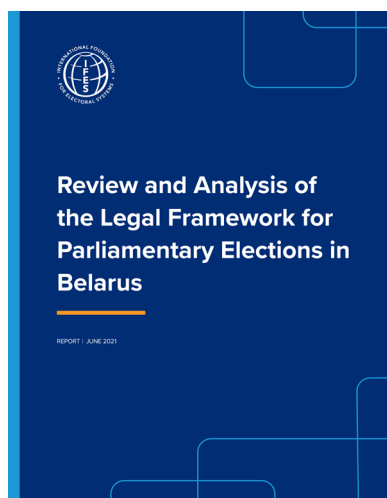




# Review and Analysis of the Legal Framework for Parliamentary Elections in Belarus

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REPORT | JUNE 2021



## Review and Analysis of the Legal Framework for Parliamentary Elections in Belarus

International and local experts have repeatedly evaluated the legal framework for parliamentary elections in Belarus and found it does not adequately guarantee the conduct of elections in line with international obligations and standards.

Under a Belarus rapid response program, the International Foundation for Electoral Systems (IFES) developed two legal review papers: one focused on analyzing the legal framework for presidential elections and referenda in Belarus, and the other on the legal framework for parliamentary elections. It is recommended that they be read in conjunction as they form a composite whole, analyzing the degree to which Belarus' legal norms align with international obligations, standards, and good practice in the field of democratic elections as well as with experts' past assessments and recommendations.

*Review and Analysis of the Legal Framework for Parliamentary Elections in Belarus* provides a number of interim and long-term recommendations. Interim measures can include changes to regulations and practice and effected through resolutions by the Central Election Commission, none of which would require legal amendments. When a comprehensive overhaul of the legal framework is possible, more improvements could be achieved through legal changes.

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International Foundation  
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# About IFES

IFES advances democracy for a better future. We collaborate with civil society, public institutions and the private sector to build resilient democracies that deliver for everyone. As the global leader in the promotion and protection of democracy, our technical assistance and applied research develops trusted electoral bodies capable of conducting credible elections; effective and accountable governing institutions; civic and political processes in which all people can safely and equally participate; and innovative ways in which technology and data can positively serve elections and democracy. Since 1987, IFES has worked in more than 145 countries, from developing to mature democracies. IFES is a global, nonpartisan nonprofit organization based in Arlington, Virginia, and registered as a 501(c)(3).

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people with civic and  
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**Trained 759,326**  
election officials  
in fiscal years  
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**Worked in 145+**  
countries

# Acknowledgments



Angela Canterbury led the editing, design, production, publishing, communications and outreach on the report with team members Janine Duffy and Keaton Van Beveren.



# Table of Contents

<b>I. Background and Framework of the Review</b> .....	1
<b>II. Election-Related Legal Framework</b> .....	2
A. Legal Framework .....	2
B. Electoral System .....	2
C. Election Administration .....	4
D. Right to Vote and Voter Registration .....	6
E. Right to Stand for Election and Registration of Candidates .....	7
F. Campaigns .....	9
G. Media Regulation .....	11
H. Campaign Finance .....	12
I. Election Dispute Resolution .....	14
J. Observation of Elections .....	16
K. Election Day Procedures .....	17
<b>III. Summary and Conclusions</b> .....	19





# I. Background and Framework of the Review

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This review analyzes the legal framework for parliamentary elections in Belarus for its compliance with international obligations, standards and good practice in the field of democratic elections. It takes into account past assessments and recommendations by international and national actors. Many of the legal provisions and regulations analyzed here apply to all types of elections and referenda. Given the similarities, this analysis builds on and references the review of the legal framework for presidential elections and referenda that the International Foundation for Electoral Systems (IFES) conducted in 2020. It should, therefore, be read in conjunction with and as the continuation of the preceding review. This analysis, for example, does not cover the issue of participation of persons with disabilities, as the section on that topic in the preceding analysis is applicable for all types of elections.

Together with the first analysis, this review aims to provide a comprehensive overview and assessment of legal provisions and regulations on national-level electoral events in Belarus. Relevant observations and recommendations from the preceding analysis are italicized. Additional recommendations that pertain specifically to parliamentary elections are divided into (1) changes that could be effected through adjustments to sub-legal acts and practice and (2) longer-term reforms that require legal amendments.

# II. Election-Related Legal Framework

## A. Legal Framework

The legal framework for parliamentary elections in Belarus is comprised of the Election Code; laws on National Assembly, on the Status of a Deputy of the House of Representatives, on a Member of the Council of the Republic of the National Assembly, on Political Parties, on Public Associations, on Mass Media and on Mass Events; the Code of Administrative Offenses; the Criminal Code; the Civil Procedural Code; and resolutions and decisions of the Central Election Commission (CEC).

International and local experts have repeatedly evaluated the legal framework and expressed the opinion that it does not adequately guarantee the conduct of elections in line with international obligations and standards.<sup>1</sup> Previous and current reports also raise many issues.

The Election Code was last amended in 2015. A previous amendment, in 2013, added several provisions that specifically affected parliamentary elections. These established oblast and Minsk city territorial election commissions (TECs), which were tasked with overseeing the activities of the district election commissions (DECs) and precinct election commissions (PECs) and addressing complaints and establishing the results of elections in oblasts and the city of Minsk. The provisions also established the right of political parties that nominate candidates for the House of Representatives to delegate a representative to the DEC in an advisory capacity and provided for only one round of voting.

However, this did not affect recommendations made by the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR), the European Commission for Democracy Through Law (the Venice Commission) and citizen observers. *The recommendation from the previous analysis that comprehensive reform of the electoral legal framework should be undertaken well in advance of the next elections to bring it into compliance with international obligations and standards is applicable. This process should be preceded by inclusive consultations with all relevant stakeholders.*<sup>2</sup>

## B. Electoral System

The Parliament of Belarus consists of two chambers — the House of Representatives (Parliament) and the Council of the Republic. The Parliament has 110 members, elected by direct vote. The Council of the Republic is the chamber of territorial representation, with eight members elected from each region and the city of Minsk

<sup>1</sup> See OSCE/ODIHR Final Reports on [2019 parliamentary elections](#), p. 9; [2016 parliamentary elections](#), p. 6; and Human Rights Defenders for Free Elections final report on [2019 parliamentary elections](#) and [2016 parliamentary elections](#).

<sup>2</sup> Paragraph 5.8. of the 1990 OSCE Copenhagen Document prescribes that legislation should be “adopted at the end of a public procedure.”

by the secret vote of members of local Councils of Deputies in each region and the city of Minsk. In addition, the president of Belarus appoints eight members of the Council of the Republic.

Members of Parliament are elected for four-year terms from 110 majoritarian districts. According to the constitution of the Republic of Belarus (Article 91) and the Election Code (Article 56), “Elections to the House of Representatives of the new convocation are appointed by the President of Belarus no later than four months and held no later than 30 days before the end of the term of the House of Representatives of the current convocation.” The law does not provide a timeline before which elections should be held due to the early termination of powers. In 2019, parliamentary elections were scheduled 11 months prior to the expiration of the Parliament’s term without an official reason provided for the early termination of powers.<sup>3</sup>

**Recommended legal change: To avoid manipulation, clearly define in the law a term not earlier than which elections cannot be called except for an early termination of powers.**

The candidate who receives the most votes is elected. No second round is allowed for. The law establishes a 50 percent turnout requirement for elections in each district to be valid; lacking this threshold, repeat elections are held in the respective districts, subject to the same turnout requirement, and potentially leading to a series of repeat elections. The law does not specify when repeat elections should be called.

**Recommended legal change: Remove the turnout requirement for repeat elections and prescribe an exact timeframe for repeat elections.**

According to Article 94 of the constitution, the powers of Parliament may be terminated early by the president upon:

- Expression of a lack of confidence in the government by the Parliament;
- A motion of censure of the government;
- A double refusal to consent to the appointment of the prime minister; or
- In the event of a systematic or gross violation of the constitution by the chambers of Parliament based on the opinion by the Constitutional Court.

The president decides on termination no later than two months after formal consultations with the chairs of the chambers, reflecting extremely broad and discretionary powers.

The chambers cannot be dissolved during a state of emergency or martial law, in the last six months of the president’s term or during a period when the chambers are deciding on the president’s early release or removal from office. The dissolution of the chambers within a year after the day of their first meetings is not permitted.

Currently, there is discussion within Belarusian civil society regarding the need for changes in the electoral system and possible models for such change.

<sup>3</sup> The powers of the members of the House of Representatives of the sixth convocation, elected in 2016, were to expire in October 2020. The next elections were called for November 17, 2019.

## C. Election Administration

Parliamentary elections are conducted according to a four-level structure — the Central Election Commission (CEC), oblast and Minsk city territorial election commissions (TECs, nine to 13 members), district election commissions (DECs, nine to 13 members) and polling station commissions (PECs, five to 19 members) (Articles 28, 34 of the Election Code).

### Central Election Commission Composition and Appointment Procedures

The general principles with which the election administration should abide include legality, independence, collegiality, openness and transparency in the CEC's work. These and other principles outlined in Election Code articles 11.3 and 32<sup>(4)</sup> are applicable to parliamentary elections. Observations in the preceding review that pertain to CEC composition and appointment procedures are relevant, as issues regarding the body's independence have also arisen during parliamentary elections.<sup>5</sup> *The **recommendation** to review CEC composition and appointment procedures, in particular, with a view to ensuring its independence from the executive, is therefore reiterated. Previous recommendations to make all CEC positions permanent and to introduce staggered mandates that allow for gradual replacement of CEC members are also applicable.*

The current CEC's mandate is due to expire in December 2021.<sup>6</sup> This timing raises opportunities to explore, and lobby the executive authorities for, the nomination of qualified, independent election experts to the next CEC within the existing legal framework (unless a possibility for legal amendments arises).

**Recommended change of regulation and practice: While legal changes are required to guarantee the CEC's independence and improve its inclusiveness and representativeness by law, it is recommended to use the upcoming expiration of the CEC's mandate as an opportunity for further lobbying toward the renewal of its make-up and appointment of qualified, independent election professionals. Adopt an inclusive public consultation and nomination process to identify qualified and broadly supported candidates, adding weight and credibility to proposed nominations.**

**Composition and establishment of lower-level commissions:** As during presidential elections and referenda, local councils, executive committees and administrations appoint mid- and lower-level commissions for each parliamentary election. The same rules apply as for presidential elections and referenda: At least one-third of commission members are appointed from political parties, public associations, labor collectives and groups of citizens, and a maximum of one-third of commission members are civil servants (Election Code articles 34, 35). *De jure*, these rules may result in commissions with balanced composition. However, as illustrated in the preceding review, in practice commissions continue to be dominated by nominees from pro-government

<sup>4</sup> Parentheses have been added to superscripted article numbers to distinguish them from footnote numbers.

<sup>5</sup> OSCE/ODIHR final reports on [2019 parliamentary elections](#), p. 9, and [2016 parliamentary elections](#), p. 8.

<sup>6</sup> The CEC's mandate lasts five years. In its current composition, the CEC was appointed on December 21, 2016.

parties and associations, with only marginal numbers of nominations from opposition groups taken into account.<sup>7</sup> In addition, and equally pertinent during parliamentary elections, are concerns related to the fact that commission members often represent the same institution and have hierarchical employment relationships — for instance, teachers may serve on election commissions under the leadership of their school director or chairperson.

*The **recommendation** in the preceding review to establish clear and objective criteria for the selection and appointment of commission members through law or, as an interim solution, through CEC resolutions, is applicable and is reiterated. In addition, as recommended, citizen observers and other public associations should be permitted to attend meetings of local authorities when they appoint commission members. Also reiterated are the recommendations to regulate the grounds under which nominating bodies can recall members of commissions they nominate and to introduce a deadline for withdrawals to avoid replacements late in the electoral process.*

The law does not prohibit members of local executive authorities from serving on election commissions. Indeed, observers have pointed out that local authorities are often actively involved in DEC and PEC, including in leadership positions. Given the fact that the leaders of local executive and administrative authorities are appointed by and subordinate to the president, the active involvement of their representatives in electoral processes further blurs the separation between the executive and the election administration, contributing to a perceived lack of independence.<sup>8</sup>

**Recommended legal change:** To safeguard the independence of, and to instill confidence in, the work of mid- and lower-level commissions, consider reviewing the list of incompatibilities for membership in the election administration with a view to limiting the scale and/or scope or excluding local executive authorities and other public officials from serving on election commissions.

**Recommended change of regulation and practice:** Unless addressed in law, expand the selection and appointment criteria for commission members through CEC regulations to limit or exclude the involvement of people in subordinate employment relationships outside of elections from serving on the same commissions.

**Transparency:** General guarantees of transparency in the work of the election administration are also applicable to parliamentary elections. These include the obligation to perform duties openly and transparently; to inform the public about its activities; and to publish information about sessions, resolutions and decisions (Election Code articles 13 and 46.<sup>(12)</sup>). As pointed out in the preceding review, there is no requirement to publish minutes of sessions, and not all decisions adopted by the CEC are, in fact, published. This detracts from

<sup>7</sup> [Reports on the formation of OECs and DEC](#)s and [of PEC](#)s during the 2019 parliamentary elections by the Belarusian Helsinki Committee and Viasna Human Rights Center.

<sup>8</sup> Article 119 of the constitution provides that "heads of local executive and administrative bodies shall be appointed and dismissed by the President of the Republic of Belarus or under the procedure determined by him, and their appointment shall be subject to approval of the local councils of deputies."

transparency.<sup>9</sup> *The previous **recommendation** to ensure the timely and systematic publication of all decisions and to consider requiring the publication of minutes of sessions is therefore reiterated.*

During parliamentary elections, Article 42<sup>(1)</sup> of the Election Code entitles parties that nominated a candidate to appoint DEC members with consultative vote (but who cannot vote on decisions) from the moment of that candidate's registration. In addition to political parties, labor collectives and initiative groups are entitled to nominate candidates for parliamentary elections. However, labor collectives and initiative groups are not entitled to appoint members in this way, raising questions regarding equal treatment. In contrast to presidential elections, no members appointed through consultative voting are envisaged at the level of the CEC.

**Recommended legal change: To create equal representation in DEC members, expand the provisions on nomination of members through consultative vote to allow for appointments from all entities entitled to put forward candidates, including initiative groups and labor collectives.**

## D. Right to Vote and Voter Registration

**Voter eligibility:** The legislation mandates the same voter eligibility requirements for all types of elections, including parliamentary elections, and referenda. The right to vote is granted to citizens at least 18 years of age, with restrictions based on disenfranchisement by a court decision, pre-trial detention and prison sentences longer than three months (constitution Article 64, Election Code Article 4).<sup>10</sup> ***Recommendations** in the preceding review to reconsider restrictions on the right to vote of persons disenfranchised by a court decision and those in pre-trial detention, and to review the denial of prisoners' right to vote to ensure proportionality between the limitation and the severity of the crime are applicable.*

**Voter registration:** Voter registration procedures for parliamentary elections are the same as for other types of elections and referenda. Voter registration is decentralized, with no reliable safeguards against multiple registration and voting. Local authorities compile voter lists, which they provide to PECs for further verification (Article 19 of the Election Code). The military and special care institutions also compile voter lists for relevant individuals. Voters are granted 15 days (two days in military and special care institutions) to review and update their records. However, voter lists are not published, and there are no requirements to make public any information about updates to lists or to provide detailed information about the number of registered voters.

*As **recommended** in the preceding review, a requirement could be introduced through a CEC resolution for local authorities to make detailed data on the number of voters registered in each precinct publicly available. A CEC resolution could also be considered to mandate the collection and publication of voter data, disaggregated by sex. As long-term objectives, the law should be amended to provide for the establishment of a centralized, computerized and publicly accessible voter register. In addition, a legal deadline for the registration of voters before Election Day could be introduced and reasons for additional voter register entries on Election Day narrowed down.*

<sup>9</sup> OSCE/ODIHR Final Reports on 2019 parliamentary elections, p. 10, and Analytical report on the 2019 parliamentary elections by the Belarusian Helsinki Committee and Viasna Human Rights Center, p. 9.

<sup>10</sup> Also during past parliamentary elections, the CEC adopted resolutions facilitating the right to vote of persons incarcerated for minor offenses for a term of up to three months. See CEC Resolution No. 64 for 2019 parliamentary elections.

## E. Right to Stand for Election and Registration of Candidates

Also in connection with parliamentary elections, the legal framework sets a number of hurdles for prospective candidates.

Candidate eligibility requirements: The right to stand for election as a candidate for Parliament is granted to eligible voters at least 21 years of age with permanent residence in Belarus, except those with unexpunged criminal records (Election Code articles 57 and 60, constitution Article 92). The law does not define “permanent residency,” which observer reports indicate has resulted in varied interpretations and application in past elections.<sup>11</sup> Revocation of candidacy rights based on an unexpunged criminal record constitutes a disproportionate restriction on suffrage rights.<sup>12</sup>

**Recommended legal changes: Review restrictions on candidacy rights for individuals with criminal records, and make such limitations proportional to the crime committed. Clearly define the requirement of permanent residency in law.**

Political parties, labor collectives and initiative groups of at least 10 voters (Election Code Article 60) may nominate candidates. The requirement for parties to be registered for at least six months before elections before they can nominate candidates discriminates against any new parties that may be established shortly before elections and may not provide for the equal treatment and absence of discrimination required by international standards and good practice.<sup>13</sup> However, it should be noted that, given the restrictive provisions in the Law on Political Parties on the registration of political parties (see the discussion of freedom of association in the preceding review), opportunities for the establishment of political parties are in general very limited. The remaining restrictions on the registration of political parties continue to seriously impair freedom of association.<sup>14</sup>

The Election Code also does not grant public associations the right to nominate candidates, although articles 5 and 69 of the constitution list public associations among entities that are entitled to participate in elections and to nominate candidates in parliamentary elections, respectively. Public associations have been denied the right to register the nomination of candidates in past elections based on Election Code provisions.

<sup>11</sup> See, for instance, p. 5 of the [OSCE/ODIHR Interim Report on the 2019 parliamentary elections](#).

<sup>12</sup> Paragraph 24 of the 1990 OSCE Copenhagen Document requires states to “ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights.” See also paragraph 15 of the 1996 International Covenant on Civil and Political Rights General Comment 25, Article 2.b of the [CIS Convention on the Standards of Democratic Elections, Electoral Rights and Freedoms](#) and p. 12 of the [OSCE/ODIHR Final report on the 2019 parliamentary elections](#).

<sup>13</sup> Paragraph 7.6 of the 1990 OSCE Copenhagen Document requires states to “provide [...] political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities.” Paragraph 56 of the European Commission for Democracy Through Law (Venice Commission) of the Council of Europe and OSCE/ODIHR Guidelines on Political Party Registration (2nd edition) stipulates that “state authorities shall treat political parties on an equal basis and, as such, remain impartial with regard to the establishment, registration and activities of political parties” and adds that “all political parties should be given opportunities to participate in elections free from distinction or unequal treatment by authorities.” Further, paragraph 197 stresses that “the system for ballot access should not discriminate against new parties. While parties that won mandates or a minimum percentage of votes in the previous election may be automatically eligible to be placed on the ballot, there must also be fair, clear and objective criteria for the inclusion of new parties.”

<sup>14</sup> The Venice Commission and OSCE/ODIHR Guidelines on Political Party Regulation (2nd edition) emphasizes in paragraph 86 that “substantive registration requirements and procedural steps for registration should be reasonable.” Paragraph 88 states that “deadlines for deciding registration applications should be reasonably short [...] Expedient decisions on registration applications are particularly important for parties seeking to present candidates in elections. Deadlines that are overly long constitute unreasonable barriers to party registration and participation.”

**Recommended legal change:** To ensure equality of opportunity, reconsider the requirement that political parties must be registered for a certain period before elections in order to be able to nominate candidates.

**Establishment of initiative groups:** To nominate candidates, initiative groups of voters are required to register with their respective DEC not later than 65 days before elections (Election Code Article 65). As with presidential elections, neither the legislation nor CEC regulations envisages informing initiative groups and candidates seeking registration about omissions in their application documents so they can make corrections before DEC decisions to deny the registration of an initiative group are appealable to higher election commissions and in court. However, allowing initiative groups to correct minor mistakes in application documents at an earlier stage, before (non)registration decisions, would make it possible to address technical issues and eliminate the grounds for some complaints and appeals — a potential gain for candidates, commissions and courts alike.

**Recommended change of regulation and practice:** The CEC could require DEC, through a resolution to verify initiative group registration documents earlier in the legally stipulated five-day period, to allow a brief period for initiative groups to rectify minor technical omissions and errors prior to adoption of registration or non-registration decisions.

**Recommended legal change:** In the long term, fix the ability to rectify technical errors in the law to fully guarantee the clarity and stability of the legal framework.

**Support signature requirements, collection and verification:** Applications for the registration of candidates nominated by initiative groups of voters must be supported by at least 1,000 signatures of voters residing in the respective electoral district (Election Code Article 65). This requirement is somewhat above the threshold of 1 percent of the electorate per district recommended as a best practice.<sup>16</sup>

Nuanced provisions for the collection of support signatures and completion of signature lists are set out in Articles 61.6 and 61.8–12 and based on Article 65.9 of the Election Code; these also apply to parliamentary elections. According to citizen observers, these provisions did not appear to present any major hurdles for signature collection during the 2019 elections.<sup>17</sup> In contrast, signature verification requirements and their

<sup>15</sup> Article 65 of the Election Code grants the right to introduce adjustments to submitted initiative group registration documents; however, this must occur no later than one day before DEC considers registration or non-registration. See p. 13 of the [OSCE/ODIHR Final Report on the 2019 parliamentary elections](#).

<sup>16</sup> Section I.1.3.ii of the [Code of Good Practice in Electoral Matters](#) states that the law should not require more than 1 percent of the signatures within a constituency. According to the [OSCE/ODIHR Final Report on the 2019 parliamentary elections](#), “on average, 1,000 signatures represent 1.6 percent of all voters in a district and in no district this proportion was lower than 1.35 percent.”

<sup>17</sup> In their [Analytical Report on the 2019 parliamentary elections](#), the Belarusian Helsinki Committee and Viasna Human Rights Center concluded that “the collection of signatures was held in a calm atmosphere, and the activities of the nomination groups were not subject to major interference from the authorities.” However, they pointed out that “the absence of a ban on collecting signatures on the territories of enterprises and institutions (in particular, education and healthcare facilities)” created an advantage for pro-government candidates.



application pose serious challenges for prospective candidates.<sup>18</sup> Provisions in Articles 61.15, 16, 18 and 19 pertaining to presidential elections, based on Article 67.2, are also applicable to parliamentary elections. The preceding review expressed concerns regarding the vagueness of signature verification procedures and noted that the verification of only a sample of submitted signatures — not all of them — is contrary to international good practice. **Recommendations** are therefore reiterated to clarify these procedures through a CEC resolution, and to amend legal provisions to require the verification of all signatures submitted unless the minimum number of verified valid signatures is received.

**Registration of candidates:** Applications for registration as candidates, which DEC is to consider 30 to 40 days before elections, must be accompanied by a lengthy list of supporting documents and information, as listed in Article 66 of the Election Code. Article 68<sup>(1)</sup> provides an extensive list of grounds for non-registration. As for the registration of initiative groups, no provisions allow for informing prospective candidates of minor errors or omissions so they can make corrections before DEC is to decide on registration or non-registration. *This recommendation made in the preceding review and above with regard to initiative groups is reiterated.*

**Deregistration of candidates:** Similar to provisions related to presidential elections, Article 70 of the Election Code grants the election administration overly broad discretionary powers to deregister candidates on various grounds. *The recommendation to revise these provisions to allow deregistration only in exceptional circumstances, and only as a measure of last resort, is therefore repeated.*

**Withdrawal of candidates:** Article 69 of the Election Code permits candidates to withdraw up until Election Day, and Article 70 allows parties and labor collectives to recall candidates they nominated up to five days before Election Day.<sup>19</sup> Article 72.10 requires commissions to inform voters of the withdrawal of candidates by crossing their names off printed ballots and posting notices in polling stations. Nevertheless, the possibility of recalls or withdrawals close to Election Day complicates electoral preparations and creates the risk that voters may inadvertently vote for withdrawn candidates and thus cast invalid ballots.

**Recommended legal change: Move the deadlines for the recall and withdrawal of candidates further from Election Day and, ideally, tie those deadlines to the timeframes for printing of ballots (or at least for their distribution to PECs).<sup>20</sup>**

## F. Campaigns

Campaigns for parliamentary seats are covered by articles 45, 45<sup>(1)</sup>, 46 and 47 of the Election Code (which apply to all types of elections and referenda). They outline the entitlements of candidates, including the right to campaign under equal conditions by distributing materials and holding events, and through the media. Articles 73 and 74 also emphasize the latter right of parliamentary candidates. However, a number of provisions, and their combined effects, create undue obstacles and negatively affect campaign opportunities.

<sup>18</sup> In their [Analytical Report on the 2019 parliamentary elections](#), the Belarusian Helsinki Committee and Viasna Human Rights Center pointed out that “against the background of the current opaque signature verification procedure, of particular concern is the large number of refusals to register opposition candidates nominated through collecting signatures.”

<sup>19</sup> When a candidate is recalled or withdraws without a valid reason, he or she is obliged to compensate the respective election commission for the expenses it incurred for that candidate.

<sup>20</sup> The Election Code and CEC regulations do not explicitly address the timeframes for the printing of ballots; however, this occurs between the deadline for candidate registration (30 days before elections), the finalization of the text of ballots (“immediately after registration”) and the delivery of printed ballots to PECs (six days before elections for early voting and one day before the regular voting day).

**Organization of campaign events:** As during presidential elections, the law sets out conditions for campaign events organized by parliamentary candidates and their authorized representatives, and those held by all other entities and non-candidates (Election Code articles 45.9–10). Candidates and their authorized representatives are entitled to organize campaign events in accordance with the simplified requirements outlined in Article 45<sup>(1)</sup> of the Election Code (a notification submitted two days before the event; no limitations on the form of events; obligation of authorities to designate locations; no costs levied). All other campaign events must follow the Law on Mass Events (see the discussion of freedom of assembly in the preceding review for details). Depending on the types and locations of events, a prior authorization rather than a notification may be required, and additional costs may be applicable.

Concerns and recommendations in the preceding review regarding the exercise of freedom of assembly in general and holding campaign events are applicable. In particular, *revision of laws, regulations and practice pertaining to exercise of the right to freedom of assembly is recommended. Any restrictions imposed, including administrative and criminal sanctions and their application, should comply with the principles of freedom of assembly. In practice, CEC resolutions, instructions and training authorities should strongly encourage local authorities to be much more accommodating in facilitating the allocation of campaign venues.*

**Scrutiny of campaign materials:** During parliamentary elections, candidates are required to submit copies of their campaign materials to DEC prior to distribution (Election Code Article 45.12), although the purpose of such submissions or the consequences for not doing so is not specified. This requirement is problematic both due to the potential for censorship of campaign messaging, at odds with freedom of expression principles, and, as seen in past elections, inconsistent interpretation and application by DECs. *As recommended, the requirements for the submission of print campaign materials to DECs prior to distribution should be clarified as to their purpose and consequences or repealed altogether.*

**Prohibitions of vote buying and misuse or abuse of administrative resources:** As noted in the preceding review, to create a genuinely level playing field for candidates, the legislation should prevent misuse or abuse by incumbents and others with more privileged access and control over state funds, assets, infrastructure, personnel and institutions to achieve electoral gains. Such provisions are key to ensuring the separation between a party and a state, as called for by international standards.<sup>21</sup>

In support of these objectives, the Election Code contains prohibitions against vote buying in Article 47.3 and some prohibitions against misuse or abuse of administrative resources and official positions in articles 68<sup>(1)</sup> and 73. In particular, Article 68.1 prohibits using the benefits of official position for electoral purposes and involving state structures in the collection of signatures. Article 73 elaborates that the “use of benefits of official position” includes involving subordinates and persons in positions of professional dependence in activities in support of nomination or election during their working hours; use of the premises of state bodies and organizations if other candidates cannot do so under the same conditions; use of the communication technologies and equipment of state bodies and organizations; free or discounted use of vehicles belonging to the state; and collection of signatures during duty trips.

As these articles also apply to parliamentary elections, the observations and recommendations in the preceding analysis are applicable. *In particular, the recommendation to strengthen and broaden existing provisions to*

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<sup>21</sup> Paragraph 5.4 of the [OSCE Copenhagen Document](#) obliges participating states to maintain “a clear separation between the State and political parties; in particular, political parties will not be merged with the State.” Paragraph 7.6 calls on States to provide “political parties and organizations with the necessary legal guarantees to enable them to compete with each other on a basis of equal treatment before the law and by the authorities.”

cover other forms of misuse or abuse in a more nuanced manner to create a genuinely level playing field among candidates is reiterated. Further, the sanctioning mechanism requires review and development to provide for a range of effective, proportional and incremental sanctions. These could include formal warnings, administrative fines, funding-related punishments or criminal liability. However, importantly, the implementation of legal provisions needs considerable improvement. As recommended, the CEC should proactively oversee candidates' compliance with regulations that prohibit misuse of administrative resources and enforce relevant provisions in order to guarantee the equality of and opportunity for all candidates.

## G. Media Regulation

Concerns expressed in the preceding review regarding restrictions on freedom of expression and their effect on the overall media environment are applicable to parliamentary elections. Criminalized defamation and insult, provisions about “prohibited” information, rigid media accreditation requirements and stringent regulations on online media and internet resources, as well as excessive discretionary powers granted to the media regulator, have a chilling effect on the media and severely restrict open debate. *The **recommendation** to review the legal framework regulating the work of the media and repeal provisions restricting freedom of expression, including those on “prohibited” information in both traditional and online media is reiterated.*

During the electoral period, Article 46 of the Election Code provides for equal access to the media and an obligation to present candidates in an objective and balanced manner. The CEC is authorized to identify the range of media outlets that are obligated to provide airtime or space and to establish the length and sequencing of media appearances.

**Free airtime, print space and debates:** The law grants candidates in parliamentary elections free airtime or print space in state media and the opportunity to participate as equals in debates. Details on entitlements are outlined in CEC resolutions.<sup>22</sup> During the 2019 parliamentary elections, each candidate was entitled to one five-minute appearance on state TV and radio during prime time, to publish campaign programs of up to two pages in state-operated and/or -funded newspapers, and to participate in one debate. In addition, candidates may purchase airtime and print space in state and private media, which are legally obligated to offer equal conditions to all candidates.<sup>23</sup>

If implemented in good faith, these regulations could provide reasonable possibilities for candidates to present their programs and messages — rare opportunities for access to state media by alternative candidates given the overall restrictive media environment (see the analysis of freedom of expression and of media in the preceding review). However, international and citizen observers reported various forms of interference with these entitlements, in particular for opposition candidates. These included refusal or failure to publish campaign platforms, non-authorization of broadcasts of TV and radio appearances and pre-recorded debates, and censorship of campaign texts.<sup>24</sup> Most often, observers cited Article 75 of the Election Code, which *inter alia* prohibits calls for a violent change of the constitutional order, election boycotts, arousal of social enmity and defamation and public insult as reason for such failures to follow the law.<sup>25</sup>

22 [CEC Resolution No. 41](#) for the 2019 parliamentary elections and [CEC Resolution No. 32](#) for the 2016 parliamentary elections.

23 [Report on Election Campaigning](#) during the 2019 parliamentary elections by the Belarusian Helsinki Committee and Viasna Human Rights Center, p. 2.

24 *Ibid.*, pp. 4–6.

25 OSCE/ODIHR [Final Report on the 2019 parliamentary elections](#), p. 20.

**Editorial coverage:** Observations outlined in the preceding review pertaining to biased media coverage of campaigns, including in newscasts and other state media editorial programs, also reflect media conduct during past parliamentary elections. Despite the legal obligation for the media to ensure the credibility, equality and plurality of opinions (Article 46 of the Election Code, Article 4 of the Law on Mass Media), the state media provide only minimal editorial reporting on elections and candidates, with dominant and overwhelmingly favorable coverage of pro-government candidates and incumbents; opposition candidates are omitted or presented in a negative or discrediting manner.<sup>26</sup>

*The **recommendation** in the preceding review to take steps to ensure impartial and balanced coverage of candidates in news and editorial programs is relevant to parliamentary elections. This necessitates the creation of a genuinely free environment for the work of the state and private media and a clear and public reversal of state policy regarding the editorial freedom and unrestricted operation of all media. As an interim measure in the context of parliamentary elections, emphasis in CEC resolutions should shift from current equality in distribution of free airtime to equitable overall campaign coverage.*

**Media oversight:** During parliamentary elections, the CEC establishes a Media Supervisory Board to ensure the implementation of rules on campaigning in the media and to advise the CEC on media-related complaints and applications. The CEC determines the board's composition and working methods.<sup>27</sup> The observations in the preceding review related to the lack of impartiality, transparency and effectiveness in the board's work are relevant here. Citizen and international observers have continuously criticized this approach to media oversight and the body's work during parliamentary as well as other elections.<sup>28</sup>

*It is therefore **reiterated** that, as a long-term objective, an independent and duly resourced body, with a mandate to carry out comprehensive media monitoring, be vested with the authority to oversee media conduct during elections. In the interim, amendments to relevant CEC resolutions could result in a more balanced composition of the Media Supervisory Board and improvements to its working methods. In particular, this could include requirements to hold sessions that are open to the public, complainants and observers and to publish information on cases considered and resulting recommendations and decisions.*

## H. Campaign Finance

**Regulations on donations and expenditures:** Candidates in parliamentary elections can fund their campaigns from own resources and from donations by citizens and legal entities. Parties and candidates do not receive any direct public funding.<sup>29</sup> All donations are to be deposited into campaign accounts, which registered candidates may establish (Election Code Article 48<sup>(1)</sup>).<sup>30</sup> Unlike presidential elections, these campaign funds may not be established before a candidate's registration to cover expenses related to the collection of signatures

<sup>26</sup> OSCE/ODIHR Final Reports on [2019 parliamentary elections](#), p. 22; [2016 parliamentary elections](#), p. 17; and [Final Report on the Coverage of the 2019 parliamentary elections in the Belarusian media](#) by the Belarusian Association of Journalists.

<sup>27</sup> [CEC Resolution No. 42](#) for the 2019 parliamentary elections and [CEC Resolution No. 33](#) for the 2016 parliamentary elections.

<sup>28</sup> See [analytical report on the 2019 parliamentary elections](#) by the Belarusian Helsinki Committee and Viasna Human Rights Center, p. 24; paragraph 74 of the [Council of Europe Parliamentary Assembly Election Observation Report on the November 2019 early parliamentary elections](#); OSCE/ODIHR Final Reports on the [2019 parliamentary elections](#), p. 21; and [2016 parliamentary elections](#), p. 17.

<sup>29</sup> The Venice Commission's [Guidelines on Political Party Regulation](#) (2nd edition), paragraph 242, recommends that "at a minimum, some degree of public funding should be available to all parties represented in parliament. However, to promote political pluralism, some funding should also be extended beyond those parties represented in parliament, to include all parties putting forth candidates for an election and enjoying a minimum level of citizen support. This is particularly important in the case of new parties, which must be given a fair opportunity to compete with existing parties."

<sup>30</sup> In addition, voluntary contributions can be made to an extra-budgetary fund administered by the CEC. The CEC can use contributions to cover the costs of printing of materials regarding candidates or may be distributed among lower-level commissions to cover election-related costs. Regulations pertaining to the fund are laid out in [CEC Resolution No. 37](#) for 2019 parliamentary elections and [CEC Resolution No. 29](#) for the 2016 parliamentary elections.

by initiative groups. The law sets limits on both donations and expenditures.<sup>31</sup> Donations from anonymous or foreign sources or state, state-funded, religious or charitable organizations are prohibited. As during presidential elections, in-kind contributions and third-party campaigning and financing are not regulated.

Observations and recommendations in the preceding review with regard to campaign finance regulations are relevant. Also during parliamentary elections, the lack of public funding, combined with limited donations in support of opposition parties and candidates, was seen as substantially reducing candidates' campaign opportunities.<sup>32</sup> *The recommendation to provide some level of public funding of campaigns is therefore reiterated. Further, to ensure transparency and enable proper oversight, laws on donations should be expanded to cover in-kind contributions and regulate third-party involvement in campaigns.*

**Recommended legal change: Similar to provisions in Article 48<sup>(1)</sup>.20 of the Election Code for presidential elections, grant candidates in parliamentary elections the option to establish campaign accounts before their registration to enable them to cover costs related to the collection of signatures by initiative groups. Reformulate this option as a requirement to provide legal certainty and enhance transparency.**

**Reporting and transparency:** The requirements for candidates in parliamentary elections to submit interim and final financial reports are the same as in presidential elections (10 days before and five days after Election Day respectively). As outlined in the preceding review, the absence of a requirement for the publication of candidates' reports limits overall accountability and transparency regarding campaign finances. *The recommendation for the law to be amended to require the publication of candidates' financial reports is reiterated.*

Similar to the provisions for presidential elections, the banks that hold the campaign funds of parliamentary candidates are obliged to provide weekly updates to DEC's on transactions made through those accounts (Election Code Article 48<sup>(1)</sup>.13). The DEC's, in turn, are obliged to publish summaries of total contributions to and expenditures from those accounts within two days of transactions. Observers' reports of the irregular publication of this information, and the insufficient detail provided, detracts from the transparency and effectiveness of these measures.<sup>33</sup>

**Recommended legal change: To provide a meaningful level of disclosure and to facilitate scrutiny, further develop the requirement for DEC's to publish information about total contributions to and expenditures from the campaign accounts of candidates in parliamentary elections to require sufficiently itemized reporting, not only summaries.**

<sup>31</sup> Based on Articles 48<sup>(1)</sup>.2–3, private persons can donate up to five basic units (approximately €41) and legal persons up to 10 basic units (approximately €82). The maximum permissible expenditure during parliamentary elections is 1,000 basic units (approximately €8,193).

<sup>32</sup> OSCE/ODIHR [Final Report on 2019 parliamentary elections](#), pp. 17–18.

<sup>33</sup> *Ibid.*, p. 18.

**Oversight:** Article 48<sup>(1)</sup>.12 of the Election Code outlines in generic terms the responsibility of the election administration and financial supervision institutions for campaign finance oversight, which also relates to parliamentary elections. Similarly, Articles 39<sup>(1)</sup>.7 and 42.10 state that TECs and DECAs have the authority to control contributions to and utilization of the campaign funds of parliamentary candidates. As pointed out in the preceding review, the exact scope of this responsibility and the concrete steps that election commissions need to take in exercising this function are not outlined. Crucially, neither the legislation nor CEC resolutions clearly provide for verification of information that candidates submit; practices among DECAs in this regard varies.<sup>34</sup>

**Recommended legal change: Vest mid-level election commissions with explicit responsibility to verify information and financial reports submitted by candidates.**

**Recommended change of regulation or practice: Develop clear criteria and materials to guide DECAs and TECs in verifying campaign finance reports.**

Findings and recommendations in the preceding review pertaining to sanctions for campaign finance-related irregularities are applicable to parliamentary elections. *The need for a review of the sanctioning mechanism to ensure that proportional and effective penalties are envisaged for various violations is **reiterated**.*

## I. Election Dispute Resolution

Observations pertaining to the general framework for election dispute resolution, including lack of clear procedure, a single hierarchical structure and absence of guaranteed judicial review of all election complaints made in the preceding review, are relevant for parliamentary elections. *Accordingly, the **recommendation** for the introduction of judicial review of election complaints as a general rule is applicable.*

For parliamentary elections, there are some exceptions to the general rule that complaints can be lodged with election commissions and appealed to higher commissions. These include appeals against decisions on the non-registration of initiative groups or candidates, cancellation of registration and issuance of warnings. In these cases, DECAs' decisions appealed to TECs may be further appealed to *oblast* or Minsk courts. The decisions of those courts are final.

**Pre-election complaints:** The system for complaints about inaccuracies in voter lists and decisions on the formation of election commissions are considered in the same manner as for presidential elections (Election Code Article 21.4).

A DEC's refusal to register an initiative group may be appealed within three days from the date of the decision to the relevant *oblast* or Minsk city TEC. The TEC then has three days to render a decision (Article 65.5). That

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<sup>34</sup> *Ibid.*

decision may be appealed to an oblast or Minsk city court by a person interested in being nominated as a candidate. The court considers the complaint within three days, and its decision is final.

Nominees may appeal decisions by DEC on candidate non-registration to the relevant *oblast* or Minsk city TEC within three days from the date of the decision. The TEC then has three days to decide the appeal (Article 68.6). Its decision may be appealed to an oblast or Minsk city court, which must consider the complaint within three days. Its decision is final.

Decisions of the DEC to cancel a decision on a candidate's registration may be appealed by the candidate to the respective TEC within three days from the date of the decision (Article 70<sup>(1)</sup>.5). The TEC has three days to decide the appeal; its decision may then be appealed to oblast or Minsk city court. The court considers the complaint within three days, and its decision is final.

TECs were introduced in 2013 to oversee the activities of DECs. However, at the registration stage, additional levels of adjudication prolong electoral processes and do not align with campaign period timeframes. Such procedures contribute to unequal conditions in campaign period for candidates, those who have registered and those waiting for adjudication of complaints.

**Recommended legal change: Permit appeals of decisions on the non-registration of initiative groups and of candidacy directly to the relevant courts.**

In cases of violation of the campaign rules, including for campaign finance, candidates may submit complaints to the relevant DEC. General deadlines are applied (Article 491).

**Election Day and post-election complaints:** PECs consider complaints regarding irregularities during voting or counting at the end of Election Day. As described in the previous analysis, decisions can be appealed to higher-level commissions according to general deadlines and procedures. However, this mechanism is not in practical use, as it overlaps with the general 10-day deadline for submitting complaints.<sup>35</sup> Moreover, parliamentary elections involve an additional level of commission — territorial. *Thus, the recommendation to synchronize legal deadlines for complaints after Election Day, and to avoid announcing final election results until all admitted challenges are resolved and options for appeals are exhausted, is reiterated.*

DECs conduct sessions to determine election results in their districts. Complaints submitted prior to this point are considered during the same session and, with the decisions, are transmitted to oblast or Minsk city territorial commissions not later than four days after Election Day (Election Code Article 82.5). In case of errors, discrepancies in PEC and DEC protocols or other violations during voting and counting, TECs can opt for a recount by the relevant DEC. Candidates may request recounts no later than the third day after voting (Article 83.2). Relevant DECs may conduct recounts in the presence of at least one member of the TEC, and possibly the relevant PEC. There is no explicit deadline for considering such requests and conducting recounts; however this should presumably occur before the TEC transfers voting materials to the CEC — that is, not later than six days after Election Day.

<sup>35</sup> Article 49<sup>1</sup> of the Election Code.

**Recommended legal change: The law should set clear deadlines for considering requests for recounts and determining how to conduct them.**

A relevant DEC can invalidate the results of parliamentary elections if violations are committed during the elections or counting if it finds that such violations have affected the election results. A candidate may submit a complaint regarding violations and seeking to invalidate results no later than the third day after an election (Article 82.4). Because this is the same timeframe as for submitting recount requests to the TEC, conflicts may occur. DEC's decisions may be appealed to TECs within three days, and TECs' decisions within the same period may be appealed to the CEC.<sup>36</sup> There is no appeal for the CEC's decision, which undermines the fundamental right to appeal.

**Recommended legal change: Prescribe the right to appeal final election results and guarantee this right to all candidates and voters. Change the deadlines for submitting requests to invalidate election results and conducting recounts to avoid overlaps.**

TECs and the CEC are permitted to declare elections invalid due to violations committed during the elections or counting if those violations are found to have affected the election results. Candidates have the right to dispute such decisions. TEC decision on election invalidation can be appealed to CEC as final instance. CEC decision on election invalidation can be appealed to the Supreme Court. The lack of a process for court overview as a general rule fosters non-uniformity and inequality.

## J. Observation of Elections

The general framework and issues that observers note for parliamentary and presidential elections are identical. The Election Code exhaustively defines the rights of citizens and international observers. However, it does not provide the right to receive certified copies of the results protocol or allow for observation of the verification of initiative groups' and candidates' nomination signature lists; PECs' handover of the results protocol to TECs; or the compilation of results at TECs. *Thus, the legal **recommendation** that observers should have the right to familiarize themselves with the content of voter lists, to receive certified copies of results protocols and to be allowed to observe the verification of signature lists should be reiterated.*

Additionally, currently prescribed rights are generally interpreted and implemented in a restrictive matter. *The practice-oriented **recommendation** of taking measures to ensure citizen and international observers, without restriction, to observe all aspects of the electoral process throughout voting, counting and tabulation is applicable to all types of elections.*

Citizen observers can be nominated by political parties, public associations, labor collectives and initiative groups of at least 10 voters. International observers are accredited by the CEC upon invitation of governmental

36 Article 82 of the Election Code.



authorities. Citizen observers are accredited by the CEC, TECs, DEC or PECs for observation at each level; they are permitted to observe only at the level for which they are accredited.

## K. Election Day Procedures

**Early, Election Day and mobile voting:** Voting procedures are identical for all types of elections. Accordingly, it is important to reiterate previous observations and recommendations. Provisions for early and mobile voting are susceptible to manipulation and lack transparency. Changes to regulations and practice are needed. *Thus, as **recommended**, safeguards should be introduced to ensure the integrity of the early voting process. These could include the use of tamper-resistant, numbered seals that are accounted for and recorded. Consideration should be given to requiring all PEC members be present for early voting. All daily protocols should remain posted publicly until after counting ends and the deadline for filing complaints has passed. To increase trust in and the accountability of the early voting process, the authorities could consider publishing daily disaggregated turnout information by polling station. The recommendations to introduce stricter qualifications for mobile voting and to further detail the procedures to safeguard the integrity of the election process are also applicable.*

**Vote count and tabulation.** The law and CEC regulations for parliamentary elections do not describe the method of vote counting by PECs. *Thus, as **recommended**, PECs should establish and strictly implement clear, open and transparent procedures for counting. These include announcing aloud the mark on each ballot and showing it to commission members, observers and party agents; counting the contents of each ballot box separately and reflecting those counts separately in the final protocol; and tallying results at PECs in an open and transparent manner.*

Results protocols must be copied in triplicate, with each signed by the PEC chairperson, deputy, secretary and members. The original is displayed publicly. One copy is submitted immediately to the relevant DEC and the second to the body that formed the PEC. The third copy is stored in PEC files. Observers also have the right to receive copies, although these are not signed by commission members or certified with the commission's stamp. *The **recommendations** that certified result protocols should be distributed to individuals wishing to receive copies and that PECs should systematically post them in an easily accessible place as provided by law is reiterated.*

The protocol forwarded to the DEC should be submitted along with any dissenting opinions from commission members, statements by candidates' proxies and other individuals about violations during the voting or counting and any decisions taken in these cases.

Neither the law nor CEC regulations describe procedures for DEC to receive protocols and ballots. The DEC meets to approve election results in the electoral district no later than four days after voting ends. Thus, despite a CEC decision that observers have the right to be present during the transfer of voting results and ballots from PECs to DEC, they are effectively deprived of the opportunity to observe this crucial election phase. *The **recommendation** from the previous analysis that uniform tabulation procedures be prescribed by CEC resolution should be reiterated. To enhance the transparency of tabulation and instill public confidence in the accuracy of results, higher-level commissions should conduct uninterrupted tabulation from the handover of PEC protocols until the completion of their own result protocols in the presence of PEC members and observers. Observers should not be restricted in observing tabulation. To allow electoral candidates to verify*

*the accuracy of the election results, serious consideration could be given to publishing detailed PEC result protocols on the CEC website immediately.*

DECs forward election results to the mass media not later than the fifth day after Election Day . Not later than the sixth day, TECs announce results for the regions and Minsk territory and submit their decisions with other materials (DEC protocols, dissenting opinions, copies of complaints and DEC decisions) to the CEC. The CEC then finalizes the results of the election for each district and registers the elected deputies.

# III. Summary and Conclusions

The legal framework for parliamentary elections contains a number of shortcomings that require review in order to provide a more adequate basis for the conduct of elections in line with international obligations, standards and good practice. Many of those gaps, omissions and ambiguities are replicated in provisions pertaining to different types of elections and referenda. For ease of reference, this review briefly outlines and reiterates observations and recommendations on such cross-cutting issues that the preceding analysis on presidential elections and referenda considered in detail. This paper also considers several additional issues pertaining specifically to parliamentary elections that require review.

As pointed out in the preceding assessment, a number of improvements to the conduct of elections could be achieved through changes to regulations and practice and effected through CEC resolutions. The measures listed below do not require legal amendments and could be considered as additional interim measures before a comprehensive overhaul of the legal framework might be possible.

## Additional Interim Measures

- Consider using the forthcoming expiration of the CEC's mandate as an opportunity to lobby for the renewal of its composition and the appointment of qualified independent election professionals. An inclusive public consultation and nomination process could identify qualified and broadly supported candidates, adding weight and credibility to proposed nominations.
- Consider expanding election and appointment criteria for commission members to limit or exclude altogether the involvement of people in subordinate employment relationships outside of elections from serving on the same commissions.
- Oblige DEC's to verify initiative group registration documents earlier in the legally stipulated five-day period to provide a short period for the groups to rectify any minor technical omissions and errors prior to the adoption of registration/non-registration decisions.
- Develop clear criteria and materials to guide DEC's and TEC's in verifying campaign finance reports.
- The CEC should proactively oversee candidates' compliance with regulations related to the misuse of administrative resources and enforce provisions.

However, similar to the recommendations presented in the preceding analysis, a significant number of improvements to the legal framework for parliamentary elections require **legal changes**. These are listed below, subdivided into priority recommendations and others.

## Priority Recommendations

- Clearly define the period before which elections may not be called except to address early termination of powers.
- Review the list of incompatibilities for membership in the election administration with the aim of limiting the scale and/or scope of service, or altogether excluding local executive authorities and other public officials from serving on election commissions.
- Review the restriction on candidacy rights for individuals with criminal records, and make such restrictions proportional to the crime committed. Clearly define the permanent residency requirement.
- Grant candidates the right to rectify omissions and technical errors in application documents.
- Permit candidates to open campaign accounts before their registration to enable them to cover costs related to the collection of signatures by initiative groups.
- Strengthen and further detail provisions against the misuse of administrative resources, and develop a range of effective, proportional and incremental sanctions to support their enforcement.
- Require DEC's to publish itemized and sufficiently detailed information about total contributions and expenditures from candidate campaign accounts, not only summaries.
- Allow for appeals of decisions on non-registration of initiative groups and candidates directly to court systems.
- Grant all candidates and voters the right to appeal final election results. Adjust deadlines for submitting complaints upon the invalidation of an election and requests for repeat counting to avoid overlaps.

## Other Recommendations

- Revise the turnout requirement for repeat elections, and prescribe exact timeframes for the scheduling of repeat elections.
- Expand provisions related to the nomination of members with consultative votes to DECAs to allow for appointments from all entities entitled to nominate candidates, including initiative groups and labor collectives.
- Review the requirement for political parties to be registered for a certain period of time before elections before they can nominate candidates.
- Move deadlines for candidates' recall and withdrawal farther from Election Day; ideally, tie those deadlines to the deadline for the printing of ballots.
- Rather than allowing parliamentary candidates to establish campaign funds as an option, make this an obligation.
- Prescribe clear deadlines for considering applications on repeat elections and their conduct.



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