes necessary for Ter-Petrosian to avoid a second round is 21,941.

Results by Region Final results, voted on and approved by most members of the Central Electoral Commission at their 2:00 p.m. meeting on 29 September 1996. In addition, resolution was passed naming Levon Ter-Petrosian as president-elect.

	Total	Yerevan	Aragat- sotn	Ararat	Armavir	Geghark- unik	Lori	Kotaik	Shirak	Syunik	Vayots Dzor	Tavush	Overseas
1. Total Eligible Voters	2,210,189	741,732	92,416	174,238	177,706	160,420	219,904	189,685	208,311	104,543	39,467	93,577	8,190
2. Total Voters Receiving Ballots	1,333,204	424,107	61,994	122,112	122,213	107,243	113,381	108,936	104,085	74,941	30,637	61,380	2,175
3. Ballots Given to Electoral Commissions	2,299,879	739,329	97,143	186,677	188,056	166,221	228,586	230,000	210,391	109,070	39,989	97,477	6,940
4. Total Number Unused Ballots	967,725	315,222	35,149	64,485	65,843	58,978	116,141	121,064	106,306	34,064	9,352	36,094	5,027
5. Total Valid Ballots	1,259,903	388,281	59,798	116,725	118,221	102,160	109,162	104,053	100,552	71,440	29,310	58,079	2,122
6. Total Invalid Ballots	48,681	12,278	2,131	5,051	3,992	4,711	4,153	4,845	3,452	3,399	1,327	3,291	51
7. Ballots Not Corresponding to Specimen	2,442	1,596	0.00	236	21	347	74	38	81	35	0.00	13	1
8. Total Numbers of Coupons	1,311,191	402,406	61,916	122,140	122,234	107,218	113,367	108,898	104,046	74,907	30,637	61,249	2,173
9. Total Votes In Favor of Candidates	1,249,893	383,460	59,501	116,161	117,586	101,694	108,405	103,356	99,819	70,954	29,194	57,669	2,094
10. Total Votes for Badalyan	79,347	17,379	4,879	4,774	7,895	7,489	8,921	9,731	8,527	3,932	2,338	3,442	40
11. Total Votes for Manukian	516,129	209,322	21,383	40,061	41,368	29,293	38,601	47,862	31,195	31,093	9,851	15,786	314
12. Total Votes for Manucharian	7,529	2,634	321	625	550	496	663	590	580	552	129	364	25
13. Total Votes for Ter-Petrosian	646,888	154,125	32,918	70,701	67,773	64,416	60,220	45,173	59,517	35,377	16,876	38,077	1,715
14. Total Votes "Against All"	10,012	4,821	297	564	635	466	757	697	733	486	116	410	30

Appendix 2

MEDIA MONITORING REPORT

The Media Monitoring and Assistance Unit of the European Institute for the Media, in conjunction with the Yerevan Press Club, has conducted a monitoring mission of media coverage of the Armenian presidential election on behalf of the TACIS Democracy Programme of the European Commission. The mission commenced on 23 August, 1996, and concluded on 22 September, 1996, the day of the election.

The monitoring operation focused on the following aspects:

1. Interviews with presidential candidates or their press spokesmen. 2. An assessment of the regulatory framework for media coverage of the elections. 3. A quantitative analysis of relevant reporting by all major broadcast and press media outlets, conducted by the Yerevan Press Club. 4. A qualitative analysis of the general situation of the Armenian media, on the basis of interviews with selected media professionals.

The monitoring was conducted by Elizabeth Fuller, senior research analyst, Open Media Research Institute, Prague, and Mark Gregorian, Yerevan Press Club. The preliminary findings of the monitoring team are as follows:

The four weeks preceding the 1996 Armenian presidential election constitute a classic example of how a marked disbalance in resources between state-controlled and still relatively weak independent media can translate into a crucial advantage and tactical weapon to a national leadership faced with an unexpected and rapidly evolving political challenge - in this instance the consolidation of disparate political forces in support of opposition presidential candidate Vazgen Manukyan.

The general situation of the non state controlled media in Armenia has improved over the past year, although given the ongoing ban on the Armenian Revolutionary Federation Dashnaksutyun (ARFD), publication of its newspapers is still suspended. Instances of physical violence against journalists have markedly decreased. In recent cases of apparently politically motivated litigation involving the press, the courts have meticulously abided by the provisions of the 1991 Law on the Media, on occasion overruling the Ministry of Justice.

Many journalists have positively assessed the Decision of the Central Electoral Commission (CEC) on media coverage of the election campaign as a first step towards creating truly democratic working conditions for journalists. At the same time, concern has been expressed that the new draft media law, which has not yet been published and is not on the official agenda for the current session of parliament, will significantly restrict journalists' freedom. It is to be hoped that there will be an extensive debate and that alternative proposals will be incorporated into the final draft of the law. This would contribute substantively to overcoming many journalists' mistrust of the present leadership.

Non state controlled newspapers are experiencing serious financial problems as a result of the total lack of spending power of most of the population and chronic delays on the part of the relevant government bodies in transferring payments for distribution of newspapers or refunding VAT. The monitoring team notes with approval the commitment of representatives of the Armenian government to alleviate the financial situation of the press after the presidential election by expending the refund of VAT in order to raise printruns, which at present on average do not exceed 2,000-3,000. The combined weekly printrun of all official newspapers is more than five times higher than that of all opposition newspapers.

Given that distribution of newspapers outside Yerevan is highly problematic, the role of the electronic media, in particular TV, in providing the electorate with information is of crucial significance.

Under the terms of the Law on the Presidential Elections, all presidential candidates were entitled to 90 minutes free access on the first channel of State Television, 120 minutes on State Radio, and one half page in both the Armenian and Russian language state controlled daily newspapers. In addition, the Central Electoral Commission decided that candidates could buy

up to 180 minutes of paid access (at \$20 per minute). Allocation of free access on TV was divided more or less equitably. Several opposition candidates told the Yerevan Press Club that they considered this allocation adequate for the duration of the election campaign, but that it did not compensate for their total lack of access to the state controlled media over the past 1-2 years.

The schedule for these broadcasts was published only on 29 August, i.e. 6 days after the beginning of the election campaign. The schedule was more or less adhered to, but broadcasts by opposition candidates were on occasion interrupted by technical problems. During the last week of the campaign, two opposition candidates (Ashot Manucharyan and Vazgen Manukyan) were refused the use of paid access on the grounds that they had allegedly not complied with the procedures stipulated by the CEC, and that State TV could not change the schedule at short notice. One journalist from State TV and one from State Radio were reprimanded for expressing indirect support for opposition candidates.

Beginning in mid-September, State Television (Channel 1) broadcast a 70 second slot by the Central Electoral Commission (which was repeated 2-3 times daily) explaining how to fill out the ballot paper, given that the procedure for this years election differed radically from that used in previous elections. In addition, both channels of State Television broadcast live phone-ins with CEC members who answered viewers' questions and elucidated the finer points of the voting procedure.

Editorial coverage on State Television (Channel 1) clearly favoured President Ter-Petrosyan: 1) by giving extensive coverage of his daily activities as Head of State (and of those of his wife in her capacity as First Lady); 2) by broadcasting numerous statements by representatives of the intelligentsia and of various political organisations in his support; and 3) by its tendentious coverage of the last few days of Manukyan's campaign, specifically the mass demonstrations in his support on 19 and 20 September.

It is not clear to the monitoring team whether the criticisms of Vazgen Manukyan's tenure as Head of the Armenian Government in 1990-91 expressed by Minister of Internal Affairs Vano Siradeghyan during a 17 September TV broadcast constitute a violation of Article 19 of the election law, which forbids the law enforcement bodies from engaging in election propaganda for or against any given candidate. Similarly difficult to quantify is the impact on the electorate of President Ter-Petrosyan's TV address of 20 September, in which he equated an election victory on the part of Manukyan with the imposition of a fascist regime. The final report on the media monitoring mission will be available from the European Institute for the Media in late October, 1996. For additional information please contact Mrs. Ljudmila von Berg in Dusseldorf at Tel +49 211 9010 474, Fax +49 211 9010 456 or e-mail at <100443.1706@compuserve.com>.

APPENDIX 2

Memorandum

15 November 1996

TO: Khachatour Bezirjian
Chairman, Central Electoral Commission

FROM: Christopher Shields
Project Manager, IFES/Armenia

Ann Gardner
Election Administration Specialist, IFES/Armenia

SUBJECT: Comments regarding 10 November Municipal Elections

Introduction

First of all, IFES/Armenia wishes to express its appreciation to the Chairman for providing access to voting centers on 10 November for the purpose of viewing voting procedures. This access is most helpful in IFES' continuing work with the Central Electoral Commission, as well as with the National Assembly Committee on State and Legal Issues as efforts get underway to prepare a Universal Electoral Code for Armenia.

IFES/Armenia visited a number of precincts in Yerevan and Aragotsotn regions, reviewing voting center layout, use of space, voting procedures, availability of election administration materials, compliance with the law, and other issues as noted, and in so much as IFES was acting in its technical advisory capacity to the Central Electoral Commission, no vote counts were visited. Precinct officials were also asked if they had suggestions for consideration in preparing the Universal Electoral Code.

General Comments

It was the general consensus of the precinct workers that the voters found the ballot process cumbersome and sometimes confusing. Almost all suggested finding a simpler ballot process. At least two precincts failed to understand the critical need to keep the task of issuing ballots separate from the task of validating ballots (6/14 and 11/8 in Yerevan).

The concept of process layout, i.e., the path followed by the voter from the moment they enter the voting center, present their identification and are confirmed as eligible to vote and receive their ballot and coupon, go into the voting booth and vote, present the back of their ballot for validation, sign their name on the registration list, drop their ballot into the ballot box, and finally exit the voting center, was apparently difficult for precinct workers to grasp uniformly, although most problems were due to space constraints.

One disconcerting event occurred in a precinct where the preparations seemed poor (Yerevan 6/38). There were only two booths, neither of which had sufficient provision of secrecy. More importantly, the validation desk had an extra page of supplemental voters (hand written, as are all supplemental lists). This additional page was questioned by a proxy. When IFES inquired about the extra page, the precinct official at the desk stated that it was a mistake (with 15 voters on it) and started to crumple it up, evidently not understanding the IFES question of whether or not the voters were transferred to the correct pages. The precinct chairman came over, took the document out of her hand and started to tear it up, which IFES suggested would be the wrong thing to do. There was an official from the Regional

Electoral Commission on site who mediated the situation, but the key point here was the possibility of the existence of a false list, or a genuine list which was ignored.

All three of these examples are descriptions of problems in the administration of the law which could be challenged should the results be appealed.

Conclusions

The following points from the observations of the 10 November election will be used to assist IFES in its preparation of recommendations to the National Assembly Committee for State and Legal Issues and the Central Electoral Commission.

1. **Training of Election Officials.** There is evidence that most, if not all, precinct officials would benefit from officially-sponsored training.
2. **Ballot Complexity.** It is obvious from the repeated reports from the various precinct officials, that the process used in the Municipal Elections was cumbersome and confusing. This argues the need for a common ballot procedure for all elections and referendums, that would not be changed from election to election. In addition, ballots must be designed to ensure greater secrecy for the voter when casting his/her ballot.
3. **Process Layout.** This is more a procedural than legal point, which would be best addressed by the CEC and its subordinate commissions. Development of recommended layouts and suggested types of buildings for use as precincts should be considered.
4. **Voter Turnout Counts.** Some method needs to be developed to ensure an accurate count of voters by the precincts during the day, in order that the most accurate and timely results be reported.
5. **Security and Validity and Accuracy of Voter Lists.** Voter registration lists must be properly maintained and updated to avoid confusion over dead and deceased voters and to ensure that new voters are properly and legally added. The security and accuracy of these lists is the responsibility of the CEC. More detailed procedures need to be adopted to ensure lists are maintained from one election to the next.

Precincts Visited by IFES

Municipal Elections -- Republic of Armenia

10 November 1996

Precinct Visited	Time of Visit	Voter Turnout at Time of Visit	Received IFES Manual?†	Notified of IFES Training?†	Complaints about Process Complexity?	Problems with Process Layout?	Other
YEREVAN							
1/1	7:50 pm	440	yes	no	yes	space	election day too long
1/6	3:35 pm	570	n/a	n/a	no	no	prefolding of ballots
1/9	6:50 pm	540	yes	no	yes	no	crowd of men outside
1/10	7:25 pm	560	yes	no	no	no	voters list in bad shape
1/11	7:35 pm	230	yes	no	no	no	
1/12	7:10 pm	664	yes	no	yes	yes	crowd of men outside
1/29	1:00 pm	500*	n/a	n/a	no	no	disorganized & confusing
3/9	2:50 pm	172	yes	no	yes	space	lack of voter education
3/16	2:30 pm	330	yes	no	yes	no	laminated ID badges
5/1	1:35 pm	250	yes	no	no	no	
6/10	12:40 pm	97	no	no	no	no	
6/14	12:25 pm	202	n/a	n/a	no	space	ballot security problem

6/16	2:20 pm	241	yes	no	no	no	lack of voter education
6/38	1:55 pm	176	yes	no	no	yes	security problem & lists
6/40	9:30 am	n/a	n/a	n/a	no	no	
11/8	1:05 pm	237	yes	yes	no	space	ballot security problem
11/10	12:55 pm	195	no	no	no	no	voter list problems
11/19	1:20 pm	303	yes	no	yes	no	
ARAGOTSOTN							
1/5	6:25 pm	1250*	†	†	no	no	
1/7	5:00 pm	1000*	†	†	no	no	
28/1	5:30 pm	1500*	†	†	no	space	more than 1 voter in booth

† Yerevan only

* estimate

APPENDIX 3

TRANSLATING LAW INTO PROCESS

The Law of the Republic of Armenia on the Elections of Local Self-Governing Bodies

I. ABOUT THIS ELECTION

1. GENERAL OVERVIEW (Article 1)

The local self-governing bodies are elected by secret ballot based on the free implementation of the right to general, equal, direct elections by secret ballot.

The community leader (city mayor, village mayor, district mayor) and the community council are each elected for a three-year term.

2. THE RIGHT TO VOTE (Article 3)

The citizens participate in the elections of local self-governing bodies directly by a free expression of their will. Each elector has the right of one vote. (Article 3)

The citizens of the Republic of Armenia who became 18 years of age prior to the day of the elections, who have permanently resided in the community have the right to elect the local self-governing bodies.

The following persons are NOT entitled to vote in these elections.

- Citizens recognized as incompetent by a court of law
- Persons in regular military service and in military training camps
- Persons in detention until released from detention
- Citizens confined by a legal court verdict

Any restriction of the right of the citizens of the Republic of Armenia to vote is forbidden, except in cases prescribed by Law, and is prosecuted by Law.

3. THE ELECTORAL SYSTEM (Article 2)

The *Community Leader* is elected by the majoritarian system in each community of the Republic of Armenia.

The *Community Councils* are comprised of the number of members as

- In communities with populations under 5,000 - eight members
- In communities with populations between 5,001 and 20,000 - 10 members
- In communities with populations over 20,001 - 15 members.

In those communities with under 5,000 in population, there is one majoritarian district, electing eight members on one ballot.

In those communities with population between 5,001 and 20,000, there are two majoritarian districts, electing five members on each of two ballots.

In communities with population between 20,001 and 45,000, there are three majoritarian voting districts, electing five member on each of three ballots.

In communities with population over 45,001, there are five majoritarian voting districts, electing three members on each of five ballots.

The number of voters in each precinct cannot exceed three thousand. If the number of voters in a community is less than 3,000 then a single precinct is established, unless the community consists of more than one settlement. In this case there would be one precinct for each settlement.

II. THE ROLE OF THE COMMUNITY AND PRECINCT ELECTORAL COMMISSIONS

As a Community and Precinct Electoral Commission member you have been charged with a very important responsibility in the election process. Of all officials involved in the elections, you will have the most personal contact with the voters. They will look to you as they exercise their right to vote on election day. The manner with which you carry out your duties will determine the degree to which voters will have confidence in the process.

Remember that your role is to serve all voters equally. On election day your primary duty is to serve the citizens of the Republic of Armenia. Your personal views and political opinions should be put aside except for inside the secrecy booth when you cast your own vote, implementing your right to vote.

Every decision and action taken by you and your commission must be based on the principle of legality and must be characterized by these important standards.

*Integrity
Neutrality
Openness
Accuracy*

1. DUTIES OF COMMUNITY ELECTORAL COMMISSIONS

Your **COMMUNITY ELECTORAL COMMISSION** is charged with a number of duties and responsibilities under the law. (Article 14)

- Oversees the implementation of this law by Precinct Electoral Commissions.
- Discusses complaints and applications received concerning the decisions and actions of Precinct Electoral Commissions, **revises or cancels the decisions** which contradict the law.
- **Supervises the compilation of the lists of voters** by local self-governing bodies, compiles the lists of voters by precincts and passes them to the Precinct Electoral Commissions, and supervises the submission of these lists for general notification.
- **Provides the preparation** of the buildings, booths, ballot boxes and other means necessary for voting.
- Registers and issues respective certificates to **nominated candidates** for the Community Leader and Community Council members, recognizes as void or invalid

their registration, in the cases prescribed by law, **registers and issues certificates to the proxies** all candidates.

- **Accredits** members of **mass media** in the manner prescribed by the Central Electoral Commission.
- **Organizes the publication** on an equal basis of the **biographies and pre-election programs of the candidates** for Community Leader and the members of Community Councils.
- **Reveals, summarizes and approves the results** of elections of local self-governing bodies, **conducts checking** in the cases prescribed by law, **recognizes** the elections as **taken place, invalid or not taken place**, if the grounds, prescribed by the law are available.
- **Issues certificates to the elected** Community Leaders and Community Council members.
- Elects and recalls the deputy chairman and the secretary of the Community Electoral Commission.
- Appeals to respective competent state bodies in case of violations of this law.
- Exercises other powers as prescribed by this law.

2. DUTIES OF PRECINCT ELECTORAL COMMISSIONS

Your **PRECINCT ELECTORAL COMMISSION** is charged with a number of duties and responsibilities under the law. (Article 15)

- **Ensures that the voters have the opportunity to view and acquaint themselves with the lists of voters** provided by the Community Electoral Commission. (The lists of voters will be provided no later than 15 days prior to the election).

Accepts and discusses **complaints in the lists of voters** and resolves any disputes by **introducing the respective adjustments to the lists**.

- **Informs the voters** of the location of the precinct, the day of the elections, and the working hours of the Precinct Electoral Commission.
- **Organizes the voting, summarizes the results** of the voting and **submits the results** to the Community Electoral Commission.
- Elects and recalls the deputy chairman and secretary of the Precinct Electoral Commission.

- Exercises other powers are prescribed by this law.

3. **WORKING ORGANIZATION OF THE COMMISSIONS (Article 16)**

The work of the electoral Commissions is **organized by the Chairman** of the respective committees or their deputies, if assigned by the chairman.

All members of the Electoral Commissions **have the right to inspect the issues under the jurisdiction of their commissions** and have access to the corresponding documents.

The Electoral Commissions **determine the schedule** of their regular sessions.

Extraordinary sessions may be convened at the discretion of the Chairman or by the written demand of at least 1/3 of the committee members, at a date set by the Commission members, with the secretary informing all members in advance of the date of the extraordinary sessions.

The sessions of a commission possess equal authority, if more than 2 of the total number of commission members attend.

The decisions of the electoral Commissions are passed by an open ballot. In special cases use of a secret ballot may be chosen by the Commission members. The ballot is considered valid if more than 2 of the total number of Commission members have voted.

Upon the request of a superior Commission, Commissions must submit all materials at their disposal concerning issues of interest for the superior Commission.

The members of superior a Electoral Commissions have the right to be present at the sessions of subordinate Electoral Commissions, **with the exception of the sessions on summarizing the results of voting or elections.**

If decisions of two Committees contradict each other, **the decisions of the superior Commission prevails.**

Members of Electoral Commissions can be relieved of their obligations at their place of employment, in the manner prescribed by the Central Electoral Commission, during their activities on behalf of the committee.

The Electoral Commissions **maintain a register** with numbered pages and sealed by the superior commission, in which mandatory dated entries are made on all factual activities carried out in connection with the **election.**

The participation of the members of Electoral Commissions in the session is fixed in a register by the commission secretary, under which the member of the Commission, present at the sessions, have the right to sign.

4. **PROCEDURE FOR APPEALING DECISIONS AND ACTIONS OF ELECTORAL COMMISSIONS (Article 17)**

Appeals on decisions and actions of Electoral Commissions

WHAT CAN BE APPEALED?	Decisions and actions of: Regional Electoral Commissions, Yerevan City Electoral Commissions, Community Electoral Commissions, and Precinct Electoral Commissions, <i>(except for decisions of Precinct and Community Electoral Commissions concerning the summarization of the results of voting)</i>
WHERE IS APPEAL MADE?	To a superior Electoral Commission, or to a court of law.
WHO CAN APPEAL?	Members of the Electoral Commissions, the persons who paid the electoral deposit, the registered candidates, candidate proxies, and the voters
WHEN CAN THE APPEAL BE MADE?	Within two days of the adoption of the decision or implementation of the action, and the complaint must be heard within 3 days of its submission

**Appeals on summarization of election results by Community and
Precinct Electoral Commissions**

HOW CAN APPEALS BE MADE ON THE DECISIONS AND ACTIONS OF THE PRECINCT ELECTORAL COMMISSIONS ON THE SUMMARIZATION OF THE VOTING RESULTS?	The appeal may be made to the Community Electoral Commission within one day of the adoption of the decision or implementation of the action.
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HOW CAN APPEALS BE MADE
ON THE DECISIONS AND
ACTIONS OF THE COMMUNITY
ELECTORAL COMMISSIONS ON
THE SUMMARIZATION OF THE
ELECTION RESULTS?

The appeal may be made to a court of
law within two days of the adoption
of the decision or implementation of
the action.

HOW CAN APPEALS BE MADE
ON THE DECISIONS AND ACTIONS
OF A COURT OF LAW REGARDING
THE SUMMARIZATION OF THE
RESULTS OF ELECTION?

An appeal may be made to the Supreme
Court, which collectively pronounces
its final decision within three months.

WHO CAN APPEAL DECISIONS
AND ACTIONS OF ELECTORAL
COMMITTEES ON THE
SUMMARIZATIONS OF RESULTS?

Members of corresponding Electoral
Commissions, by the registered
candidates for Community Leader
and Community Council

WHAT HAPPENS IF THE COURT
PRONOUNCES JUDGMENT
RECOGNIZING AS VOID THE
DECISION OF THE COMMUNITY
ELECTORAL COMMISSION ON
THE SUMMARIZATION OF THE
RESULTS?

The court pronounces judgment also on
the results of election, based on the
provisions of this law.

Appeal of the decisions and actions of the Central Electoral Commission

WHO CAN APPEAL THE DECISIONS
AND ACTIONS OF THE CENTRAL
ELECTORAL COMMISSION?

The persons who paid the electoral
deposit, the registered candidates

WHEN CAN THE APPEAL BE MADE?

Within two days of the adoption
of the decision or implementation
of the action.

WHERE CAN THE APPEAL BE
MADE?

To the Supreme Court, which will
pronounce final judgment in a
collective manner within five days.

5. PUBLIC INFORMATION DISSEMINATION DURING PREPARATION AND CONDUCT OF THE ELECTIONS (Article 6)

Electoral Commissions, in the manner prescribed by the central Electoral Commission, inform the public of their membership, location, and working hours, as well as on all activities for preparing, conducting and summarizing the results of elections.

Representatives of proxies, accredited foreign observers, and mass media have the right to be present at sessions of the electoral Commissions, as well as during the whole process of the voting.

The Electoral Commissions must ensure equal conditions for the presence of proxies of the candidates, accredited foreign observers and representatives of mass media.

Proxies of candidates, accredited foreign observers and representatives of mass media have the right to acquaint themselves with the decisions and protocols of the Electoral Commissions and make extracts.

III. THE PRESENCE OF OBSERVERS

In order to ensure openness in the conduct of this election, the laws contain provisions which allow a number of individuals to be present during working sessions of the electoral committees, during the registration of the candidates, the sealing of the ballot boxes, during the voting and at the counting and summarization of votes.

Observers include: *candidate proxies* accredited media* accredited international observers*

1. PURPOSE OF HAVING OBSERVERS

The presence of observers serves multiple purposes. Observers can be true allies to election officials. By their presence and through their observations they can:

- Provide openness and transparency for the public, candidates, and political public organizations and raise confidence in the process.
- Deter those who would engage in improper practices or fraud.
- Reduce opportunities for frivolous or misguided allegations of impropriety
- Assist election officials by assessing the process and offering recommendations for future improvements.

2. AUTHORIZED OBSERVERS

Foreign observers

Foreign observers are authorized in the Law for Elections of the Local Self-Governing Bodies, (Article 6)

Representatives of accredited mass media

Representatives of mass media are authorized in the Law for Elections of the Local Self-Governing Bodies, (Article 6)

Candidate proxies

Candidate proxies are authorized in the Law for Elections of the Local Self-Governing Bodies, (Article 6)

3. REGULATIONS ON THE STATUS OF FOREIGN OBSERVERS DURING THE 1996 ELECTIONS FOR PRESIDENT OF THE REPUBLIC OF ARMENIA
(resolution of the Central Electoral Commission) *This resolution will stand for the Elections of Local Self-Governing Bodies*

Procedure for Accrediting Foreign Observers

- Accreditation of foreign observers is conducted by the Central Electoral Commission.
- Foreign observers can be invited by the Central Electoral Commission through recognized international or foreign organizations.
- Based on the lists of observers, submitted by the international or foreign organizations which will sponsor them, the Central Electoral Commission will issue corresponding certificates (in Armenian) to foreign observers.
- The time frame for the accreditation of the foreign observers is set by the Central Electoral Commission and is fixed in the corresponding certificate.

The Rights of Accredited Foreign Observers

Foreign observers have the following rights:

- Foreign observers have the right to be present at all sessions of the Electoral Commissions.
- To familiarize themselves with the electoral documentation, with the lists of voters, of the political organizations, their associations, the decisions and protocols of the Electoral Commissions, and to photocopy these documents or make extracts from them at their will.
- To be present at the polling stations (electoral precincts) during voting.
- To appeal to the Electoral Commission, to express their opinion about the election process and its results.
- To be present at the meetings of parties, their associations, and the candidates.
- To conduct press-conferences and to apply to the means of mass media corresponding to the existing legislation of the Republic of Armenia.
- To create temporary working groups for the observation of the conduct of elections through agreement with the Central Electoral Commission.

Guarantee of Activities of Foreign Observers

- During the entire period of their stay in the Republic of Armenia, foreign observers shall be under state guardianship (protection).
- Material and financial expenses related to the activities of foreign observers are covered by the organizations sending the observers, or by the representatives themselves.
- The Ministry of Foreign Affairs of the Republic of Armenia and the relevant electoral commissions will provide necessary assistance to the observers while they are performing their duties, as described in Article 2 of these Regulations.
- According to the present Regulations, foreign observers conduct their observations autonomously and independently.
- Foreign observers cannot be called to account for expressing their opinion and for assessing the process of the electoral campaign and summarizing of results.

Responsibilities of Foreign Observers

- Foreign observers do not have the right to use their status to participate in activities not related to the election campaign.
- Foreign observers shall never interfere with the voting, counting or other processes of the election. Foreign observers can express their opinion if asked, but may not demand or attempt to countermand decisions of the election officials.
- The Central Electoral Commission has the right to nullify the powers of foreign observers (taking away their certificate) in case they violate the laws of the Republic of Armenia, generally recognized standards of International Law, or these Regulations.
- Foreign observers send the copies of their report to the Central Electoral Commission of the Republic of Armenia and the Ministry of Foreign Affairs of the Republic of Armenia.

4. RIGHTS AND OBLIGATIONS OF FOREIGN OBSERVERS

Authorized foreign observers are entitled to:

- Attend sessions of the Precinct Election Commission.

- Be present to inspect the ballot boxes before the polls open, witness the voting throughout the day, be present for the counting of the ballots and preparation of the summary of results.
- Ask questions of the committee members and inspect the voter list, election documents and other materials used in the election.
- Take photographs of the proceedings as long as they do not disrupt the orderly conduct of election activity.
- Quietly draw problems or matters of importance to the attention of the Chairman or member of the commission.
- Have documents and writing materials and may take notes regarding their observations.
- Politely and quietly speak to voters regarding procedural matters and may ask to inspect their identification and watch them sign the voter list.
- Quietly speak to other observers or representatives of the candidates as long as it does not disturb the voters.
- Move quietly about the polling place in order to observe the procedures being followed by officials and voter, although they may not enter a secrecy booth or a secrecy room with a voter.
- Appeal to a superior committee if they have reason to believe that errors are occurring at the polling site which are not being corrected by the Chairman.

Accredited Observers are not entitled to:

- Handle the ballots.
- Express a personal view about any candidate or political public organization or bloc.
- Enter a secrecy booth or a secrecy room with a voter.
- Ask a voter to divulge his/her preference on the ballots.
- Attempt to influence the voter's choice.
- Disrupt the voting process

5. **RESPONDING TO OBSERVERS CONCERNS**

- Make sure that observers have a clear, unhampered view of all activities throughout the conduct of all election day procedures.
- Treat observers courteously and answer their questions accurately.
- Make appropriate announcements when special circumstances arise, or to openly share information of interest to the observers.
- Be responsive to complaints brought to your attention by an observer.
- Confer with the Chairman and determine if the complaint is justified and make any adjustments or corrections which may be appropriate.
- If you believe the complaint is not justified, explain why.
- Be prepared to cite the law or regulations.
- If necessary, contact your Community Election Commission.
- If the observer is still not satisfied refer him/her to the superior commission.
- Regarding more serious complaints, make notations in your registry and record the manner in which the problem was resolved.

6. **PROXIES (Article 21)**

(see the Central Electoral Commission resolution in the back of this book)

Who are the proxies?

Proxies are people chosen by the candidates to represent their (the candidate's) interest in relations with state and public bodies.

How are proxies registered?

Registered candidates for Community Leader and member of Community Council present the list of their proxies for registration to the Community Electoral Commission.

How many proxies are there?

A candidate can have two proxies for each Community Electoral Commission and Precinct Electoral Commission.

Will proxies have identification?

Yes, a certified proxy has a certificate approved by the Central Electoral Commission and issued by your Community Electoral Commission.

How many proxies can be in the precinct during the voting and during the counting of results?

Two proxies from each candidate may be present at the sessions of the Community and Precinct Electoral Commissions, and during the voting day at the precinct. One proxy from each candidate may be present at the counting of the votes and summarizing the results. Proxies of the same candidate may trade places during the day.

7. MASS MEDIA

(see the mass media resolution in the back of this book)

Who accredits the mass media?

The Community Electoral Commissions accredit the mass media.

How many members of each mass media may be accredited?

No more than two members from each mass media may be accredited. Only one representative from each mass media can be present at one time at the sessions of the Electoral Commissions.

What can the representatives of mass media attend during the elections?

Accredited representatives of mass media can be present at the Central Electoral, Regional Electoral, Community Electoral and Precinct Electoral Commission meetings. This includes during the whole process of voting. (Article 6)

Is there an accreditation certificate for mass media?

Yes, see the sample in the back of this book.

IV. BEFORE ELECTION DAY

1. GETTING READY

Read the *Law of the Republic of Armenia on the Elections of Local Self-Governing Bodies*. You will find the articles listed below in the law book distributed to each Precinct Electoral Committee member.

Pay particular attention to:

- | | |
|-------------|--|
| Article 3. | The right to vote |
| Article 6. | Public information dissemination during the preparation and conduct of the elections for local self-governing bodies |
| Article 11. | Procedure for changing the membership of Electoral Commissions |
| Article 12. | Powers of the Central Electoral Commission |
| Article 13. | Powers of the Regional Electoral Commissions |
| Article 14. | Powers of the Community Electoral Commissions |
| Article 15. | Powers of the Precinct Electoral Commissions |
| Article 16. | Organization of the work of Electoral Commissions |
| Article 17. | Procedure for appealing decisions and actions of Electoral Commissions |
| Article 21. | Proxies |
| Article 23. | Lists of Voters |
| Article 24. | Publication of the lists of voters and the right to appeal errors |
| Article 25. | Ballots |
| Article 26. | The stamp ensuring the validity of the ballot |
| Article 27. | Disbursement and collection of voting documents in Electoral Commissions |
| Article 28. | The place and time of voting |
| Article 29. | The organization of voting |
| Article 30. | The implementation of voting |
| Article 31. | Procedure for completing the summary records of election results in the electoral precincts |
| Article 32. | Invalid ballots |
| Article 33. | Ballots not corresponding to the approved specimen |
| Article 34. | Valid ballots |
| Article 51. | Transitional requirements |

Read the Resolutions issued by the Central Electoral Committee in the addendum of this book.

Attend all meetings called by your Community Electoral Committee

Attend all meetings called by the Chairman of your Precinct Electoral Committee

Study the instructions in this guidebook

Discuss individual working assignments for election day. Discuss your plan as to how you will actually handle the counting of ballots.

Have the telephone number and the name of your contact with the Community Electoral Committee should you need advice or guidance on election day.

2. INSPECTING YOUR POLLING STATION

Inspect your polling place before election day to make sure that there is sufficient space to handle the placement of adequate tables and chairs for your work, secrecy booths, chairs for the observers and representatives of the political parties and proxies, and the smooth traffic of voters.

If there are inadequacies of space and facilities advise the Chairman of your Community Electoral Committee in order to make suitable arrangements with the authorized person in your building to correct the deficiencies.

Check to see if there is a telephone that you will be able to use on election day to call in to your Community Electoral Committee. Arrange to have access to a room with a telephone if the telephone happens to be in a room that may be locked. Check this telephone number with your Community Electoral Committee to make sure they have the correct number when it is necessary to call during election day.

Make sure appropriate signs are posted outside the building. These signs should identify the Precinct by number.

There must not be any election propaganda in the Precinct at any time. Remove any that you find before election day or during election day.

Prepare signs that direct the voters to the appropriate table for registering and issuing the ballot.

3. PRE-ELECTION RESPONSIBILITIES REGARDING THE VOTER LIST (Article 23)

THE LIST OF VOTERS SHOULD INCLUDE ALL CITIZENS OF THE REPUBLIC OF ARMENIA WHO HAVE THE RIGHT TO VOTE IN YOUR PRECINCT. (Refer to the Resolution of the Central Electoral Commission in this book)

Who has responsibility for the lists of voters?

The Community and Precinct Electoral Commissions have the responsibility for the lists of voters.

Who is to receive and post the list of voters?

The Precinct Electoral Commission receives and posts the lists of voters.

When and where are the lists of voters to be posted?

The lists of voters are to be posted no later than 15 days before the election, and the lists are to be posted at the building housing the precinct.

What is to be done about complaints on the accuracy of the lists of voters?

If a citizen, proxy or candidate makes a complaint regarding the lists of voters, the Precinct Electoral Commission is to review the complaint within two days, or immediately if the complaint is made on the eve of the election.

The Commission accepts or rejects the complaint and provides the complainant with a copy of the decision.

How are adjustments to the lists of voters made?

The Precinct Electoral Commission introduces the necessary adjustments to the lists of voters to the Community Electoral Commission, and this Commission adjusts the lists by compiling an additional list, with the signature of the Community Chairman beside the name of each voter added or subtracted from the list. In the additional lists the enumeration of voters continues the number from the original list of voters.

Can the decisions of the Precinct Electoral Commission on the lists of voters be appealed to a court of law?

Yes. And, these adjustments requested by a court of law are to be introduced immediately.

Can adjustments to the lists of voters be made on election day, and how can they be made?

Changes to the lists can be made by the decision of the Chairman of the Precinct Commission on the day of the election. If a citizen submits his/her passport or other document substituting for the passport along with a corresponding record of residence, he/she may be added to the lists of voters.

The number of names on the lists of voters is an important number for the Community and Precinct Electoral Commissions to know. The Community Commission must arrange to have the ballots printed for the number of names on the voter list and with an additional 50% of that number. The Precinct Commission will use the final number of names on the voter list to fill in the protocols on counting and summarizing the results of voting.

**4. PRE-ELECTION RESPONSIBILITIES REGARDING THE BALLOT
(Articles 25 and 27)**

Whose responsibility is it to print the ballot?

The Community Electoral Commission has the responsibility of having the ballots printed.

How many different ballots are there?

There will be two ballots in each precinct, one ballot for Community Leader and the other ballot for Community Council members.

What are the ballots to be like?

The ballots are printed in a printshop. The ballots must be printed according to the samples approved by the Central Electoral Commission. If the elections for Community Leader and members of Community Councils are conducted simultaneously, then the ballots are printed in a way to differ from each other when twice folded.

How many ballots are to be printed?

The Community Electoral Commission must arrange to have printed a ballot for each name on the lists of voters with an overage of 50% of that number.

5. **SUPPLIES AND COMMODITIES FOR PRECINCT ELECTORAL COMMISSIONS**

Confirm that you have all the required materials you will need to carry out your duties on election day:

- _____ Secrecy voting booths (1 for each 500 voters)
- _____ Ballot box
- _____ Seal for ballot box
- _____ Registry in which you will maintain a record of election day activity
- _____ Pens in sufficient quantity to accommodate the members of the Committee and the voters
- _____ Coupons
- _____ Protocols
 - _____ Protocol number 1, for the election of Community Leader
 - _____ Protocol number 2, for the election of Community Leader
 - _____ Protocol number 3, for the election of Community Leader
 - _____ Protocol for the summarizing of the results of the election of Community Leader
- _____ Protocol number 1, for the election of Community Council members
- _____ Protocol number 2, for the election of Community Council members
- _____ Protocol number 3, for the election of Community Council members
- _____ Protocol for summarizing of the results of the election of Community Council members
- _____ Precinct stamp
- _____ Writing paper
- _____ Wrapping paper
- _____ Sealing wax
- _____ Envelopes, boxes or wrapping materials in which to transport materials and ballots and protocols to the Community Electoral Committee
- _____ Candles or lanterns in the event of a power outage
- _____ Matches
- _____ String or tape
- _____ Glue

6. **RECEIVING YOUR BALLOTS (Article 27)**

Confirm instructions from your Community Electoral Commission as to when you are to pick up or receive the ballots for your precinct.

It is Recommended that these ballots not be allocated until election eve.

Arrange for at least two (2) members of the Precinct Electoral Committee to be present for receiving and/or transporting the ballots.

It is Recommended that the two members of the Precinct Electoral Committee receiving these ballots be members of two different political parties

When you receive the ballots:

Count them: you are to be allocated the quantity equal to the number of voters in the list with an additional 50% of that number. For example 3000 voters, 4500 ballots.

Make the note in your Precinct registry as to the date, time and quantity of ballots you received. The registry is to be signed by the presenter and recipients of the ballots. Sign and keep a copy of the receipt for the issuance of the ballots.

Make arrangements for storing the ballots in a secure and locked location.

Make a note in the precinct registry as to the method by which you have ensured the safety and security of the ballots.

**7. RECEIVING THE STAMP ENSURING THE VALIDITY OF THE BALLOT
(Article 26)**

What is this stamp for?

It is for stamping the voted ballots on election day to prove the ballot validity.

What is this stamp like?

It is a stamp produced by industrial technology. It will have a number consisting of two letters and a four digit number. When this stamp is distributed to the Precinct Chairman it will come in an envelope that is stamped and has a number on it.

How and when will the Precinct Chairman receive the stamp(s)?

The Regional electoral Commissions will distribute the stamp(s) to each Precinct Chairman on the eve of the election.. The stamps(s) you receive will be delivered by random selection.

How many stamps does a precinct receive?

A precinct will receive one stamp for each 1000 voters, or 1 stamp for each part of 1000 voters.

****Remember to register the number of the envelope(s) that the stamp(s) come in and make that an entry in the precinct registry.**

V. BEFORE VOTING BEGINS ON ELECTION DAY

Regular polling hours are from 0800 to 2200 at the Precinct centers. Before voting begins at 0800 there are a number of tasks that must be completed. Many are to take place in the presence of Commission members and authorized observers that are in attendance.

1. ARRANGING YOUR PRECINCT AREA

Arrive at your Precinct center at least one hour before voting is to begin.

Arrange the tables and chairs for Committee members in a way that ensures efficient operation and smooth traffic for voters. Ideally, the voters should enter through one door and exit out another. Traffic should go in one direction.

Organize tables for the registration of voters and the handing out of ballots.

- For handing out the ballots-one table for each 1000 voters
- For registration of voters and stamping the ballots-one table for each 1000 voters.

Post behind these tables the signs previously made, indicating the addresses, so that the voters may know which table to approach.

According to the law (Article 29) the tables for the registration of the voters and for stamping the ballots must be placed in the area between the secrecy booth or secrecy rooms and the ballot box, and these tables are to be as close to the ballot box as possible.

And these tables and the ballot box are to be placed in a location visible for the majority of those entitled to be present in the precinct.

To avoid confusion, arrange the tables so there will be space for the voters to stand in a queue in front of each of the tables and not be clustered around these tables.

Organize seats for authorized observers (proxies) in a manner in which they are given full view of voting activity throughout the day. Plan that this seating will be in a separated space, not one where the observers will be mingling with the voters.

There shall be one secrecy voting booth or room for each 500 voters. (Article 29)

Arrange the placement of the secrecy voting booths so that the privacy of voters is guaranteed as they mark their ballots. If rooms are used instead of voting booths, there must be only one voter at a time in each room and the room must be organized to allow for complete privacy for the voter. Arrange that there shall be light in the secrecy room, as during several hours of voting it will be in the nighttime.

2. WHO MAY BE PRESENT IN THE PRECINCT (Article 16)

- All members of the Precinct Electoral Committee
- Proxies of the candidates for Community Leader and proxies of the candidates for Community Council, no more than one proxy from each candidate at one time
- International observers holding proper accreditation issued by the Central Electoral Committee and their interpreters
- Accredited members of "mass" media

Copies of the identification of observer are in the back of this book

Each candidate may have up to two proxies, but only one proxy can be in the polling place at any one time

Inspect the accreditation of all those who are allowed into the precinct - except, of course - the voters

Interpreters and others assisting the International Observers are not required to have accreditation documents.

3. ASSIGNMENT OF DUTIES

Determine which committee members will be assigned to do which tasks.

Article 29, of the law says:

Before the start of voting, the commission determines through a process of random selection and registers those of its members, who will hand out the ballots (two commission members for each 1000 voters), who will register the voters and stamp the ballots with the validating stamp (two commission members for each 1000 voters), on the day of elections and also determines the working shifts of these commission members.

Make sure that arrangements are made so that members may be replaced during necessary rest or meal breaks.

It is also best to have committee members do different tasks during the day.

In your registry make sure that the committee members are listed as to their names, tasks and the times they worked at that task during the voting day.

It is a good idea to assign **members of the commission (and only members of the commission)** to maintain **watch on the Ballot Box** to ensure that voters personally deposit their ballots and that the Ballot Box is not disturbed by anyone present in the polling station.

In the election for Community Leader and Community Council members there is no voting in homes or in hospitals. There will be no need to assign a team for mobile boxes.

4. **TRANSPARENCY BEFORE THE PUBLIC (Article 29)**

On the day of the elections, the **Committee Chairman**, in the presence of the members of the committee and persons entitled to be present at the voting, does the following:

1) **Checks, closes and seals the ballot box**

Before sealing the ballot box it should be opened and displayed to show all present, committee members and accredited observers, that the ballot box is empty.

2) **Gives one list of voters to each commission member that is responsible for registration of voters; Gives one list of voters to each commission member responsible for handing out the ballots**

3) **Hands the amount of ballots equal to the number of voters in the lists of voters to the members responsible for handing out the ballots.**

4) **The Precinct Chairman also sees that this member(s) has a supply of coupons equal to the number of voters in the lists of voters.**

5) **Checks to see that the envelope(s) stamped and numbered by the Regional Electoral Commission that holds the stamp(s) for validating the ballot is whole and unopened. The number of the envelop(s) must be written in the precinct register.**

- 6) Opens each stamp envelope and verifies that the seal of the packing of the stamp is untouched.
- 7) Breaks the seal of the parcel(s) containing the stamp(s)
Registers the serial number and the number of the stamp(s)
Hands the stamp(s) to the member(s) responsible for the registration of the voters and assuring the validity of the ballots.

The actions above are conducted in the sequence as listed and an entry of each action is written into the precinct register.

VI. VOTING BEGINS

The polls should be ready for the election at 08:00. (Article 24) Each voter should be processed in the same manner. All requirements must be applied in a non-partisan manner, uniformly and consistently.

Periodically throughout the voting, check the secrecy booths or rooms to make sure there is no campaign literature left behind by a vote.

1. ROUTINE PROCESSING OF VOTERS (Article 29)

What is the sequence of events for each voter ?

1. *Each voter arriving at the polls steps up to the table where his/her name is to be found on the lists of voters and where the ballots are handed out. These tables are divided by address ranges.*
2. *Each voter presents a passport or other document substituting for the passport.*
3. *The commission member at this table*
 - Finds the name of the voter in the list of voters
 - Writes the number of the voter in the list of voters on a coupon
 - Hands the coupon to the voter
 - Hands a ballot for the Community Leader to the voter
 - Hands a ballot for the Community Council to the voter
4. *The voter enters a booth or room for secret voting.*
 - If the voter makes a mistake in marking the ballot, there are to be a least two extra clean ballots in the booth or secrecy room., which the voter may use.
5. *The voter exits the voting booth or room, having folded the ballots, and approaches the table for registration and stamping the ballot, where he/she signs their name on the list of voters and has the ballots stamped. At this*

point the voter should have the ballots folded. Each ballot (one ballot for Community Leader and one ballot for Community Council members) should be folded separately.

6. *The commission member at this table*

- Finds the name and number of the voter in the lists of voters, by using the number written on the voter's coupon.
- Checks the passport or document substituting for the passport
- Fills in the data of identity from the passport or other document on the lists of voters,
- The voter signs his/her name on the line on the list of voters.

7. *The voter allows the commission member with the validating stamp to stamp the back of the ballots, without the ballot leaving the voters hands*

8. *The voter drops the ballots into the ballot box personally and leaves the precinct.*

9. *The voters has no right to*

- return to the booth or voting room after coming out of it
- open the folded ballot

2. **POSSIBLE EXCEPTIONS TO THE ROUTINE**

A. *THE VOTER DOES NOT HAVE THE REQUIRED IDENTIFICATION:*

The voter is not permitted to vote. The voter could leave the precinct to locate his/her identification and return to the precinct to vote.

B. *THE VOTER'S NAME IS NOT ON THE VOTER LIST:*

Changes are introduced to the lists of voters on the day of election by the decision of the Chairman of the Precinct Electoral Commission, provided the voter submits his/her passport, along with a corresponding record of his or her residence.

C. *A VOTER IS HANDICAPPED OR OTHERWISE INCAPABLE OF VOTING WITHOUT ASSISTANCE:*

Allow the voter to select another person to enter the secrecy booth with him/her to help him/cast the ballot. The voter needing assistance can

choose any person to assist him/her except members of the Precinct Electoral Commission or a proxy of a candidate.

Except for this case the presence of persons other than the voter in the voting booth or room during the completion of the ballot is prohibited.

D. A VOTER PRESENTS PASSPORTS FOR MEMBERS OF HIS/HER FAMILY AND WANTS TO VOTE ON THEIR BEHALF:

Refuse this voter's request. Each voter has the right to only one vote. These family members must appear at the precinct in person if they wish to cast their ballot.

E. A VOTER SPOILS, TEARS OR MISMARKS A BALLOT AND ASKS FOR A REPLACEMENT:

There will be at least two clean ballots in the secrecy booth or secrecy voting room, for the voter's use in case the voter spoils, tear or mismarks a ballot.

3. PROVIDING ASSISTANCE TO VOTERS

You *may*

answer questions and give instructions about voting procedures

explain to voters the manner in which they are to mark their ballots

make every effort to preserve the secrecy of each voter's vote

You *may not*

express any view related to a candidate or political public organization

advise the voter or make any recommendation as how to vote

mark a ballot for a voter

allow a voter to mark a ballot outside the secrecy booth or room

allow a representative of a candidate or political public organization to accompany a voter into the secrecy booth or room

4. HOW TO MARK THE BALLOT/HOW TO VOTE

*THE VOTER MAKES A MARK IN THE
VOTING SPOT NEXT TO THE NAME*

OF THE CANDIDATE, IN FAVOR OF
WHOM HE OR SHE IS VOTING

IF THE VOTER IS AGAINST ALL
CANDIDATES, THEN HE OR SHE
MAKES A MARK IN THE LINE THAT
APPEARS AFTER THE NAMES OF
THE CANDIDATES. THIS LINE SAYS
<<I DISAGREE TO EVERYBODY>>

IF ONLY ONE CANDIDATE FOR
COMMUNITY LEADER OR
COMMUNITY COUNCIL IS ON
THE BALLOT, THE VOTER
MAKES A MARK BESIDES THE
WORDS <<I AGREE>>, IF VOTING
IN FAVOR, OR THE VOTER MAKES
A MARK BESIDES THE WORDS
<<I DISAGREE>> IF VOTING
AGAINST

VII. CLOSING THE POLLS AND COUNTING THE VOTES

1. CLOSING THE POLLS

All voters at the precinct and waiting in the precinct building to vote at the 10:00 closing hour must be allowed to vote before the precinct may be officially closed.

At this hour, 10:00, the precinct is officially closed and the session on the summarization of the results of elections begins. (Article 31)

THIS SESSION OF THE PRECINCT ELECTORAL COMMITTEE CANNOT BE INTERRUPTED FROM THE MOMENT OF THE TERMINATION OF VOTING UNTIL THE COMPOSITION OF THE PROTOCOL SUMMARIZING THE RESULTS

The Chairman of the Precinct Electoral Committee closes the slots of the ballot box. The Chairman allows all persons who have no right to be present at the session of the Precinct Electoral Committee to leave the precinct center.

After the implementation of these actions, the Precinct Electoral Commission starts the session to summarize the results of the voting.

2. BEFORE THE BALLOT BOX IS OPENED

Have the procedures for counting the results planned in advance. If the Commission appears confused or disorganized, observers will have reason to doubt your competence. Act deliberately and efficiently.

As appropriate, rearrange the tables and chairs in a manner which will allow efficient handling of the ballot box and counting of the ballots.

- *make sure that observers, media, proxies and international observers will have a clear and unhampered view of the counting activities*

The Chairman should make an announcement describing the procedures which will be followed before activities begin.

- *This is the moment that the candidates and authorized observers have been waiting for. Keeping them fully informed of the steps you will be taking will help to eliminate confusion and raise confidence.*

The Precinct Chairman now

1. *Packs and seals the stamp(s) for assuring the validity of the ballots, and makes note on the parcel holding the stamp(s)*

- *the number of the electoral precinct*
 - *the number of the stamp(s), and the serial number of the stamp(s)*
2. *Counts the total number of voters on the lists of voters and the additional lists of voters. The lists of voters used for this counting are the lists that were used by the members responsible for registration of the voters and stamping the ballots.*
 3. *Counts the total number of signatures on the lists of voters. The lists of voters used for this counting are the lists that were used by the members responsible for registration of the voters and stamping the ballots.*
 4. *Prepares protocols*

Protocol number 1, for Community Leader and protocol number 1 for members of the Community Council are now prepared. Two copies of each protocol are prepared. This protocol is for recording the total number of voters on the lists of voters.

Protocol number 2, for Community Leader and protocol number 2 for members of the Community Council are now prepared and signed. Two copies of each protocol are prepared. This protocol is for recording the total number of signatures on the lists of voters (the total number of voters that voted)

5. *The lists of voters are packed and sealed. One copy of each of the above listed protocols are packed with the lists.*

*Protocols must never be signed before the data is filled in. Fill in the numbers, write the numbers in words***then sign the protocols.*

The Precinct Chairman next

1. *Opens the ballot box*
2. *Takes out one ballot from the ballot box*
3. *And declares loudly the verification of the ballot by the stamp and according to the approved specimen*
4. *Declares if the ballot is valid or invalid*
5. *Declares if the ballot itself is corresponding to the approved ballot specimen*
6. *Declares the candidate for whom it was voted, if the ballot is valid*
7. *Passes the ballot to other members of the commission and, if, any members object to the opinion of the chairman, the objection is voted on.*
8. *Puts the ballot on a pile (package)*
 - *of the corresponding candidate in favor of whom the ballot is voted, or*

- *against everybody, or*
 - *invalid or not corresponding to approved ballot specimen, or*
 - *not verified by a stamp corresponding to approved specimen*
9. *If there is no objection, the next ballot is taken from the ballot box and handled in the same fashion*
 10. *These actions are repeated for all ballots present in the ballot box separately for the ballots electing the Community Leader and the ballots electing the members of the Community Council.*

During this assortment procedure the commission members are not allowed to make notes and also have with them pens, pencils and other things suitable for making inscriptions.

Next, the Precinct Chairman

1. *Counts one by one the ballots, separately for the elections of the Community Leader and members of the Community Council*
2. *Counts those ballots not verified by a stamp corresponding to approved specimen*
3. *Counts those ballots recognized as invalid and corresponding to the approved specimen*
4. *Counts those ballots voted against all candidates*
5. *Counts those ballots voted in favor of each candidate*
6. *Counts the total number of valid ballots*
7. *The counted ballots are packed according to their assortment and they are sealed.*

Protocol number 3 for Community Leader and Protocol number 3 for members of the Community Council are now prepared. Two copies of each protocol are prepared. This protocol is for recording the

- *total number of ballots in the box*
- *total number of valid ballots*
- *total number of invalid ballots*
- *the number of ballots not stamped with a stamp corresponding to the approved specimen and the number of ballots not corresponding to the approved specimen*
- *the number of voters voted against all candidates*
- *the total number of votes given in favor of all candidates*
- *the number of votes given in favor of each candidate*

3. THE SUMMARIZING PROTOCOL

A Summarizing Protocol is made in two copies, one summarizing protocol for the

election of Community Leader, and on summarizing protocol for the election of members of the Community Council.

What is listed in the summarizing protocol for both Community Leader and Community Council ?

1. the total number of voters, based on the lists of voters
2. the number of registered voters, based on the signatures
3. the number of ballots present in the ballot box:
 - the number of valid ballots
 - the number of invalid ballots
 - the number of ballots not stamped with a stamp corresponding to the approved specimen and the number of ballots not corresponding to the approved specimen
4. the number of ballots voted against all candidates
5. the total number of votes given in favor of all candidates
6. the number of votes given in favor of each candidate

The numbers registered in this protocol are declared in a loud voice

The protocol is signed by all commission members present at the session if they agree to the numbers in the protocol**

The protocol is stamped by the Chairman of the Precinct Commission

Immediately after the session has finished, the Chairman makes public the results of the voting in the precinct, by

1. giving a signed and stamped copy of the protocol (signed by the Chairman and the Secretary of the Commission) to the candidates proxies and/or to the accredited foreign observers, if it is requested, and
2. posting a copy of the summarizing protocol in the center of a precinct, in a place visible for all to see.

The Chairman then submits to the Community Electoral Commission, *immediately,*

1. one copy of the summarizing protocol,
2. the stamp(s) for verification of the ballots
3. the sealed electoral documents

What are *INVALID BALLOTS*?

They are ballots stamped with the stamp that verifies the ballots but,

1. are voted "pro" for more than one candidate, or
2. are voted "pro" for a candidate and also marked for "I am against all", or

3. if there is only one candidate on the ballot, both "I agree" and "I disagree" are marked, and, also,
4. ballots bearing extra inscriptions and notes.

Ballots that cause suspicion will be voted on by the Electoral Commission

What are **BALLOTS NOT CORRESPONDING TO THE APPROVED SPECIMEN?**

They are ballots stamped by the stamp corresponding to the approved specimen, but differ from the ballot corresponding to the approved specimen.

Ballots that cause suspicion are voted on by the Precinct Electoral Commission

What are **VALID BALLOTS?**(Article 34)

They are ballots not recognized as invalid, and, ballots which are corresponding to approved specimen, and, ballots which bear the stamp corresponding to approved specimen.

What happens when a **commission member has a special opinion ?**

If a commission member or members has a special opinion on the process of voting or on the results, then he/she makes a corresponding note near his/her signature, and presents an opinion in writing, which is attached to the protocol.

What happens when a **commission member refuses to sign a protocol?**

This situation is registered by the commission and a note is adjoined to the summarizing protocol.

Remember that when filling out the numbers in the protocols, the numbers must also be written in words, for instance, "156" and "one hundred fifty six"

(See the samples in the in the end of this book)

4. SUBMITTING RESULTS TO THE COMMUNITY ELECTORAL COMMISSION

After one copy of the summarizing protocol is posted in the precinct, the Chairman of the precinct Electoral Commission attaches one copy of the protocol of summarizing the results of voting with the sealed electoral documents and submits all to the Community Electoral Commission immediately. (Article 26)

It is recommended that the Chairman of the Precinct Committee and *at least one other member* of the Precinct Committee take the protocols of summarizing the results and the sealed electoral documents to the Community Committee *together*.

THE CENTRAL ELECTORAL COMMISSION
OF THE REPUBLIC OF ARMENIA

About the manner of releasing people, involved in electoral commission, from fulfillment
of their production or official duties

Guided by the articles 4 and 16 of the Law of elections of Local Self-Governing Bodies
the Central Electoral Commission

ENACTS

1. People involved in electoral commission and fulfilling activity connected with election can be released completely or partly from fulfillment of their production or official duties.
2. Member of CEC, REC, Community EC and PEC, chairmen, deputy chairmen, secretaries of Community EC and PEC can be released from fulfillment of their production and official duties on the basis of well founded statement, sent by corresponding electoral commission to the workplace administration of people mentioned above.
3. Conservation of working places and average salary for the people involved in electoral commission and released from fulfillment of their production and official duties is guaranteed.
4. People involved in electoral commissions can be released from fulfillment of production and official duties in the following period: no earlier than 20 days before the election and no later than 10 days after the election.

Chairman Khachatour Bezirjian
August 27, 1996

protocol 14, point 9

CENTRAL ELECTORAL COMMISSION OF THE
REPUBLIC OF ARMENIA

RESOLUTION

About the manner of mass media representatives accreditation by the Community Electoral Commissions during the election of local self-governing bodies.

ENACTS

1. Community Electoral Commissions accredit no more than 2 representatives from each mass media, and only one representative can be present at the same time at the sessions of the electoral commissions.
2. Accredited representatives of mass media can be present at the Central Electoral Commission meetings, Regional Electoral Commission meetings, and Precinct Electoral Commission meetings.
3. To define the status of mass media representatives during the election of local self-governing bodies, according to the CEC resolution Protocol 12, Point 3, on August 20, 1996, "About the Status of Mass Media Representatives."

Chairman Khachatour Bezirjian
September 3, 1996

Protocol 16, Point 1

CENTRAL ELECTORAL COMMISSION
OF THE REPUBLIC OF ARMENIA

RESOLUTION

About the manner of registration of proxies of Community Leader and member of
Community Council candidates, and about the sample of the certificate

Guided by the Article 14 and 21 of the Law of Elections of the Local Self-Governing Bodies

The Central Electoral Commission

ENACTS

1. Registered candidates for Community Leader and member of Community Council present the list of their proxies for registration to the Community Electoral Commission personally or through their authorized people. The number of proxies for each Precinct and Community Commission is no more than 2 people.
2. In the course of 5 days after receiving the list of proxies Community Electoral Commissions register them and give certificates of proxies to the candidate or his authorized person.
3. On the base of written statement of the candidate I n course of two day, a registration of a proxy can be considered invalid and registration of a new proxy can be done instead.
4. No more than two proxies represent interests of a candidate in corresponding electoral commissions. And only one representative from each candidate can be present at commission's meetings.
5. After introducing a proxy to the commission chairman or a person who replaces him, the commission chairman makes a note in a register about it.
6. To establish the samples of certificates for proxies. (See attached)

Chairman Khachatour Bezirjian
September 3, 1996

protocol 16, point 2

----- ՍԱՐԶԻ ----- ՀԱՄԱՅՆՔԱՅԻՆ
ԸՆՏՐԱԿԱՆ ՀԱՆՁՆԱԺՈՂՈՎ

Վ Կ Ա Յ Ա Կ Ա Ն

անուն, ազգանուն

համայնքի ղեկավարի թեկնածու -----
անուն, ազգանուն

վստահված անձն է:

Ուժի մեջ է անձը հաստատող փաստաթուղթ ներկայացնելիս
Քարտուղար՝

« » ----- 1996թ. Կ. Տ.

for regions

certificate for proxy
of a candidate for
community leader

ԵՐԵՎԱՆ ԶԱՂԱՔԻ ----- ՀԱՄԱՅՆՔԱՅԻՆ
ԸՆՏՐԱԿԱՆ ՀԱՆՁՆԱԺՈՂՈՎ

Վ Կ Ա Յ Ա Կ Ա Ն

անուն, ազգանուն

համայնքի ղեկավարի թեկնածու -----
անուն, ազգանուն

վստահված անձն է:

Ուժի մեջ է անձը հաստատող փաստաթուղթ ներկայացնելիս
Քարտուղար՝

« » ----- 1996թ. Կ. Տ.

for Yerevan

proxy certificate
of a community leader
candidate

----- ՍԱՐԶԻ ----- ՀԱՄԱՅՆՔԱՅԻՆ
ԸՆՏՐԱԿԱՆ ՀԱՆՁՆԱԺՈՂՈՎ

Վ Կ Ա Յ Ա Կ Ա Ն

անուն, ազգանուն

ավագանու անդամի թեկնածու -----
անուն, ազգանուն

վստահված անձն է:

Ուժի մեջ է անձը հաստատող փաստաթուղթ ներկայացնելիս
Քարտուղար՝

« » ----- 1996թ. Կ. Տ.

for regions

proxy certificate
for member of com. council
candidate

ԵՐԵՎԱՆԻ ԶԱՂԱՔԻ	ՀԱՄԱՅՆՔԱՅԻՆ
ԸՆԴՈՒՄ	ՀԱՆՁՆԱԺՈՂՈՎ
Վ Կ Ա Յ Ա Կ Ա Ն	
----- անուն, ազգանուն	
ավագանու անդամի թեկնածու	----- անուն, ազգանուն
վստահված անձն է:	
Ուժի մեջ է անձը հաստատող փաստաթուղթ ներկայացնելիս Զարտուղար	
« » ----- 1996թ.	Կ. Տ.

for Yerevan

proxy certificate
for member of
community Council
candidate

CENTRAL ELECTORAL COMMISSION OF THE REPUBLIC OF ARMENIA

RESOLUTION

About the sample of coupon that should be used during the election
of the local self-governing bodies

Acting in accordance with Article 30 of the Law of the Republic of Armenia on the election of
Local self-Governing Bodies, The Central Electoral Commission

ENACTS

To establish the samp[le of coupon that should be used during the Election of Local Self-
Governing Bodies:

(See attached)

Chairman Kh Bezirjian

October 11, 1996

Protocol 23, point 2

ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ
ԿԵՆՏՐՈՆԱԿԱՆ ԸՆԴՐԱԿԱՆ ՀԱՆՁՆԱԺՈՂՈՎ

Օ Ր Ա Կ Ա Ր Չ
ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ
ԿԵՆՏՐՈՆԱԿԱՆ ԸՆԴՐԱԿԱՆ ՀԱՆՁՆԱԺՈՂՈՎԻ ՆԻՍՏԻ

11. հոկտեմբեր 1996 թ.

ժամը 10⁰⁰-ին

1. Համայնքի ղեկավարի և ավագանու անդամի թեկնածուների գրանցման վերաբերյալ հաղորդագրությունը հրապարակելու կարգի մասին.

Ձեկ. Ս. Մուկույան

2. Տեղական ինքնակառավարման մարմինների ընտրությունների ժամանակ օգտագործվող կտրոնի նմուշը սահմանելու մասին.

Ձեկ. Ս. Մուկույան

3. Տեղական ինքնակառավարման մարմինների ընտրությունների ժամանակ լրատվական միջոցների հավատարմագրման վկայականի ձևի մասին.

Ձեկ. Ա. Զոհրաբյան

Օրակարգը կազմեց՝

Ս. Զոհրաբյան

Ա. Զոհրաբյանը

Նախագիծ

Հայաստանի Հանրապետության
Կենտրոնական Ընտրական Հանձնաժողովի

Ո Ր Ո Շ ՈՒ Մ

Համայնքի ղեկավարի և ավագանու անդամի թեկնածուների գրանցման
մասին հաղորդագրությունը հրապարակելու կարգի մասին:

Ձեկ՝ Ս. Մուկույան

Ղեկավարվելով ՀՀ «Տեղական ինքնակառավարման մարմինների ընտրու-
րությունների մասին» օրենքի 19 հոդվածով

Կենտրոնական Ընտրական Հանձնաժողովը

Ո Ր Ո Շ ՈՒ Մ Է՝

1. Համայնքի ղեկավարի և ավագանու անդամի թեկնածուների գրանցման մա-
սին հաղորդագրությունը հրապարակվում է մարզային ընտրական հանձնաժո-
ղովների կողմից մարզային կամ տեղական մամուլի միջոցներով:

2. Տեղեկությունները հրապարակվում են ըստ համայնքների՝ նշելով համայնքի
անվանումը: Դրանցում ներառվում են թեկնածուի անուն-ազգանունը, կուսակ-
ցական պատկանելությունը, աշխատանքի վայրը և պաշտոնը (գրադմուքը):

3. Թեկնածուների վերաբերյալ տեղեկությունները գրանցման համար նախա-
տեսված ժամկետի ավարտից ^{հետո} ոչ ուշ, քան ⁵ օրվա ընթացքում համայնքային
ընտրական հանձնաժողովները հաղորդում են մարզային ընտրական հանձնա-
ժողովին, որը գրանցման համար նախատեսված ժամկետի ավարտից ոչ ուշ,
քան ¹⁰ օրվա ընթացքում հրապարակում է:

CENTRAL ELECTORAL COMMISSION OF
THE REPUBLIC OF ARMENIA

RESOLUTION

About the sample of accreditation certificate for mass media during the election of local self governing bodies

Acting in accordance with Article 14 of the Law of the Republic of Armenia on the Election of Local Self-Governing Bodies, the Central Electoral Commission

ENACTS

In conformity with resolution 16/1 passed September 3, 1996, to establish the sample of accreditation certificate given by the Community \Electoral Commission to mass media.

(See sample attached)

Chairman Khachatour Bezirjian

October 11, 1996
Protocol 23, point 3

THE COMMUNITY ELECTORAL COMMISSION

SUMMARIZING THE RESULTS OF THE ELECTION

In the Elections for the Local Governing Bodies Community Electoral Commission has many responsibilities particularly in summarizing the results of the elections, making decisions as to the validity of the elections and reporting of the results. This paper should serve to explain some of these election situations.

ORGANIZATION OF THE SUMMARIZATION OF RESULTS OF THE ELECTION IN COMMUNITIES

Before the Community Electoral Commission begins the summarization of the results of the elections in communities, the Commission, in the presence of people who have the right to be present

- verifies that all necessary documents are available
- verifies the stamp (stamps) that secure the validity of the ballot
- checks the wholeness of the seals on the documents
- checks to see that the protocols presented meet the demands, that all protocols to be done by the Precinct Electoral Commission are available
- makes a record of have the above and makes note in the Community Commission register.

The session on summarizing the results of election for the community council is conducted without interruption if no need for checking is revealed.

SUMMARIZING THE RESULTS OF ELECTION FOR COMMUNITY LEADER

From Article 36 and 39 of the Law for the Elections of Local Governing Bodies

Who is allowed to be present at the summarizing session of the Community Electoral Commission?

Accredited representatives of mass media, foreign observers (accredited by the Central Electoral Commission), and the proxies have the right to be present at sessions of the electoral committees. This is true for the whole process of voting.

And a reminder, the Community Electoral Commission accredits the representatives of mass media for this election. Also, the Community Electoral Commission registers the candidate proxies for the electoral Precinct and Community Commissions.

What is the first act of the Community Commission in summarizing the results of the election for Community Leader?

The Community Commission checks to see that the data of the summarizing protocols of each electoral precinct *correspond to the data on the protocols 1, 2 and 3.*

What if the data on these protocols does not correspond?

In case there is a discrepancy in this data, in separate precincts, the Community Electoral Commission checks the correspondence of the data in the protocols to the factual data of the precinct. *If the number of signatures does not correspond to the number of ballots in the ballot box, checking of the factual data of the precinct must be done, if there is a written demand to do so of at least 4 members of the Community Electoral Commission.*

Who can participate in the procedure of checking?

The members of the Community Precinct, the Chairman of the Precinct Commission, and any authors of special opinion adjoining the protocol(s) of the Precinct in question.

What happens if a discrepancy is revealed in the protocols?

The Community Electoral Commission composes a corrected protocol of the results of voting . The original (preliminary) protocol is attached.

Who signs the corrected protocol?

The members of the Community Electoral Commission that were present in the session. And, the protocol is to be stamped by the Chairman.

What happens if a member(s) of the Community Commission have a special opinion or refuse to sign the corrected protocol?

If a member of the commission has a special opinion, he/she makes a note near his/her signature, present the opinion in writing and it is attached to the protocol.

If a member refuses to sign the corrected protocol, a protocol is made on this and it is attached to the corrected protocol.

What is the form of the Summarizing Protocol ?

The information given on the summarizing protocol is as follows:

1. the total number of voters based on the lists of voters
2. the number of registered voters based on signatures
3. the number of ballots present in the ballot box
--the number of ballots recognized as valid

--the number of ballots recognized as invalid or not corresponding to the approved specimen (this is the number of specimen ballots without the validating stamp and non-specimen ballots combined)

4. the number of votes given against all candidates
5. the number of votes given in favor of all candidates combined
6. the total number of votes given in favor of each candidate
7. the measure of incorrectness influencing the number of votes given in favor of each candidate

What decisions does the Community Electoral Commission make based on the data registered in the summarizing protocol?

1. it recognizes that the election has taken place, and that the Community Leader has been elected, or,
2. it recognizes that the election is invalid and designates a re-vote, or,
3. it recognizes that there will be a second stage of elections, or,
4. it recognizes the elections in the community have not taken place, and recognizes that a new election will be conducted

What must happen for a candidate for Community Leader to be recognized as elected in the first stage of the election?

A candidate must receive **more than half (50% plus 1 or more)** of all the votes in favor.

What if only one candidates runs in the first stage of election, can he/she be elected as Community Leader?

Yes, if only one candidates runs for any stage of elections as Community Leader and he/she has received more than half of the votes of those voting in the election, than he/she is elected as Community Leader.

What makes the election of the Community Leader invalid?

1. If the incorrectness in the number of votes given in favor of any candidate, according to the summarization of results affects the outcome of the election, and it is not possible to reconstruct the real result of the election, the election for Community Leader would be invalid.
2. If violations were made during the preparation and implementation of the election that prevented the exercise of equal, direct and free election right in a secret ballot were made, and these violation substantially affected the results of the election.

What makes the Community Electoral Commission recognize the election as *not having taken place*?

1. If only one candidate runs for election and this candidate doesn't receive more than half the votes of all of the votes cast.
2. If the elected candidate died before the summarizing of the results of the election.
3. If the two candidates in the second stage of the election have received an equal number of votes.
4. If grounds are available for recognizing the election of the Community Leader as invalid in re-voting

What is re-voting?

Re-voting is a new election held 14 days after the original election, if the Community Electoral Commission recognizes the election of the **Community Leader** as invalid, and the new election is held with the same list of candidates,

Or

re-voting is a new election held for the election of Community Leader if the original election is recognized as invalid by a court of law, this election is held 14 days after the court verdict of invalid comes into force, and this election is held with the same list of candidates.

SUMMARIZING THE RESULTS OF ELECTIONS FOR COMMUNITY COUNCIL

From Articles 37 and 39 of the Law on the Elections of Local Self-Governing Bodies

Who is allowed to be present at the summarizing session of the Community Electoral Commission?

Accredited representatives of mass media, foreign observers (accredited by the Central Electoral Commission), and the proxies have the right to be present at sessions of the electoral committees. This is true for the whole process of voting.

And a reminder, the Community Electoral Commission accredits the representatives of mass media for this election. *Also, the Community Electoral Commission registers the candidate proxies for the electoral Precinct and Community Commissions.*

What is the first act of the Community Commission in summarizing the results of the election for Community Council?

The Community Commission checks to see that the data of the summarizing protocols of each electoral precinct corresponds to the data on the protocols 1, 2, and 3.

What if the data on these protocols does not correspond?

In case there is a discrepancy in this data, in separate precincts, the Community Electoral Commission checks the correspondence of the data in the protocols to the factual data of the precinct. *If the number of signatures does not correspond to the number of ballots in the ballot box, checking to the factual data of the precinct must be done if there is written demand to do so of at least 4 members of the Community Electoral Commission.*

Who can participate in the procedure of checking?

The members of the Community Commission, the Chairman of the Precinct Commission, and any authors of special opinion(s) adjoining the protocol(s) of the Precinct in question.

What happens if a discrepancy is revealed in protocols as a result of checking?

The Community electoral Commission composes a corrected protocol of the results of voting. The original (preliminary) protocol is attached.

Who signs the corrected protocol?

The members of the Community Electoral Commission that were present in the session, and the protocol is to be stamped by the Chairman.

What happens if a member(s) of the Community Commission have a special opinion or refuse to sign the corrected protocol?

If a member of the commission has a special opinion he/she makes a note near his/her signature, presents the opinion in writing and it is attached to the protocol.

If a member refuses to sign the corrected protocol, a protocol is made about this and the note is attached to the corrected protocol.

What is the form of the Summarizing Protocol?

The information given on the summarizing protocol is as follows:

1. the total number of voters based on the lists of voters
2. the number of registered voters based on signatures

3. the number of ballots present in the ballot box
 - the number of ballots recognized as valid
 - the number of ballots recognized as invalid or not corresponding to the approved specimen (this is the number of specimen ballots without the validating stamp and non-specimen ballots combined)
4. the number of votes given against all candidates
5. the number of votes given in favor of all candidates
6. the total number of votes given in favor of each candidate
7. the measure of incorrectness influencing the number of votes given in favor of each candidate

How do you calculate the measure of incorrectness influencing the number of votes given in favor of each candidate?

To answer this question an example will be used.

Upon checking the precinct protocols against the factual data it is found that there is a difference of 50 ballots between the number of signatures and the number of ballots for a candidate. And, the difference in number of votes between any candidates totals is 50 or less, then *measure of incorrectness influencing the number of votes given* will be 50.

What are challengers for mandates?

The challengers for mandates are the candidates receiving the plurality of the votes in the given electoral district. (The challengers for mandates cannot exceed the number of mandates for the given electoral district).

What are mandates?

Mandates are the number of members that can be elected to the Community Council.

How many mandates are there?

- Communities with population under 5,000 have eight members or eight mandates
- Communities with population between 5,001 and 20,000 have ten members or ten mandates
- Communities with population over 20,001 have fifteen members or fifteen mandates

How many different ballots will a community have?

- Communities with population under 5,000 has one voting district with only one ballot electing 8 members
- Communities with population between 5,001 and 20,000 have two voting districts, each district has one ballot and each district elects 5 members

- Communities with population between 20,001 and 45,000 have three voting districts and each district has one ballot and each districts elects five members
- Communities with population over 45,001 have five voting districts and each voting district elects three members.

Are Community Council members considered as elected if they have at least more than 50% of the total vote

No, Community Council members are elected by a plurality of the vote. Those with the highest total number of votes will be the winners of the election.

For example, in one voting district in a town with a population of 10,000, 5 members are to be elected in this district. Seven candidates are on the ballot. Those 5 candidates with the greatest number of votes will be the winners.

What does the Community Electoral Commission do if there are more candidates receiving a plurality of the vote than the number of mandates because two or more candidates with the least number of votes also have an equal number of votes?

A random selection procedure is implemented in the manner prescribed by the Central Electoral Commission. The resolution enacted by the Central Electoral Commission proscribing the implementation of this random selection is attached to this paper.

Is it possible that no challengers for mandates would be registered by the Community Electoral Commission in an electoral district?

Yes, if in the process of preparation and implementation of elections, violations of the general, direct and equal right to vote, or violations of the secret ballot were made, and these violations would affect the results of elections, then no challengers for mandates would be registered for that electoral district.

How many challengers (winners) for the mandates must there be for the election to be regarded as having taken place?

If the number of challengers for the mandates in the community exceeds by 50 per cent the number of members (mandates) for the Community Council, then the election has taken place and the Community Council is formed. (For instance, if the number of mandates is 8, the number of challengers must be 5; if the number of mandates is 5, the number of challengers must be 4)

Will the election be considered as void if there are not enough challengers for mandates?

Yes, if as a result of election the number of challengers for mandates does not exceed 50% of the number of mandates for the district the election will be deemed as void by the Community

Electoral Commission..

In this case the Community Electoral Commission passes a decision that the election is void in that district and passes a decision of conducting by-elections in those electoral districts.

What is re-voting?

Re-voting is a new election held 14 days after the original elections, if the Community electoral Commission recognizes the elections of the members of the Community Council as invalid, and the new election is held with the same list of candidates,

or

re-voting is a new election held for the elections of the members of the Community Council if the original election is recognized as invalid by a court of law, this election is held 14 days after the court verdict of invalid comes into force, and this election is held with the same list of candidates.

What makes an election of members of the Community Council invalid?

1. If the incorrectness in the number of votes given in favor of any candidate, according to the summarization of results affects the outcome of the election, and it is not possible to reconstruct the real results of the election, the election for members of the Community Council would be invalid.
2. if violations of the were made during the preparation and implementation of the election that prevented the exercise of equal, direct and free election right in a secret ballot were made, and these violations substantially affected the results of the election.

After all of the summarizing by the Community Electoral Commission of the results of elections for the Community Leader and the members of the Community Council what is done with the summarizing protocols?

1. the Community Commission Chairman announces the results
2. upon the request of the candidate's proxy or accredited foreign observer, gives a copy of the summarizing protocols, signed by the commission chairman or the commission secretary, and stamped with the commission stamp, and
3. sends the results of the election to the Regional Electoral Commission immediately.

THE RESOLUTION
OF THE CENTRAL ELECTORAL COMMISSION
OF THE REPUBLIC OF ARMENIA

On the random selection procedure for Community Council candidates receiving an equal number of votes

Guided by Article 37 of the "Law on Elections for Self-Governing Bodies" of the Republic of Armenia

The Central Electoral Commission

DECIDES

1. If there are more candidates receiving a plurality of votes than the number of mandates because two or more candidates have an equal number of votes, the challengers for mandates are revealed by a random selection between the candidates with the least number of votes.
2. The random selection is performed at the session of the Community Electoral Commission. The candidates for Community Council membership receiving an equal number of votes are asked to participate in the session by special notice.
3. The chairman of the Community Electoral Commission announces the names of the candidates who will participate in a random selection to reveal the recipient of the mandate(s).
4. The names of the candidates participating in the random selection process are written down on similar fragments of paper which are exhibited to participants in the session. Then the papers are similarly folded, put into a drum or a box and intermingled. After that, the paper is taken out of the drum or the box by a person chosen by the Commission. The number of papers taken out of the drum or the box corresponds with the number of mandates being challenged.
5. The Chairman of the Commission announces the name of the recipient of the mandate(s).
6. The results of the random selection process are registered in a protocol which is signed by the Chairman and the Secretary of the Commission.

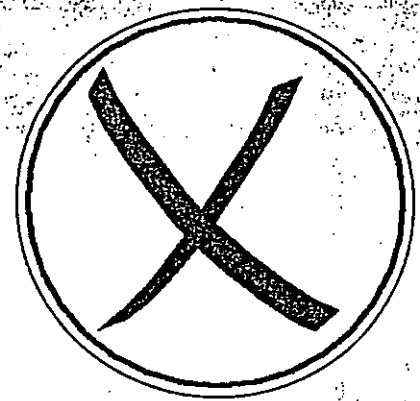
Chairman

Kh. Bezirjian

29 October 1996
protocol 25, point 2

Կատարեք Ձեր Նշումը

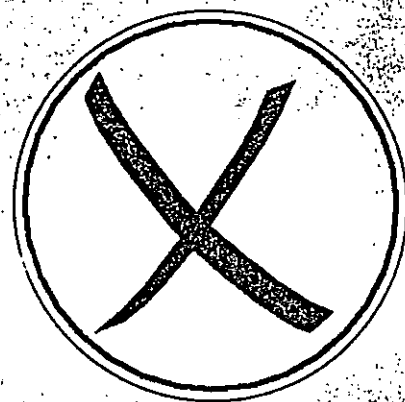
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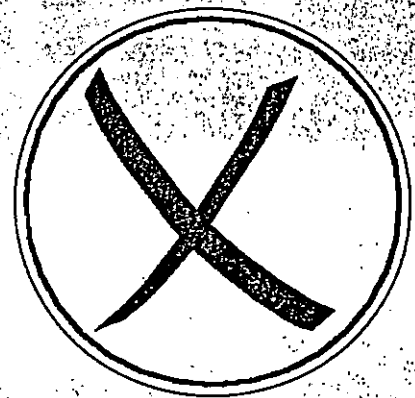
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APPENDIX 4

The Law of the Republic of Armenia on the Elections of Local Self-Governing Bodies

CHAPTER 1 GENERAL PROVISIONS

Article 1. Principles of elections for local self-governing bodies

- 1.1 The local self-governing bodies are elected by secret ballot based on the free implementation of the right to general, equal and direct elections.
- 1.2 The community leader (city mayor, village mayor, district mayor) and the community council are each elected for a three-year term.

Article 2. The electoral system

- 2.1 The community leader is elected by majoritarian electoral system.
- 2.2 The community councils are comprised of the following number of members:
 - 1) for communities with populations under 5,000 -- eight members;
 - 2) for communities with populations between 5,001 and 20,000-- ten members;
 - 3) for communities with populations over 20,001 -- fifteen persons;
- 2.3 Members of community councils are elected on the following basis:
 - 1) in communities with populations under 5,000 by one multi-ballot majoritarian district;
 - 2) for communities with populations between 5,001 and 20,000 by multi-ballot in two majoritarian voting districts, each electing five members.

The population within each voting district of the same community must not vary more than five percent of the total number of voters of the community.

- 3) for communities with populations between 20,001 and 45,000 by multi ballot in three majoritarian voting districts, each electing five members.

The population within each voting district of the same community must not vary more than five percent of the total number of voters of the community.

4) for communities with populations over 45,001 by multi ballot in five majoritarian voting districts, each electing three members.

The population within each voting district of the same community must not vary more than three percent of the total number of voters of the community.

- 2.4 The voting districts of each community are divided into voting precincts with consecutive numeration.
- 2.5 The number of voters in each precinct cannot exceed three thousand. If the number of voters in a community is less than three thousand, then a single precinct is established for that voting district with the exception of cases, when the community consists of more, than one settlement.

Article 3. The right to vote

- 3.1 The citizens of the Republic of Armenia who are 18 years old prior to the day of elections, who have permanently resided in the community or have been included for at least three last years in the lists of local taxpayers of the community have the right to elect the local self-governing bodies.
- 3.2 The citizens participate in the elections of local self-governing bodies directly, with a free expression of their will.
- 3.3 During the elections of local self-governing bodies all citizens who have the right to vote in the given community are included in the lists of voters. Each voter included in the lists of voters of the community has a right to one vote.
- 3.4 Citizens of the Republic of Armenia, who are 25 years old prior to the day of the elections, reside permanently in the community for at least during last one year and dutifully pay local taxes, payments, and dues, can be elected community leader.
- 3.5 Citizens of the Republic of Armenia who are 25 years old prior to the day of the elections, reside permanently in Yerevan for at least during last one year and dutifully pay local taxes, payments and dues, can be elected as a district community leader.
- 3.6 Citizens of the Republic of Armenia, who become 21 years of age prior to the day of the elections, reside permanently in the community for at least one last year and dutifully pay local taxes, payments, and dues, can be elected members of a community council.
- 3.7 Members of the government, marzpets and heads of subdivisions of regional

administrations, employees of prosecutor's office, servicemen of the armed forces, the Ministry of Internal Affairs and the National Security Systems cannot be nominated or elected to local self-governing bodies.

- 3.8 Persons in regular military service and in military training camps cannot participate in the elections.
- 3.9 Persons recognized as incompetent by a court of law, citizens confined by a legal court verdict cannot run or be elected.
- 3.10 The right to vote of persons under detention is suspended until they are freed from detention.
- 3.11 Any restriction of the right to vote of the citizens of the Republic of Armenia, with the exception of cases prescribed by law is forbidden and is prosecuted by law.

Article 4. Principles for preparing and conducting the elections

- 4.1 The elections of local self-governing bodies are prepared and conducted in the manner prescribed by this law.
- 4.2 The elections of local self-governing bodies are prepared and carried out by the Central (CEC), regional (REC), Yerevan City, Community (CoEC) and Precinct (PEC) Electoral Commissions.
- 4.3 Yerevan City Electoral Commission exercises same the powers prescribed for Regional Electoral Commissions.
- 4.4 Expenses for organizing and conducting the elections are provided from a united fund created under the management of Central Electoral Commission (CEC), which is formed from state allocations, voluntary contributions of individual persons and legal entities, as well as from the electoral deposits account.
- 4.5 Enterprises, governmental organizations and non-governmental organizations must provide to state Electoral Commissions the necessary buildings, office space and furniture, and are obliged to lend practical assistance within their means to the process of preparation and conduct of the elections.
- 4.6 Decisions by Electoral Commissions, adopted within their jurisdiction, are subject to mandatory implementation by all state bodies, enterprises, organizations and individual citizens.

Article 5. Campaign funds for candidates for community leader and members of the community councils

- 5.1 Each candidate has the right to spend his own money, and money from his pre-electoral campaign fund.
- 5.2 Each candidate for leader of the community and members of the community council has the right to establish a candidate fund himself/herself or through an authorized person, for organizing pre-election campaigning, and formed through contributions by individual persons and legal entities, but not to exceed a limit of 20,000 drams for each individual person and 100,000 drams for each legal entity.
- 5.3 The pre-electoral campaign funds must be opened in the bank provided by the Central Electoral Commission.
- 5.4 If elected community leader, the member of community council, a candidate has the right to transfer the funds remaining to the party (parties) which nominated him/her or to charity. The electoral deposit of the latter will also be returned.
- 5.5 If a candidate fails to receive enough votes to win, his electoral deposit must be returned to him. Any remaining pre-electoral campaign funds are transferred to the state budget until the next election. Any candidate who runs in a subsequent election for self-governing bodies will be able to access left over pre-election campaign funds from the previous candidacy.

Article 6. Public information dissemination during the preparation and conduct of elections for local self-governing bodies

- 6.1 The Electoral Commissions, in the manner prescribed by Central Electoral Commission, inform the public of their membership, location, working hours as well as on all activities for preparing, conducting and summarizing the results of elections.
- 6.2 Representatives of mass media, the public, foreign observers, and the proxies have the right to be present at sessions of the Electoral Commissions and also during the whole process of voting.
- 6.3 Electoral Commissions provide equal conditions for the presence of proxies, accredited foreign observers and the representatives of mass media.
- 6.4 The proxies, accredited foreign observers, and representatives of mass media have the right to get acquainted with the decisions and protocols of the Electoral Commissions and make extracts.

CHAPTER 2

ELECTORAL COMMISSIONS

Article 7. Principles for forming Electoral Commissions

- 7.1 The Electoral Commissions are comprised of citizens of the Republic of Armenia who have the right to vote.
- 7.2 The Central Electoral Commission (CEC) and the Regional Electoral Commissions (REC) are formed based on nominations by factions represented in National Assembly.
- 7.3 The Community Electoral Commissions (CoEC) and Precinct Electoral Commissions (PEC) are formed based on nominations by the members of respective Regional Electoral Commission.
- 7.4 Members of an Electoral Commission cannot be laid off from their permanent employment by the management or be subjected to administrative penalty in a legal form during the function of the Electoral Commission without agreement of a superior Electoral Commission, and members of the Central Electoral Commission without agreement of the Central Electoral Commission.
- 7.5 Members of Central and Regional Electoral Commissions cannot be drafted into military service or sent for military training during the function of Electoral Commission.
- 7.6 Information on the membership of Electoral Commissions is published in the manner prescribed by the Central Electoral Commission.
- 7.7 Chairmen, deputy chairman and members of Electoral Commissions can be elected to only one Electoral Commission and cannot be nominated as candidates in elections for local self-governing bodies.

Article 8. Procedure for forming the Central Electoral Commission

- 8.1 The Central Electoral Commission (CEC) is comprised of at least seven persons.
- 8.2 The CEC is formed based on the nominations of factions represented in the National Assembly with each faction nominating two candidates for each party included in the faction.
- 8.3 Nomination of CEC candidates by deputies is certified through submission of the nomination on official letterhead of a deputy, accompanied by the personal signature of the faction leader.

- 8.4 Proposals for nominations are submitted to the Chairman of the National Assembly at least than ten days prior to the deadline set for forming the commission.
- 8.5 Nominees for membership on the Central Electoral Commission must submit to the Chairman of the National Assembly in person, or through an authorized agent appointed in the manner prescribed by law, their agreement to be registered as members of Central Electoral Commission at least seven days prior to the deadline set by this law for forming the Central Electoral Commission.
- 8.6 The Chairman of the National Assembly verifies the legality of the nominations and submits the list of nominees to the Government at least three days prior to the deadline set for forming Central Electoral Commission.
- 8.7 Membership of the Central Electoral Commission is approved by the Government in the manner prescribed by the decree of the President of the Republic.
- 8.8 If the number of nominees for the Central Electoral Commission is less than seven, the remaining vacancies are filled by the Government, in the manner prescribed by the decree of the President of the Republic, not later the deadline set for forming the commission.
- 8.9 The list of members of Central Electoral Commission is published within the time frame set by this law for the formation of the commission.
- 8.10 The first session of the CEC will be held the next day after the formation of Central Electoral Commission at 10:00 a.m.
- 8.11 The work of the CEC is directed by its chairman, in his/her absence, by the deputy chairman.
- 8.12 The chairman of the CEC is elected from the membership of the Central Electoral Commission at its first session. The first session of the Central Electoral Commission is conducted by the eldest member of the CEC until the election of the chairman. The CEC chairman is nominated by CEC members.
- 8.13 If one candidate for CEC chairman was voted, then he/she is recognized as elected if receiving more than one half of the votes of CEC members. If the CEC chairman is not elected, a new election is conducted.
- 8.14 If two candidates for CEC chairman are voted, then the candidate received a majority of votes is elected the CEC chairman.
- 8.15 If more than two candidates for CEC chairman are voted, and none receive more than one half of the votes, then a by-election is conducted between the top two candidates in the

first round of voting. The candidate receiving a majority of votes in the second round is elected CEC chairman.

- 8.16 The existing CEC acts permanently until a new CEC is formed.
- 8.17 Formation of a new CEC is implemented not earlier than 4 months prior to the formation of the National Assembly, as prescribed by this law, and not later than after 6 months.

Article 9. Procedure for forming Regional Electoral Commissions

- 9.1 Regional Electoral Commissions (REC) are comprised of a minimum of seven persons.
- 9.2 An REC is formed based on the nominations of factions represented in the National Assembly with each faction nominating two candidates for each party included in the faction.
- 9.3 Nomination of candidates by deputies is certified by submitting the nomination on official letterhead of a deputy, accompanied by the personal signature of the faction leader.
- 9.4 The proposals for nomination are presented to the chairman of the National Assembly at least ten days prior to the deadline set for the forming of Regional Electoral Commissions.
- 9.5 Candidates nominated for membership on Regional Electoral Commissions present their consent to being appointed as a member of the REC to the Chairman of the National Assembly either in person or through an agent authorized in a manner prescribed by law, at least seven days prior to the day for forming the REC.
- 9.6 The Chairman of the National Assembly verifies the legality of the nominations, and presents his verification to the CEC Chairman the lists of membership for the Regional Electoral Commissions at least three days prior to the day for forming the commission.
- 9.7 CEC chairman approves the membership upon an order. If the number of candidates nominated for the membership in Regional Electoral Commission is less than seven, then the vacancies are filled by the CEC chairman no later than the deadline set for forming the commission.
- 9.8 Regional Electoral Commissions elect a chairman from among their members on their first session. The first session of Regional Electoral Commissions is held on the next day of its forming at 12.00. The first session of Regional Electoral Commission is conducted by a member authorized by Central Electoral Commission. The elections of the Chairman of Regional Electoral Commission are conducted in the manner prescribed for the elections of the Chairman of Central Electoral Commission. If the Regional Electoral Commission

does not elect a Chairman on its first session, then the Chairman of Regional Electoral Commission is appointed by the Central Electoral Commission from among members of the Regional Electoral Commission, not later than within three days from the date of forming of the Regional Electoral Commission. If no Chairman is appointed within the mentioned period, then the Chairman of Central Electoral Commission appoints the Chairman of the Regional Electoral Commission from among the members of the Regional Electoral Commission within two days.

- 9.9 An existing REC acts until a new REC is formed.
- 9.10 The new membership of REC is formed when a new CEC is formed, in the manner prescribed by this law.

Article 10. Procedure for forming Community and Precinct Electoral Commissions

- 10.1 Community Electoral Commissions (CoEC) are comprised of at least 9 persons and Precinct Electoral Commissions (PEC), at least 15 persons.
- 10.2 The CoECs are formed based on nominations by members of the respective REC, with each two members nominating one candidate.
- 10.3 The PECs are formed based on nominations by members of the respective REC, with each member nominating one candidate.
- 10.4 The Community and Precinct Electoral Commissions are formed not later than five days prior to the deadline set by this law for the formation of those commissions.
- 10.5 If the number of members nominated for a COEC or PEC is less than minimum set by this law, then the remaining vacancies are filled for the COEC up to nine and the PEC up to fifteen by the chairman of REC not later than the deadline set for the formation of respective commissions.
- 10.6 The CoECs and PECs elect a chairman from among their membership on their first session. The first sessions of Community and Precinct Electoral Commissions are held the next day of their forming at 12.00. The first sessions of Community Electoral Commissions and Precinct Electoral Commissions are conducted by persons authorized by the Regional Electoral Commission Chairman. The elections of Community Electoral Commission and Precinct Electoral Commission Chairmen are conducted in the manner prescribed for Central Electoral Commission Chairman. If Community Electoral Commission or Precinct Electoral Commission does not elect a Chairman, then the Chairman is appointed by Regional Electoral Commission Chairman from among the members of respective commission not later than within three days from the day of forming Community and Precinct Electoral Commissions.

- 10.7 The activities of Community and Precinct Electoral Commissions are terminated by the Central Electoral Commission if there is no legal dispute on the results of elections.
- 10.8 If there is such dispute, then the activity of the mentioned commission is terminated after the decision of the court of law comes into power.

Article 11. Procedure for changing the membership of Electoral Commissions

- 11.1 The powers of the CEC chairman can be terminated prematurely by decision of the CEC, by the majority of votes of the CEC members.
- 11.2 In the event the post of the CEC chairman becomes vacant, a CEC session is called for the election of a new chairman within two days. The elections for chairman are conducted in the manner prescribed by this law.
- 11.3 Powers of a CEC member can be terminated prematurely by decision of the CEC:
- 1) Based on personal request in writing;
 - 2) if three consecutive sessions of the commission are missed without proper cause.
- 11.4 The above-mentioned decisions of CEC can be disputed at the Supreme Court.
- 11.5 The factions represented in National Assembly have the right to substitute the members of the Central Electoral Commission nominated by them, if they have applied for the premature termination of their nomination, if they were absent on two consecutive sessions of CEC without a proper cause or if they died.
- 11.6 The secretary of the Central Electoral Commission is obliged to inform in a written form the leader of the corresponding faction on the application of the CEC member or on his/her absence on two consecutive meetings of the CEC. The corresponding faction represented in National Assembly presents new nominations to CEC within three days after receiving the corresponding written note of the CEC secretary. The nomination of a new member of CEC is registered by the commission.
- 11.7 In case a faction does not nominate a new member within the mentioned time frame that factions loses its right to nominate.
- 11.8 Vacancies on the CEC, in cases prescribed by part three of this law are not filled, with the exception of when the number of members of CEC is less than seven. In latter case the commission is augmented by the Government, in the manner prescribed by the decree of the President of the Republic within three days.

- 11.9 The powers of the member of Regional Electoral Commission can be terminated prematurely by REC on the same grounds as for the termination of powers of the CEC member.
- 11.10 The above-mentioned decisions of the REC can be disputed in a court of law.
- 11.11 The factions, represented in National Assembly can substitute the member of Regional Electoral Commission in the manner prescribed for the substitution of the member of Central Electoral Commission.
- 11.12 Vacancies formed in REC in cases prescribed by this law are not filled, with the exception of when the number of members of the CEC is less than seven, in which case the commission is augmented by the CEC chairman within three days.
- 11.13 Powers of a member of Community and Precinct Electoral Commissions can be terminated prematurely by the REC in a manner prescribed for Central Electoral Commission members based on presentations of the respective community or precinct commissions or their chairman, if the grounds valid for the termination of powers of CEC member are available.
- 11.14 The member (members) of REC have the right to substitute the members of the Community (Precinct) Electoral Commission nominated by them, if they have applied for the premature termination of their nomination, if they were absent on two consecutive sessions of the commission without a proper cause or if they died.
- 11.15 In case a Community (Precinct) Commission member applies for resignations or he/she was absent on two consecutive meetings of the commission, the Regional Electoral Commission is presenting new nominations to the chairman of Community (Precinct) Electoral Commission within three days. The nomination of a new member of commission is registered by the commission.
- 11.16 In case a commission does not nominate a new member within the mentioned time frame the member (members) of Regional Electoral Commission loses (lose) the right to nominate.
- 11.17 The vacancies in mentioned commissions are not filled with the exception of cases, when CoEC membership is less, than 9 and PEC membership is less than 15. In the case of latter the vacancies are filled by REC chairman within three days.
- 11.18 No changes can be made in the membership of the Electoral Commissions through the five days preceding the elections and during the assessment of the results of the elections.

Article 12. Powers of the Central Electoral Commission

12.1 The CEC is the body which organizes the elections and conducts oversight.

12.2 The Central Electoral Commission has the following powers:

- 1) manages the means of a united fund allocated for the elections, disburses the finances among the Electoral Commissions, oversees the allocation of office space, furnishings, and other necessary material and technical assets;
- 2) passes and publishes the necessary decisions and mandates on the procedure for the preparation and conduct of the elections, on measures necessary for the summarization of results of the voting and election and oversees their implementation;
- 3) determines the layout of election documentation, the ballots, ballot boxes, specimens of the seals, the procedure for completing and filing the documentation;
- 4) determines the consecutive number of each Regional Electoral Commission;
- 5) attends to reports of the Electoral Commissions and corresponding government bodies concerning the implementations of the elections and their preparation;
- 6) issues accreditation certificates to foreign observers;
- 7) elects and recalls the deputy chairman and the secretary of the Central Electoral Commission;
- 8) appeals to respective competent state bodies in case of violations of this law;
- 9) exercises other powers as prescribed by this law.

Article 13. The powers of the (Marz) Regional Electoral Commission

13.1 The Regional Electoral Commission has the following powers:

- 1) oversees the implementation of this law by subordinate Electoral Commissions in its region;
- 2) announces the date of elections;
- 3) forms Community and Precinct Electoral Commissions, and makes changes in their membership;

- 4) forms the boundaries of electoral districts and precincts by the presentation of local self-governing bodies and sets the location of the voting (precinct center);
- 5) determines the consecutive numbers of voting districts and precincts in the manner prescribed by Central Electoral Commission;
- 6) provides the subordinate Electoral Commissions with the necessary material and technical assistance; organizes, in the prescribed manner, the preparation and the conduct of the elections, oversees the implementation of the elections, and provides subordinate Electoral Commissions with office space, furnishings, transportation, electricity, communications equipment and other necessary items;
- 7) follows the transfer of lists of voters to the respective Electoral Commissions and submits those for general notification;
- 8) provides the subordinate Electoral Commissions with necessary electoral documentation;
- 9) changes the place of voting, in case the conduct of voting is impossible technically;
- 10) discusses the applications and complaints on the decisions and actions of the subordinate Electoral Commissions, revises or cancels the decisions of subordinate Electoral Commissions which contradict the law, except in cases prescribed by this law;
- 11) elects and recalls the deputy chairman and the secretary of the regional electoral commission;
- 12) appeals to respective competent state bodies in case of violations of this law;
- 13) exercises other powers, as prescribed by this law.

Article 14. Powers of the Community Electoral Commissions

14.1 A Community Electoral Commission (CoEC) has the following powers:

- 1) oversees the implementation of this law by Precinct Electoral Commissions;
- 2) discusses complaints and applications received concerning the decisions and actions of Precinct Electoral Commissions, revises or cancels the decisions which contradict the law;
- 3) supervises the compilation the lists of voters by local self-governing bodies, compiles

the lists of voters by precincts and passes them to Precinct Electoral Commissions, supervises the submission of those for general notification;

4) provides the preparation of the buildings, booths, ballot boxes and other means, necessary for voting;

5) registers and issues respective certificates to nominated candidates for the community leaders and community council members, recognizes as void or invalid their registration, in the cases prescribed by law, registers and issues certificates to the proxies of community leader and the members of community council;

6) accredits the representatives of mass media in the manner prescribes by central Electoral Commission;

7) organizes the publication on an equal basis of the biographies and pre-election programs of the candidates for community leader and the members of community councils;

8) reveals, summarizes and approves the results of elections of local self-governing bodies, conducts checking in the cases prescribed by law, recognizes the elections as taken place, invalid or not taken place, if the grounds, prescribed by the law are available;

9) issues respective certificates to the elected community leaders and community council members;

10) elects and recalls the deputy chairman and the secretary of the community electoral commission;

11) appeals to respective competent state bodies in case of violations of this law;

12) exercises other powers as prescribed by this law.

Article 15. Powers of the Precinct Electoral Commissions

15.1 A Precinct Electoral Commission has the following powers:

1) ensures that voters have the free possibility to acquaint themselves with the lists;

2) accepts and discusses complaints on the inaccuracies in the lists of voters and resolves any disputes by introducing the respective adjustments to the lists;

3) informs the voters of the location of the precinct, the day of the elections and the working hours of the commission;

- 4) organizes the voting, summarizes the results of the voting, and submits them to the Community Electoral Commission;
- 5) elects and recalls the deputy chairman and secretary of Precinct Electoral Commission;
- 6) exercises other powers as prescribed by this law.

Article 16. Organization of the work of Electoral Commissions

- 16.1 The work of Electoral Commissions is organized by the chairman of the respective commissions or their deputies as assigned.
- 16.2 Members of Electoral Commissions have the right to inspect the issues under the jurisdiction of their commissions and have access to the corresponding documents.
- 16.3 The Electoral Commissions determines the schedule of their regular sessions. An extraordinary session is convened by the chairman at his initiative or on the written demand of at least 1/3 of the commission members and at date set by them. The secretary of the commission informs in advance on the date of extraordinary session all members of Electoral Commission.
- 16.4 The sessions of a commission possess equal authority, if more than half of the total number of commission members attend.
- 16.5 The decisions of the Electoral Commissions are passed by an open ballot. In special cases, use of a secret ballot may be chosen by the commission members.
- 16.6 The ballot is considered valid if more than half of the total number of commission members have voted. The decision is passed if it receives support of more than half of the participants, with the exception of cases prescribed by this law.
- 16.7 Upon the request of a superior commission, commissions must submit all materials at their disposal concerning issues of interest for the former.
- 16.8 The members of superior Electoral Commissions have the right to be present on the sessions of subordinate Electoral Commissions, with the exception of the sessions on summarizing the results of voting or elections.
- 16.9 If a decisions of two commissions contradict each other, the decision of the superior commission prevails.
- 16.10 Members of Electoral Commissions can be relieved of their obligations at their place of

employment, in the manner prescribed by the CEC during their activities on behalf of the commission.

- 16.11 The chairmen and the secretaries of the Central Electoral Commission and Regional Electoral Commissions are employed on a permanent basis.
- 16.12 The chairmen of the CEC and the Regional Electoral Commissions form a staff in the manner prescribed by Central Electoral Commission. Compensation for work performed in connection to the elections is paid from the centralized fund for the elections.
- 16.13 The Electoral Commissions maintain a register with numbered pages and sealed by the superior commission, in which mandatory dated entries are made on all factual activities carried out in connection with the elections.
- 16.14 The participation of the members of Electoral Commission in the sessions is fixed in a register by commission secretary, under which the members of the commission, present on the sessions, have right to sign.

Article 17. Procedure for appealing decisions and actions of Electoral Commissions

- 17.1 The decisions and actions of Regional, Yerevan City, Community and Precinct Electoral Commissions, except the decisions of Precinct (Community) Electoral Commissions concerning the summarization of the results of voting (elections) can be appealed to a superior Electoral Commission or in a court of law.
- 17.2 The decisions and actions of Electoral Commissions can be appealed by the members of those commissions, the persons who paid the electoral deposit, the registered candidates for the community leader or the member of community council, their proxies, and the voters, within two days of the adoption of the decision or implementation of the action. The complaint must be discussed within three days from its submission.
- 17.3 Decisions and actions of the Central Electoral Commission can be appealed by the members of Electoral Commissions, the persons who paid the electoral deposit, the registered candidates for the community leader or the member of community council, within two days of the adoption of the decision or implementation of the action in the Supreme court which pronounced final judgement in a collective manner within five days.
- 17.4 The decisions and actions of Precinct Electoral Commissions regarding the summarization of the voting results can be appealed to Community Electoral Commission within one day of the adoption of the decision or implementation of the action. The decisions and actions of Community Electoral Commissions regarding the summarization of the election results can be appealed to a court of law within two days of the adoption of the decision or

implementation of the action. The decisions and actions of the court of law regarding the summarization of the results of elections can be appealed to the Supreme court which is pronouncing final decision in a collective manner within three months.

- 17.5 The decisions and actions of Electoral Commissions on the summarization of the results of voting and elections can be appealed by the members of corresponding Electoral Commissions, by the registered candidates for community leaders or by registered candidates for the member of community council.
- 17.6 If the court pronounces judgement on recognizing as void the decision of Community Electoral Commission regarding the summarization of the results of elections, then it pronounces judgement also on the results of elections, based on the provisions of this law.

CHAPTER 3

THE NOMINATION AND REGISTRATION OF THE CANDIDATES FOR COMMUNITY LEADER AND MEMBERS OF COMMUNITY COUNCIL, PROXIES, AND PRE-ELECTION CAMPAIGNING

Article 18. Nomination of candidates for community leader and community council

- 18.1 Candidates for community leader and the community council are nominated in the manner of self-nomination upon submission of an application for nomination and the payment of an electoral deposit.
- 18.2 A candidate for member of community council can be nominated only in one voting district of the community.
- 18.3 The candidates pay into the united electoral fund the following sums as electoral deposits:
 - 1) the candidates for leader of a community with a population under 1,000 -- 4,000 drams; for candidates for community council --500 drams;
 - 2) the candidate for leader of a community with a population between 1,001 to 5,000 -- 10,000 drams; and candidates for community council -- 1,250 drams;
 - 3) the candidate for leader of a community with a population between 5,001 to 10,000 -- 20,000 drams; and candidates for community council-- 2,000 drams;
 - 4) the candidate for leader of a community with a population between 10,001 to 20,000 -- 40,000 drams; and candidates for community council -- 4,000 drams;

5) the candidate for leader of a community with a population between 20,001 to 45,000 -- 100,000 drams; and candidates for community council -- 6,000 drams;

6) the candidate for leader of a community with a population between 45,001 to 75,000 -- 100,000 drams; and candidates for community council -- 6,000 drams;

7) the candidate for leader of a community with a population over 75,000 -- 300,000 drams, and candidate for community council -- 20,000 drams.

18.4 The electoral deposits of an elected community leader and a candidate for community leader received more than 15 per cent of the votes given in favor of candidates are returned; the deposits of other candidates are transferred to the state budget.

18.5 The electoral deposit of elected members of the community council, and also the electoral deposit of candidates for the member of community council receiving 5 percent of the votes in favor of candidates is returned, while the deposits of other candidates are transferred to the state budget.

Article 19. Registration of candidates

19.1 Documents nominating candidates for community leader and community council are accepted by the Community Electoral Commissions, who may only discuss the issue of the candidate's registration once the following documents have been submitted by candidate personally or by a person authorized in a manner prescribed by law by deadline set in this law:

1) nomination documents completed in the manner prescribed by the Central Electoral Commission for proposing a candidate;

2) certification of the citizenship of the Republic of Armenia;

3) receipt of the paid election deposit;

4) certification of candidate's residential address;

19.2 The Community Electoral Commission just after the deadline set for the nomination of candidates demands from the competent state body, a certificate confirming payment of local taxes during the past three years, as well as any other payments and dues; also, on any penalties or fines connected with them.

19.3 The competent state body is obliged to present the above-mentioned certification within five days.

- 19.4 The candidate or the his/her proxy has the right to be present at the Electoral Commission session during the discussion of the issue of his/her registration.
- 19.5 The Community Electoral Commission refuses to register a candidate if obvious falsifications had been found in the documents presented, and the candidate does not satisfy the demands of this law.
- 19.6 Refusal to register the candidate is recorded by 2/3 of the votes of the members of the Electoral Commission.
- 19.7 In case of rejection of the registration of the candidate, his/her election deposit is transferred to state budget.
- 19.8 The registration of a candidate is considered void by Community Electoral Commission if, following the registration, facts are revealed that contravene this law regarding the registration of a candidate.
- 19.9 In such cases, the community commission records it's decision in the journal of that session and publishes the invalidity of the registration.
- 19.10 In case of recognizing the registration of the candidate as void, his/her election deposit and the means available in his/her campaign fund are transferred to state budget.
- 19.11 The decision to refuse the registration of the candidate or consider the registration void, may be appealed to court of law within two days. The court must pronounce judgment within three days, which is final.
- 19.12 The candidate may be detained by the consent of the CoEC. The final decision of Community Electoral Commission on above mentioned issue is accepted by 2/3 of the votes of the community members. In case of application of detention as a pre-trial measure for the candidate, his/her election deposit is returned, and the means available in his/her campaign fund are transferred to state budget.
- 19.13 The communiqué on the registration of a candidate is published in a manner prescribed by the Central Electoral Commission.
- 19.14 If the number of candidates for member of community council registered in the community is less, than 50 per cent of the mandates available for voting, then the Community Electoral Commission adopts a decision on recognizing the elections as not taken place and on conducting new elections. If no candidates for members of community council were registered in the electoral district, then no voting is conducted in that electoral district.

Article 20. Termination of the registration of a candidate

- 20.1 A candidate can terminate his/her nomination by submitting a resignation application to the Community Electoral Commission not later than five days prior to the day of voting.
- 20.2 In case a candidate for community leader declares resignation in the second stage of voting, the candidate with the next largest number of votes in the first stage takes part in the second stage of voting, and if there is no such candidate, then one candidate is voted.
- 20.3 The nomination of a candidate is recognized as void based on his/her resignation application and his/her election deposit is returned, and the means available in his/her campaign fund are transferred to state budget after submitting a resignation application.
- 20.4 In case of the death of a candidate, and also in case of application of detention as pre-trial measure his/her registration is annulled.
- 20.5 If in the above-mentioned cases the registration of a candidate for community leader is recognized as terminated not later than 5 days prior to the second stage of voting, then the candidate with the next largest number of votes in the first stage takes part in the second stage of voting, and if there is no such candidate, then one candidate is voted in the second stage.
- 20.6 If in the above-mentioned cases the registration of a candidate for community leader is recognized as terminated during the 5 days prior to the second stage of voting, then one candidate is voted in the second stage.
- 20.7 If the registration of a candidate is annulled in case of his/her death, then his/her election deposit and the means available in his/her election fund are transferred to state budget.

Article 21. Proxies

- 21.1 The Community Electoral Commissions, upon the presentation by the candidates, registers not more than two proxies for each electoral precinct and community commission for the representation of the interests of the candidates in the respective Electoral Commissions. Proxies are issued certificates.
- 21.2 Proxies represent the interests of their candidates in relations with state and public bodies and have the right to be present at sessions of the respective Electoral Commission.
- 21.3 Only one proxy from each candidate may be present concurrently at any function of Community and Precinct Electoral Commissions.

- 21.4 The registration of a proxy is invalidated and a new proxy is registered by the Community Electoral Commission, based on an application by the candidate.
- 21.5 Proxies had the right of an advisory vote in the respective Electoral Commissions.
- 21.6 A proxy cannot be a member of any Electoral Commission.

Article 22. Pre-election campaigning

- 22.1 Citizens of the Republic of Armenia and candidates have the right to freely campaign in favor or against any nominated candidate, within the framework set by laws of the Republic of Armenia.
- 22.2 The state bodies, military subunits, military establishments and organizations, the members of Electoral Commissions have no right to campaign in favor or against any candidates.
- 22.3 Candidates and their proxies can use local state mass media on a commercial basis paid from the candidate's fund.
- 22.4 The candidates and their proxies may organize, rallies, marches meetings with the voters and other mass events within the framework set by the law of the Republic of Armenia.
- 22.5 The candidates and their proxies have the right to publish and to disseminate posters, leaflets and other printed campaigning materials unhampered.
- 22.6 The pre-election campaign starts 30 days prior to the day of elections.
- 22.7 On the day of voting it is forbidden to campaign, have rallies, marches, or for people to congregate in the vicinity of the polling stations.

CHAPTER 4

THE PREPARATION AND IMPLEMENTATION OF VOTING

Article 23. Lists of voters

- 23.1 In each community the local self-governing body (in Yerevan city, the city mayor's office, before the formation of city district communities) compiles a general list of voters, which consist of two sections. In the first section the permanent residents of the community are included, and in second section citizens of the Republic of Armenia having the right to vote, who are not permanent residents of community, but they are included in the lists of taxpayers of the community consecutively for the last 3 years.

- 23.2 The Community Electoral Commissions, based on the general lists of voters, compile lists of voters in five copies according to precincts and allocate them to precinct commissions.
- 23.3 Each voter is included in only one list of voters of electoral precinct. The first and last names of voters, their addresses, dates of birth are entered in the lists of voters (for voters 18 years of age the month and day of birth are also entered).

Article 24. Publication of the lists of voters and the right to appeal the errors

- 24.1 The lists of voters are available for review by the general public at least 15 days prior to the date of the elections.
- 24.2 Complaints regarding inaccuracies in the lists of voters are to be reviewed by the Precinct Electoral Commission within two days, immediately on the eve of the election. The Commission discusses the complaint and, introduces the necessary adjustments to the list or rejects the complaint, providing the applicant with a copy of the mentioned decision.
- 24.3 Changes are introduced to the lists of voters on the day of election by the decision of the chairman of the Precinct Electoral Commission, provided the voter submits his/her passport, or any other document substituting the passport, along with a corresponding record of his/her residence, or presents a certificate from the competent body verifying their inclusion on the list of community taxpayers for the last 3 consecutive years.
- 24.4 Adjustments to the lists of voters are conducted by the Community Electoral Commission chairman by compiling an additional list, with the signature of the commission chairman beside the name of each voter. In the additional lists of voters, the enumeration of voters continues the numbers from the main list of voters.
- 24.5 The decision of the Precinct Electoral Commission or its chairman can be appealed to a court of law.
- 24.6 Adjustments to a list of voters requested by a court of law is introduced immediately.

Article 25. Ballots

- 25.1 The election of the community leader and members of the community council are conducted by separate ballots.
- 25.2 The ballot is a list of paper printed in a print shop, which can be folded four times, the place reserved for voting remarks being located in the inner side. If the elections of the community leader and the member of community councils are conducted simultaneously, then the ballots are printed in a way to differ from each other when folded.

- 25.3 Ballots list, in alphabetical order, the first and last names of the candidates, his/her party membership, place of employment and occupation.

Article 26. The stamp ensuring the validity of the ballot

- 26.1 The stamp ensuring the validity of the ballot is produced by industrial technology. It has to have three letter series number and a four digit number. The stamps ensuring the validity of the ballots are produced according to the order of Central Electoral Commission according to the specimen, approved by the commission.
- 26.2 The Central Electoral Commission packs the stamps in dark parcels, without making remarks on it, seals it and hands it to Regional Electoral Commission making only a quantitative control of the stamps, not earlier, than 5 days prior to the day of elections and not later, than 3 days prior to the day of elections.
- 26.3 The Regional Electoral Commission is putting each parcel into an envelope. The envelopes are stamped and enumerated. The Regional Electoral Commission distributes the envelopes by random selection to the chairmen of Precinct Electoral Commissions on the eve of elections, one stamp per 1,000 voters, registering the number of the envelope and making a corresponding entry in the register.

Article 27. Disbursement and collection of voting documents in Electoral Commissions

- 27.1 Voting documents are disbursed and received by the Electoral Commissions with a mandatory entry in the register containing the signatures of the presenter and recipient, as well as registration of the transaction by the issuance of a receipt.
- 27.2 The ballots are allocated to the Electoral Commissions in the quantity of the number of voters in the list added 50 percent of that quantity.
- 27.3 All electoral documents, after summarizing the results of the elections, are sent to the REC within three days. The REC provides protection for the documents for two months from the day of summarization of the results of elections and, in the case of a legal dispute, until the final decision is adopted.

Article 28. The place and time of voting

- 28.1 Voting takes place on the day of the elections from 8 a.m. to 10 p.m. at the precinct centers.

Article 29. The organization of voting

- 29.1 The voting takes place in precinct centers, in specially allocated buildings, where a

sufficient number of booths or rooms must be furnished to conduct the secret ballot, one booth or room for each 500 voters, and tables installed for clean ballots.

- 29.2 Tables should be installed in the precinct centers for handing the ballots (one table for each 1,000 voters) and also for the registration of voters and stamping the ballots (one table for each 1,000 voters)
- 29.3 The tables for the registration of the voters and for stamping the ballots must be placed in the area between the booths (rooms for voting) and the ballot box, as close to the ballot box as possible.
- 29.4 The ballot box and the tables allocated for the registration of the voters and the stamping of the ballots must be placed in a location visible for the majority of those entitled to be present in the precinct.
- 29.5 Before the start of voting, the commission determines, through a process of random selection and registers those of its members who will hand the ballots (two members of the commission for each 1,000 voters) who will register the voters and stamp the ballots by a stamp assuring the validity of the ballots (two members of the commission for each 1,000 voters) on the day of elections and also determines the working shifts of these commission members.
- 29.6 On the day of elections the commission chairman, in the presence of commission members and those entitled to be present at the voting is doing the following:
- 1) checks, closes and seals the ballot box;
 - 2) hands one list of voters for each commission member responsible for registration of voters and the commission member responsible for handing the ballots;
 - 3) hands amount of ballots equal to the number of voters in the lists of voters to the members of the commission responsible for handing the ballots;
 - 4) verifies the wholeness of the envelope stamped by Regional Electoral Commission which contains the stamp for assuring the validity of the ballots and registers the number of the envelope;
 - 5) opens each envelope and verifies, that the seal of the packing of the stamp assuring the validity of the ballots is untouched;
 - 6) breaks the seal of the parcel, containing the stamp, assuring the validity of the ballots, registers the serial number and the number of the stamp and hands it to the commission member responsible for the registration of the voters and assuring the validity of the ballots.
- 29.7 The actions prescribed in the part four of the present Article are conducted in the mentioned sequence. Each next action is conducted after the accomplishment of the previous one.

29.8 A protocol is composed for the mentioned actions.

Article 30. The implementation of voting

- 30.1 Each voter arriving to vote presents a passport or other document substituting the passport to the member of the commission responsible for handing the ballots, who checks it, finds the name of the voter in the list of voters, notes the number of the voter in the lists of voters on a coupon corresponding to the prescribed specimen, and hands the filled in coupon and one of each ballots for the elections of the community leader and the member of the community council to the voter.
- 30.2 Receiving the ballot the voter enters the designated booth or room for secret balloting.
- 30.3 The voter fills in the ballot in the booth or room for secret balloting, where some amount of clean ballots (at least two) must be available during the voting.
- 30.4 In case the ballot is filled in incorrectly the voter can use the clean ballots available in the booth (room).
- 30.5 If a voter is incapable of personally completing their ballot they may at his/her discretion, invite another person into the ballot booth or room, excluding the members of the commission or the candidate proxies.
- 30.6 Except for the above-mentioned case, the presence of the persons in the voting booth or room during completion of the ballot is prohibited.
- 30.7 The voter makes a note on the ballot next to the name of the candidate in whose favor he/she is voting. If the voter is voting against all candidates then he/she makes notes on the line "I disagree to everybody" printed after the names of the candidates.
- 30.8 In cases where only one candidate is running for community leader or the community council, the voter makes a note besides the words "I agree" if he/she is voting in favor, and the voter makes a note besides the words "I disagree" across from the name of candidate if he/she is voting against.
- 30.9 The voter brings out the folded ballot from the ballot booth or room and approaches to the table for registration and stamping the ballots. The member of the commission responsible for the registration and stamping the ballots finds the name and the number of the voter in the lists of voters based on data on coupon, checks the passport or other document substituting the passport of the voter and fills in the data of the identity proof across which the voter signs. After that the mentioned commission member stamps the voters ballot without taking it from the hands of the voter. The voter drops the ballot into the ballot box personally and leaves the precinct.
- 30.10 The voter has no right to return to the booth after coming out from it and also open the folded ballot.

CHAPTER 5

SUMMARIZING THE RESULTS OF THE ELECTIONS

Article 31. Procedure for completing the summary records of election results in the electoral precincts

31.1 The Chairman of Precinct Electoral Commission closes the slots of ballot box at 10 P.M. lets out all persons, who have no right to be present at the session of Precinct Electoral Commission and closes the precinct center. After the implementation of these actions the Precinct Electoral Commission starts the session on the summarizing the results of the voting. For that purpose the following actions are implemented:

1) the chairman of the commission packs and seals the stamp (stamps) for assuring the validity of the ballots, mentioning on the parcel the number of the electoral precinct and also serial number and the number of the stamp;

2) the total number of voters is counted based on the lists of voters (including the additional lists of voters) at the member of the commission responsible for registration of the voters and stamping the ballots;

3) the number of registered voters is counted, based on the signatures in the lists of voters (including the additional lists of voters) at the member of the commission responsible for registration of the voters and stamping the ballots, and after that the mentioned list is sealed;

4) the ballot box is opened.

31.2 The commission chairman takes out one ballot from the ballot box, declares loudly the verification of the ballot by a stamp corresponding to approved specimen, the fact of invalidity of the ballot or the fact of not corresponding to approved specimen and in case of valid ballot in favor of whom it was voted. Then the ballot is passed to other members of the commission. In case the commission member is against the opinion of the chairman, the commission member is presenting an objection, which is voted on.

31.3 The commission chairman puts the ballot on a package of the corresponding candidate in favor of whom the ballots is voted, on <<against everybody>>, <<invalid or not corresponding to approved ballot specimen>>, << not verified by a stamp corresponding to approved specimen>> based on the result of voting in case of objection, and if there is no objection, according to his declaration, then he/she takes out the next ballot from the ballot box.

31.4 These actions are repeated for all ballots present in the ballot box separately for the elections of the community leader and the member of community council. During the implementation of assortment procedure the commission members are not allowed to make notes and also have with them pens, pencils and other things suitable for making inscriptions.

- 31.5 After the assortment of all ballots present in the ballot box the commission chairman in the presence of commission members counts one by one the ballots, separately for the elections of the community leader and the elections of the community council members, not verified by a stamp corresponding to approved specimen, recognized as invalid and corresponding to the approved specimen, voted against all candidates, and also the number of votes in favor of each candidate. Based on the mentioned results the total number of valid ballots present in the ballot box and the total number of votes given in favor of candidates is calculated.
- 31.6 The counted ballots are packed according to the assortment and sealed.
- 31.7 These actions, prescribed by the first part of this article are implemented in the sequence mentioned. Each action is implemented after the accomplishment of the previous one and the composition of a corresponding protocol. For each of these actions a separate protocol is composed in two copies, signed by the members of commission present on the session, one of which is sealed with the documents on which it is based.
- 31.8 The protocol for summarizing the results of the voting in the precinct is composed in two copies based on data from the separate protocols, separately for the elections of the community leader and the elections of the member of the community council.
- 31.9 The following is registered in the protocol, summarizing the results of voting:
- 1) the total number of voters, based on the lists of voters;
 - 2) the number of registered voters, based on the signatures;
 - 3) the number of valid ballots present in the ballot box ;
 - 4) the number of canceled ballots and the ballots not corresponding to approved specimen;
 - 5) the number of votes given in favor of each candidate;
 - 6) the number of ballots voted against all candidates;
 - 7) the total number of votes given in favor of candidates.
- 31.10 The counted and registered numbers in the protocol are declared in a loud voice.
- 31.11 The protocol is signed by all commission members present at the session and stamped by the chairman of the commission. If a commission member has a special opinion on the process of voting or on the results, then he makes a corresponding note near his signature, presenting his opinion in writing, which is attached to the protocol.
- 31.12 Refusal to sign a protocol by a commission member is registered by the commission and adjoined to the protocol summarizing the results of the voting.

- 31.13 The session of the Precinct Electoral Commission cannot be interrupted from the moment of termination of voting and until the composition of protocol of summarizing the results.
- 31.14 After the completion of the session, the chairman makes public the results of the voting in the precinct.
- 31.15 Upon the request of the candidates proxy or the accredited foreign observer the copy of the protocol on summarizing the results of voting is given, verifies by the signatures of the chairman of the commission or the secretary and by the commission stamp.
- 31.16 The copy of the protocol summarizing the results of the elections in a precinct is posted in the center of a precinct in a place visible for all, after that the chairman of the Precinct Electoral Commission one copy of the protocol of summarizing the results of the voting, the stamp (stamps) for verification of the ballots and the sealed electoral documents submits to Community Electoral Commission immediately.

Article 32. Invalid ballots

- 32.1 Ballots stamped by a stamp corresponding to approved specimen are recognized as invalid if they are voted "pro" for more than one candidate , are voted "pro" for a candidate and bearing a note in the line "I am against all", and in case, when one candidate is voted , both lines "I agree" and "I disagree" are marked or not marked, and also the ballots bearing extra inscriptions and notes.
- 32.2 Ballots that cause suspicion will be voted on by the Electoral Commission.

Article 33. Ballots not corresponding to the approved specimen

- 33.1 Ballots stamped by a stamp corresponding to approved specimen are recognized as not corresponding to the approved specimen, if they do not correspond to approved specimen.
- 33.2 Ballots that cause suspicion are voted on by the Precinct Electoral Commission.

Article 34. Valid ballots

- 34.1 The ballot is recognized as valid, which hasn't been recognized as invalid or not corresponding to approved specimen and which is bearing the stamp corresponding to approved specimen.

Article 35. Organization of the summarization of results of the elections in communities

- 35.1 Before the summarizing of the results of elections in communities, the Community Electoral Commissions in the presence of the persons, who have the right to be present on the Commission sessions, verifies the availability of all necessary documents, the stamp (stamps) securing the validity of the ballots, the wholeness of the seals, the meeting of the presented protocols to the corresponding demands, makes corresponding records in their register and closes them in a safe place.
- 35.2 The session on the summarizing the results of elections for the community council is conducted without interruption, if no need for checking is revealed.
- 35.3 At the end of the session, the chairman of the Community Electoral Commission announces the results of the elections in community and sends it to Regional Electoral Commission. The Regional Electoral Commission sends one of each copies of the protocols summarizing the results of elections to Central Electoral Commission and to corresponding marzpet.

Article 36. Summarizing the results of elections for community leader

- 36.1 The Community Electoral Commission, in the presence of the persons entitled to be present at the session of the commission, checks the correspondence of the data of protocols of each electoral precinct on summarizing the results of the elections to each other. In case of discrepancy of the mentioned data in separate precincts by a written demand of at least 4 members of the Community Electoral Commission the Community Electoral Commission checks the correspondence of the data in the protocols of Precinct Electoral Commissions to the factual data.
- 36.2 The authors of the special opinion adjoined to the protocol of the corresponding Precinct Electoral Commission and the chairman of that Commission can participate in the procedure of checking.
- 36.3 In case a discrepancy is revealed as a result of checking, the Community Electoral Commission composes a corrected protocol of the results of voting in the corresponding precinct, to which the preliminary protocol of the Precinct Electoral Commission is attached. The corrected protocol is signed by the members of the commission, present on the session and is stamped by the chairman of Community Electoral Commission. If any member of the Community Electoral Commission has a special opinion on the results of corrected protocol, then he/she is making a note near his/her signature presenting the opinion in writing, which is attached to protocol.
- 36.4 The refusal of commission member to sign the corrected protocol is registers and attached to the corrected protocol.
- 36.5 The Community Electoral Commission composes a protocol summarizing the results of elections of the community leader, correcting the discrepancies in the results of voting in electoral precincts in the cases prescribed by this article, and checking in the manner prescribed by the Central Electoral Commission the incorrectness of the voting

results and their influence on the number of votes given in favor of each candidate, mentioning by precinct the following results:

- 1) the total number of voters based on the lists of voters;
 - 2) the number of registered voters based on signatures;
 - 3) the number of valid ballots present in the ballot box;
 - 4) the number of ballots recognized as invalid or not corresponding to the approved specimen;
 - 5) the number of votes given in favor of each candidate;
 - 6) the number of votes given against all candidates;
 - 7) the total number of votes given in favor of candidates.
 - 8) the measure of incorrectness influencing the number of votes given in favor of each candidate.
- 36.6 The Community Electoral Commission passes one of the following decisions based on data registered in the protocol and according to the provisions of this law :
- 1) on recognizing the elections as taken place and on election of the community leader;
 - 2) on recognizing the elections as invalid and designating a re-vote;
 - 3) on implementing a second stage of elections;
 - 4) on recognizing the elections in the community as not taken place and on conducting of new elections.
- 36.7 The decision is signed by the members of the commission present on the session and is stamped by the community chairman.
- 36.8 Refusal to sign a protocol by commission member is registered by the commission and adjoined to the protocol summarizing the results of the elections.
- 36.9 Upon the request of the candidate's proxy or accredited foreign observer they are given the copy of the protocol summarizing the results of the elections certified by the signature of the commission chairman or the commission secretary and the commission stamp.
- 36.10 A candidate for the community leader is recognized as elected in the first stage of the election if he/she has received more, than the half of the votes in favor.

36.11 If more than two candidates ran in the first stage of the elections or in a re-voting, and no one was elected, then a re-voting (second stage of voting) is conducted, in which the first and second candidate received the plurality of votes in the first stage participate, the result of which being that the candidate receiving the highest number of votes cast is recognized as elected. A re-voting is conducted in the community 14 days after the day of elections, in the manner prescribed by this law.

36.12 If only one candidate runs in any stage of elections then he/she is recognized as elected if he/she has received more than the half of the votes of those participating in the elections.

36.13 An election of the community leader is considered as invalid in any stage of elections if :

1) the measure of incorrectness in the number of votes given in favor of any candidate substantially affect the outcome of the election such that it is not possible to reconstruct the real result of elections and thus determine the elected candidate;

2) violations of law were made during the preparation and implementation of the elections that prevent the exercise of equal, direct and free election rights in a secret ballot and which could affect substantially the results of the election.

36.14 The elections are considered as not taken place if :

1) the only candidate running doesn't receive more than the half of the votes of those participating in the elections;

2) the elected candidate died before summarizing the results of elections;

3) two candidates had been voted in the second stage of elections, which had received equal votes;

4) grounds are available for recognizing as invalid the elections of the community leader in re-voting.

Article 37. Summarizing the results of elections for community council

37.1 The Community Electoral Commission, in the presence of the persons having the right to be present at the session of the commission, checks the correspondence of the data of protocols of each electoral precinct on summarizing the results of the elections to each other.

37.2 In case of discrepancy of the mentioned data in separate precincts by a written demand of at least 4 members of the Community Electoral Commission the Community Electoral Commission checks the correspondence of the data in the protocols on summarizing the results of voting of Precinct Electoral Commissions to the factual

data on voting. The authors of the special opinion adjoined to the protocol of the corresponding Precinct Electoral Commission and the chairman of that Commission can participate in the procedure of checking.

- 37.3 In case a discrepancy is revealed as a result of checking, the Community Electoral Commission composes a corrected protocol of the results of voting in the corresponding precinct, to which the preliminary protocol of the Precinct Electoral Commission is attached. The corrected protocol is signed by the members of the commission, present on the session and is stamped by the chairman of Community Electoral Commission. If any member of the Community Electoral Commission has a special opinion on the results of corrected protocol, then he/she is making a note near his/her signature presenting the opinion in writing, which is attached to protocol.
- 37.4 The refusal of commission member to sign the corrected protocol is registers and attached to the corrected protocol.
- 37.5 The Community Electoral Commission composes a protocol for each voting district summarizing the results of elections of the members of community council, correcting the discrepancies in the results of voting in electoral precincts in the cases prescribed by this Article, and checking in the manner prescribed by the Central Electoral Commission the incorrectness of the voting results and their influence on the number of votes given in favor of each candidate, mentioning separately (by each voting district) and by precinct the following results :
- 1) the total number of voters based on the lists of voters;
 - 2) the number of registered voters based on signatures;
 - 3) the number of valid ballots present in the ballot box;
 - 4) the number of ballots recognized as invalid or not corresponding to the approved specimen;
 - 5) the number of votes given in favor of each candidate;
 - 6) the number of votes given against all candidates;
 - 7) the total number of votes given in favor of candidates;
 - 8) the measure of incorrectness influencing the number of votes given in favor of each candidate.
- 37.6 The protocol is signed by the members of the commission present on the session and is stamped by the commission chairman.
- 37.7 Refusal to sign a protocol summarizing the results of the elections by commission member is registered by the commission and adjoined to the protocol summarizing the results of the elections.

- 37.8 The Community Electoral Commission determines and registers the challengers for the mandates for each electoral district based on the data registered in the protocol.
- 37.9 The challengers for mandate are considered the candidates received the plurality of the votes in the given electoral district (but not exceeding the number of mandates reserved for the given electoral district), on election of which the incorrectness in the count of votes has no influence. If the number of candidates received the plurality of the votes exceeds the number of mandates because of the equality of the received votes, then a random selection procedure is implemented in the manner prescribed by Central electoral commission between the candidates received the minimal equal votes for the determination of the challengers of mandates.
- 37.10 If in the process of preparation and implementation of the elections such violation of the general, direct and equal right to vote or the violation of secret ballot were taken place, which might affect the results of elections, then no challengers for mandates are registered for the given electoral district.
- 37.11 If the number of challengers for the mandates in the community exceeds by 50 per cent the number of the members of community council for the given community prescribed by Article 2 of this law, then the Community Electoral Commission passes a decision on recognizing the elections of the community council as taken place and on forming of the community council. In this case the challengers for the mandates are recognized as members of the community council.
- 37.12 If the number of challengers for mandates for the community is not exceeding 50 percent of the number of members of the community council prescribed by Article 2 of this law, then the Community Electoral Commission passes a decision on recognizing the elections as void and on conducting by-elections in those electoral districts where as a result of elections the number of the challenger of mandates is not exceeding 50 per cent of the number of mandates prescribed for those districts.
- 37.13 The decision is signed by all members of the commission, present on the session and stamped by the chairman of the commission.
- 37.14 Refusal to sign the protocol by a commission member is registered by the commission and adjoined to the protocol summarizing the results of the elections.
- 37.15 Upon the request of the candidate's proxy or accredited foreign observer they are given the copy of the protocol summarizing the results of the elections certified by the signature of the commission chairman or the commission secretary and the commission stamp.

Article 38. Summarizing election results for community council after re-voting

- 38.1 After re-voting the Community Electoral Commission compiles a protocol summarizing the results of the elections of the members of community council in the

manner prescribed by Article 37 of this law for each voting district where re-voting was conducted, determines and registers the challengers for the mandates.

- 38.2 If after re-voting the number of the challengers for the mandates in the community exceeds by 50 per cent the number of members of community council for the given community prescribed by Article 2 of this law, then the Community Electoral Commission passes a decision on recognizing the elections of the community council as taken place and on forming of the community council. In this case the challengers for the mandates are recognized as members of the community council.
- 38.3 In opposite case the Community Electoral Commission passes a decision on recognizing the elections of the members of the community council in the community as not taken place and on conducting of new elections.
- 38.4 The decision is signed by all members of the commission, present on the session and stamped by the chairman of the commission.
- 38.5 Refusal to sign the protocol by a commission member is registered by the commission and adjoined to the protocol summarizing the results of the elections.
- 38.6 Upon the request of the candidate's proxy or accredited foreign observer they are given the copy of the protocol summarizing the results of the elections certified by the signature of the commission chairman or the commission secretary and the commission stamp.

Article 39. Re-voting

- 39.1 If the Community Electoral Commission recognize the elections of the community leader as invalid, then 14 days after the elections re-voting is conducted in the manner prescribed by this law with the same list of candidates.
- 39.2 If the elections of the community leader are recognized as invalid by a court of law, then 14 days after the coming into force the court verdict re-voting is conducted in the manner prescribed by this law with the same list of candidates.
- 39.3 If the Community Electoral Commission recognized the elections of the members of the community council in the voting district as invalid, then 14 days after the day of elections re-voting is conducted in the manner prescribed by this law with the same list of candidates.
- 39.4 If the elections of the members of the community council in the voting district are recognized as invalid by a court of law, then 14 days after the coming into force the court verdict re-voting is conducted in the manner prescribed by this law with the same list of candidates.

Article 40. Registration of a community leaders and members of the community council; publication of the results of the elections

- 40.1 The results of the elections are published not later, than within 5 days of the day of the elections.
- 40.2 The official communiqué on the results of elections is published in the manner prescribed by the Central Electoral Commission.

CHAPTER 6
REGULAR ELECTIONS

Article 41. Procedure and intervals of assigning and conducting regular elections

- 41.1 The government adopts a decision on the assignment of a regular election at least 4 months prior to the expiration date of the powers of local self-governing bodies.
- 41.2 The elections are conducted no later than 30 days prior to the date of the expiration of the powers of the local self-governing bodies.
- 41.3 Regular elections are prepared and implemented in the manner prescribed by this law.

Article 42. Time frame for forming electoral districts and precincts

- 42.1 Division of the territory of communities into electoral districts is done not later, than 110 days prior to the date of regular elections.
- 42.2 Division of electoral districts into electoral precincts is done not later, than 100 days prior to the date of regular elections.

Article 43. Time frame for forming Electoral Commissions

- 43.1 The Community and Precinct Electoral Commissions are formed at least 80 days prior to the day of the elections.

Article 44. Time frame for nominating and registering candidates

- 44.1 The nomination of the candidates begins 60 days prior to the day of elections and terminates 55 days prior to the day of the elections at 6:00 p.m.
- 44.2 The registration of the candidates terminates 30 days prior to the day of the elections.
- 44.3 The biographical data of candidates may be submitted to the Community Electoral Commissions not later than 20 days prior to the day of the elections.

CHAPTER 7
NEW ELECTIONS AND BY- ELECTIONS

Article 45. The procedure of assignment and conducting of new elections

- 45.1 If upon the decision of Community Electoral Commission or by a court verdict the elections of the community leader or the members of the community council are recognized as not taken place, then new elections are conducted 30 days after the date of the decision of the Community Electoral Commission or the date of coming into force the court verdict with new nomination of the candidates. New elections are conducted in the manner prescribed by this law for by-elections.

Article 46. Procedure for appointing by-elections

- 46.1 If the mandate remains unclaimed due to the premature termination of the powers of community leader in the manner prescribed by the law, then by-elections are assigned in the respective electoral districts by decision of the government.
- 46.2 Mandates remaining unclaimed due to the premature termination of powers of a member of community council in the manner prescribed by law are not filled. If the number of members of community council is not exceeding due to the premature termination of the powers of the members of community council in the manner prescribed by law 50 percent of the number of members of the community council prescribed by Article 2 of this law, then by- elections of the members of community council are conducted in the community.
- 46.3 The government passes decision on the by-elections of the community leader in the cases prescribed by this law within 15 days.
- 46.4 The government passes decision on the by-elections of the members of community council in the cases prescribed by this law within 15 days.
- 46.5 By-elections are conducted on the 30th day after the decision of government in the manner prescribed by this law for regular elections.

Article 47. Time frame for forming Electoral Commissions for by-elections

- 47.1 Community and Precinct Electoral Commissions can be reorganized or formed not later than 25 days prior to the day of elections.

Article 48. The electoral districts and precincts for the by-elections

- 48.1 By-elections are conducted according to the electoral districts and precincts formed for the regular elections, if the Regional Electoral Commission hasn't passed a contrary decision.

Article 49. Nomination and registration of the candidates in the by-elections

- 49.1 By-elections are conducted with new nominations of the candidates.
- 49.2 The nomination of the candidates begins 25 days prior to the day of the elections and terminates 20 days prior to the day of the elections.
- 49.3 The process of registering candidates terminates not later, than 10 days prior to the day of elections.

CHAPTER 8
FINAL PROVISIONS

Article 50. Responsibility for violating this law

- 50.1 Persons who violate the requirements of this law are held responsible in the manner prescribed by the laws of the Republic of Armenia.

Article 51. Transitional requirements

- 51.1 According to the provisions of this law, after the formation of CEC the powers of the CEC formed to conduct the elections for deputies of the National Assembly are terminated.
- 51.2 The powers of the CEC for the next election for National Assembly deputies are gained by the CEC formed in the manner prescribed by this law, from the moment of its formation.
- 51.3 The CEC for the first elections of local self-governing bodies according to constitution are formed not later than 140 days prior to the day of elections, and the RECs not later than 130 days prior to the day of elections.
- 51.4 Before the formation of Yerevan City district communities the powers of Community Electoral Commissions are executed by the Electoral Commissions formed according to territorial districts of the city.
- 51.5 The limitations of Article 3 of this law on permanent residence in the given community (Yerevan City) for at least one last year are not valid for a person nominated as a community leader until 1st of January 2000.

51.6 The limitations of Article 3 of this law on dutifully paying taxes, local payments and fees are not valid for persons nominated as a community leader or member of community council until 1st of January 2000.

51.7 The citizens of the Republic of Armenia who have right to vote, and have no permanent residence in the community but are included in the lists of taxpayers of the given community for last 3 years prescribed by Article 23 of this law, are not included in the lists of voters until January 1st 2000.

Article 52. The coming into force of this law

52.1 This law comes into force from the moment of its official publication.

New Text - 17 May 1996

Signed by the President of the Republic - 10 June 1996

APPENDIX 5

Central Electoral Commission Republic of Armenia

Announced 25 June 1996

Ratified by Government 26 June 1996

Member	Party
Sevak Arakelian	Armenian Christian Democratic Union (ACDU) ‡
Khachatur Bezirjyan ¹	Armenian National Movement (ANM) ‡
Filaret Berikyan	National Democratic Union (NDU)
Armenuhi Zohrabyan ³ †	Liberal-Democratic-Ramkavar Party (LDRP) ‡
Tigran Torosyan	Republican Party (RP) ‡
Norair Khanzadyan	Union of National Self-Determination (UNSD)
Armen Khojolyan	Intellectual Armenia (IA) ‡
Vladimir Hakhverdyan	National Democratic Union (NDU)
George Hakobyan	Social Democratic "Hnchak" Party (SDHP) ‡
Ara Harutyunyan	Armenian Christian Democratic Union (ACDU) ‡
Ruben Hovhanissyan	Shamiram
Ruben Manukyan ² †	Armenian National Movement (ANM) ‡
Ashot Mashuryan	Union of National Self-Determination (UNSD)
Vanya Mkhitarian	Communist Party of Armenia (CPA)
Artyom Movsisyan †	Republican Party (RP) ‡
Tigran Mukuchyan	Social Democratic "Hnchak" Party (SDHP) ‡
Ararat Muradyan	Intellectual Armenia (IA) ‡
Sergei Poghosyan †	Shamiram
Vilen Sukiasyan	Communist Party of Armenia (CPA)
Arman Vardanyan †	Liberal Democratic-Ramkavar Party (LDRP) ‡

† - Member of previous CEC

¹ - Chairman

² - Vice Chairman

‡ - Ruling Bloc in Parliament

³ - Secretary

APPENDIX 6

**Regional Electoral Commission
Yerevan**

Member	Party
Bagrat Andreasian	Armenian National Movement (ANM)
Armen Pogosian	Armenian National Movement (ANM)
Yegish Aivazian	Liberal-Democratic-Ramkavar Party (LDRP)
Gagik Minasian	Liberal-Democratic-Ramkavar Party (LDRP)
Vahan Mamikonian	Republican Party (RP)
Gagik Ter-Harutyunian	Republican Party (RP)
Hovannes Manukian	Armenian Christiam Democratic Union (ACDU)
Karine Hovannisian	Armenian Christiam Democratic Union (ACDU)
Grigor Azizbekian	Intellectual Armenia (IA)
Mamikon Gazarian	Intellectual Armenia (IA)
Karen Ter-Abrahamian	Social Democratic "Hnchak" Party (SDHP)
Garnik Badalian	Social Democratic "Hnchak" Party (SDHP)
Tatul Safarian	Shamiram
Anahit Aleksanian	Shamiram
Arshak Arzikian	Communist Party (CP)
Levon Sahakian	Communist Party (CP)
Margarita Azarian	National Democratic Union (NDU)
Vahe Varsanian	National Democratic Union (NDU)
Karine Stepanian	Union of National Self-Determination (UNSD)
Hamlet Ikhtiarian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Aragatsothn

Member	Party
Gevorg Gevorgian	Armenian National Movement (ANM)
Mihrdad Petrosian	Armenian National Movement (ANM)
Anahit Sargsian	Liberal-Democratic-Ramkavar Party (LDRP)
Miasnik Hovannisian	Liberal-Democratic-Ramkavar Party (LDRP)
Manvel Yengibarian	Republican Party (RP)
Seyran Azizian	Republican Party (RP)
Harutyun Ohanian	Armenian Christian Democratic Union (ACDU)
Karine Margarian	Armenian Christian Democratic Union (ACDU)
Armen Gevorkian	Intellectual Armenia (IA)
Levon Vardanian	Intellectual Armenia (IA)
Hasmik Melikian	Social Democratic "Hnchak" Party (SDHP)
Gevorg Manukian	Social Democratic "Hnchak" Party (SDHP)
Vahram Vardanian	Shamiram
Anahit Sargsian	Shamiram
Avetis Harutyunian	Communist Party (CP)
Asatur Hairapetian	Communist Party (CP)
Yuri Hovannisian	National Democratic Union (NDU)
Karen Melikian	National Democratic Union (NDU)
Hamlet Harutyunian	Union of National Self-Determination (UNSD)
Parandzem Tadevosian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Ararat

Member	Party
Feliks Harutyunian	Armenian National Movement (ANM)
Larisa Avetsian	Armenian National Movement (ANM)
Boris Davtian	Liberal-Democratic-Ramkavar Party (LDRP)
Liova Avetisian	Liberal-Democratic-Ramkavar Party (LDRP)
Boris Grigorian	Republican Party (RP)
Alina Lalayan	Republican Party (RP)
Ashot Vardanian	Armenian Christian Democratic Union (ACDU)
Virab Petrosian	Armenian Christian Democratic Union (ACDU)
Victor Gasparian	Intellectual Armenia (IA)
Sedrak Sargsian	Intellectual Armenia (IA)
Artak Stepanian	Social Democratic "Hnchak" Party (SDHP)
Martin Makarian	Social Democratic "Hnchak" Party (SDHP)
Selma Melkumian	Shamiram
Sabet Tarverdian	Shamiram
Tatul Zakarian	Communist Party (CP)
Melik Hovannisian	Communist Party (CP)
Bela Badalian	National Democratic Union (NDU)
Surik Hovnanian	National Democratic Union (NDU)
Armen Muradian	Union of National Self-Determination (UNSD)
Samvel Tsaturian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Armavir

Member	Party
Araik Agababian	Armenian National Movement (ANM)
Janik Tsaturian	Armenian National Movement (ANM)
Vrezh Garibian	Liberal-Democratic-Ramkavar Party (LDRP)
Vagarshak Abrahamian	Liberal-Democratic-Ramkavar Party (LDRP)
Artur Avetisian	Republican Party (RP)
Zorhab Umurjanian	Republican Party (RP)
Simzar Yegiazarian	Armenian Christiam Democratic Union (ACDU)
Meruzhan Abrahamian	Armenian Christiam Democratic Union (ACDU)
Henrik Paravian	Intellectual Armenia (IA)
Nshan Kepikian	Intellectual Armenia (IA)
Artavazd Torosian	Social Democratic "Hnchak" Party (SDHP)
Hamlet Nahatakian	Social Democratic "Hnchak" Party (SDHP)
Lyuda Safarian	Shamiram
Aida Safarian	Shamiram
Serob Yegiazarian	Communist Party (CP)
Zorik Khachatrian	Communist Party (CP)
Aida Hovannisian	National Democratic Union (NDU)
Ara Bagdasarian	National Democratic Union (NDU)
Tigran Hovannisian	Union of National Self-Determination (UNSD)
Gurgen Martirosian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Gegarkunik

Member	Party
Samvel Abrahamian	Armenian National Movement (ANM)
Hakob Sargsian	Armenian National Movement (ANM)
Yurik Margarian	Liberal-Democratic-Ramkavar Party (LDRP)
Hamlet Sahakian	Liberal-Democratic-Ramkavar Party (LDRP)
Hovannes Zardarian	Republican Party (RP)
Armen Sargsian	Republican Party (RP)
Norik Kuroyan	Armenian Christian Democratic Union (ACDU)
Vaginak Bagdasarian	Armenian Christian Democratic Union (ACDU)
Vemir Mkhitarian	Intellectual Armenia (IA)
Vladimir Hovannisian	Intellectual Armenia (IA)
Arshak Sahakian	Social Democratic "Hnchak" Party (SDHP)
Samvel Nananian	Social Democratic "Hnchak" Party (SDHP)
Neli Harutyunian	Shamiram
Jema Khachatrian	Shamiram
Ashot Kteyan	Communist Party (CP)
Volodia Zakharian	Communist Party (CP)
Atom Simonian	National Democratic Union (NDU)
Ashot Nikogosian	National Democratic Union (NDU)
Artak Asatrian	Union of National Self-Determination (UNSD)
Amalia Daniyelian	Union of National Self-Determination (UNSD)

Regional Electoral Commission

Lori

Member	Party
Tigran Kocharian	Armenian National Movement (ANM)
Sargis Sarikian	Armenian National Movement (ANM)
Agvan Varderesian	Liberal-Democratic-Ramkavar Party (LDRP)
Vahe Antonian	Liberal-Democratic-Ramkavar Party (LDRP)
Hrant Matinian	Republican Party (RP)
Ara Dermoyan	Republican Party (RP)
Artashes Adloian	Armenian Christian Democratic Union (ACDU)
Vilik Vermishian	Armenian Christian Democratic Union (ACDU)
Gagik Ghazakhetsian	Intellectual Armenia (IA)
Armen Bagdasarian	Intellectual Armenia (IA)
Spartak Papian	Social Democratic "Hnchak" Party (SDHP)
Hamlet Mosinian	Social Democratic "Hnchak" Party (SDHP)
Larisa Abrahamian	Shamiram
Greta Grigorian	Shamiram
Samson Tatevosian	Communist Party (CP)
Volodia Torosian	Communist Party (CP)
Robert Sahakian	National Democratic Union (NDU)
Gagik Harutyunian	National Democratic Union (NDU)
Emil Yavrian	Union of National Self-Determination (UNSD)
Samvel Martirosian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Kotaik

Member	Party
Abraham Matevosian	Armenian National Movement (ANM)
Husik Meltonian	Armenian National Movement (ANM)
Hakob Hakobian	Liberal-Democratic-Ramkavar Party (LDRP)
Vladimir Gazarian	Liberal-Democratic-Ramkavar Party (LDRP)
Hamlet Navoyan	Republican Party (RP)
Vahagn Davtian	Republican Party (RP)
Vaginak Abovian	Armenian Christian Democratic Union (ACDU)
Vigen Avetisian	Armenian Christian Democratic Union (ACDU)
Hrachia Sogomonian	Intellectual Armenia (IA)
Andrei Alaverdian	Intellectual Armenia (IA)
Hakob Avagumian	Social Democratic "Hnchak" Party (SDHP)
Aram Bategamian	Social Democratic "Hnchak" Party (SDHP)
Gayane Arustamian	Shamiram
Armine Tovmasian	Shamiram
Yegishe Zakarian	Communist Party (CP)
Gagik Yeritsian	Communist Party (CP)
Haik Vardanian	National Democratic Union (NDU)
Surik Safoyan	National Democratic Union (NDU)
Mkrtich Paskhalian	Union of National Self-Determination (UNSD)
Arsen Petrosian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Shirak

Member	Party
Murad Grigorian	Armenian National Movement (ANM)
Varos Avoyan	Armenian National Movement (ANM)
Shushanik Shirinian	Liberal-Democratic-Ramkavar Party (LDRP)
Volodia Azatian	Liberal-Democratic-Ramkavar Party (LDRP)
Frunze Tadevosian	Republican Party (RP)
Agasi Petrosian	Republican Party (RP)
Harutyun Urutian	Armenian Christiam Democratic Union (ACDU)
Artush Manukian	Armenian Christiam Democratic Union (ACDU)
Musheg Mikayelian	Intellectual Armenia (IA)
Hrant Margarian	Intellectual Armenia (IA)
Daniyel Vardanian	Social Democratic "Hnchak" Party (SDHP)
Zohrab Chagarian	Social Democratic "Hnchak" Party (SDHP)
Karine Sahakian	Shamiram
Hasmik Melkonian	Shamiram
Mariam Grigorian	Communist Party (CP)
Seryozha Karapetian	Communist Party (CP)
Rafik Hovannisian	National Democratic Union (NDU)
Vahan Tumasian	National Democratic Union (NDU)
Khachatur Manukian	Union of National Self-Determination (UNSD)
Juliyeta Avetisian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Syunik

Member	Party
Kochar Davtian	Armenian National Movement (ANM)
Vardan Harutyunian	Armenian National Movement (ANM)
Susanna Ohanjanian	Liberal-Democratic-Ramkavar Party (LDRP)
Gevorg Asatrian	Liberal-Democratic-Ramkavar Party (LDRP)
Araik Paronian	Republican Party (RP)
Zaven Grigorian	Republican Party (RP)
Oleg Santrian	Armenian Christian Democratic Union (ACDU)
Slavik Hovannisian	Armenian Christian Democratic Union (ACDU)
Vanya Gazarian	Intellectual Armenia (IA)
Vazgan Karagozyan	Intellectual Armenia (IA)
Vachagan Antonian	Social Democratic "Hnchak" Party (SDHP)
Seyran Arakelian	Social Democratic "Hnchak" Party (SDHP)
Bela Daniyelian	Shamiram
Rita Ofchian	Shamiram
Albert Grigorian	Communist Party (CP)
Edik Hakobian	Communist Party (CP)
Vahan Vardanian	National Democratic Union (NDU)
Tigran Atayan	National Democratic Union (NDU)
Levon Margarian	Union of National Self-Determination (UNSD)
Mher Yegiazarian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Vayots Dzor

Member	Party
Samvel Agajanian	Armenian National Movement (ANM)
Aleksi Kirakosian	Armenian National Movement (ANM)
Sergei Avetisian	Liberal-Democratic-Ramkavar Party (LDRP)
Anastas Stepanian	Liberal-Democratic-Ramkavar Party (LDRP)
Albert Bayatian	Republican Party (RP)
Eduard Asatrian	Republican Party (RP)
Samvel Harutyunian	Armenian Christiam Democratic Union (ACDU)
Gagik Adamian	Armenian Christiam Democratic Union (ACDU)
Gevorg Agababian	Intellectual Armenia (IA)
Armen Hovannisian	Intellectual Armenia (IA)
Fedik Gazarian	Social Democratic "Hnchak" Party (SDHP)
Levik Pogosian	Social Democratic "Hnchak" Party (SDHP)
Greta Khachatrian	Shamiram
Knarik Abrahamian	Shamiram
Sergei Makarian	Communist Party (CP)
Yerem Hovakimian	Communist Party (CP)
Ara Aleksanian	National Democratic Union (NDU)
Manvel Karapetian	National Democratic Union (NDU)
Yurik Margarian	Union of National Self-Determination (UNSD)
Samson Sardarian	Union of National Self-Determination (UNSD)

Regional Electoral Commission Tavush

Member	Party
Artush Melikbekian	Armenian National Movement (ANM)
Vasil Chilingarian	Armenian National Movement (ANM)
Suren Davtian	Liberal-Democratic-Ramkavar Party (LDRP)
Hasmik Tonoyan	Liberal-Democratic-Ramkavar Party (LDRP)
Ruslan Malinian	Republican Party (RP)
Arazbek Sargsian	Republican Party (RP)
Samvel Manucharian	Armenian Christian Democratic Union (ACDU)
Ashot Amirjanian	Armenian Christian Democratic Union (ACDU)
Matevos Tsaturian	Intellectual Armenia (IA)
Gagik Adamian	Intellectual Armenia (IA)
Khachatur Kokobelian	Social Democratic "Hnchak" Party (SDHP)
Edvard Mirzoyan	Social Democratic "Hnchak" Party (SDHP)
Laura Ayvazian	Shamiram
Svetlana Beglarian	Shamiram
Rafik Yegharian	Communist Party (CP)
Zaven Hasanian	Communist Party (CP)
Hrachia Ayvazian	National Democratic Union (NDU)
Volodia Rushanian	National Democratic Union (NDU)
Varduhi Melkumian	Union of National Self-Determination (UNSD)
Susana Melkumian	Union of National Self-Determination (UNSD)

APPENDIX 7

Results of the municipal elections run-off on November 24, 1996
Based on Paruyr Karapetyan's proxy copies of the protocols

Summary Protocol	totals	1/1	1/2	1/3	1/4	1/5	1/6	1/7	1/8	1/9
1. total voters on list	66,061	2,663	2,570	995	2,095	2,897	1,883	2,998	1,170	1,953
2. total number of signatures	18,144	593	426	349	661	535	958	726	408	488
3. ballots received by precinct	10,500	3,000	n/a	n/a	n/a	n/a	2,000	n/a	n/a	n/a
4. cancelled ballots	8,944	2,410	n/a	349	n/a	n/a	n/a	740	n/a	n/a
5. valid ballots	15,973	n/a	418	n/a	n/a	527	937	740	410	480
6. invalid & non-specimen ballots	464	n/a	8	n/a	41	7	22	11	13	8
8. against all	102	0	3	n/a	4	3	4	3	4	9
9. Paruyr Karapetyan	9,676	230	188	270	411	265	874	203	76	132
10. Torgom Madoyan	8,648	254	227	79	206	260	59	517	317	339
11. total votes for candidates	18,324	484	415	349	617	525	933	720	393	471
12. Turnout, %	27.47%	22.27%	16.58%	35.08%	31.55%	18.47%	50.88%	24.22%	34.87%	24.99%
13. Paruyr Karapetyan, %	52.81%	47.52%	45.30%	77.36%	66.61%	50.48%	93.68%	28.19%	19.34%	28.03%
14. Torgom Madoyan, %	47.19%	52.48%	54.70%	22.64%	33.39%	49.52%	6.32%	71.81%	80.66%	71.97%

Official Community results

Number of voters on the list	70,860
Number of signatures	20,433
Turnout, %	28.84%
Valid ballots	19,957
Invalid & non-specimen ballots	588
Against all	108
Paruyr Karapetyan	9,804
%	49.39%
Torgom Madoyan	10,045
%	50.61%
For All	19,849

Results of the municipal elections run-off on November 24, 1996
Based on Paruyr Karapetyan's proxy copies of the protocols

Summary Protocol	1/10	1/11	1/12	1/13	1/14	1/15	1/16	1/17	1/18	1/19
1. total voters on list	2,367	1,306	2,862	2,044	n/a	2,445	2,989	2,822	3,009	3,011
2. total number of signatures	451	320	561	306	388	766	639	669	793	494
3. ballots received by precinct	n/a	n/a	n/a	n/a	n/a	2,500	n/a	n/a	n/a	n/a
4. cancelled ballots	n/a	n/a	n/a	n/a	n/a	1,741	n/a	n/a	n/a	n/a
5. valid ballots	435	315	537	302	362	724	n/a	637	760	494
6. invalid & non-specimen ballots	12	4	19	4	19	35	17	32	24	17
8. against all	4	1	4	2	1	5	n/a	3	8	n/a
9. Paruyr Karapetyan	123	162	112	105	60	174	106	405	276	269
10. Torgom Madoyan	312	153	421	195	301	545	517	229	476	208
11. total votes for candidates	435	315	533	300	361	719	623	634	752	477
12. Turnout, %	19.05%	24.50%	19.60%	14.97%	#VALUE!	31.33%	21.38%	23.71%	26.35%	16.41%
13. Paruyr Karapetyan, %	28.28%	51.43%	21.01%	35.00%	16.62%	24.20%	17.01%	63.88%	36.70%	56.39%
14. Torgom Madoyan, %	71.72%	48.57%	78.99%	65.00%	83.38%	75.80%	82.99%	36.12%	63.30%	43.61%

Results of the municipal elections run-off on November 24, 1996
Based on Paruyr Karapetyan's proxy copies of the protocols

Summary Protocol	1/20	1/21	1/22	1/23	1/24	1/25	1/26	1/27	1/28	1/29
1. total voters on list	2,848	2,453	3,070	n/a	2,831	2,854	2,683	2,542	2,297	2,404
2. total number of signatures	804	430	675	n/a	1,339	1,072	689	972	607	1,025
3. ballots received by precinct	n/a	n/a	3,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a
4. cancelled ballots	n/a	n/a	2,325	n/a	n/a	n/a	n/a	n/a	n/a	1,379
5. valid ballots	787	n/a	627	698	1,324	1,203	672	985	589	1,010
6. invalid & non-specimen ballots	14	8	38	8	15	29	19	12	13	15
8. against all	5	5	4	12	2	10	3	n/a	1	2
9. Paruyr Karapetyan	260	270	375	315	964	794	433	608	300	916
10. Torgom Madoyan	527	149	248	371	358	399	236	365	288	92
11. total votes for candidates	787	419	623	686	1,322	1,193	669	973	588	1,008
12. Turnout, %	28.23%	17.53%	21.99%	#VALUE!	47.30%	37.56%	25.68%	38.24%	26.43%	42.64%
13. Paruyr Karapetyan, %	33.04%	64.44%	60.19%	45.92%	72.92%	66.55%	64.72%	62.49%	51.02%	90.87%
14. Torgom Madoyan, %	66.96%	35.56%	39.81%	54.08%	27.08%	33.45%	35.28%	37.51%	48.98%	9.13%

APPENDIX 8

Case H.2-895
1996

VERDICT

ON BEHALF OF THE REPUBLIC OF ARMENIA
MASHTOTS DISTRICT / CITY/ PEOPLE'S COURT WITH A COMPLEMENT OF
THE FOLLOWING PERSONS

Chairman: People's Judge S. Sarkissian

Secretary: N. Mkhitarian

Plaintiff representatives: P. Karapetian, A. Karapetian, V. Geghamian

Defendant representatives: A. Barseghian, S. Mkrtchian

Discussed on its open session on December 12, 1996 in the People's Court the case Parouir Karapetian versus Achapniak Community Electoral Commission, on the recognizing as invalid the November 25, 1996 decision of the Community Electoral Commission on the results of elections of the community leader.

Addressing the court Plaintiff P. Karapetian states, that he himself and Torgom Madoyan were participating in the November 24, 1996 by-elections for the Achapniak community leader as registered candidates for community leader.

Based on the results of elections T. Madoyan was recognized as elected community leader upon the decision of the Community Electoral Commission on November 25, 1996. He [P. Karapetian] believes, that during the elections violations of the law and forgeries had been taken place which had affected substantially the results of the elections. He asks to recognize as invalid the November 25, 1996 decision of the Community Electoral Commission and to pronounce a corresponding judgment on the results of elections.

Plaintiff P. Karapetian states, alleging his claim, that on the day of elections 1,723 ballots were found, before the voting started, in the ballot box of Electoral Precinct No.19 voted in favor of T. Madoyan. These ballots were recognized as invalid and a new ballot box was presented for voting. Based on this fact, the Plaintiff is sure, that the summarizing protocols of Electoral Precincts No. 16 and No. 17 on the results of elections, were forged.

The forgery is substantiated by the fact, that according to the summarizing protocols given to his proxy, 106 votes were given in favor of him in Electoral Precinct No.16 and 517 votes were given in favor of T. Madoyan, and in Electoral Precinct No.17 405 votes and 299 votes respectively, but according to the summarizing protocols presented to the Community Electoral Commission in Electoral Precinct No.16 1169 votes were registered as voted in favor of T. Madoyan and 239 votes in favor of him. In Electoral Precinct

No.17 969 votes were registered as voted in favor of T. Madoyan, and the number of votes voted in favor of him remained unchanged.

According to the results of elections in these two precincts the number of votes given in favor of T. Madoyan increased by 1,392 votes, as a result of which, according to the November 25, 1996 summarizing protocol of the Community Electoral Commission the total number of votes given in favor of him in all precincts was 9,804, and the number of votes given in favor of T. Madoyan was 10,045, which has determined the outcome of the elections and T. Madoyan was recognized as elected community leader.

In violation of the law no summarizing protocols were posted in above mentioned precincts, the electoral documents were submitted to the Community Electoral Commission with delay, and the results of the elections in Electoral Precinct No.17 were submitted not directly, but after being presented in another organization. In case of absence of these violation the community leader would have been elected him. The same has been stated by the Plaintiff's proxy, his representative A. Karapetian. A. Karapetian also says, meanwhile, that violations were conducted in Community Commission: the results of summarizing protocols presented by the Precinct Commissions, the results of elections were not entered into the commission's register, the results were not presented publicly, the Commission chairman was getting in and out during the session the adjacent room, the militia servicemen were present in the building during the session, the summarizing and the publication of the results was delayed.

Appeals presented by the proxy to the Community Electoral Commission regarding the violations had not been taken into consideration. The proxy demands to open the packages of electoral documents from Electoral Precincts No.16 and No.17 and check, but this was not conducted intentionally.

The plaintiff side mentioned, meantime, that they are not appealing the results of elections in other precincts and presenting simultaneously the separate lists of voters of No. 16 and No. 17 precincts the plaintiff side mentioned also, that some of the voters mentioned in the lists of voters are deceased citizen, others are under age citizens and the ones, which are absent at present in the settlement, but they believe, that there are signatures in the lists of voters across from their names.

The defendant, the representative of the Community Electoral Commission, it's Chairman A. Barseghian rejects the claim, saying that no significant violations had been registered during the elections, no such violations, which could have affected the results of the elections had been taken place. The results of the elections had been presented to the Community Electoral Commission in the prescribed manner, all electoral documents being packed and sealed. The results of the elections were summarized in the Community electoral Commission based on the summarizing protocols submitted by the chairmen of the Precinct Electoral Commissions including the chairmen of Electoral Precincts No. 16 and No.17, which were stamped and verified by the signatures of the Precinct Electoral Commission members, and only the results presented in these protocols were evaluated. Chairman Barseghian enters into the register summary data only, and the summarizing

results presented by the precincts were registered in a separate summarizing certificate, based on the results of which, according the decision of the Community Electoral Commission on November 25, 1996 T. Madoyan was recognized as elected community leader. Chairman Barseghian does not know who and how has composed the summarizing protocols of Electoral Precincts No. 16 and No. 17 presented by the plaintiff side and can not be responsible for that protocols, and he has directed with official data only. No delays were taken place connected with the submission of the results of elections and the electoral documents, the militia representatives were present in the commission building to defend the public order, to prevent the attempts to put pressure on the Community Electoral Commission members by the supporters of the plaintiffs side. One of the supporters of the Plaintiffs bursts into the working room of the Community Electoral Commission, captures summarizing protocols of the Precinct Electoral Commission and makes an attempt to destroy them, but all documents were returned and one part of the documents, including the summarizing protocol of the Electoral Precinct No. 17 were damaged. The demand of the Plaintiff's representative A. Karapetian to open the packs of the documents of Electoral Precincts No. 16 and No. 17 was discussed on the session of Community Electoral Commission, but no necessary 4 votes, prescribed by the Law, were given in support of his demand. Chairman Barseghian was getting in and out to the adjacent room for his needs only and he had not had any other purposes. He put all packed electoral documents into one box, sealed the box, verified the seal by the signature of the Plaintiff's representative A. Karapetian and sent the box according to its destination.

According to the data of summarizing protocols presented by the Community [mistake, has to be Precinct] Electoral Commissions 20,433 voters participated in the elections, 20,545 ballots were revealed in the ballot boxes, 19,957 of which were recognized as valid, 588 were recognized as invalid, 108 were voted against all candidates, in total 19,849 ballots were voted in favor of all candidates, 10,045 of which in favor of T. Madoyan, and 9,804 in favor of Plaintiff, 218 votes were recognized as incorrectness. The court investigation reveals, that during the November 10 elections of local self-governing bodies, as a result of elections two registered candidates for the community leader T. Madoyan and the Plaintiff P. Karapetian were passed into the second stage of the elections of the community leader of Yerevan Achapniak community. By-elections were taken place on November 25, 1996.

20,433 voters participated in the elections, in number of ballots in the ballot boxes was 20,544, the number of valid ballots was 19,956, the number of ballots not corresponding to the approved specimen and recognized as invalid was 588,, the number of ballots voted against all candidates was 108, the total number of votes voted in favor of all candidates was 19,848, from which 10,044 were voted in favor of the candidate for the community leader T. Madoyan, and 9,804 were voted in favor of P. Karapetian. 219 votes were recognized as incorrectness. By the majority of the votes of the Community Electoral Commission members participated in the session 5 - "pro", 3 - "against", the elections in the Achapniak community were recognized as taken place, and T. Madoyan was recognized as elected community leader with a majority of 22 votes upon the November

25, 1996 decision of the Community Electoral Commission, the circumstances of which were substantiated by the facts obtained by court investigation.

Eyewitnesses, the members of the Community Electoral Commission E. Aslanian, H. Papoyan, S. Zatikian, A. Baskhsheyan, K. Grigorian, R. Mouradian, confirmed, that they themselves and also the Chairman A. Barseghian have received the documents from the Precinct Electoral Commissions, including the documents of the Electoral Precincts No. 16 and No. 17 in a packed and sealed form. The results of the elections were summarized based on the summarizing protocols submitted by the precinct electoral commissions. After summarizing the results of the elections all precinct documents were put into one box and sealed, and later were sent according to their destination. During the session of their commission a lady bursts into the room and captures one part of the summarizing protocols of the Precinct Electoral Commissions. The latter were returned, but one part of them, including the protocol of Electoral Precinct No. 17 were damaged.

The Plaintiff's proxy, A. Karapetian demanded to check the electoral documents of the Electoral Precincts No. 16 and No. 17, but he has not received the necessary 4 votes in support and the demand was not satisfied.

Eyewitnesses, the members of the Precinct Electoral Commission No. 16, E. Ohanian, N. Mkrtchian, A. Eroyan, N. Karapetian, A. Samvelian confirmed, that the results of the elections were summarized in their precinct in a prescribed manner, and the documents connected with that were packed, sealed and sent to the Community Electoral Commission. The results were summarized based on the ballots found in the ballot box. No any other ballots were added. No substantial violations were allowed in the precinct. Eyewitnesses, the members of the Precinct Electoral Commission No. 17, L. Arshakian, A. Grigorian, A. Aharonian, L. Balayan, A. Doshoyan, S. Haroutiounian and K. Madoyan, confirmed, that the results of the elections were summarized in their precinct in a prescribed manner, the documents connected with that were packed, sealed and sent to the Community Electoral Commission. The results were summarized based on the ballots found in the ballot box. No other ballots were added. No substantial violation were allowed in the precinct. A. Grigorian says, meantime, that receiving information on the falsification of the results of elections in their precinct, he arrived at the Community Electoral Commission and revealed, that his signature is present across from his name on the submitted summarizing protocol.

The members of the Precinct Electoral Commissions No. 16 and No. 17, eyewitnesses N. Mkrtchian, A. Yeroyan, N. Karapetian, A. Samvelian, L. Balayan, A. Doshoyan, S. Harutiunian and K. Madoyan alleged, meanwhile, that the results of elections were not falsified in their precincts, T. Madoyan was elected with an absolute majority of the votes, several times more, than the other candidate, and the copy of the summarizing protocol connected with this was given to the P. Karapetian's proxy, and they do not understand why their data are differ from the data submitted to Community Electoral Commission. Eyewitnesses E. Aslanian, H. Papoyan, S. Zatikian alleged, meanwhile, that the documents of the Community Electoral Commission were not falsified, no substantial violation were

taken place and T. Madoyan was elected community leader based on the results of the elections.

All eyewitnesses alleged also, that the signatures in the summarizing protocols across from their names belong to them and were not falsified.

The member of the Precinct Electoral Commission No. 16, eyewitness G. Marukian confirmed, that he participated in the elections until the opening of the ballot box and he has noticed no substantial violations. The Plaintiff's proxies, eyewitnesses E. Misakian and M. Karapetian said, that the electoral documents of the Electoral Precinct No. 16 were submitted to the Community Electoral Commission packed and sealed.

Another proxy of the Plaintiff, eyewitness M. Karapetian says the same regarding the electoral documents of the Electoral Precinct No. 17.

The protocol composed in the Central Electoral Commission regarding the submission of the electoral documents of the Electoral Precincts No. 16 and No. 17, confirmed, that the box submitted by Achapniak Community Electoral Commission, which contained the electoral documents, was not touched until December 3, 1996, and the box has not been opened before that.

The same was confirmed by the Plaintiff's representative A. Karapetian, saying, that he put his signature on the box, when it was sealed, which was not damaged.

After the study of the documents of the Electoral Precincts No. 16 and No. 17 submitted by the Central Electoral Commission, was revealed, that the number of voters registered in those precincts was 1447 and 1409, respectively, the number of ballots present in the ballot box was 1449 and 1403, respectively, the number of valid ballots 1414 and 1376, the number of invalid ballots and the ballots not corresponding to the approved specimen was 35 and 32, the number of ballots voted against all candidates was 6 and 3, the total number of votes given in favor of all candidates on the ballots 1408 and 1373, the number of votes given in favor of candidates on the ballot: 1169 and 968 in favor of T. Madoyan, and 239 and 405 in favor of P. Karapetian.

The study revealed, that all data of the electoral documents of the Electoral Precinct No. 16 fully correspond to the data of the summarizing protocol submitted to the Community Electoral Commission, and the data in one part of the electoral documents of Electoral Precinct No. 17 are less by one from the data in summarizing protocol, thus, according to the protocol the number of ballots present in the ballot box was 1409, whereas the study revealed 1408, according to the protocol the number of the valid ballots was 1377, and according to the study 1376, the total number of votes given in favor of all candidates 1374 and 1373 respectively, the number of votes given in favor of T. Madoyan 938, i.e. the study revealed, that the number of votes, given in favor of T. Madoyan is one less, which can be considered as incorrectness, taking into consideration the number of registered voters.

According to the November 24, 1996 protocol of the Community Electoral Commission, a lady, who is a supporter of Plaintiff P. Karapetian, certain Hasmik, burst into the working room of the commission during the summarization of the results of the elections, and

captured from the table the summarizing protocols of the precincts, got out from the room, but in the corridor the protocols were taken back from her and returned to the Community Electoral Commission. One part of the protocols was damaged.

According to the register, the appeals regarding the elections were discussed in the Community Electoral Commission, and the data received from the Precinct Electoral Commissions were registered in total and separately, by precinct, the results by precinct were registered in the certificate for the registration of the results.

The inspection of the summarizing protocol of the Electoral Precinct No. 16, given to the Plaintiff's proxies and presented by the Plaintiff, revealed, that the summarizing protocol of the named precinct is falsified by a stamp and a signature is present.

According to the data of that protocol, 517 votes were registered in favor of T. Madoyan and 106 votes were voted in favor of P. Karapetian.

Regarding the named protocol the Plaintiff's proxy M. Karapetian states, that the stamp on the protocol was not clear and he takes a new protocol form, fills in the data by his hand and verifies by the Chairman's signature and the stamp.

Regarding above mentioned, the commission Chairman states, that the signature on the protocol is not his, he has not signed that and as for the stamp, it was on the table and it could be used.

As for the inscriptions made on the page 1 of the lists of voters of the Electoral Precinct No. 16, the member of the same Precinct Electoral Commission, eyewitness N. Karapetian states, that these inscriptions were made by accident, playing and they are not cancellation. In order to fix, that this inscriptions cannot be considered as not violations, the voter's list was signed.

The list of the voters presented by the Plaintiff regarding the inclusion of 8 under age residents of Building 10, Bashinjaghian 2nd lane, in the lists of voters of the electoral district No. 17, was not confirmed and it was revealed, that the names of above mentioned citizens were not included in the lists of voters.

The list submitted by the same side regarding 5 deceased citizens, the residents of Building 2, Mazmanian St., as being included in the lists of voters of electoral district No. 16, was also not substantiated, and the name of only one deceased citizen was included in the lists of voters, but no signature was signed across from his/her name, and the names of 4 remaining citizens were not included in the lists of voters.

The lists presented by the Plaintiff, which were verified by the stamps and signatures of the Chairmen of the cooperative buildings No. 6, No. 8 and No. 10, located at Bashinjaghian 2-nd lane, was not substantiated regarding the signatures of the absent voters, and it was revealed, that no signatures were made across from their names, and two lists for the residents of building No. 8 were not verified by the Chairman of cooperative. One part of the residents from the mentioned lists were included in the lists of voters and signatures were available across from their names, what could be. As for all the lists according to the statements of the Chairmen of the cooperatives of that buildings, eyewitnesses

F. Mkrtchian, H. Petrossian, and G. Mehroyan stated, that they did not checked the presence of the residents during that period, they validated the lists based on their knowledge and the information received.

Attending the sides, their representatives, the eyewitnesses and conducting the analysis the materials of the case, the court comes to the confidence, that the claim of P. Karapetian is not substantiated and has to be rejected with the following argumentation: it was substantiated, that the elections of the community leader had been taken place, and as a result of elections the registered candidate for the community leader T. Madoyan has been elected as community leader with a majority of 22 votes, and the November 25, 1996 decision of the Community Electoral Commission is legitimate and is based on the demands of the Article 36 of the Law of the Republic of Armenia "On the elections of local self-governing bodies". Furthermore, the elections of the community leader were conducted in all precincts, including Electoral Precincts No.16 and No. 17 and the results of the elections were summarized according to the demands of the RA Law "On the elections of local self-governing bodies", in the prescribed manner, without substantial violations and falsifications, based on the Articles 32-34 and 36 of the mentioned law, without violations affecting the outcome of the elections, without violations of the right to general, free, equal, direct elections and without violation of the secrecy of the ballot.

As for the testimonies of the members of the Community Electoral Commission and Precinct Electoral Commissions No.16 and No. 17, eyewitnesses A. Bakhshetsian, K. Grigoryan, R. Muradian, E. Ohanian, A. Aharonian, A. Grigoryan, L. Arshakian, regarding the discrepancies between the results in summarizing protocols of Electoral Precincts No. 16 and No. 17 given to the Plaintiff's proxies and the summarizing protocols submitted by the Chairmen of these Electoral Commissions of these precincts to the Community Electoral Commission and the suspicions of the eyewitnesses, then they have been refuted by above mentioned evidences, and their suspicions could not affected the results of the elections and serve as a basis for the satisfaction of the claim.

The corroborating testimonies of the Plaintiff's proxies, eyewitnesses A. Petrossian, M. Karapetian and E. Misakian are evaluated in the same order.

As for the testimonies of the eyewitnesses, presented by the Plaintiff: A. Avanesova, E. Sargisova, A. Hayriyan, S. Harutiunian, N. Vardanian, A. Eremian, A. Mirzoyan, E. Asatrian, J. Martirosian, E. Sukiasian, V. Martirosian, A. Hunanian, and K. Hovsepian, regarding their, or the adult members of their families, or some members of their families not participation in the November 24, 1996 elections and also the testimonies of the eyewitnesses F. Mkrtchian, H. Petrossian, G. Mehrabian, regarding the absence of one part of the residents of their buildings, then the court does not consider these testimonies as trustworthy for the above mentioned evidences, and evaluates other lists in the same manner.

As for the argumentation presented by the plaintiff side regarding the violations during the elections and during the summarization of the results and about the falsifications and about the incident taken place in Electoral Precinct No.19 before the start of the elections, then

one part of the violations were refuted by the evidences collected during the court investigation and the others was not able to affect the results of the elections, and as for the incident in Electoral Precinct No.19, then it was finished before the voting starts.

The testimonies of the eyewitness A. Petrossian on the non direct and delayed for around 20 minutes delivery of the electoral documents of the Electoral Precinct No. 17, were not able to affect the results of the elections.

As for the demand of Plaintiff representative A. Karapetian, to check the electoral documents of the Electoral Precincts No. 16 and No.17, it was rejected according to the Article 36 part 2 of the Law "On the elections of local self-governing bodies", because of the absence of written, even oral demand of at least 4 members of the electoral commission.

Based on the written above and guided by the Articles 190 and 197 of the RA Civil Code the People's Court

DECIDES

To reject the claim of Paruir Vilasi Karapetian to the Achapniak Community Electoral Commission on recognizing as invalid the November 25,1996 decision on the elections of the community leader.

The verdict can be appealed at RA Supreme Court within 10 days.

JUDGE S.SARGISSIAN

APPENDIX 9

**EXCERPTS FROM THE VERDICT OF THE CASE PERTAINING TO THE ELECTION
FOR COMMUNITY LEADER IN NORK MARASH DISTRICT OF YEREVAN CITY**

CASE NO. 2-642-96

MARAT KATVALIAN, JUDGE

The plaintiff, Armen Armenakian, candidate for Community Leader in the Nork Marash District of Yerevan City

The defendant, Nork Marash District No. 9 Community Electoral Commission, N. Altunian, Chairman

The plaintiff asked that the election of November 24, 1996, be recognized as invalid because of violation of the Law of the Republic of Armenia On the Elections of Local Self-governing Bodies. Included in the pleadings were the following named infractions:

- the stamps for validating the ballots in all 4 precincts were used and covered with ink
- hundreds of citizens were not allowed to participate in the elections
- the rights of the proxies were violated as they had not been allowed to follow the process of elections and the summarization of the results
- there were forged signatures on the voter lists of 5 citizens in custody, 10 deceased citizens, 10 citizens drafted for military service and not currently in Yerevan, 96 citizens living abroad, and the signatures of 191 citizens who had not participated in the election
- the data of 149 citizens participating in the election had been filled in again in the additional lists of voters along with falsified signatures.

The plaintiff stated that these events had substantially affected the outcome of the elections and that the Community Electoral Commission had neglected written and oral warnings regarding the above mentioned violations, had not discussed these violations and had validated the results of the elections by a groundless decision.

The defendant stated that he accepted only one point of the plaintiff's claim, only that of not allowing 189 inhabitants of the Nork old people's home to votes. That other accusations are not acceptable and that if there were shortcomings it was in the work of the Precinct Electoral Commissions. Also, that the plaintiff was to have appealed to the Community Electoral Commission within one day and that was not done.(1)

The defendant also declared that he did not consider their participation in the trial as purposeful and he believed that the court is investigating a civil case. The defendant left the court.(2)

The Court decides to consider the absence of the defendant as an absence without proper cause and continues the session in his absence.

Witnesses were as follows:

- 8 elected members of the Community Council and their 17 proxies
- 8 proxies of the candidates for Community Leader
- 20 voters of the Nork Marash District
- Chairmen of the District Electoral Commissions
- People engaged over the last 10 years in the organization of elections in the Nork Marash Electoral Precincts
- Membership of the Community and Precinct Electoral Commissions.

Evidence shown:

- Declaration of the elected members of the Community Council
- Protocols and appeals composed by the members of the Community Council
- Protocols and appeals composed during and after the election by the proxies of the candidates for Community Leader
- The lists of citizens whose names were marked in the lists of voters as "participated in the elections", and their passports, birth certificates and death certificates.

The judge concluded that:

- The Yerevan City Electoral Commission has implemented an unrealistic and partisan approach while forming the Electoral Commissions of Nork Marash District, by not including in the membership of these commissions any residents of that district or employees of the institutions or enterprises located in the district.(3)
- The Community Electoral Commission did not exercise the powers given to the commission by Article 14 of the Law, resulting in infringements and falsifications in Precinct Electoral Commissions and the frequent violations of the rights of voters.(4)
- By violating the demands of Article 21 of the Law, the members of the Electoral Commissions had deliberately limited the rights of the proxies of candidates for Community Leader and proxies for the members of the Community Council and had not allowed these proxies to really represent the interests of their candidates(5)
- The demands of Articles 29, 30, and 31 of the Law on the organization of voting and on summarization of the results of elections were violated on a mass scale.(6)
 - The ballots boxes were not sealed in a proper way and chinks for covering the slot in the ballot boxes were found in the ballot boxes in Precincts No. 9/1, 9/2, and 9/4, and this created suspicion and trouble.
 - In Precinct No. 9/2 the commission members separated themselves from the candidate proxies and isolated themselves in a room where the sealed ballot box was stored before the elections. This caused suspicion and started a groundless dispute with the proxies which caused the precinct to open with a 3 hour delay. The commission closed the precinct unjustified at around 9.30 p.m., thus not allowing some citizens to vote.

- In Precinct 9/1 the proxies were removed from the precinct at the end of voting with an argument that the summarization of the results will take place on the next day. The members of the Community Commission were alone with the ballot box which had been taken to the offices of the Community Commission.
- In Precinct 9/3 the Chairman demanded that the proxies of the candidates for Community Council leave the precinct after the summarization of the results for Community Council because they had nothing to do with the summarization of results of the Community Council Leader.
This demand, although not in the law, created a dispute which was used as an excuse by the precinct members to declare the session interrupted and move the ballot box from the precinct for transportation to the Community Electoral Commission. The commission members were alone in the car with the ballot box around 2 hours, until the voter's demand made them return to the Precinct and continue the session.
- The number of ballots found in the ballot boxes in precincts 9/1, 9/2, and 9/4 was substantially higher than the number of voters counted by the proxies.
- The number of voters was increased by the false inclusion of the names of 10 deceased persons, 5 persons in jail, 10 persons drafted for military service and residing in different settlements, 96 persons with permanent resident abroad, 75 persons from the list of 191 citizens who according to their statement did not participated in the elections, 149 persons listed a second time in the additional falsified lists of voters. This for a total of 345 false signatures.

Taking into consideration the above and that the candidate for Community Leader, Vardges Hayotsian, registered by the Community Electoral Commission as Community Leader, received 2980 votes in favor out of 4690 registered voters, which was more than 50% of the votes by only 35 votes, and 345 votes were falsified, this has substantially affected the results of the elections. It is not possible to restore the true results of the elections and to reveal for whom these votes were given, according to Article 37 of the Law, the elections of the Community Leader must be recognized as invalid.(7)

DECIDED

To recognized as invalid the election of the Community Leader taken place in Yerevan Nork Marash District on November 24, 1996.

(1) The defendant and his attorney stated twice that it would not be legal to investigate the signature lists, as to do that would violate the secrecy of the ballot. The judge at both times denied that the lists of signatures had anything to do whatsoever with the secrecy of the vote. The secrecy of the vote in his judgement had validity only when the voter marked the ballot and dropped it in the ballot box.

The plaintiff stated that it had been impossible to make an appeal within one day of the findings of the summarization of the results of the election, as the Community Electoral Commission was not in its office and could not be found. The judge decided to continue with the case after deliberation on this point.

(2) The judge warned the defendant that it was their right to leave the court if they chose, but that the case would continue and this might be damaging to them.

(3) Membership in the Electoral Commissions as recommended by the judge is not a legal requirement.

(4) Article 14 of the Law on the Elections of Local Self-Governing Bodies addresses the "Powers of the Community Electoral Commissions"

(5) Article 21 of the Law addresses the rights of proxies

(6) Articles 29 and 30 concern the organization and implementation of voting; Article 31 speaks of the procedure for completing the summary records of election results in the electoral precincts.

(7) Article 37 is on the summarizing of results of elections for Community Council. Presumably the citation would be paragraph 10, "if in the process of preparation and implementation of the elections such violation of the general, direct and equal right to vote or the violation of secret ballot were taken place, which might affect the results of elections, then no challengers for mandates are registered for the given electoral district.

APPENDIX 10



INFORMATION AND INFORMATION TECHNOLOGIES
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**THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF
THE COUNCIL OF EUROPE OBSERVES THE FIRST LOCAL
ELECTIONS IN ARMENIA**

Yerevan, 12 November 1996: At the invitation of the Armenian authorities, a delegation of the Council of Europe observed the first local elections in Armenia on 10 November 1996.

In carrying out the observation the delegation visited 110 polling stations, representing more than 210.000 registered voters, in the regions of Yerevan, Aragatzotn, Ararat, Armavir, Kotayk and Shirak.

The observers noted that the polling stations visited were well organised and that the voting and counting was carried out in conformity with the law.

Taking into account certain anomalies that were recorded and passed on to the Central Electoral Commission, the delegation considers that from its observation the local elections were free and fair.

The delegation would like to express its gratitude to the electoral commissions at all levels for their co-operation and assistance.

The establishment of local elected authorities is a fundamental step towards the consolidation of democracy, and the challenge now is to ensure their proper functioning.

A full report on the observation of these elections will be drawn up by the Council of Europe and transmitted to the Armenian authorities.

Co-ordinator: Hugh CHETWYND,
 Directorate of Local Authorities and Environment
 Council of Europe
 Tel: +33 3 88 41 23 07 / Fax: + 33 3 88 41 23 07

DRAFT

BUREAU OF THE CONGRESS

OBSERVATION OF THE LOCAL ELECTIONS
IN ARMENIA - 10 and 24 November 1996

Rapporteur: Mrs Olga Bennett (Ireland)

*Report submitted for information/adoption to the Bureau of the Congress
Meeting to be held on 21 January 1997, in Paris*

Members of the Congress delegation¹:

1st round: Mrs Bennett (Ireland), Mr Cavini (Italy), Mr Eng (Norway), Ms Koczy (Germany), Mr Paour (France), Mr Sonesson (Sweden), Mr Suaud (France) Mrs Tolonen (Finland)

Expert: Mr Ascheri (Switzerland)

Secretariat: Mr Chetwynd (LODE Programme) and Mr Silvestrini (CLRAE Secretariat)

2nd round: Mrs Bennett (Ireland), Mr Casagrande (France), Mr Sonesson (Sweden)

Secretariat: Mr Chetwynd (LODE Programme) and Mrs L'Hyver Yesou (CLRAE Secretariat)

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SUMMARY:

First Round of local elections, 10 November 1996

1. Upon the reception of an invitation, on 15 October 1996, from the Armenian authorities to observe their first local elections on 10 November 1996, and taking into account the various reports following the observation of the Presidential elections of 22 September 1996, the Council of Europe recognised the importance of sending a delegation to observe the local elections.
2. In undertaking the observation, the delegation divided into seven teams of two and focused on the regions of Aragatzotn, Ararat, Armavir, Kotaik, Shirak and the city of Yerevan.
3. In carrying out its observation on election day, the delegation visited 110 polling stations representing almost 215,000 registered voters in the six regions cited above.
4. The delegation noted that the polling stations visited were well organised and that the voting and counting was carried out in conformity with the law. Nevertheless, the delegation believes that a number of amendments to the current electoral system should be adopted to improve both the efficiency and impartiality of the process.
5. *While a few anomalies were recorded and passed on to the Central Electoral Commission, the delegation considered that, from its observation, the first round of the local elections were free and fair.*

See Appendix I for a copy of the Press Statement.

SUMMARY cont.

Second Round of local elections, 24 November 1996

6. On 14 November 1996 the Council of Europe was invited by the Armenian authorities to observe the second round of local elections.
7. The delegation divided into three teams of two and focused on the regions of Aragatzotn, Kotaik, Shirak and the city of Yerevan.
8. In carrying out its observation on election day, the delegation visited 49 polling stations representing approximately 106,500 registered voters in the four regions cited above.
9. *The delegation recorded certain anomalies and abnormal behaviour during the observation. The problems concerned the inadequate respect of certain articles of the law pertaining, in particular, to the composition of the electoral commissions and the security of the counting process.*
10. In general, in the vast majority of the polling stations observed the voters were able to express their choice freely and fairly.

See Appendix V for a copy of the Press Statement.

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11. In the light of the experience of these first local elections in Armenia, the Congress of Local and Regional Authorities of the Council of Europe has made a number of Recommendations (Section XIII) aimed at improving the electoral law, in order to guarantee a true pluralism and a real neutrality of the electoral commissions, as well as improving the electoral procedures.

I. INTRODUCTION:

1. On 15 October 1996 the Secretary General of the Council of Europe received a letter from the Minister of Foreign Affairs of the Republic of Armenia inviting the Council of Europe to send a delegation to observe the first local elections to take place in the country on 10 November 1996.
2. The invitation was forwarded to the Congress of Local and Regional Authorities of Europe, being the competent organ within the Council of Europe for observing local elections. The Bureau of the Congress decided to send a delegation. Thereupon, following a request to the heads of the 39 national delegations to the Congress for nominations for the observer mission, the above-named delegation was formed.
3. While the Armenian authorities had sent invitations to the CIS Parliamentary Assembly and to the OSCE to observe the local elections, the latter were not in a position to send any observers and thus the Congress delegation represented the only international observers.
4. The interlocutor for the Congress delegation on the Armenian side was the President of the Central Electoral Commission, Mr Khatchatour Beziqian, who assisted the delegation in carrying out its task.
5. An advance party of the delegation, Mr Chetwynd and Mr Ascheri, arrived in Armenia on 5 November in order to prepare the groundwork for the delegation proper. Prior to election day, members of the delegation held meetings with the Central Electoral Commission, the Minister responsible for local government, the International Foundation for Electoral Systems (IFES) and Ambassadors of Council of Europe member States² as well as with the Embassy of the United States of America.
6. Following the first round of local elections on 10 November 1996, the Secretary General of the Council of Europe received a further letter from the Minister of Foreign Affairs of the Republic of Armenia inviting the Council of Europe to send a delegation to observe the second round of local elections on 24 November 1996.

²

The Ambassador of France kindly hosted an exchange of views between the delegation and the Ambassadors of Germany, the Russian Federation, Ukraine and the United Kingdom, and the Chargé d'Affairs of Greece.

II. HISTORICAL BACKGROUND³:

7. The first autonomous Armenian kingdoms emerged before the Christian era. Despite its subsequent history Armenians have always managed to maintain a strong national identity founded in particular on their Christian religion, adopted early in the 4th century, and on their Indo-European language with its own alphabet since the 5th century. This national identity is preserved by the Armenian diaspora whose numbers are equal to the current 3 million population in Armenia.
8. In the 18th and 19th centuries Armenia suffered from first Russian and then Turkish expansion, respectively. In 1915 the new Turkish dictatorial regime launched a veritable genocide exterminating 1 to 1.5 million Armenians. In December 1920 Armenia was incorporated into the Soviet Union.
9. The Republic of Armenia declared its independence on 23 September 1991 following a nation-wide referendum.
10. The principal obstacle to the country's economic development is its land-locked situation, with all its roads, railways and, oil and gas pipelines running through either Georgia or Azerbaijan. Furthermore, the country suffered a devastating earthquake on 7 December 1988.
11. Armenia's recent history has been marked by the conflict in Nagorno-Karabakh, an autonomous region incorporated into Azerbaijan by Stalin in 1921. Tension over this enclave provoked an armed conflict between Armenia and Azerbaijan, resulting in numerous casualties and the occupation of 20% of Azerbaijan. A cease-fire has now been in force since 12 May 1994.
12. In 1990 the first Parliament was elected and the country embarked upon a process of economic reform, notably concerning agrarian reform and privatisation. In 1995 at the same time as the Parliament was elected, the Constitution was adopted, giving the President large powers. The Constitution foresaw the establishment of local self-governing bodies with councils and mayors (Art. 105) to be elected every three years.
13. On 22 December 1991 the Armenian Parliament applied for special guest status with the Parliamentary Assembly of the Council of Europe, and on 26 January 1996 it was granted.

III. RECENT DEVELOPMENTS:

14. On 22 September 1996 Armenia held its second Presidential elections in which the out-going incumbent Mr Ter-Petrossian, backed by the ruling Republican Bloc, was declared the winner with 51.75% of the votes cast. The opposition National Alliance headed by Mr Manoukian obtained 41.29% of the votes and the Communist Party candidate, Mr Badalian 6.34%.
15. The opposition National Alliance accused the government of fraud and the OSCE Observer Mission report added substance to the charge by noting that "*those irregularities observed do raise questions about the integrity of the election process*"⁴.
16. Mr Manoukian seized the Constitutional Court on 30 October 1996 which had to render its judgment on the validity of the elections prior to 23 November 1996⁵.
17. The opposition parties that had rallied around Manoukian to form the National Alliance bloc for the Presidential elections, then declared that they would boycott the local elections, though in reality they did not put any pressure on their candidates to withdraw from the local elections, but rather all their candidates stood as "independents".
18. The Congress delegation was informed that there was cynicism among voters about the value of voting since on the one hand the government party would win anyway, and on the other hand local government was not considered to be important - democratic change has to come from above! - and thus the turnout would be extremely low.
19. The Congress delegation was therefore only too aware of the political climate within which the first local elections were taking place in Armenia.

⁴ See Parliamentary Assembly report AS/NM (1996) 15 of 14 October 1996

⁵ At 03h30 in the morning of 22 November 1996 the Constitutional Court issued its decision upholding the validity of the Presidential election results.

IV. THE LAW ON LOCAL ELECTIONS:

20. It should perhaps be noted in the co-operation programme between the Council of Europe and Armenia, it had been agreed that expert assistance would be provided in the drafting of the law on local elections. The Congress therefore regrets that the Council of Europe's expertise was not called upon prior to the adoption of this law.

a) Type of vote

21. The Law on Local Elections concerns the election of the community leader (mayor) and the community council for a period of three years for 930 separate local authorities, including 12 districts in the capital city of Yerevan⁶.

22. The community leader is elected by majority vote and must obtain 50% plus one of the votes cast in order to be elected in the first round of voting. If no outright winner emerges then a second round of voting takes place two weeks later between the two candidates who obtained the most votes in the first round.

23. The community councils are made up of:

- 8 members for community populations of under 5,000 and are elected by one multi-ballot majoritarian voting district;
- 10 members for community populations of 5,001 to 20,000 and are elected by multi-ballot in two majoritarian voting districts each electing 5 members;
- 15 members for community populations of 20,001 to 45,000 and are elected by multi-ballot in three majoritarian voting districts each electing 5 members;
- 15 members for community populations over 45,001 and are elected by multi-ballot in five majoritarian voting districts each electing 3 members;

b) The Electoral Commissions

24. The Electoral Commissions for the local elections were the same as those set up for the Presidential elections of 22 September 1996.

25. The electoral commissions are politically appointed. The **Central Electoral Commission (CEC)** is currently composed of 20 members, with each party within the National Assembly⁷ appointing two

⁶ Yerevan is considered as a province and the mayor is nominated by the President of Armenia, while the other 10 provincial governors (marzpats) are appointed by the government. The Yerevan Council is composed of the elected mayors of each of the 12 districts of the capital.

⁷ Of the ten parties represented in the National Assembly, six are part of the governing Republican Bloc and another, the "Shamiran" women's party, is closely allied with the government. If more than half of the members of an electoral commission are present then the quorum is attained.

members. The CEC is responsible for the interpretation and implementation of the law, and can issue Resolutions to the subordinate electoral commissions on matters pertaining to the organisation of the local elections.

26. Below it, are the **Regional Electoral Commissions (REC)**, one for each of the 11 provinces (including one for the city of Yerevan). Each party within the National Assembly appoints two members to the REC, thus the current composition is 20.

The 11 RECs possess substantive administrative powers relating to the running of the local elections such as the formation of the subordinate electoral commissions, the drawing up of the boundaries of the electoral districts and precincts, as well as providing the subordinate electoral commissions with the materials necessary for conducting the election.

27. For the purposes of the local elections, the 930 **Community Electoral Commissions (CoEC)** assume a greater responsibility for the smooth running of the local elections than is the case for the Presidential elections. The CoECs are nominated by the REC of their province, and are currently composed of 10 members since one member is appointed by every two members of the REC.

The CoECs are responsible for registering all candidates in the local elections, accrediting candidates proxies and representatives of mass media, for overseeing the implementation of the law by the Precinct Electoral Commissions and for announcing and approving the results of the elections for the community leader and the community council.

28. The **Precinct Electoral Commissions (PEC)** are where the registered voters cast their vote. Members of the PECs are nominated directly by the REC of their province, with each member of the REC choosing one member of the PEC. Each of the 1,650 PECs, therefore, is composed at present of 20 members, and the number of registered voters per PEC cannot exceed 3,000.

The PEC must ensure that the voters can freely acquaint themselves with the list of voters at least 15 days prior to the election. The PEC is also responsible for the smooth running of the voting on election day (ensuring that the layout of the polling station is conducive, on the one hand, to facilitating the voting process and, on the other hand, to guaranteeing a free, fair and secret vote). Once the voting stops at 22h00 on election day, the PEC is mandated with counting the votes in its polling station and publicly announcing the results.

c) Registration of candidates

29. To stand for the position of **community leader**, a candidate must be a citizen of Armenia, reside permanently in the community for a least one year preceding the election, and be at least 25 years old prior to election day.

Through a process of an application form and the payment of an electoral deposit (10 US\$ to 750 US\$ depending on the size of the population of the community) a candidate can nominate him/herself.

The deposit is returned if the candidate receives more than 15% of the votes; if not it is transferred to the state budget.

30. To stand for a position on the **community council**, a candidate must be a citizen of Armenia, reside

permanently in the community for a least one year preceding the election, and be at least 21 years old prior to election day.

Through a process of an application form and the payment of an electoral deposit (1 US\$ to 50 US\$ depending on the size of the population of the community) a candidate can nominate him/herself

The deposit is returned if the candidate receives more than 5% of the votes; if not it is transferred to the state budget.

31. For local elections it is the competence of the Community Electoral Commission (CoEC)⁸ to pronounce the validity of any application. Refusal to register a candidate is taken by a two-thirds majority of the Commission. The candidate may then appeal to the courts within 2 days and the latter must pronounce judgment within 3 days of being seized.
32. For those community councils where the number of registered candidates does not exceed 50% of the number of mandates available on the council then the election is rescheduled to a future date allowing time for more candidates to nominate themselves.

d) The right to vote and voter's lists

33. As noted above, the CoEC is responsible for drawing up the voter registration list for each PEC which should then be displayed in the relevant PEC 15 days prior to the election in order to allow time for any changes to the list to be made, where necessary.
34. The lists were based on those used during the Presidential elections of 22 September 1996, and the complementary lists drawn up on this day. Information received by the delegation from different sources confirmed that the lists were displayed in time.
35. In the Presidential election the compilation of military voting lists and the manner in which the military voted proved controversial. For the local elections the law forbids military persons from participating in the elections, which the CEC interpreted by allowing military officers to vote in their place of permanent residence while denying ordinary soldiers the right to vote.
36. While the question of refugees is not treated in the law, the criterion for voting being based upon the possession of Armenian citizenship, the CEC adopted a Resolution whereby it allowed Armenian refugees living in the country to vote in the local elections if they could prove their residence in a locality for three years. This led to certain PECs compiling large supplementary voting lists on the day of the election to accommodate the refugees. In certain cases the Chairman of the CEC instructed the Chairman of a REC on election day to intervene in a particular locality to enforce the decision of the CEC. For example in Kotaik region concerning PEC 52/1 in Tzaghkadzor; the Chairman of the CEC also wrote directly to certain PECs instructing them to allow refugees to vote upon the presentation of the correct documentation, as laid down in Article 24.3 of the law.

⁸ There is one CoEC for every one of the 930 local authorities. There are then 1650 Precinct Electoral Commissions (PEC) or voting stations. While most rural areas have only one PEC per CoEC, the number increases in the towns; for example Gyumri has 53 PECs for one CoEC and Yerevan has 303 PEC's for 12 CoECs.

e) *The voting procedure*

37. The voting procedure is relatively complicated. The voter, upon entering the polling station, is directed to a table with a voter registration list where the name of the voter is verified on the list upon the production of passport identification by a member of the PEC. If the voter's name is registered then the voter is supplied with a ballot paper for the community leader and a ballot paper for the community council. The voter also receives a coupon with the number of the voter as noted on the registration list.
38. The voter then goes into one of the voting booths to vote by making a simple cross next to the name of the candidate for whom they wish to cast their vote.
39. Having made their choice the voter then leaves the voting booth and is directed to a different table with another copy of the registration list. The voter's name is then found on the registration list using the data on the coupon and, upon verification of the voter's identity, the voter then signs the registration list against his/her name. Having done this, the voter has the two ballot papers validated by the ballot stamp and can then put them into the ballot box.
40. If the voter's name does not appear on the registration list then, upon the production of the passport and evidence proving residence in the locality for the previous three years, the person is registered on a supplementary list which should be signed by the voter before casting the ballot.

V. **THE CAMPAIGN⁹:**

41. The ability to campaign depended on the amount of money that an individual candidate could raise to buy television time, print leaflets and posters or take out adverts in the newspapers.
42. While the delegation could not follow the pre-electoral campaign directly it was informed during a meeting with the Yerevan Press Club which brings together 30 media organisations, that there was little national media coverage or interest in the local elections. However, the interest of local media was much greater. The majority of regional newspapers are only printed once a week or even less frequently, and therefore it was the emerging role of regional television which provided the most complete coverage of the local election campaign.
43. Naturally, the ability to pay for electioneering time on television favoured those candidates with sufficient funding.
44. The only anomaly noted by the delegation was a 45 minute talk broadcast on the local television by the Chairman of Abovian CoEC in favour of the incumbent community leader. This activity is forbidden under Article 22.2 of the Law on Local Elections which says that members of the electoral commissions are not allowed to campaign for or against a candidate.
45. On the positive side, the Yerevan Press Club had used the local elections as an opportunity for organising a conference with the local media on the role of the local media during the local elections.

⁹

The delegation was not present in Armenia for a sufficient period of time to monitor the pre-electoral campaign.

VI. OBSERVATION OF THE FIRST ROUND OF VOTING:

46. The delegation was divided into seven groups¹⁰. Given the limited size of the delegation, it was decided to concentrate on the urban areas where it would be possible to visit more polling stations in the course of the day and also because the urban areas were considered politically more important.
47. While two groups remained to observe the election in the various districts of Yerevan the other five teams observed the election in the regions of Ararat, Aragotzotn, Armavir, Kotaik and Shirak concentrating on the main towns (notably Ararat, Artashat, Ashtarak, Armavir, Hrazdan, Abovian and Gyumri) but also paying random visits to polling stations in the countryside.
48. The choice of polling stations was completely random and was left up to each team to decide as the election day proceeded.

Opening of the PECs

49. Each team was present in a polling station prior to its opening and thus was able to observe the Chairman of the PEC removing the validating stamps from the sealed envelopes in the presence of the whole commission and the proxies, and likewise the sealing of the ballot box.
50. While the majority of polling stations opened on time, delays were recorded and observed by the delegation in several stations. One reason lay in the fact that the candidates' proxies wanted to have a clear view of the ballot box at all times since they had little trust in the impartiality of the PECs. This presented an organisational problem of where to put the proxies; the matter was properly regulated by the relevant PEC in those polling stations observed by the delegation - for example PEC 6/30 in Yerevan.
51. The other main reason for delay was the fact that the validating stamps already had ink on them, when they were taken out of the sealed envelopes by the Chairmen of the PECs prior to the opening of the polling station. The proxies therefore believed that the stamps had been used to validate ballots beforehand. In certain polling stations agreement was reached to cut the corner off the validating stamp and that therefore any ballots not conforming to the altered shape of the validating stamp would be considered invalid.
52. When one team of the delegation visited the CEC at 11h00 of election day, the Chairman of the CEC explained that the reason for the ink on the stamps was because each stamp had been tested at the factory to ensure they worked, and had not subsequently been cleaned. At the same time the Chairman explained that the CEC agreed to practical solutions introduced by the PECs, such as cutting the corners off the validating stamps, in order to allay fears of any fraud.
53. The delegation finds the explanation of the Chairman of the CEC reasonable and believes that the complementary measures taken by the PECs, such as the sealing of the empty ballot box in full view of the proxies, the presence of the proxies to ensure that each voter did not put more than two ballot papers in the ballot box and most crucially the fact that the number of ballot papers corresponded to the number of voters signatures in those polling stations observed, ensured that no unaccounted for ballot papers were cast and declared valid.

¹⁰

See Appendix III for composition and deployment of teams

Observation of the voting

54. In the vast majority of the polling stations visited by the delegation the voting proceeded smoothly and the PECs were well organised¹¹. The greatest problem witnessed by the delegation was either a lack of space or a poor layout of the polling station. With 20 members on the PEC and the right for each community leader candidate and community councillor candidate to have a proxy in the polling station, there were often 40 or more persons in the polling station, without counting the voters. With the voters having to go back and forth checking their identity, if the polling station lacked space or was poorly laid out or possessed too few voting booths, then a confusion arose with a mass of persons milling around. This was the case for PECs 1/1 and 1/2 in Aparan.
55. The delegation concluded that of the 110 PECs visited the voting procedures were carried out well in 89%, satisfactorily in 9% and badly in 2%. In general the PECs carried out their duties efficiently and in total accordance with the law.
56. It was noted that in certain cases the PECs did not contain a pluralist composition because some of the members were absent, but in all cases they were in *quorum* and thus were acting in accordance with the law. In those areas where there was not a *quorum* of PEC members the election did not take place.
57. A supplementary voting list was opened in 82% of the polling stations visited, with most of those being put on the list either Armenian refugees or persons who had recently turned 18 years of age. Passport identification and proof of residence were required in order to be inscribed on the supplementary list. The numbers on the supplementary voting lists noted by the delegation were 3,944 out of 214,727 registered voters in the 110 polling stations visited.
58. Other relevant information observed by the delegation was that in 92% of the polling stations candidates proxies were present, and the percentage was higher in the cities. The media on the other hand was rarely observed in the polling stations although two mobile television crews were encountered in Centre District of Yerevan and in the Kotaik region, and the two relevant teams of observers did give short interviews about what they were doing.

¹¹

In many polling stations the observers noted members of the PECs possessed copies of the IFES training pamphlet which explained the law on local elections and the various tasks that the PECs had to undertake in order to ensure the proper conduct of the elections.

VII. OBSERVATION OF THE FIRST ROUND OF COUNTING:

59. The various teams of the delegation followed through the counting process in the PEC they ended up in at 22h00.

The first thing to note is the incredibly long and drawn out process of counting the votes.

60. In the PECs that the delegation observed the counting procedure was carried out in strict accordance with the law, to the extent that the Chairperson of the PEC read directly from the law.
61. The observation teams noted that the doors to the polling station were locked at 22h00 after which no-one was allowed access to the polling station even if they were candidates' proxies or members of the commission or international observers!

The validating stamps were then sealed and the number of voters was counted from the signed registration form and announced out loud before being wrapped up and sealed.

62. After that, the long process of validating and counting the ballots began with every member of the commission present being able to examine each ballot after the Chairperson had declared its validity or invalidity out loud. In case of disagreement over a ballot the PEC voted. The process continued until all the ballots had been declared, and then the different piles - invalid and votes for the various candidates - were counted.
63. The results of the count were declared out loud by the Chairperson of the PEC who then filled out a PEC summary protocol, signed by all members of the PEC. The different piles of ballots were then packaged separately, and along with the voters list, validating stamp and protocols were transported to the CoEC. Once the CoEC had received the results from all the PECs within its community, it would announce the result.
64. The delegation's observations on the counting process showed that in 99% of the PECs the number of voters who signed the list was equal to the number of ballot papers. The problem concerning the 1% was where the Chairperson of PEC N°19 in Haytagh (Armavir region) did not think that the ballot papers of two voters had been validated before being put into the ballot box, so he let them vote again. Thus, these two voters voted twice.
65. While there were more than 5% of invalidated ballot papers in 45% of the PECs observed, and more than 15% in 10% of the PECs observed, in no case was it considered unacceptable. The number of invalidated ballots can be explained by two factors, (i) the introduction of a new voting procedure with two separate ballots and (ii) the strict application of the law by the Chairperson and members of the PEC, who did not attempt to find out the expression of the voter before declaring a ballot paper invalid.
66. The delegation was aware of the problems that had occurred in the counting process during the Presidential elections but from its limited observations the count was conducted efficiently, considering the procedure, and there were no problems of security. The one exception was in Abovian PEC 1/13 where it was noted that the Chairperson seemed to be conducting the counting process in an arbitrary way declaring ballot papers invalid on spurious grounds while the other members of the PEC sat idly by.

67. Once the PEC Chairperson had announced the results and provided a copy of the summarising protocol to the foreign observers or candidate's proxy, the packaged ballot papers, stamp and voters list, as well as the protocols were then taken to the CoEC where the results were noted and the packages stored. The procedures observed were correct and in conformity with the law. Certainly the counting procedure could be made more efficient.
68. See Appendix IV for the results of the voting of 10 November 1996.

VIII. PRESS CONFERENCE AFTER FIRST ROUND OF VOTING

69. In taking note of the confusion caused by issuing press statements too early the delegation agreed to wait until Tuesday morning to make a statement. This allowed sufficient time for a proper debriefing of the observer groups as well as the opportunity to hear the reaction of the Central Electoral Commission on how they perceived the outcome of the elections.
70. Having considered the reports of all the observer groups it was possible to draft a press statement. This was then read out and distributed at a press conference held at 12h00 on Tuesday, 12 November 1996.
71. The most important points made during this conference by the CLRAE delegation in response to the various questions were:
 - the comments and opinions of the CLRAE delegation only regard the 110 polling stations visited, but it should be borne in mind that these polling stations were selected on a completely random basis with no prior knowledge by anyone, even the observers themselves!
 - voting should not be compulsory and minimum thresholds are not necessary since the right to vote is a free choice; even if the voter turnout is low, a mayor or councillor possessed more legitimacy if elected by 20% of the registered voters than if appointed;
 - in referring to the opposition's boycott of the local elections, the delegation believed the boycott to be more formal than real in that individual members of the opposition still presented themselves in the elections, though not under a party banner; the delegation considered that the boycott did not influence the electoral process itself but merely denied the opposition the opportunity to participate in local government; their action to boycott the election was considered unfortunate since the effect was only to disenfranchise themselves;

IX. OBSERVATION OF THE SECOND ROUND OF VOTING¹²

72. Following the reception of the invitation letter on 14 November 1996 to observe the second round of local elections on 24 November 1996, it was decided to send a small observer delegation to Armenia.
73. The second round of elections concerned a run off for the position of mayor in 23 towns, 6 districts of Yerevan and 230 villages. There was also a first round election in one of the districts of Yerevan (Nork Marash) because the first round on 10 November 1996 had been cancelled due to the PECs not being in *quorum*.
74. The delegation was divided into three groups¹³. It was decided to follow the second round of voting in Yerevan, Gyumri (the second city of Armenia) and in a few of the towns around Yerevan (Abovian, Aparan). The day before the election the delegation visited the Regional Electoral Commissions in the regions of Yerevan, Aragotzotn and Kotaik and a Community Electoral Commission in the respective regions to observe the collection of the validating stamps, and to ensure that the necessary preparations for election day were ready. The delegation was informed that the validating stamps from the first round had not been cleaned but they were distributed randomly. In some PECs the colour of the inkpad was changed to provided an additional security against fraud.

Opening of the PECs

75. As with the first round of voting, each team was present in a polling station prior to its opening and thus was able to observe the Chairman of the PEC removing the validating stamps from the sealed envelopes in the presence of the whole commission and the proxies, and likewise the sealing of the ballot box.
76. While the majority of polling stations opened on time, delays were recorded and observed by the delegation in several stations. The most serious delays occurred in PEC 9/2 in Nork Marash district and in PEC 1/19 in Ajapnyak district in Yerevan which started voting at 11h15 and 11h45 respectively. In both cases the delay was caused by the fact that the proxies were not convinced that the ballot boxes were empty prior to being sealed.
- In PEC 9/2 the problem was only resolved once the PEC were instructed by the CEC to open the ballot box and then re-seal it in the presence of the candidates' proxies. A team of the delegation was present at this polling station from 08h45 to 09h20 and then briefly at 09h55 and the atmosphere in and around the polling station was extremely tense. The PEC had taken a decision not to re-open the sealed ballot box and according to the law they did not have to. However, in taking that decision they fuelled the suspicions of the candidates proxies and instead of defusing the tension around the polling station by re-opening the ballot box they exacerbated it through their in-action.
 - In PEC 1/19 the problem was resolved when the CoEC brought a second ballot box to

¹² See Appendix V for the Press Statement issued by the delegation on the second round of voting of the local elections, 24 November 1996.

¹³ See Appendix VII for composition and deployment of teams.

replace the original one. The original ballot box was sealed and stored in a back room of the polling station to be opened later in the day by the CoEC in the presence of the candidates' proxies. Three members of the PEC including the Chairman and Vice-Chairman then left the voting station leaving the number of members of the PEC at only 7 (one short of the minimum required by the law).

Observation of the voting

77. In the vast majority of the polling stations visited by the delegation the voting proceeded smoothly and the PECs were well organised. In general the comments made in paragraphs 54-58 above concerning the observation of the first round of voting remain relevant for the second round of voting. The problem of space in the polling stations was less evident due to the fact that there were only a couple of candidates proxies in the PEC compared to the greater numbers for the first round of voting.
78. The delegation concluded that of the 49 PECs visited the voting procedures were carried out well in 82%, satisfactorily in 10% and badly in 8%. The latter being PEC 1/19 in Ajapnyak district; PEC 9/2 in Nork Marash district; PEC 1/16 in Abovian; PEC 1/44 in Gyumri. In general the PECs carried out their duties efficiently and in total accordance with the law.
79. It was noted that in certain cases the PECs did not contain a pluralist composition because some of the members were absent, but in all cases they were in *quorum* and thus were acting in accordance with the law. The question of the composition of the electoral commissions represents one of the main recommendations of the delegation for any future amendment of the electoral law. Please refer to Point a) of Section XI on Recommendations below.
80. While the law allows for changes to the composition of the PECs five days prior to the election, the delegation was informed that in a particular case the changes had been undertaken only a couple of days prior to the election and even on the eve of the second round [for example PEC 2/2 in Aparan]. The delegation observed many changes in the composition of the PECs in Yerevan generally and noted in particular that in Nork Marash district, the PECs were largely made up of persons who had been members of the PECs in the Centre district in Yerevan for the first round of voting on 10 November.
81. A supplementary voting list was opened in 92% of the polling stations visited. Passport identification and proof of residence were required in order to be inscribed on the supplementary list. Overall the numbers on the supplementary voting lists noted by the delegation were 2,940 out of 106,478 registered voters in the 49 polling stations visited, though this figure was probably much higher by the time polling stations closed. In PEC 9/4 in Nork Marash district the supplementary list represented 16% of the number of registered voters [400 persons out of a registered list of 2400 voters] half an hour prior to the close of voting, which the delegation considered extremely high.
82. Other relevant information observed by the delegation was that in 100% of the polling stations candidates proxies were present. However, media coverage of the elections was only observed in the city of Gyumri, where the independent television station "T.V. Shant" provided live coverage of the voting and counting. Later on "T.V. Shant" relayed the results as announced by the different PECs.
83. The delegation was informed that the voting in Kanaker-Zeytun district in Yerevan was cancelled early in the morning of election day because the ballot paper was incorrect. One of the two

candidates had the name of a party to which he did not belong written next to his name. The CEC took the decision to cancel the election rather than hold the election and then invalidate the vote afterwards.

X. OBSERVATION OF THE SECOND ROUND OF COUNTING:

84. The three teams of the delegation followed through the counting process in the PEC they ended up in at 22h00.
85. For two of the three teams [PEC 1/16 in Gyumri and PEC 1/5 in Ashtarak] reference should be made to the general comments noted in paragraphs 59-68 above. The counting was carried out in strict conformity with the law. The only anomaly noted was that PEC 1/16 in Gyumri did not announce or post the results in the polling station but at the CoEC.

Once again the incredibly long and drawn out process of counting the votes was observed.

86. The third team observed the counting process in **PEC 9/2** in Nork Marash district in Yerevan from 21h50 to 05h15, and the conclusion of the team was that **the ballot count procedure was unacceptable**. This verdict was supported by the whole delegation later.

While the whole conduct of the count and the lack of professionalism and poor management of the PEC gave the impression that the count was not fair, it was the final decision of the PEC which rendered the count totally unacceptable.

- At 05h15 with the votes counted the PEC decided to abandon the polling station with all the packaged materials before having completed the protocols. While the protocols had been signed and stamped by all the members of the PEC, the number of votes for each candidate had not been filled in. The reason for the sudden flight was that the Deputy-Minister of Interior had entered the polling station and apparently informed the PEC that there were a couple of fights going on at the other polling stations in Nork Marash district, and that security could be better guaranteed at the CoEC.
- At the CoEC the Chairman of the PEC attempted to hand over the results but since they were not written down, he and the Secretary of the PEC went into the hallway where they conducted some calculations and registered the number of votes per candidate in the protocols.

For a full account of the proceedings of the count of PEC 9/2 see Appendix IX.

87. The CEC was informed of the delegation's observations the following day¹⁴.
88. See Appendix VIII for the results of the voting on 24 November 1996.

XI. PRESS CONFERENCE AFTER SECOND ROUND OF VOTING

89. A Press Conference was held on the Tuesday following the election. This allowed sufficient time for a proper debriefing of the observer groups as well as the opportunity to hear the reaction of the Central Electoral Commission on how they perceived the outcome of the elections.

¹⁴ *The election in Nork Marash district in Yerevan was declared invalid by the court on 13 December 1996.*

90. Having considered the reports of all the observer groups it was possible to draft a press statement. This was then read out and distributed at a press conference held at 11h00 on Tuesday, 26 November 1996¹⁵.
91. The most important points made during this conference by the CLRAE delegation in response to the various questions were:
- the comments and opinions of the CLRAE delegation only regard the 49 polling stations visited, based on random selection.
 - the electoral commissions are composed of too many persons which does not facilitate the electoral process; furthermore, they were in many cases not truly pluralist;
 - the elections in Nork Marash district of Yerevan were badly managed and the Central Electoral Commission was informed of our observations.

A copy of the Press Statement is in Appendix V.

¹⁵ *The press conference was organised by Boris Navasardian, President of the Yerevan Press Club, and was attended by approx. 25 journalists from different media organisations.*

XII. CONCLUSION:

92. For the first round of local elections, the good organisation of the voting and the counting observed by the delegation in the 110 randomly selected polling stations hopefully were representative of the procedures throughout the country. In this case the first round of the local elections will have achieved a great deal in restoring confidence in the integrity of the electoral process. Furthermore, the fact that the voter turnout was 60-90% in rural areas, 40-60% in the urban areas and between 25% and 60% in Yerevan proves that the people of Armenia value highly their right to vote and their right to determine who should be elected to local self-governing bodies.
93. For the second round of the local elections, besides the serious anomalies raised and upon which the delegation hopes that the necessary action shall be taken, the voting and counting was in general free and fair. Once again turnout was very high in the rural areas, roughly 40-60% in the towns and between 20-30% in Yerevan except in Nork Marash district where the voter turn out was 84%.
94. The delegation can only regret the decision of the opposition parties not to have officially participated in the first local elections in Armenia.
95. The delegation hopes that the Armenian authorities shall take into consideration the recommendations contained in this report and that they shall call upon the expertise of the Council of Europe when considering any future amendments to the local electoral law.

XIII. RECOMMENDATIONS:

The following recommendations are put forward in the light of the observations made by the delegation, and it is recognised that some of them have been raised previously:

a) Composition of the electoral commissions:

- (i) The composition of the electoral commissions by nomination of each political party represented in the National Assembly means that, if further political parties were created within the National Assembly the number of persons on the electoral commissions would correspondingly increase. This system is heavy, unmanageable and does not necessarily lead to a pluralist representation.

- Another method of forming the electoral commissions needs to be found to ensure it is truly pluralist. For example, it might be considered that the Chairperson of the electoral commission be a representative of the ruling party (or bloc of parties) and the Vice-Chairperson be a representative of the opposition party (or bloc of parties). The Secretary could either be nominated by the ruling party (or bloc of parties) or independent. The rest of the commission would be nominated by the Chairperson and Vice-Chairperson of the electoral commission either by mutual agreement or by each one nominating an equal number of persons. The electoral commissions should not be too large.

- (ii) All Chairpersons, Vice-Chairpersons and Secretaries of the electoral commissions should be provided with ongoing professional training. Part of this training might include a more flexible interpretation of the law concerning the invalidation of ballot papers. At the same time consistent criteria for the invalidation of ballots must be established.

b) Opening hours of the polling stations:

One simple factor that can lead to errors in the counting is that of human fatigue. By the end of the counting process the members of the PECs are exhausted. There does not seem to be a valid reason for keeping the polling stations open so long. Voting hours should be reduced to either 08h00-18h00 or 0800-20h00¹⁶. This is ample time for voting. It would then enable the counting to be completed by 24h00 at the latest.

c) Simpler voting procedure:

- (i) A simpler voting procedure needs to be introduced; in particular the use of two voting lists ensuring a double identity check on the voters seems to complicate the procedure for voting - one register would suffice.
- (ii) The use of different coloured ballot papers for community leader and community council would facilitate the verification of the voting and counting procedures.

d) The counting procedure:

- (i) The counting procedure can be made more efficient and less cumbersome. Tasks should be divided

¹⁶

In some countries there are shorter voting hours in rural districts than in urban districts.

up among the electoral commission members rather than the Chairperson doing most of the work with the rest of the commission verifying her/his work. Broad outlines for the division of labour among commission members could be defined in regulations issued by the CEC.

- (ii) The results of the count as announced by the PECs should be final. All PECs should post the results of their polling station in an accessible place for the electors to consult. The CoECs should collect the results of the different PECs in their area, make the necessary additions and announce the overall results for their community. Therefore, the official results would be announced rapidly ensuring a transparency of the process rather than the current 5 day time delay.

- Many of the problems that arose in the local elections occurred during the counting process, and the major issues of contention concern the role of the Community Electoral Commissions (CoEC). Once all the PECs hand their results into the CoEC, the latter then is responsible for going through the various complaints filed during the election day and for reviewing the results as submitted by the PECs.

For example, in Nor Nork district in Yerevan the CoEC went through the PEC results after the first round of voting of 10 November and invalidated an additional 8,000 ballots out of a total of 22,855 voters thus radically altering the result. This particular result is now before the courts.

- (iii) PECs should be provided with strong envelopes for sealing the counted ballot papers, validating stamp and voters list. A lot of time was wasted fabricating makeshift envelopes from carton paper!

e) Equal access to campaign funding:

- (i) All candidates for community leader or community council should have equal access to government funding. The delegation did not understand why some candidates were eligible to receive financial advances from the government while others did not.
- (ii) Furthermore, the question of campaign financing should be carefully examined so that all citizens of Armenia can have the opportunity to stand for public office rather than just those with enough money to buy advertising in the newspapers and on televisions.



Local Elections in Armenia

YEREVAN, 26.11.96 - After the observation of the first round, a reduced delegation of the Council of Europe Congress of Local and Regional Authorities of Europe (CLRAE) observed the second round of the local elections in Armenia on 26 November 1996 at the invitation of the Armenian authorities. In carrying out the observation, the delegation visited 49 polling stations, representing more than 105,000 registered voters, in the regions of Yerevan, Aragatzotn, Kotayk and Shirak.

The observers noted that the vast majority of polling stations visited were well organised and that, generally, the voting and counting were carried out in conformity with the law.

However, certain anomalies and abnormal behaviour were recorded. These have been passed on to the Central Electoral Commission.

The problems raised concern the inadequate respect of certain articles of the law pertaining to the composition of the electoral commissions and the security of the counting process.

In the light of the experience of these first local elections in Armenia, the Council of Europe will make a number of recommendations aimed at improving the electoral law, in order to guarantee a true pluralism and a real neutrality of the electoral commissions, as well as improving the electoral procedures.

Besides the above mentioned areas of concern, which should not be underestimated, the delegation considers that in the vast majority of polling stations the voters were able to express their choice freely and fairly.

The delegation would like to express its gratitude to the electoral commissions for their co-operation and assistance.

A full report on the observation of these elections will be drawn up by the Council of Europe and transmitted to the Armenian authorities.

List of delegates :

Members of the Congress:

Mrs Olga Bennett (Ireland)

Mr Claude Casagrande (France)

Mr Carl Sonnesson (Sweden)

Secretariat of the Council of Europe:

Mr Hugh Chetwynd, LODE Programme Adviser

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