

Date Printed: 10/28/2008

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JTS Box Number: IFES\_1  
Tab Number: 17  
Document Title: Technical Assistance to Armenia: July  
5, 1995 National Assembly Elections &  
Document Date: 1996  
Document Country: Armenia  
IFES ID: R01517

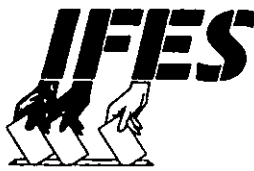


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**Technical Assistance to Armenia:  
July 5, 1995 National Assembly  
Elections & Constitutional  
Referendum**

By

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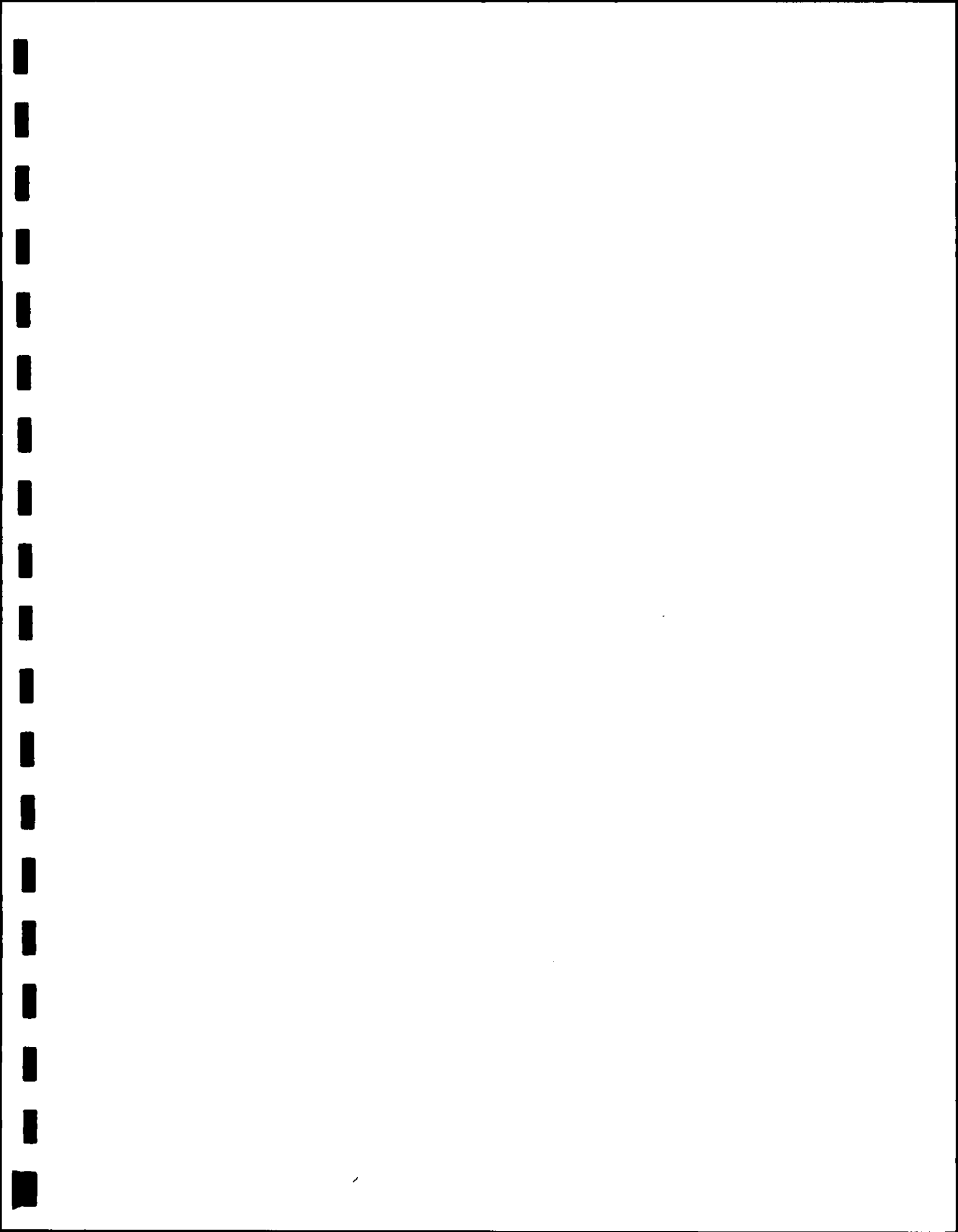
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## EXECUTIVE SUMMARY

From May 26 to July 10, 1995 the International Foundation for Electoral Systems (IFES) sent a team including IFES Consultant Linda Edgeworth, an election administration specialist, and IFES Program Officer for Europe and Asia Scott Lansell to the Republic of Armenia. This on-site assistance was supported by U.S. Agency for International Development (USAID). The mission's activities centered around the Armenian elections to the National Assembly and the simultaneous Referendum on a new Constitution for the Republic.

The purpose of the mission was to: (1) Evaluate Armenia's administrative systems for the delivery of electoral services such as constituency delimitation, voter identification and registration, balloting and election administration, poll worker training, vote tabulation, voter education, campaign practices, and media and civic participation, prior to upcoming parliamentary elections; (2) Identify feasible areas for short-term technical assistance in preparation for the July, 1995 Parliamentary Elections and Referendum, and provide a framework for public- and private-funded assistance projects; and (3) Recommend longer-term improvements to Armenia's election process and forward concrete actions which should be taken by USAID, and others in the donor community, which would strengthen democratic institutions and processes in Armenia prior to the scheduled June 1996 Presidential Elections.

The Armenian Parliamentary Elections and Constitutional Referendum of July 5, 1995 were the country's first multi-party elections since independence in 1991. The on-going political and economic crises that have enveloped the Republic of Armenia since independence added to the complexity of improving the process of democratization. Conducting a referendum and/or elections under such circumstances was undoubtedly an ambitious task. Problems cited by international and domestic election observers included: media outlet suspensions; journalist intimidations; voter registration inconsistencies; the banning of the National Union-Dashnaktsutyun (Dashnaks); the lack of timely and fair judicial review; voting irregularities in military units and hospitals; the Central Election Commission's interpretation(s) of the Election Law and Law on Referendum; and on election day, a unusually high number of ballots disqualified due to poor ballot design and voter and poll worker comprehension and education.

During the mission it became immediately apparent that the need for voter education was paramount in a setting which had precluded meaningful debate on critical issues such as the Constitutional Referendum and the platforms of competing political parties and candidates. There was also a serious deficiency of fundamental information on election day procedures available to the general public and poll worker in a "user friendly" format.

Prior to the July 5 elections, it became apparent that existing plans did not include preparation of educational materials for observer delegations who were to participate in the elections. In addition, IFES determined that a serious deficiencies existed which jeopardized an efficient and accountable conduct of the election. The CEC did not conduct formalized training of poll workers, and did not prepare training materials despite the recommendation of IFES and others.

This report will provide an targeted overview of the strengths and weaknesses of the electoral process and recommends specific areas of support where the services of IFES and international donors proved crucial to election administration and observation both before and after the Parliamentary Elections of July 5, 1995.

### ACKNOWLEDGEMENTS

During IFES' stay in Armenia, the team had the pleasure of working closely with many representatives of the international community, government officials, educators, local non-governmental organizations, election officials, journalists, and local entrepreneurs. The individuals with whom the team worked, spared no effort in generously assisting us in our efforts.

The team wishes to express its gratitude to U.S. Ambassador Harry Gilmore; Bob Patterson, Political Officer, U.S. Embassy; and Fred Wynch, USAID Representative, who paved the way for the team's progress in meeting its objectives. In addition, the team was most grateful for the total spirit of cooperation which existed among the international delegates who contributed so much to the IFES project. In particular, the team would like to thank Mari Yamashita (*United Nations*) and Giorgio Fontana (*OSCE*) who co-chaired the *UN/OSCE* Coordinating Unit. Through their efforts, delegates from all the foreign NGO's were able to meet on a regular basis, share information and coordinate their efforts in achieving common goals. IFES enjoyed working closely with Peter O'Brien and Claremont Lye of the *National Democratic Institute (NDI)* and Cathal Beyl of the *European Union's TACIS* group, and their consultants from Great Britain, Charles Lasham and Collin Marshall. Not only were they generous in representing their support of the IFES programs to the Central Election Committee (CEC) and government officials, their shared views and recommendations were most helpful in refining the hand books and guidelines in which IFES prepared. The team would also like to express its gratitude to Mr. Menassian of the Central Election Committee who spent considerable time and effort working directly with IFES, and for representing our concerns, findings, and recommendations to the Commission as a whole.

The success of IFES projects would have been impossible without unflinching dedication of our Armenian partners. For their commitment, competence, cooperation, and candor, the IFES team would also express its heartfelt appreciation to Mary Pinian and Rita Haroutunyan, the team's facilitators and interpreters, Stepan Ionnisian, who translated and oversaw production of our

publications in both Armenian and Russian, and Mher A. Mnatsakanian and his staff at Arina Advertising who completed all the layout and typesetting of the IFES booklet, "Translating Law into Process."

A special thanks goes to Tigran Harutiunian, Publisher of *Noyan Tapan* and his dedicated staff who partnered with IFES to publish 3 Special Election Editions providing an unbiased forum for all political parties to present their programs. For their professionalism, fortitude, courage and commitment to principle, they deserve our most sincere gratitude and commendation.

## HISTORIC OVERVIEW

### *The Soviet Historical Background*

Among the Republics of the former Soviet Union that played important roles in the final dissolution of the Soviet empire, Armenia was unique. During the final days of the existence of the Soviet Union it was the only republic that pursued its independence in a strictly constitutional manner. The Baltic Republics gained the most visibility as active players in the process of defining methods to leave the USSR. One of them paid a heavy price for freedom. Lithuania was the first to experience the consequences of declaring independence. After the bloody events in Lithuania, the republics Estonia, Latvia and Georgia decided against declaring their independence officially. This was despite the fact that their respective referenda showed the same overwhelming support for the independence among their citizenry as in Lithuania.

Armenia followed a legal method to leave the Soviet Union. After the referendum on Armenian independence -- in which 95% of the population took part, 94% of those voting for an independent Armenian Republic -- Armenia used a constitutional provision to pursue its independence. The international community determined that such an event was crucial to the success of the first steps toward democracy and was represented by over one hundred people from twenty-five countries as official observers. These international observers were reported to be generally satisfied with the conduct of the referendum.

According to Article 51 of the Soviet Union's Constitution, which specifies the order in which a Republic could leave the Union, Armenia presented the results of the referendum to the Soviet Union Supreme Council's consideration without officially declaring Armenian independence. Simultaneously, Armenia participated in the so-called Novo-Ogarevo meetings, initiated by President Gorbachev in his last desperate attempt to recreate the federal structure on which would be built the basis of the model "9 plus 1" (Nine former Soviet republics plus the "center"). These events proved it to be wise and timely tactics -- the August 1991 coup and the final dissolution of the Soviet Union provided Armenia with the possibility to achieve independence and at the same

time avoid the tragic events which marked the path to independence for other Republics such as Georgia, Lithuania and Azerbaijan. Armenia declared its independence in September 1991. The title of President was introduced by the Parliament in June 25, 1991 and conferred upon Levon Ter-Petrossyan, former Chairman of the Armenian Supreme Soviet, after his election on October 16, 1991 in a multi-candidate race. The term was set at 5 years. More than 70% of the electorate voted and 83% of electors cast their ballots for Ter-Petrossyan. Though some irregularities occurred, the election was generally considered to have been conducted in the satisfactory manner. The creation of the post of the President and the election of Levon Ter-Petrossyan as the first Armenian president concluded the first stage of the post-Soviet Armenian state-building process.

The first Parliament of independent Armenia was elected in 1990 in accordance with an amended Soviet-era constitution, for a 5-year term. The elections took place on July 5, 1995 and were observed by several organizations including the *OSCE*.

Despite the fact that Armenia was one of the first Republics to initiate the process of democratization during the last years of the Soviet period, Armenia was subsequently left behind in the path of building the legal and institutional basis for the independent democratic state. A major contributing factor was the war and the hardships caused by the economic blockade. The 1989 election to a new USSR Parliament (Congress of the People Deputies of the USSR) showed that in spite of the state of emergency restrictions and a stiff opposition from both the local and national ranks of the *Communist Party*, the Armenian public was well prepared and mature enough to actively participate in the multi-candidate elections. Galina Starovoitova, the prominent Russian democrat, a colleague of the academician A. Sakharov, and later the Co-Chairwoman of the party of *Democratic Russia* was elected as representative of an Armenian constituency. In interviews with IFES, Ms. Starovoitova recalled her impression of the surprisingly sophisticated electorate, helping her to produce the necessary printed materials, posters and providing her with guards after the KGB had initiated a campaign against her.

### *Political Situation*

For the past six years, Armenian political, economic, and social life has been deeply affected by the conflict in Nagorno-Karabakh. The magnitude of the Armenian public's involvement in this conflict is such that each political party, each candidate to any elected body, or each newspaper could not avoid this topic on its platforms, positions or coverage. The Armenian-Azerbaijani cease-fire has been observed for more than one year, but there continue to be stagnation in negotiations over the secondary formulations of the *Major Political Agreement*.

Various factors complicate the election process in Armenia. As was the pattern for the past several years, military activities could begin in the spring to early summer and conducting the Referendum and Parliamentary elections at such time could prove to be a difficult task as far as administration

is concerned. Beside such the logistical difficulties, an even more difficult task of voter registration exists. Large parts of the Armenian population were displaced after the 1988 earthquake, which left more than 25,000 people dead and more than 550,000 homeless. Citizens' migration to and from Nagorno-Karabakh and other affected by war areas as well as emigration to NIS and other countries further complicates the situation.

Emigration from Armenia is also a serious problem. According to the 1989 census about 3.3 million people resided in Armenia. The Armenian population is now estimated at about 2 million, with about one third residing abroad, primarily in countries of the former Soviet Union. These people still have so-called "*propiska*" (a Soviet-era residence permit), allowing them to hypothetically register as eligible voters. This presents an enormous temptation and possibilities for falsifications of elections results and makes a strong international presence absolutely vital for ensuring credible election results.

The official banning of the *Dashnak Party* by a Presidential decree on December 28, 1994 and the subsequent Supreme Court ruling on the suspension of the activity of the party for six months, beginning on January 13, 1994, also has had a significant effect on the pre-election climate in the country. According to some polls conducted before the Party's suspension, the *Dashnak Party*, alongside the *Communist Party*, enjoyed considerable support among the Armenian electorate. More than 40% of respondents said they would vote for these parties' candidates.

#### *International Assistance Prioritization*

If the U.S. and other western democracies are not able to provide adequate election assistance and hope for the people in this devastated country, a weary Armenian public may embrace a return to the Soviet days, yearning for the stability that characterized that system. Communists were ready to fill the vacuum left after the banning of the *Dashnaks*. A lack of international attention could, undoubtedly, could have been used to their advantage. This is a particularly serious problem for a country where a voter registration process is almost impossible to control. In Armenia over 1 million people (one third of the all eligible voters) are residing outside of the country without appropriately registered documents.

Armenia also represents a very special case due to historically strong ties on the part of Armenians with the United States through a large Armenian diaspora in America. The government and the President of Armenia have been extremely eager to use the expertise and financial assistance provided by Americans of Armenian origin. Many political parties have among their leading members representatives of this American diaspora. These organizations provide assistance to organizations such as IFES in establishing a solid relationship with officials of the CEC and other administrative bodies. Moreover, Armenia could serve as an example for neighboring countries in their transition toward democratic society in a region with strong authoritarian traditions.



In the spring of 1995, a new draft of the Election Law was voted upon and passed with only two negative votes (Appendix 1). IFES believes that the July 5 Parliamentary elections, and the subsequent election for President, scheduled for June 1996, are two events which will have the most significant impact on the Armenian political system. The banning of the opposition party and its media organs was not looked upon very favorably by the international observers. With the exception of this act, western countries generally consider the political and social system in place to be one of democratic legitimacy. Though some western observers may say that the party banning may delegitimize any positive gains made by the Election Commission and its organization of the election, donor organizations should not miss this opportunity to clearly define what is expected of Armenia and the government now in power in other critical areas.

In its past work, especially in the NIS, IFES has recognized that election law and procedural reform is often even more important than, for example, constitutional reform initiatives, at least in the short term. In many countries, the body to be elected through the next elections will be charged with the drafting of the constitution as is the case in Armenia. The legitimacy of the drafters' mandate and the resulting constitution will depend on the confidence the people place in the election system that brought their representatives to power (Appendix 2).

## OVERVIEW OF THE 5 JULY 1995 ELECTIONS

Elections were held throughout the Republic of Armenia on July 5, 1995. Voters were called to the polls to elect Deputies to the National Assembly, and to vote on a referendum which would decide whether or not the draft Constitution of the Republic of Armenia would be adopted.

There were three ballots on which voters cast their votes.

1. Referendum Ballot Regarding Adoption or Rejection of the Constitution (Appendix 3);
2. Candidate Ballot on the Majoritarian System (Appendix 4); and the
3. Political Public Organization or Bloc Ballot on the Proportional System (Appendix 5).

Two separate laws governed the conduct of these elections: the Law on the Election of Deputies to the National Assembly newly adopted on April 4, 1995, and the Law on Conduct of Referendum, adopted in 1991, as amended in May 1995 (Appendix 6).

In comparing corresponding provisions of these laws it became evident that the laws differed from one another on several procedural issues. A notable difficulty arose as the elections and referendum were simultaneously carried out. It is evident that lawmakers recognized that certain amendments would be necessary to make administration of the simultaneous elections manageable. Temporary, election-specific amendments were made to the Law on Conduct of Referendum to set aside some of its provisions in lieu of correspondent provisions in the Law on Election of Deputies. These amendments were enacted only for the purposes of the July 5 elections. A couple of examples illustrate how some of the discrepancies were dealt with.

1. Article 28 of the Law on Conduct of the Referendum sets the polling hours for referendum elections from 07:00 to 23:00. For the July 5 elections, polling hours were made consistent with those stipulated in the Law on Election of Deputies calling for polling between 08:00 to 20:00.
2. Article 18 of the Law on Conduct of the Referendum calls for creation of special commissions to prepare and conduct the referendum election. These commissions include a Central Referendum Commission (CRC), as well as Regional, City and District Referendum Commissions. Article 19 dictates the manner in which the CRC is appointed. It stipulates that members of the CRC are selected by the Supreme Council of the Republic who are required to take into account suggestions of parties, institutions, collectives, personnel of higher education institutions, local voter groups, and, if appropriate, the group initiating the referendum. Under Article 21, lower level Referendum Commissions are appointed under terms stipulated for local Council elections.

Through an amendment the Referendum Commission structure was deferred in favor of the administrative structure outlined in the Law on the Election of Deputies for the 1995 elections.

Other articles governing the referendum election remained unchanged even though they also varied from those in the Law on Election of Deputies. However, in their deliberations lawmakers either failed to notice them, or chose not to address them as conforming amendments were being considered. The remaining inconsistencies in the two laws ultimately caused some confusion and conflict in the processing of voters on election day. In several key areas inconsistencies yet resolved left officials confounded as they tried to carry out the specific requirements of laws that were not uniform.

Some of those which created the more significant problems related to the processing of voters and accountability included:



1. technical differences between age requirements related to eligibility to vote;
2. the right of a voter to vote in advance of election day in Referendum Elections, which is not allowed under the Law on Election of Deputies;
3. provisions in the Law on Conduct of Referendum which allow incapacitated voters to have ballots delivered to their homes on election day which is precluded under the Law on Election of Deputies;
4. a requirement for issuance of a "Certificate of the Right to Vote" to each voter voting in the election of deputies which is not required under the Law on Conduct of Referendum.
5. discrepancies as to who can be present as an authorized observer for election proceedings, polling day activities and the counting of votes.

Discussions of a number of these differences are analyzed throughout this report. Further discussion of these variances and their impact on procedural development are contained in the booklet "Translating Law into Process" which was prepared by IFES during its technical assessment visit. (See Appendix 7)

### **System of Representation**

For the purposes of these elections, Armenia had adopted a mixed system of representation calling for a National Assembly consisting of candidates elected under both majoritarian and proportional representation mandates. It was understood that the mixed system would ultimately be overturned if the new Constitution was passed. Under the transitional provisions of the draft Constitution, the Articles of the new foundation law regarding the permanent configuration of the ruling body would apply "to the subsequent convocations" of the National Assembly. These provisions further stipulate that until then the formation called for in the Law on Election of Deputies would remain in effect.

At the next convocation of the National Assembly, the new body will be comprised of 130 representatives. No provisions now exist for election by a proportional system. Under the new Constitution, elected deputies will be precluded from holding any other state post or perform any other paid employment, except for scientific, educational or artistic work. The introduction of a professional legislative body is a departure from existing law and traditional practice. The new Constitution is not clear as to whether a deputy of the National Assembly would be free to hold a local office.

For the newly elected "transitional" legislative body, the National Assembly has been configured in the following way:

1. Majoritarian System:

Pursuant to the Law on the Election of Deputies to the National Assembly, the Republic of Armenia has been divided into 150 single mandate election districts. From each election district one Deputy is elected to the National Assembly. For a candidate to be elected in his/her district, the candidate must receive a majority of the votes cast in the district as long as the total votes received is at least 25% of the total votes cast. Under Article 37, if no candidate receives a sufficient number of votes, a second round of elections is required based on a "decision" of the Central Election Committee in which a date for run-off elections is set.

2. Proportional System:

For the purposes of the 1995 elections, 40 additional candidates were elected based on a system of proportional representation. In this part of the election, the Republic as a whole was designated one large multi-mandate district. On this ballot voters did not vote for specific candidates. Rather, citizens voted for the public political organization (party) or bloc of their choice.

Each party or bloc identified on the ballot presented a list of candidates whom they had selected to fill any seats their organization would ultimately win in this part of the election. However, only the first three candidates from their full lists were identified on the ballot. The determination as to the sequential order in which a party's or bloc's candidates were listed rests solely with the nominating group. No adjustments are made by election officials or administrators, except as necessary due to such events as withdrawals which are contemplated in the structure of the law.

The number of seats in the National Assembly won by each political public organization or bloc is determined based on the percentage of the total Republic-wide votes they receive on the Proportional System Ballot. They are eligible to win seats as long as their organization or bloc receives at least 5% of the votes. The share of the 40 seats won by a qualifying public political organization or bloc is calculated by the Central Election Committee based on a mathematical formula defined in Article 39 of the Law on the Election of Deputies.

Referendum on Adoption of The Constitution

Passage of the draft Constitution which was the subject of the referendum required a simple majority of the votes cast as long as the votes in favor were equal to at least 1/3 of the number of voters on the voter list. The final version of the draft which was put before the voters, was adopted by the

Constitutional Commission of the Soviet on April 13, 1995, less than 90 days before the election.

In many ways passage of the new election law and the draft constitution were closely linked. Factions forming the opposition Union of National Accord (UNA) staunchly maintained their attempts to block passage when they were unsuccessful in obtaining significant concessions from the ruling coalition lead by the Armenian National Movement (AIM.) This conflict was not surprising in view that the draft insisted upon by the ruling coalition was a coalition that consolidated ultimate power in the President. The UNA's version of a draft constitution promoted a parliamentary system. The Constitutional Assembly was vocal in their criticism of the leadership. They expressed their apprehension that the power given the president in the draft being pushed by the ruling party foreshadowed a return to Soviet-style authoritarianism.

The make up of the National Assembly was another point of major controversy with the ruling coalition calling for a 120 member body. Opposition forces demanded inclusion of a party list system and an Assembly that was strictly professional. The concept of a professional legislature ran into strong resistance on the part of the 70 deputies who, at the time, combined their legislative role with their work in the executive branches.

Throughout the drafting and debate, the opposing sides appeared to be on a collision course. With few compromises expected, opposition factions within the Supreme Council withdrew their participation. The gap between the ruling coalition and the opposition had already impacted the productive functioning of the Supreme Council. Earlier, in the immediate aftermath of the suspension of the Armenian Revolutionary Federation (ARF) "*Dashnaktsutyun*," (considered to be the strongest of the political contenders) opposition forces had temporarily formed their own "shadow" assembly, although they did not go so far as officially resigning from their posts. The crisis carried over to the sessions of the Constitutional Commission as well. The UNA had hoped that the commission would be a meaningful forum through which their concepts might be introduced into the final draft. However, as frustration mounted, opposition members walked away from the table without a settlement.

The inability of the Supreme Council to achieve a quorum became chronic. A special session of the Supreme Council scheduled specifically to bring closure to these issues ended without result. Reportedly, when no avenue of meaningful compromise seemed available, a proposal was put forth which called for several fundamental issues to be put to an advisory vote of the people. This offered them a choice of options in several critical areas. This too was rejected. The president asked the Supreme Council to make the decision as to which version would be put before the people. At one point, he even announced that he would resign if the UNA version was approved by a popular vote.

Controversy also arose over the question regarding the holding of the referendum simultaneously with the election of the legislative body. From the government's perspective, they used the strong and persistent resistance as testimony that the opposition were pursuing opportunistic ends. In reaction, opposition forces rallied around the cause of their goal to "save democracy." At the same time, if a new election law were not enacted, it was fully recognized that the next elections would have to be held under the existing law. One concern was that under the old law the threshold requirements for voter participation and the margin of victory with which a candidate could be declared a winner, could result in a nullified election. In view of the serious social and economic conditions facing the country, voter disgruntlement and apathy could too easily have resulted in an insufficient election turnout for the election to have been considered valid.

The ultimate "compromise" was an election law which allowed for a transitional parliament with an increased number of seats allowing for 40 members to be elected on a proportional system. In addition, the high and stringent threshold requirements were dramatically reduced: rather than requiring the 50% threshold, mandated in the former law, the new law required a 25% threshold be met for candidates to be elected in the first round. Threshold requirements were eliminated altogether for run-off elections. With an unusually high number of deputies in attendance at the next session of the Supreme Council, the alliance of the governing majority was able to overcome the resistance of the opposition and the election law was passed by a simple majority. Some critics have suggested that the election law in effect contradicted the existing old constitution. Therefore, it has been argued that the number of votes required should have been a super majority usually required for constitutional amendments.

The trade-off ultimately was the simultaneous holding of the referendum on the constitution on election day. In this vote, as well, there would probably have been an insufficient number of votes to meet the super majority requirement to put a question to referendum. In a controversial move, the law was amended to lower the threshold requirement to a simple majority. Through this amendment the ruling coalition was able to secure a sufficient number of votes to put their draft version of the constitution on the ballot.

### Comments Regarding the Constitution

During the 5 July elections, the citizens of Armenia were faced with a difficult dilemma. As the official commentary continually reminded them in the period before the election, failure to pass the referendum would mean that stability, international recognition and attainment of the Republic's full status as a law based, independent democratic state would be forestalled. Officially, the message was that to vote against its passage would mean that the old Soviet constitution would remain in effect. On several occasions concern and confusion was expressed to IFES by private citizens, representatives of domestic NGOs and journalists, that the only real choice offered by the question

on the ballot was whether to "have a new constitution or not." To many with whom IFES met, it seemed that this was the question on which they would have to decide their vote -- not, whether they wanted THIS particular constitution.

In fact, it became apparent that, in general, the citizens did not really understand the contents of the draft constitution, although its text was widely published. According to a 600-person public opinion poll conducted by Armenian State Television and Radio Ministry from May 25-31 and reported by *Lragir*, a local news service, 51% of respondents indicated that they did not have an opinion on the constitution due to a lack of information about the draft. At that time, only 32% said they would support the referendum. Ultimately, as reported by the Central Election Committee, the referendum was passed with a vote equaling 37.8% of the eligible voters on the voter list, thus exceeding the required threshold by only 3.8%.

The apparent lack of general understanding of the proposed document voted on by Armenian citizens engendered legitimate concerns in view of what many international and domestic observers and election participants is believed to be a fundamental shortcoming of the foundation law. A law that is intended to underpin Armenia's future as a democratic and independent state.

The questions around which controversy is unlikely to abate center around several key features of the document which:

1. enshrine of the president as the seat of virtually unbridled authority and power;
2. may undermine an adequate separation of powers between executive, legislative and judicial branches;
3. create opportunities for fundamental human rights to be withdrawn by the state without the benefit of sufficiently defined pre-conditions and safeguards;
4. weaken the independence of the judiciary; and,
5. create a system in which the autonomy of local governments is curbed.

Included in the foundation of the "Principles of Constitutional Rule" identified in Chapter 1, is Article 5 which states:

"State authority is exercised in accordance with the Constitution and laws based on the principle of the separation of the legislative, executive and judicial powers. State bodies and officials are competent to perform only those activities that they are authorized [to perform] by legislation."

Critics believe that this foundation principle is undermined, however, by the broad sweeping, generalized power vested in the president by Article 49. In this Article, the president is charged with responsibility of upholding the Constitution, and:

"ensuring the normal activity of the legislative, executive and judicial authorities."

The foundation law offers no qualifying or defining guidance as to how this responsibility is to be carried out in practical terms: under a liberal interpretation, it does seem to imply that the president is vested with some degree of supervision or oversight. The investiture of such generalized and broad authority in the president caused a representative of one domestic NGO to suggest that the Constitution fostered "institutionalized dictatorship." A few examples of the president's intrusive role in all branches of government are worthy of comment.

With regard to his authorities over the National Assembly, Article 55, Section (3), gives him the power to dissolve the legislative body with only the minimal requirement that he consult with the president of the Assembly, and the Prime Minister, whom he directly appoints. There are no other pre-conditions or qualifying grounds set, except that dissolution may not occur during the last 6 months of the legislature's term.

His appointment of the Prime Minister is only one of the important posts he directly controls. Based on proposals submitted by his appointee, the president also appoints and dismisses the other members of the government as well as the Chief Prosecutor. He is also entitled to make appointments to civilian positions under cases provided by law.

The President's potential influence over the judicial branch is underscored by his power of appointment in this branch as well. His authority extends 4 of 9 members as well as the president of the Constitutional Court. His prerogative to dismiss them appears to be only somewhat curtailed in that the terms of the Constitutional Court are considered permanent. His authority to dismiss members pertains only to the members he himself has appointed, and only based on a finding of the Court itself. Based on such a finding, the president is vested with the authority to "approve" the arrest of a member and make decisions as to the judge's subjectivity to administrative or criminal liability.

The President also heads the Justice Council, of which the Chief Prosecutor and the Justice Minister are vice-presidents. (The Justice Minister is responsible for the registration and oversight of political parties.) The additional 14 members of the Justice Council are also appointed by the president. The foundation law dictates how many members must be drawn from the ranks of legal scholars, judges from the tribunal, review and appellate courts, and prosecutors. The general assembly of judges puts forward 3 candidates for each spot, except those candidates put forth by the Chief Prosecutor for the prosecutor members.

One of the primary functions of the Justice Council is to submit a report to the president each year which evaluates the "fitness" for office and promotions of judges. The report also contains proposals regarding candidacies for the presidents and members of the Court of Appeals. Similar recommendations are included regarding presidents of the review or local courts, tribunals and other courts. The Judicial Court also performs the review of judges proposed by the Justice Ministry as well as candidates for Deputy Prosecutors and prosecutors heading structural subdivisions of the prosecutor's office. In all these instances, the president is authorized to make the appointments by Article 55, Section 11.

It is difficult to correlate the president's role as "guarantor of the independence of the judiciary" provided in Article 94, under these circumstances. First, at almost every layer of the judicial system, the appointees owe their jobs to him. In addition judicial discipline is rendered by the Justice Council which he heads. The separation of powers between the executive and the judiciary are simply not adequately safeguarded; rather, they are significantly interlinked.

The President's direct involvement also undermines the principle of a separation of powers in view of the fact that the president may often be party to cases or litigations being considered by the courts. His decrees and edicts as well as resolutions promulgated by his government may be subject to litigation. In addition, he may initiate appeals to the Constitutional Court. It is also the Constitutional Court which rules on cases related to candidates for the presidency, and disputes relating to the results of elections. The presidentially appointed Chief Prosecutor also brings actions in court to defend state interests. In addition, the prosecutor appeals the judgements, verdicts and rulings of the court.

With regard to the President's influence over local government there is equal concern. It is his government that appoints the regional governors. In the case of the City of Yerevan, it is the president himself who appoints the mayor based on the proposal of the government. Under Article 107, these local officials "implement the government's regional policies."

There are subdivisions of local self-governing units which, under Article 105, comprise a mayor and council with 5 to 15 members who are elected. These self-governing units administer "community property and solve issues of community significance," in rural and urban communities within each region. The scope of their defined powers seem somewhat limited. Under Article 106, the elected leaders ratify the community budget, oversee its implementation, and within the limits of prescribed law, fix local taxes and payments.

A particularly troubling provision of the Constitution allows the government to "remove" a locally elected official from office, based on findings presented by the regional governor. Preconditions or limitations are not adequately defined in the Constitution, paving the way for state to exert its power even to the lower levels of self-government. In the interim between the removal of an official and

a new election, the Prime Minister appoints a replacement in urban communities, while the regional governor appoint the temporary replacement at the village level.

Unfortunately, these provisions fail to make a distinction between government's authority and flexibility with regard to administrative appointments and staffing, as well as the inappropriateness of government intervention with regard to officials elected directly by the people. These elected leaders should be immune to dismissal based on the will of appointed authorities, and should be afforded the same protections as any elected official at the higher levels. Government should not be able to countermand the will of the voters via the election process. Such provisions reflect the policy of centralized control that still lingers from Soviet times. Clearly, the reins will continue to be held in the hands of state government with little autonomy being afforded to locally elected authorities.

### Human Rights and the Constitution

The Constitution clearly states that one of founding principles that authority belongs to the people of Armenia. In addition, Article 4 guarantees that the state provides for the protection of human rights and freedoms based on the Constitution and laws, in accordance with the principles of international law. Indeed, the Constitution devotes 34 Articles to the rights and freedoms of its citizens. Many of the provisions address entitlement rather than fundamental human rights. But, the overall identification of protections and rights to which the population are entitled is impressive and comprehensive.

Among them are equal protections without regard to nationality, race, sex, language, religious faith, political view, social origin, or property status. According to the constitution, the right to life is protected as is the right to freedom and inviolability. Freedom of movement is guaranteed, including the right to leave the country and return.

In terms of freedoms of speech and association, the foundation document also provides a strong basis for the rights of individuals to assert opinion, enjoy freedom of thought, conscience and faith, and to form associations. In this regard such rights are extended to the formation of trade unions as well as political parties. Inherent in the right to free speech is also the right to seek, receive and disseminate information and ideas by any means of information communications. Confidentiality of correspondence, telephone conversations, postal and telegraph and other communications is also guaranteed. The right to peaceful assembly is protected as well. It includes the right to hold meetings, public gatherings, processions and assemblies.

The family, motherhood and childhood are safeguarded as are social entitlement such as the right to a satisfactory standard of living and adequate housing. Equal rights are extended to all citizens



when marrying, during marriage and when undergoing divorce. A series of extensive entitlement are also elaborated. Social security related to old age, disability, sickness, loss of a breadwinner or unemployment are assured. A system for medical assistance and service, as provided by law, is promised in order to ensure each person's right to health. Every citizen is also guaranteed the right to education and the right to choose his/her employment. The Constitution commits the state to regulate a "just wage" and working conditions. Citizens are afforded the right to strike. Even the right to rest is identified in the Constitution with maximum work weeks and vacation allowances to be established in law.

Liberal rights are described for citizens subject to arrest and placed before the courts. The presumption of innocence is fundamental as is the right to a public hearing by an "...independent and impartial court maintaining all requirements of justice under conditions of equality..." Persons are not required to prove their innocence, nor are they required to testify against a spouse or close relative. Legal assistance is guaranteed and is to be provided free of charge, and every person is entitled to defense counsel from the moment of arrest, detention or presentation of the charges against him.

The comprehensive scope of rights and entitlement guaranteed by the Constitution certainly amplifies an apparent allegiance to internationally accepted democratic standards and principles. However, critics have expressed concerns regarding the subsequent provisions which allow the broad scope of civil liberties to be curtailed by the state. Their primary objection is that crucial rights can be retracted under the vaguest of justifications because the foundation law is remiss in establishing adequate pre-conditions and limitations. Without proper safeguards the ramifications of potential abuses can, in practice, eradicate the fundamental principles of democracy at its core.

The pivotal provisions include Articles 44, 45, and 55, Section 14.

#### Article 44

"The fundamental human and civil rights and freedoms established in Articles 23 -27 of the Constitution can be limited only by law if it is necessary for the protection of state and societal security, social order, the health and mores of society, and the rights and freedoms and honor and good reputation of others."

This provision is fraught with dangerous pitfalls. The grounds on which any such restrictive law might be enacted are simply too vague to ensure adequate protections against abuse. General terms such as "protection of mores" leave the door wide open to subjective interpretation and potentially manipulative use. The same is true in interpreting conditions and circumstances which would prompt passage of a law limiting human rights, based on the

"honor and good reputation of others" clause. The latter could be particular worrisome, for example, in defining "offenses" in the heat of competitive political campaigning.

The fundamental freedoms which can be curtailed under this provision include those pertaining to:

1. freedom of thought, conscience and faith, and expression of religion and conviction;
2. the right to assert opinion, freedom of speech, and the right to seek, receive and disseminate information and ideas;
3. the right to form associations;
4. the right to assemble and to hold meetings, public gatherings, processions and demonstrations; and,
5. the right of citizens who have reached 18 years of age to participate in the governance of the state "directly, or through their representatives elected by free expression of their will..."

The provision is so broadly drawn that virtually any pretext could be used to rescind the very rights that underpin democracy itself. If misused, this loophole could pose a serious threat to a free society. The results would be particularly devastating if abuses were aimed at silencing political opposition.

#### Article 45

"Separate human and civil rights and freedoms, with the exception of those noted in Articles 17, 20, 39 and 41-43 of the Constitution, may be limited temporarily as provided by law during a military situation or in cases provided for in point 14 of Article 55 of the Constitution."

#### Article 55 Section 14

"in the event of an immediate danger threatening constitutional order and upon consultation with the president of the National Assembly and the Prime Minister, [the President] undertakes measures warranted by the situation and makes an address to the people about them."

Under these articles, civil liberties can be curtailed by the President as well as by laws enacted by the National Assembly. Very few "human and civil rights and freedoms" are protected from intervention under these provisions. The only exceptions include:

1. the right to life;
2. the right to defend one's personal and family life from illegal interference and honor and good name from encroachment;
3. the confidentiality of correspondence, telephone conversations, postal and telegraph communications, (which can be limited by a court order;)
4. the right to a public hearing before a court, and those rights related to due process (although the rights of the news media and representatives of society can be prohibited by law from participation during all or part of a judicial examination when it is in the "interests of the mores of society, social order, state security, the person's personal lives, and justice.")

Without adequate guidance and well defined pre-conditions which severely limit any interruption of basic civil liberties and freedoms, the status of fundamental human rights in Armenia will remain vulnerable. These issues deserved the benefits of a full public debate prior to the elections. They will continue to demand attention if Armenia is to achieve true, meaningful and secure democracy in the future.

## **ADMINISTRATIVE STRUCTURE**

Elections are administered by a hierarchy of appointed electoral committees supported by an administrative staff at the Central Election Committee, and by local executive authorities at the district levels as defined by Article 5 in the Law on the Election of Deputies.

### **Central Election Committee**

At the top of the hierarchy is the Central Election Committee (CEC) made up of at least 7 members. Candidates for membership on the CEC are proposed by Deputies of the Supreme Council. According to the law, a number of candidates to membership on the Central Election Committee should equal 1 for each 10 Deputies sitting in the Assembly. From the nominees, members to serve on the CEC are then registered by the Chairman and Secretary of the Supreme Council or their

replacements. If registration is not accomplished by the deadline established in the law, the President registers the members from among those originally nominated by the Deputies (Appendix 8).

Selection of the Chairman of the CEC is governed by Articles 8 and 9 of the Law on Election of Deputies to the National Assembly. Under these provisions, the Chairman of the CEC is confirmed by the Supreme Council based on a nomination by the President who chooses from among the members who have already been nominated and registered for the post. If the Supreme Council fails to confirm the President's nominee, the Chairman is selected by the Supreme Council during a special session. Upon their failure to select the Chairman, the selection is made unilaterally by the President.

The CEC is responsible for oversight of the process throughout the Republic and establishing general policies under which elections will be administered. The CEC is also charged with the responsibility to ensure uniform implementation of the law. Under the authority vested in Article 13, the CEC

1. forms the electoral districts and relative district electoral committees;
2. manages and disburses the funds allocated for the conduct of the elections;
3. designs and approves the election calendar, forms, documents and other materials to be used in the elections;
4. formulates and publishes the necessary decrees and decisions related to the procedures to be followed to ensure uniform implementation;
5. applies to respective bodies or to the courts in the event violations of the election law occur;
6. reviews and decides appeals and complaints brought before it with regard to actions or decisions of lower committees;
7. directly registers and supervises ballot preparation for the political public organizations participating in the Proportional System Election;
8. rules on the registration or rejection of candidates currently in detention;
9. summarizes and confirms election results;
10. registers election candidates to serve in the National Assembly; and,

11. rules on issues related to the validity or annulment of elections, and calls run-off and by-elections, as necessary.

The law is sufficiently drafted to provide the CEC adequate authority to maintain control over lower commissions and to regulate procedural issues. Their decisions have the full clout of law and are binding on lower commissions and other agencies and enterprises involved in providing support to the election process. These provisions should be sufficient to ensure that throughout the Republic laws are consistently and uniformly applied.

One detail that has been omitted from the law is a provision defining the terms of the Committee members. Instead, reference is made to the deadline by which the committee must be formed prior to an election. Whether the CEC is sustained through the terms of the legislative body, or whether they are disbanded when the election is certified is unclear. In either case, it means that each Republic-wide election is administered by a new Central Election Committee. No opportunity is created for the development of institutional memory to sustain an on-going evolution of the process from one election to another. The wheel will constantly have to be reinvented with little formalized opportunity for past lessons to be integrated into future improvements.

Even if the terms of the CEC members are intended to coincide with those of the National Assembly, it is unlikely that between elections the CEC would be able to sustain itself as a fully functioning body. Only two members of the Committee are paid members, the Chairman and the Secretary. The other members are treated as volunteer members. A good many members had no prior election administration experience. During the 1995 elections, members of the CEC maintained their own regular employment throughout the pre-election period. CEC meetings of the full membership were scheduled in the evenings and through the weekends.

This approach to formation and maintenance of the CEC, places officials at a severe disadvantage in dealing with their very demanding and burdensome responsibilities. Their limitations were aggravated by the fact that a new election law was being implemented for the first time. In fact, the law was adopted just 90 days before the election. Combined with their relative inexperience and "unprofessional" status, these factors contributed to some of the administrative and technical difficulties which were experienced during the conduct of these elections. The shortage of time and lack of experience left the committee ill prepared to absorb the intricacies of the laws, or to thoroughly anticipate and plan for technical details which would impact the work of lower level committees.

To ensure that procedural weakness can be overcome, and that the election process can continue to evolve, lawmakers should consider revising the law to create a smaller permanent, independent, professional Central Election Committee under a system that would make them immune to changes in the political environment. This would allow for on going documentation and refinement of the

process to continue. It would also create opportunities for sustainable steps to be undertaken to improve civic education. Most election experts would agree that providing a basis for continuity cannot be overestimated in the administration of elections.

### **District Election Committees (DEC)**

District Election Committees are formed under auspices of Articles 8, 10, and 14. A separate DEC is appointed for each of the 150 electoral districts and are comprised of at least 7 members. Many DEC's had as many as 26 members. According to the law, members are nominated by public political organizations who have applied to participate in the elections by the proportional system. Their appointment is determined by the CEC. Chairmen of DEC's are elected from within their own membership. However, if they fail to elect their chairman, the CEC appoints the chairman. If the CEC also ultimately fails to make a selection, the CEC Chairman appoints the district chairman.

The DEC administers elections at the constituency level, registering majoritarian ballot candidates and organizing equal campaign opportunities and activities, establishing polling sites and supervising poll workers.

### **Precinct Election Committees (PEC)**

Precinct Election Committees comprise the poll workers who serve at the precincts. For the 1995 elections, there were most commonly 8 to 10 Precinct Committees in each election district. According to the law, each precinct may serve 100 to 3,000 voters. Three Articles lay the foundation for the formation and organization of precinct committees. They are Articles 8, 11 and 15.

The PEC's are responsible for processing of voters on election day and counting and tabulating the votes at the close of the polls. Nominations for membership may be submitted to the PEC's by the political public organizations participating in the proportional system election. The selection of PEC chairmen follows a similar process as used for selection of chairmen of higher level committees. In a similar vein, as rules governing the higher committees, a final decision in the selection process rests on the Chairman of the DEC if the Precinct committee fails to make its own choice.

### **Controversies Surrounding Appointment to Commissions**

During Armenia's 1995 elections, controversy arose regarding the actual make up of the various committees. On its face, the law provides avenues for representation of a cross section of political parties on the various election committees. This feature of the law should have provided a basis for

self monitoring and equality that would be expected in an open, free and fair election process. However, in actual practice, there are legitimate questions as to whether or not the intended objective was sufficiently achieved to engender candidate, party and public confidence. What should raise a red flag is that the legal frame work governing the appointment of members of the various committees is very convoluted and encompasses an elaborate system of back up plans to cover situations when the intended procedure fails. For each committee there is a layering of opportunities for the selection of committee members and chairmen to be passed to a higher authority upon failure of the lower body to act.

The foundation for the system is found in Article 8, The Basis for Forming Electoral Committees. Under its provisions the fall back options are identified. First, it provides that members of electoral committees are proposed by the governing bodies of the competing public political organizations. It does not define to whom the "proposals" are submitted, or the manner in which they are to be reviewed, accepted or rejected. Second, in case the public political organizations fail to submit enough proposals, decisions about the make up of the committee are formed and augmented by a decision of a superior committee. Then, if that superior committee fails to make the necessary decisions, selection of members rests with the Chairman of the superior committee.

Similar provisions are designed for the selection of chairmen of the various committees. For example, Under Article 10 dealing with the formation of district electoral committees, the chairman of a DEC is supposed to be elected by the committee from its own membership "within 3 days, but not later than 6 days prior" to the deadline for the "formation of the committee." It is difficult to ascertain what constitutes "formation", or how it would be possible for members to elect their chairman before formation of the committee has been accomplished. The back up plan is that if the members fail to elect their chairman in the time frame mandated by law, the DEC chairman is appointed by the Central Election Committee. Should they also fail to make the appointment, selection of a DEC chairman is left to the Chairmen of the CEC. He is bound to select the chairman from the members of the District Committee for whom he is making the choice.

No reference is made in the law to a requirement that each public political organization be allotted an equal number of chairmanships. However, opposition groups were vocal in expressing their frustration that as appointments were made, a disproportionate number of the chairmen selected represented the ruling party bloc. Hard evidence of the trend seemed to support their complaints. According to a report in "*Noyan Tapan Highlights*" on May 17, out of a total of 150 districts, 129 chairmen represented the pro-presidential bloc "Republic" and 21 chairmen represented opposition factions. At first, only 119 districts had made their choices by the legal deadline. The decisions in 13 of them, however, were declared invalid by resolution of the CEC. Of the 106 elected chairmen remaining, 79 were associated with the AIM while 8 more represented other organizations within their bloc. Only 13 districts elected chairmen from the opposition representatives. In the 13 districts declared invalid, chairmen appointed by the CEC included 12 from AIM and only 1 from an

opposition organization. Thirty of 31 chairmen appointed by the CEC for districts where the lower committees failed to meet the deadline represented AIM.

More than likely, the addition of these fall back options were considered by lawmakers in view of the generally weak and as yet unseasoned organizational capacity of the public political organizations. Official membership in most parties remains relatively small. Their ability to recruit representatives to serve on all District and Precinct Committees was undoubtedly beyond their ability to confirm participation from within the ranks of their own available membership. In addition, the short time frame which existed between the time the law was adopted, and the deadline for filing their applications for registration was quite short. However, in the longer term the process should be reviewed to determine how the system can be carried out more efficiently, thus allowing fewer opportunities for real or perceived manipulations to occur.

One concern is that, as written, there is room to suggest that the potential exists for undue pressure to be applied on lower committees to ensure that they fail to elect their chairmen under the law. Under these circumstances as the process moves up the ladder of superior committees the final choices for leadership of a significant number of committees could ultimately fall fully on the Chairman of the Central Election Committee, whose own appointment is recommended by the President. In an environment of political distrust, even the potential for these kinds of maneuvering create opportunities for allegations of impropriety. It is to the advantage of election officials to minimize as many such opportunities as possible.

Additionally, Articles 10 and 11 covering the formation of committees stress "the principle of equal representation." However, the number of representatives of public political organizations to actually serve on district and precinct committees is determined by the Central Election Committee. The CEC is also authorized to "augment" the formation of the committees, with little direction as to how their augmentation may be limited.

Under these rules, several questions arise as to whether adequate safeguards can be established to ensure that equal representation is satisfactorily achieved. What is meant by "equal representation" as the term is used in the context of the several provisions taken together, is not clarified. There is no ceiling put on the maximum number of members who can comprise the committees. Nor is there a definite mandate that would require all members of the committees to be representatives of public political organizations. For example, nothing about the literal text of the law indicates that there cannot also be "unaffiliated" members, or members who represent local administrative units.

Since the CEC has the authority to determine the number of members representing public political organization organizations on the committees, and at the same time has the authority to form and "augment" them if the organizations "do not submit enough proposals," the concept of equal representation could be muddled. For example, each public political organization could equally have



one representative on the committee. However the size of the committee could be "augmented" to include a majority number of "non-affiliated members" from local administrative authorities, who in effect represent government. Their participation on election committees, especially in leadership capacities, could lead to a perception that the ruling party has been given special advantage. In fact, observers on election day noted that there seemed to be a significant number of officials serving at the polling places who identified themselves as "unaffiliated." Observers also reported that there appeared to be people involved in election day activities who represented the local administrative authorities.

From a practical standpoint, the complex appointment process requires an effective communication system through which adequate information is shared among committees at all levels and with the public political organizations. From the outset, there seemed to be significant problems in this area. Doubts existed, for example, as to whether all public political organizations were given timely instructional information as to the deadlines for submitting their proposed list of representatives to serve on committees. As with most other types of regulatory information, officials often had to follow press releases to keep themselves apprised of important decisions published by the CEC.

It seemed equally unclear as to how representatives were notified of their selection to serve. A number of observers reported, for example, that sometimes precinct officials seemed to have no idea how or by whom they were selected. In some instances committee members indicated that at the time they were notified of their appointment they were told the public political organization they were to represent, even though they personally had never become a member of the organization and had never been contacted by them.

Although, during meetings with both district and precinct officials, IFES was informed about problems with quorum regulations that existed. Some chairmen reported that representatives identified on the list of members of the committees, simply could not be found. Given the unreliable status of phone service, it is not surprising that often committee members could not be contacted at the phone number listed for them. Opposition parties alleged that in some cases the phone numbers of their representatives were improperly listed intentionally. At the same time, there were allegations that there were frequent occasions when not all members of committees were notified of special meetings in which votes were to be taken on serious issues. Minority organizations claimed that these lapses were intentional to preclude their representative from being present when important votes were taken. There is no way to verify the accuracy of such reports, however, what is clear is that communications were informal and erratic.

Under the scenario envisioned in the law, political party and bloc proposals for membership on committees must be submitted prior to the actual registration of their eligibility to appear on the ballot. Once appointed to committees, members, nominated by a political public organization or bloc, lose their seats if the group's petition to appear on the ballot is rejected. However, the law



provides that these individuals can participate in the sessions of the committee "with an advisory vote."

### Voting at Military Installations and Medical Institutions

In a controversial decision, a special CEC regulation allowed servicemen in military installations and patients in medical institutions to be added to the voter lists for the precinct in which the facility was located. The decision was extended to cover medical personnel who would be on duty on election day. In preparing its decision, the CEC responded to appeals from the Ministry of Defense and the Ministry of Health. The rationale posed was that the 6 months residency requirement required under Article 18 affectively precluded these people from being able to vote. Suggesting that this omission contradicted Article 3 of the Constitution, which allows any citizen who has reached the age of 18 to vote, the CEC declared that their decision was intended to rectify the deficiency in the election law since the constitutional law takes priority.

The decision of May 11, 1995, also authorized the creation of polling stations on military bases and in medical institutions. Critics expressed concern that voting in these types of environments would leave servicemen and patients vulnerable to undue influence as they cast their votes. Critics suggested that the military vote would be too easily manipulated to support the government's objectives.

While their decision was well intended, there is an issue that deserves reconsideration. The imposition of a residency requirement provides local residents with some assurance that the voters making decisions regarding their representation in the National Assembly, have a true stake and vested interest in the district. By adding the servicemen and patients into a district based on their temporary duty station, the votes cast by the local residents can diluted by the influence of votes cast by outsiders who are only there for the short term. This is especially true in instances where the bases are large.

In the future, an alternative solution should be considered. It would be possible to provide these installations with ballots for all districts with an accountability log for the ballots of each district. Based on the serviceman's place of permanent residency, the proper ballot could be issued. The voted ballots could be sealed in envelopes similar to those used for voters voting in advance of election day. The day following the election, officials could package the sealed envelopes, accountability documents and unused ballots for each district, and forward them to the appropriate District Committee. During the time period allowed for the process of summarizing the district-wide results, the DEC's could set a specific time for the opening and counting of these ballots. Proxies of the candidates and other authorized observers could be present to observe the process. The total

votes counted for the military and long-care patients could be added to the district totals and recorded separately on the final protocol.

This process would provide adequate opportunities for these voters to participate while at the same time protect the integrity of the votes cast by the permanent voters of the districts in which these facilities are located.

## REGISTRATION OF POLITICAL-PUBLIC ORGANIZATIONS

Public political organizations (parties) are registered under similar laws associated with the registration of other public organizations such as cultural clubs, youth groups, etc (Appendix 9). They apply for registration with the Ministry of Justice by whom their activities and organization are also monitored for continuing compliance with the law. Public political organizations operate under their Charter which must be submitted at the time of application for registration. Any changes or additions to a charter must also be registered with the Ministry of Justice. It is only upon registration that a public political organization may initiate its activities.

Laws related to political parties are encompassed in Chapter 73 of the Law on Civic and Political Organizations. According to Article 2 of that Chapter, certain public servants are precluded from participating in a public party organization. Among those restricted from becoming active in such organizations are employees of the Ministry of Justice or Internal Affairs, state security office, prosecutors' office, law enforcement agencies, as well as members of arbitration committees, court bodies, or customs management. Members of the armed forces are also precluded from joining political parties.

The law also places restrictions on any influence or leadership of the party by an organization operating outside the country or by foreign state bodies. Political parties are also prohibited from becoming part of those organizations or entering into their structures. The ruling body of the organization is required to be located in the country, and membership by foreign nationals is prohibited. A ban against financial support from outside Armenia is also imposed in addition to similar restrictions against receipt of funding from any state official, agency, or educational institution.

Under the auspices of an organization's charter, the party organizes its own programs. Through the election process parties are entitled to participate in the formation of government and its activities. In addition to its right to participate in government, parties are also allowed to operate in "political, social and economic life, and in cultural endeavors." For these purposes, parties are given the right to private ownership of buildings, equipment and supplies necessary to their operation. They may also raise funds through membership dues, publishing, contributions, gifts, and other activities, although they may not involve themselves in enterprise for profit, except in "cases provided for by law." The funds generated by a party are subject to taxes, and the organization is required to publish its financial statement each year.

Chapter 73, Article 3 identifies the kinds of activities and programs in which a political organization may not engage. They include programs or activities which:

1. call for the forceful overthrow of the state legal order or lend support to the activities of other organizations that promote such programs;
2. arouse national, racial, religious or social hatreds; or,
3. violate the law.

In April of 1991, augmenting regulations signed by the President, were put into effect which clarified a number of aspects of the party registration process. For example, Regulation No. 123 identifies the materials to be submitted with the application for registration. Among those required are 4 copies of the organization's proposed charter which must include its name, address, organization structure, a list of its properties, and a description of its aims and tasks, and the sources, use and management of its funds. Within 7 days of receipt of registration, the regulation also mandates that the organization must deposit a fee to the State Bank of Armenia. At the time the regulation was adopted the amount was equivalent to 5000 rubles. The regulation also requires that if a public political organization curtails its activities, the proper notification must be submitted to the Ministry of Justice within 5 days.

The activities and operations of public political organizations are monitored by the Ministry of Justice. The Ministry has a special team of staff members responsible for administration of this activity. Periodic visits to the organization's offices are made and financial records may be audited at any time. Under Article 8, any citizen, official, institution, or juridical body may apply to the Ministry of Justice to enquire about the operations or legality of a public political organization.

One of the interesting features of the party registration law is that it demonstrates a somewhat improved approach regarding certain party oversight provisions, when compared with recently developed party laws in other post-Soviet countries. Many of the other NIS have adopted laws which allow the Ministry of Justice to de-register parties altogether, with almost unrestricted autonomy. Oversight of party activity tends to be intrusive and extremely vulnerable to abuse often making it most difficult for opposition parties to sustain their existence.

Armenia has taken an approach to its administrative control over political party registration and monitoring of political activity which, on its face, would seem to offer improved safeguards for sustaining a party's official status. The law does not call for political parties to be summarily de-registered. Rather, a public political organization found to be committing violations or operating outside the scope of their charter can be suspended for up to six months. Prior to an official suspension, organizations may also be issued warnings about infractions by the Ministry of Justice. If the organization promptly remedies the violation, the Ministry of Justice may refrain from appealing to the courts for suspension of the party's activities. Once a party has been suspended,

subsequent offenses can result in more severe penalties with suspensions of longer duration. The law also allows for an extended appeal process including appeals through the courts.

### Suspension of the Armenian Revolutionary Federation "*Dashnaksutyun*"

The promise of free and open competitive multi-party elections was dealt a serious blow in December of 1994, when, by decree, President Ter-Petrosian suspended the Armenian Revolutionary Federation (ARF) "*Dashnaksutyun*." At the time, the ARF was considered the most prominent opposition force in Armenia. Its history dates back to the late 19th century when the Federation was formed in response to the Turkish massacres that occurred on Armenian territory. Even prior to re-establishing itself following Armenia's independence from the Soviet Union in 1991, the ARF has been an important forum for the Armenian diaspora.

On December 28, 1994, President Ter-Petrosian announced on national television his intentions to suspend the ARF on the grounds that the party was a cover for a clandestine terrorist organization called "DRO" which was involved in a number of illegal and subversive activities. He reported that "DRO" had been established with full knowledge of the ARF's central committee as early as the 1950's and that it had branches in foreign countries. The President also announced that the Armenian branch of the secret structure was headed by "two diaspora Armenians" and involved about 50 active participants. Among the alleged criminal activities identified by the President were drug trafficking, racketeering, anti-government intelligence, illegal financial activity and terrorism.

In support of the allegations, the President described evidence which had reportedly been seized by the National Security Agency (NSA) in the weeks prior to his decree which included over 500 computer diskettes, documents, handwritten memoranda, ammunition and weapons, and forged passports. The NSAs report of the events leading to the decree indicated that among the documents taken were some implicating the organization in the December 19, 1994 assassination of Ambartsum Galstian, the former mayor of Yerevan. Even before the decree, NSAs investigations resulted in a string of arrests of ARF members on charges related to narcotics, murder, weapons possession, withholding knowledge of a crime and other offenses under the Criminal Code. One member, Mikail Manugian, turned himself over to authorities when a wanted notice was put out against him in relation to the assassination of the former Yerevan mayor.

In his speech announcing the decree, the President acknowledged that "90% of the party" was not aware of the existence of the secret organization. Still he maintained that "the essence of "*Dashnaksutyun*" has been this very secret structure. All the rest -- the official offices, the central committees, the official organs, the sister organizations, etc. -- have been altogether gauze, a veil, in order to disguise the activity of that secret organization with lofty ideals."

In justifying his actions the President indicated that suspension of the party as a whole was necessary, "to prevent further unlawful actions by the above mentioned secret organization and ensure the safety of the citizens of Armenia..." His decree includes wording to the effect that under the decree, the suspension of the ARF would be "...until the resolution of the issue in accordance with the laws in force..." In spite the decree banning all operations of the official organs of the party, the ARF members of the Supreme Council were exempted. As a faction of the legislative body, any action taken with regard to them would fall under the jurisdiction of the parliament.

Critics rightfully question the President's legal authority to suspend the operations of any public political organization at all. Under the Law on Civic and Political Organizations, Article 7, only the Supreme Court is authorized to take such actions. That Article states:

"In the event of a violation of the legislation of the Republic of Armenia, the Supreme Court of Armenia suspends or prohibits the activities of a public political organization based upon a petition by the Prosecutor-General or the Ministry of Justice..."

The President's decree was issued before any such appeal was made to the Supreme Court. Bypassing the relevant law, the President invoked his general authority under Article 8, Section 13 of the Law on the President of the Republic of Armenia, which provides:

"The President of the Republic shall undertake measures necessary to secure the protection and security of the citizens."

The official rationale expressed was that the provisions on which a suspension of a party could be pursued would be too slow to ward off the immediacy of the danger. In justifying the legitimacy of the President's decree, the government issued a statement on January 15, 1995, in which the situation was likened to the concept of a "clear and present danger." In the official statement it was suggested that the immediate suspension of the ARF was necessary because the illegal activities of its covert organization would likely have intensified when their existence and criminal activity were exposed.

On the heels of the President's decree, the Ministry of Justice filed its petition to the Supreme Court for a ruling to suspend the ARF "*Dashnaktsutyun*." It posed two issues for consideration of the Court: 1) that there were foreign nationals in the membership and in the leadership of the party; and, 2) a clandestine group existed within the party.

The case was heard before a panel of three judges, with the ARF presenting no case in its own defense. They argued that the decree was completely motivated by the President's political agenda, and that the suddenness of the drastic action had effectively prevented them from legally receiving notice, engaging legal counsel or meeting to prepare a defense. From the beginning the ARF has denied that the secret organization existed, and has claimed that the evidence presented by the NSA

was fabricated. They also claimed that since the agency had also confiscated their official seal, falsification of documents could be easily accomplished.

By mid-January the Court had issued its decision finding that the ARF should be suspended for six months on the basis that foreign nationals were among its members. The Court sidestepped the issue of "DRO" altogether on the grounds that the criminal case in that matter was still in the stage of preliminary investigation. Nor did the court consider the legitimacy of the President's decree. Under the Law on the President of the Republic, presidential decrees and orders can be repealed by the Supreme Council based on a ruling of the Constitutional Court. However, at the time of this decree, no Constitutional Court had yet been appointed.

An issue raised by the Ministry of Justice in its petition was that the ARF had been warned about its violation of the prohibition against foreign members as early as January of 1994, but that the infraction had not been remedied. Legitimate questions arise as to why the Ministry of Justice had failed to petition the Court for the party's suspension earlier if its attempts to afford the party the opportunity to bring itself into compliance with the law had gone unheeded. The timing of their petition, notwithstanding the presidential decree, placed any period of suspension which might conflict with the pre-election period, effectively foreclosing any opportunity for the ARF to participate in the elections. Coincidentally, the suspension was to end just after the election.

It is difficult to correlate the suspension of the party with the President's stated purpose in "securing the protection and security of the citizens." The justification for closing down the legitimate and official operations of the political party seems limp in view of the fact that there has been no demonstration as to how their suspension would effectively prevent "further illegal activities." There are also questions as to whether the government's actions have violated the presumption of innocence. In fact, the "sentence" was effectively rendered without the benefit of any criminal proceeding.

At the very least, the actions of the President and the security agencies have failed to adequately distinguish between illicit activities of the alleged secret organization from the legitimate functions of the officially registered party. Not only were the party's supporters denied a platform for political competition, the entire atmosphere surrounding the election process was tainted by these events. The confidence of the opposition parties and public trust in the openness and fairness of the election was shaken.

### Party Participation in the Elections

In spite of the unfortunate circumstances surrounding the suspension of the ARF, a number of political parties were successful in gaining access to the ballot. However, once registered a public



political organization does not automatically qualify to participate in the proportional system of election. To participate as a party or as a bloc or coalition of parties, the political public organization must apply by means of a petition under the rules established for the nomination of candidates, discussed later in this report.

Compendium of Political Parties in Armenia (primary Armenian political parties)

a. **National Democratic Union.** Established in 1991. Chairman Vazgen Manoukian. Political program consists of:

- People's moral and psychological restoration;
- Respect towards national values and human rights.

Party platform also includes the privatization, advocates the creation of social security system, demands dual citizenship for diaspora members.

2. **National Self-Determination Union.** Established in 1987. Chairman Paruyr Hayrikian. Political program consists of:

- The development of just Armenia;
- Democracy;
- Rule of law;
- Abolition of the Turkish-Russian agreement of March 16, 1921 which can solve the problem of Nagorno-Karabagh.<sup>1</sup>

Party platform also includes privatization, active social policy of the state, supports the granting of citizenship to diaspora Armenians.

3. **National State.** Established on May 5, 1994. Chairman Samvel Shahinian. Political program consists of:

- The strengthening of the Armenian family;
- The preservation of the national gene pool;
- The development of the Armenian language;
- The preservation and development of national values.<sup>2</sup>

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<sup>1</sup>According to this agreement not only Nagorno Karabagh but Nakhichevan as well were given to Azerbaijan.

<sup>2</sup>"National" in this context means ethnic (values etc.).

4. ***People's Organization***. Established in February, 1995. Chairman Petros Katsakhian. Political program consists of:
  - The evolutionary development;
  - The national democracy;
  - The strengthening of the national state.
5. ***Armenian Revolutionary Federation (Dashnaksoutiun)***. The party was founded in 1890, in Tbilisi by Armenian nationalist and socialist revolutionaries. Party platform is opposed to privatization, opposes the current administration, advocates granting Armenian citizenship to diaspora Armenians.
6. ***Agrarian Democratic Party***. Was founded in 1992 by former members of the *Communist Party*. Party platform generally supports privatization, is in favor of creating a social welfare state, foresees a strong Armenia integrated with Russia, supports the idea of granting citizenship to the Armenians from the diaspora.
7. ***Scientific-Industrial and Political Union of Armenia***. Established on October 26, 1994. Chairman Akhasy Arshakian. Political program consists of:
  - The rule of law;
  - The adoption of a Citizenship Law;
  - The development of science.
8. ***Armenian Democratic Party***. Established on September 18, 1991. Chairman Aram Sargsian. Political program:
  - The establishment of social democracy;
  - Social justice;
  - Democratic socialism.
9. ***Armenian Communist Party***. Established in 1920. Chairman Sergey Badalian. Political program:
  - Socialism;
  - State owned economy;
  - Protection of the rights of ethnic minorities;<sup>3</sup>

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<sup>3</sup> The only significant minority in Armenia are Russians and Russian-speaking population. The rest of ethnic minorities (Kurds,

- Recognition of the Nagorno Karabagh Republic.

10. **Armenian Democratic-Liberal Party.** The party was founded in 1921 in Constantinople in 1921 through the unification of the Ramkavar (Democratic) and Azatagan (Liberal) parties. Reestablished in Armenia in 1991. Chairman Rouben Mirzakhian. Political program includes adoption of the following principles and ideas:

- The Law on Citizenship;
- The Protection of ethnic minorities in Armenia;
- The Strengthening of diaspora-homeland relations;
- Rule of law.

Party platform supports large scale privatization, considers the protection of human rights and the right of self-determination as cornerstones of foreign policy, advocates granting dual citizenship to diaspora Armenians.

11. **Armenian National Movement.** Was founded in September 1991 on the basis of the Karabagh Committee. Party leaders:

- Ter-Petrossian, Levon, President of Armenia
- Araktsian, Babken, Chairman of Parliament
- Lasarian, Reverend Husik - Chairman of the ANM.

Party platform supports privatization and the realization of radical economic reforms, has some reservations about granting Armenian citizenship to members of the diaspora.

12. **Armenian Republican Party.** Was founded in 1990. Party platform supports privatization, minimum of social welfare, granting citizenship to Armenians from diaspora.

13. **Armenian Christian-Democratic Union.** Was founded in 1990. Party platform supports the implementation of large scale privatization and granting citizenship to Armenians from diaspora.

14. **Armenian Social-Democratic Party (Hnchak).** Was founded in 1887, in Geneva, reestablished in Armenia in 1991. Party supports the privatization of industry with the exception of the military-industrial complex., the state's active social policies, opposes granting citizenship to Armenians from diaspora.

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Ukrainians, Greeks, Assirians, Jews, Germans) are very small.

15. *Union of Constitutional Rights*. Was founded in 1989. Supports the idea of privatization, advocates adoption of the law on dual citizenship.

## ELIGIBILITY TO PARTICIPATE IN THE ELECTIONS

One of the inconsistencies between the law for Conduct of Referendum and the law on Election of Deputies related to the eligibility of voters. To elect candidates, a voter must have reached the age of 18 prior to election day. As a result, a voter who turned 18 on election day, was not allowed to vote in the Majoritarian or Proportional elections. However, under the Law on Conduct of Referendum, a voter whose 18th birthday is on election day was allowed to participate in the election to determine the fate of the draft Constitution. This discrepancy impacted the preparation of the voter list, and some of the procedures for processing voters at the polls. For these elections, the rules established in the Law on the Election of Deputies prevailed in dealing with preparation of the voter lists. Voters included on the voter lists were those individuals who became 18 years old before election day.

One of the practical problems noted by IFES was that there was no specific evidence of a formalized procedure for officials to follow in dealing with this discrepancy between the two laws. Lower level officials were not provided with specific instruction in any formal way. They were left to their own devices as to understanding these subtle differences, and determining how they might be handled in instances where a voter came to the polls whose 18th birthday fell on election day.

Rather, senior officials simply assumed that lower level officials would know what to do simply by having read the two different laws. They envisioned that precinct officials would figure out that a voter whose 18th birthday fell on election day should be added to a supplemental voter list maintained for such purposes at the polling site. The presumption was that having read both laws precinct officials would understand that these voters would then only be issued the referendum ballot.

It seems obvious that the number of voters who would fall into this narrow category would be small. However, the failure to recognize the necessity of formalizing procedures for these types of circumstances, even if they might be relatively rare, illustrates a symptomatic problem which impacted other procedural challenges as well. Throughout this report other such lapses are also discussed.

### Residency and Citizenship Requirements

In addition to the age requirements, Article 3 of the Law on Election of Deputies to National Assembly, and Article 3 of Law on Conduct of Referendum both impose uniform residency requirements. Under both laws, an age-eligible citizen must have resided in the Republic of Armenia for at least one year prior to the day of the elections. To be registered on a voter list for a district, the voter must have resided in the district during the last 6 months "preceding the elections at the time of compilation of the lists." The technicality of this specific wording leaves formal definition of the six month period open to question since the compilation of the lists occurs over an extended period of time. To provide sufficient guidance in lieu of a clarifying amendment to the law, it is a detail that should be clarified by a formalized decision of the CEC. Such a decision could specify that "compilation of the lists coincides with the final date by which they must be made available for public scrutiny 15 days prior to the election."

Compliance with this requirement was taken into consideration during the preparation of the voter lists, based on residential records maintained by local government authorities, and individual passport information which includes date of registration at the current address.

It should be noted that Article 3 on the Law on Conduct of Referendum also applies a residency requirement, however, it differs from that for the election of deputies. To be eligible to vote on a referendum, a voter must have "settled permanently in the Republic of Armenia by the day of the adoption of a decision on the referendum." The variation of the residency requirement between the two prevailing laws did not cause any difficulty in this instance since the adoption of the decision on referendum fell within the 6 months required for the election of candidates. A district residency requirement was not applicable since the referendum was a Republic-wide issue.

In the months prior to the elections, there was yet to be developed an updated, new law on citizenship. Although stipulations in the Law on Election of Deputies provide voting rights to "citizens," members of the CEC apparently believed that the law lacked sufficient guidance as to how citizenship was to be defined for voting purposes. In particular, were issues related to the definition of citizenship in view of the collapse of the Soviet Union. In addition, the Republic-wide drive to replace USSR passports with Armenian passports is still underway. Passports were uniformly used as the basis of individual identification for voting purposes. The Central Election Committee issued a decision in an attempt to address the issue on May 24, 1995. In its decision, the CEC gave authority to District Election Committees to include on the voter lists, and provide the right to vote to:

"...all those citizens of the former USSR, who reside in the Republic of Armenia and have a permanent residence permit, and who meet the requirements of the laws on "Election of Deputies to the National Assembly" and Law on Conduct of Referendum."

### Disqualifying Conditions

Under the laws, the following persons were NOT entitled to vote in these elections:

- persons declared incompetent by a court of law;
- persons in confinement by a legal court verdict;
- persons wanted in a criminal investigation;

persons detained under criminal charges who have been denied registration by a decision of the Central Election Committee or Supreme Court.

### Preparation of the Voters Lists

Registration of voters on the voter lists was accomplished by designated offices of the local self-administration authorities, primarily those offices responsible for maintaining residency records. Under the law, lists were to be provided to the District Committees who distribute them to the Precinct officials 15 days before the election. Initial preparation of the voter lists by local executive authorities appears to have represented a departure from former practice. Some precinct officials reported that in the past preparation of the voter lists had been their responsibility. They had accomplished this task by visiting residences within the boundaries of their precinct and compiling the list of names of eligible persons living in the area. It is not clear whether precinct officials accomplished a door to door canvas to verify the lists presented to them by local government authorities. In many instances, precinct officials indicated that they would do it on their own initiative although no specific directive in this regard was issued by a superior authority.

Information listed for each voter on the list includes both first and last names, patronymic name, address, year of birth, and the document which served as the basis for their names being included. For voters who are just 18, in addition to the year of birth, the month and day of birth are also entered. Under Article 18, each voter is only to be included on one list.

In the weeks leading to the election, some participants questioned the degree of accuracy which could be expected in the lists since they were no longer going through the exercises involved in a door to door canvas. As a matter of fact, accuracy of the voter lists was a widespread concern in many quarters. One of the difficulties was that there are no longer any definitive vital statistics in the Republic on which to rely. With the collapse of the Soviet Union, conflict with Azerbaijan and the Nagorno Karabagh situation, devastation caused by the massive 1988 earthquake that destroyed Giumri, Armenia's second largest city, and the surrounding area, and general breakdown of the

economy, Armenia has experienced extensive fluctuations in population. The massive transiency of refugees and emigrations of Armenians leaving the country in recent years has made accurate calculations of population statistics virtually impossible.

During IFES interviews with officials, local non-governmental organizations, political activists, journalists and international organizations working in Armenia, estimates offered regarding the decline ranged from 25% to 50% of the entire population. For example, reference was made to the annual departure of approximately 150,000 non-Armenians and Azeris to Russia between 1989-90. The most commonly estimated percent of decline was about 35%.

While the Department of Statistics acknowledged that there were no definitive figures, their own estimates set emigration figures at about 10%. Officials cited influxes into the country which occurred simultaneously. For example, their estimates included data reflecting that about 350,000 Armenians from Azerbaijan immigrated to Armenia in the 89/90 period, although they acknowledged that approximately 1/3 of them eventually left for Russia, Georgia and other countries.

Generally, officials grouped emigrants into categories: a smaller number who had left Armenia permanently; and a larger number who had left temporarily for economic reasons. According to Department of Statistics officials, among the larger group were those who left for Russia, United States and other countries to find work, but whose families had remained behind. Of the approximately 152,000 who had been evacuated after the 1988 earthquake, officials indicated that the majority had moved to the unaffected southern part of the country. Reportedly, the majority have already returned home, even though reconstruction has not yet been completed. Department of Statistics officials reported that their findings regarding the earthquake victims were based on a 1991 census which was conducted in the hardest hit areas.

Official estimates were also founded on data compiled from local officials responsible for preparing the voter lists, as well as from records maintained for the distribution of bread vouchers, and privatization vouchers. In spite of their estimates of outward migrations, official estimates of overall population was set at 3,753,500, up from 3,574,500 calculated in 1991. In January 1995, the compilation of data provided by local officials set the approximate number of potential voters over the age of 18 at 2,469,700. Ultimately, however, actual registration figures based on the compilation of the nationwide voter lists established the number of qualified voters at 2,178,699.

#### Corrections or Amendments to the Voter Lists

Under the law Voter lists are also available for public scrutiny and precinct officials are authorized to make adjustments as necessary. (Article 18-19, Law on Election of Deputies, Article 17, Law on

Referendum.) Beginning 15 days prior to the election, voters as well as candidates or their proxies may view the list and verify their accuracy in the offices of the precinct election committee. If an error or omission is noted, the complaint must be reviewed by the committee, and the appropriate action must be taken within two days. The precinct committee is authorized to make adjustments to the list. If, however, the complaint is rejected, the committee is to provide the applicant with a copy of the "substantiated decision." If the person is not satisfied with the committee's decision or action, the applicant has the opportunity to submit an appeal to the District (City) Court up to five days before the election. The court has three days to review the complaint. The committee is bound by the court's decision and must make the appropriate correction to the voter list immediately.

### Supplemental Voter Lists

The Law on the Election of Deputies makes no specific requirement that someone actually be registered on a voter list in order to be eligible to vote. There is no established cut off prior to election day for changes or additions to be made in the lists to be made. In view of the challenges presented in preparing the voter lists, it was anticipated that some eligible voters may have been omitted in error. However, the law makes no specific provisions for dealing with this circumstance on election day.

Throughout IFES's contact with the CEC official assigned to work with foreign delegations, a number of issues regarding omissions in the law were addressed. Consistently, the expressed CEC policy was that if a particular matter was not specifically addressed in the law, they did not have the authority to institute extra procedures. However, as it related to voters who may have been omitted from the voter lists, precinct officials were authorized to add their names to a "supplemental list" as long as the voter provided appropriate identification which identified a permanent address within the boundaries of the precinct. The voter was issued ballots and was allowed to vote in the usual manner.

The "supplemental list" was also used for voters who voted in advance, or to whom the referendum ballots were to be delivered for at home voting on election day.

### Concerns Related to Potential Inaccuracies in the Voter Lists

In the weeks prior to the elections, criticisms regarding potential inaccuracies in the voter lists came from numerous quarters. The major concern was that the lists would be significantly inflated, providing a potential window for abuse. At the local level, concern was expressed that the window of opportunity for "phantom" voters could ensure election of ruling party candidates. Much of the concern expressed to IFES centered around the potential of government officials, and ruling party



representatives on election committees to utilize the excess number of names on the lists to create "phantom" voters to ensure that the vote on the Referendum was sufficient to guarantee passage of the draft Constitution.

In the period leading to the elections, the potential inflation within the voter lists was considered suspect in view of two features of the Law on Conduct of Referendum Elections which provide opportunities for voting to be done outside the polling place and outside the view of the majority of committee members and authorized observers. Although similar provisions were not included in the Law for the Election of Deputies, in the referendum election, voters were allowed to vote in advance of election day, and were allowed to have ballots brought to them at home on election day, if they were unable to come to the polls. The concern was that if turnout was insufficient to ensure passage of the Constitution, officials could potentially use these combined circumstances to manipulate the outcome by fraudulently marking ballots for "phantom voters" using the at home voting provisions.

On action could be instituted to overcome such perceptions in the future, a number of additional security measures could be implemented to provide greater accountability and transparency in processing at home voters. IFES recommendations are included in the sample instructions provided to the CEC in the "Translating Law into Process" booklet. (See Appendix 7).

In a similar vein, concern was expressed that the formation of precincts in military installations posed similar opportunities where official influence over the voting of servicemen might be possible.

There appeared to be several circumstances which contributed to the cynicism which was expressed on numerous occasions during IFES's visit. The doubts raised in various discussions with IFES did not only surround the voter registration process; they threatened to taint virtually every aspect of the election. The roots of distrust were primarily related to the pre-election political environment and recent events. This distrust prompted legitimate questions as to the degree to which truly democratic principles had been embraced. Among them were:

1. the banning of the Armenian Revolutionary Federation (*Dahsnaktsutyun*), the most prominent opposition party, and the detention and incarceration of members of their leadership;
2. the closure or suspension of activities of several opposition and independent newspapers in the months prior to the elections;
3. reported intimidation of opposition candidates in several key districts, which remained uninvestigated and unresolved;

4. lopsided representation of parties on election commissions and in the appointment of committee chairmen, in favor of the ruling party;
5. the blatant bias projected by the government, the Central Election Committee and state media in its pre-election campaign strategy to see that the draft Constitution was passed.

During its visit to Giumri, IFES was advised by opposition candidates and committee members that they had additional misgivings that voter lists would be inaccurate specifically because of conditions resulting from the earthquake. It was suggested to IFES that lists in the Giumri districts would reflect numerous scores of voters listed on more than one list in violation of law. In Giumri, many families are still living in "containers" or temporary housing since reconstruction in much of the city has yet to be completed. Concern was expressed that voters would be listed on voter lists based on the address of their original permanent place of residence, as well as on lists prepared for the polling site in the area of their temporary housing. Disgruntled opposition candidates and committee members believed these duplications would be manipulated to precipitate an illegitimate outcome. They also expressed a concern that such manipulations would provide a layer of confusion that could be used to preclude some voters from voting.

It would be difficult to say with any certainty, the extent to which the voter lists may have contained inaccuracies in view of the social, environmental and economic upheaval the country has experienced in recent years. In all likelihood, more inconsistencies and errors existed than would be considered ideal for a fully accountable process. However, it is important to note that as the election was carried out, there is little to suggest that the anticipated manipulations ever came to fruition. If there were abuses of the voter lists, they did not appear to develop on any widespread scale. In and of themselves, the voter lists and the manner in which they were used on election day did not give rise to inordinate concern.

Another issue was brought to the attention of IFES team members which many believed might have an impact on a lower voter turnout. In addition to the general disgruntlement and apathy of the general public, several people with whom the team met predicted that there might be a particularly low turnout among young men. Their opinion was based on general fear associated with the Republic's particularly stringent draft law. The lengthy conflict with Azerbaijan contributed to a resistance to military service. Fear was also generated that prior service in the Soviet military may not provide any protection against summary Armenian military conscription. Many feared that appearance at the polls would put men in jeopardy of being "found," and forced into military service. Only a thorough analysis of turnout demographics would provide any reliable basis for determining whether these factors may, indeed, have had an impact.

The fact that the level of mistrust was plainly evident should provide a basis for lawmakers and election officials to review the surrounding circumstances to determine how public, party and candidate confidence can be raised. The perception that the election process leaves room for abuse taints the very foundation of the public's faith in the freeness and fairness of the process itself. Even if they are unfounded, negative perceptions should be addressed in a thorough manner. Practical solutions to improving the voter registration process should be aggressively pursued.

### Eligibility to Run for Office

Article 3 of the Law on the Election of Deputies to the National Assembly, to be elected a voter must have:

- reached the age of 25; and,
- have "permanently" resided in the Republic or Armenia for at least three years prior to the day of the election.

Clearly, the addition of the word "permanently" in this context was intended to put more stringent requirements on those seeking election, than on voters. This additional restriction had particular significance in view of the massive transiency which has resulted from the collapse of the Soviet Union, and the prolonged conflict with Azerbaijan.

Another significant provision of the law is that it allows a "detained" person to be a candidate when certain conditions are met. The addition of this accommodation was undoubtedly added in view of the banning of *Dashnaktsutyun*. The detention of many of its members who had yet to be tried undoubtedly led to a favorable consideration of this provision of law.

### **NOMINATION OF CANDIDATES**

Under Article 3 of the law, any candidate seeking election as a Deputy to the National Assembly is entitled to run in one District in the Majoritarian System and also on party list in the Proportional System. Should the candidate prevail in both races, he/she accepts the district seat and his/her mandate in the Proportional ballot is passed to the next candidate listed on the Party List. In the event the candidate must advance to a second round of elections in the Majoritarian race, the issue of his election in the Proportional System is resolved after the second round has taken place.

The process by which a majoritarian candidate or candidates for the proportional system gain access to the ballot requires submission of petitions containing the signatures of qualified voters. As

written, the Law on Election of Deputies contains reasonable elements which give a degree of clarity as to most of the rules that are to apply in the nomination process. The ground rules are covered in Chapter V., Articles 20-23. (Appendix 1).

Forms on which nominations are filed (called "nomination ballots") are made available by District Committees in the case of majoritarian candidates, and by the Central Election Committee for public political organizations. Every public political organization seeking to nominate candidates or individual organizing his/her nomination is entitled to select representatives who will be responsible for circulating the "nomination ballots" on which voters will sign their names in support. A majoritarian candidate is entitled to have up to 5 representatives, while public political organizations may authorize up to 10 representatives. Each representative is issued an authorizing certificate by the group or candidate he/she represents.

The law is quite detailed as to the information which is to be provided on the "nomination ballot" forms. When giving them out, officials are to ensure that the representative to whom they are issued is identified on the forms with his/her first and last names, patronymic names, and a notation as to the basis for registering that individual as an authorized representative.

The law also details the information which is required for each signature of a voter subscribing to the petition. First, Article 20 mandates that the voter's signature is to be affixed personally. In addition to the signature, each signer is to be identified by first and last name, patronymic name, address of residence, and passport number. The documents are also required to be signed by the representative who gathered the signatures.

Accompanying the completed "nomination ballots" must be a deposit. The deposit for each candidate is equal to 10 times the legal minimum monthly salary. The requirement is extended to cover each candidate nominated on the party list submitted by a public political organization. Deposits are refunded to organizations or to majoritarian candidates who receive at least 5% of the votes cast.

A written declaration of the agreement by the candidate to run in the election must also be submitted, as is a certification documenting the candidate's residence address and registration.

With regard to the number of signatures required on the "nomination ballots", different thresholds are set for majoritarian and proportional candidates. Not only does the law regarding each case dictate the minimum number of signatures required. A ceiling is also indicated. Additionally, the law contemplates that some signatures may be disqualified. For each type of candidate, the law specifies the maximum number of erroneous, incomplete or false signatures which can be found which will not result in disqualification of the petition so long as the minimum threshold of qualified signatures remain.

### Majoritarian Candidates:

The petitions circulated by representatives of the candidates must contain the signatures of 500 to 700 voters within the election district in which the candidate seeks office. Petitions are inspected by the District Election Committee. If the inspection reveals that the number of invalid or falsified signatures exceeds 50, the petition is rejected even if the remaining signatures equal the lower limit of 500.

### Proportional Candidates:

Political Public Organizations or Blocs nominate their lists of candidates. The list is supported by submission of a petition containing the signatures of at least 10,000 valid voter signatures but no more than 12,000. Even if the threshold is met after disqualifying signatures are deducted, a petition containing more than 300 invalid or falsified signatures is rejected.

The addition of these details provides sufficient clarification to prevent confusion as to what constitutes sufficient quantitative grounds on which a petition can be rejected.

The registration of a candidate must also be denied if any of the following conditions exist:

1. any falsification is revealed by inspection of the other nomination documents submitted;
2. a candidate has agreed in writing to run in more than one district or on more than one party list;
3. the candidate is found not meet the candidate eligibility requirements.

Even after a candidate is registered, if facts are revealed that disqualification or restrictions cited in the law extend to the candidate, the registration is voided.

The law provides for an appeal process for any candidate who is aggrieved by a decision rejecting his/her candidacy. Rejections by district committees can be appealed to the Central Election Committee, and for both types of candidates appeals can also be filed with the Supreme Court.

### Nomination of Detained Persons

Articles 20 and 21 establish the rules for nominating a person who is detained pending resolution of his/her case by court decision. Most of the nomination requirements are the same as those for

undetained persons. However, the fact that the proposed candidate is in detention must be noted on the nominating documents. In the case of detained candidates the Central Election Committee takes a decision as to the candidate's registration only after receiving a written conclusion of the Prosecutor's Office regarding the substantiated nature of the person's case. The candidate is responsible to forward a request for such documentation. To allow time for this requirement, detained candidates submit their nomination documents 10 days in advance of the normal nomination deadline.

Article 21 makes clear that the registration of a candidate who is in detention and their election to the office deputy cannot serve as a basis for dropping the criminal charges or closing the indictment against them. However, the law makes provision that from the moment a detained candidate is registered, the degree of custody can be replaced with a milder restriction that does not prevent them from participating in a "full-fledged" pre-election campaign.

### **Evaluation of Nominating Petitions and Registration of Candidates**

The registration of candidates is commonly one of the most controversial aspects of the pre-election period. While the law provides sufficient detail in most areas related to nomination procedures, it is seriously deficient in the key area surrounding the evaluation and verification of the signatures contained in the petition. Rather, the requirement that officials conduct this exercise is indicated only in the context of defining the maximum number of invalid signatures allowable. The law is silent as to the actual process which is to be followed in verifying the authenticity of the signatures contained in the petitions.

Recognizing that the mechanism was, therefore, rife with questions as to how the process was to be accomplished, the CEC attempted to clarify verification procedures through a formalized decision. On April 20, 1995, a "Regulation on Collection of Voters Signatures and Their Authenticity Inspection" was executed. Unfortunately, the regulation added little to provide adequate detail as to exactly how petitions were to be evaluated or how signatures were to be authenticated. Aside from reiterating the provisions of law, the only paragraph which related specifically to the inspection of signatures and verification of their authenticity stated the following:

"The respective electoral committees conduct a thorough inspection of the presented document to meet the requirements stated in the Law. In case of complaints, or if the respective electoral committee doubts the authenticity of the signatures, it starts to check each fact by individual approach."

Therefore, DEC's reviewing the petitions of district majoritarian candidates had to develop their own approaches to the task. As might have been expected, procedures were less than uniform from one

district to another. Some officials advised observers that when they believed signatures were not authentic, they actually went to visit the addresses indicated for those signers. Others indicated they merely voted among themselves. Still others made more cursory inspections for quantity and inclusion of mandatory information, while accepting the actual signatures at face value.

Consistency and uniform application of law are fundamental ingredients to fair, democratic elections. In fact, under Article 13, the CEC is charged with oversight of the election law, and "ensuring its uniform implementation." However, the lack of sufficient, detailed guidance in this aspect of the process is illustrative of the general shortcomings which became evident throughout the process.

As of 23 June, a number of candidates and political public organizations had been rejected, and appeals were still being considered. During the appeal process, rejected candidates are precluded from campaigning.

It was not possible to review the petitions of rejected candidates on a wide scale during the short time available to foreign observer delegations. Those observers who did have the opportunity to review district petitions, reported that, in general, they agreed with the rulings made by district officials. The signatures or deficiencies which caused the petitions to be rejected appeared to be obvious and reasonable. However, in the course of the appeals, decisions to reject candidates in a number of cases were overturned. According to a report by the Chairman of the CEC just prior to the election, in nearly 1/3 of the 93 cases which were appealed, the decisions of committees were overruled. Clearly, with the short time allowed for the campaign period, the appeal process can be devastating to the success of a candidate's bid for office since the opportunity to participate in the campaign is forestalled. The candidate is disadvantaged even if he/she is ultimately successful in his/her appeal.

IFES was informed that in at least one significant case involving the National Union-Dashnaktsutyun bloc, the court hearing of the case was postponed until after the election, when legal counsel for the CEC failed to appear in court. In response to questioning at the pre-election briefing of foreign observers, the Chairman of the CEC stated that the lawyer representing the committee had a death in the family and was, therefore, unable to attend on the originally scheduled court date. It was the opinion of several observers that this was used as a tactic to postpone the case until after the election.

The unfairness of any decision to postpone the case related to the election until after election day cannot be over emphasized. This bloc, comprising Union Constitutional Rights, Intelligentsia Union, Artsakh-Armenia and Hereditor Eastern Armenia Club had reportedly managed to secure its representation on a significant number of local election committees. Because of their rejection, their representatives lost their official seats on the committees as well.

It will be critically important for officials, lawmakers and the courts to rectify any omission in law or practice which does not ensure that cases related to candidacy or participation in an election are resolved in a timely manner. Elections occur at a specific moment in time. There is no way to re-create the same playing field after an election has already occurred. Irreparable harm is caused, not only to the candidate or party who might ultimately prevail, but supporters and the electorate at large if they are denied access other alternatives. Free and fair competition are fundamental to a truly competitive political process.

### Candidacies in the 1995 Elections

At the time of the election there were 43 public political organizations officially registered with the Ministry of Justice. Applications and nominating petitions were received for the Proportional Ballot from 3 blocs and 19 public political organizations. Ultimately, 2 blocs and 11 organizations survived the petition verification process, providing voters a total of 13 alternatives on the proportional ballot. Of the rejected groups, 4 were found to have not completed and submitted all the required forms, and 5 were rejected on the basis of deficiencies or disqualifications in the number of signatures submitted.

Out of approximately 2300 district candidate who filed, 1473 were actually registered. One Armenian journalist commented to IFES that it is ironic that under the "new democracy" the percentage of rejected candidates had increased significantly compared to the number of rejected candidates in last election, in which an equally high number of candidates had applied. Rejection of 36% of the candidacies that were originally filed indicates that major shortcomings in the system exist. This phenomenon more than likely represents a combination of factors.

1. The law is remiss in providing sufficient guidance with regard to the verification of petitions.
2. A significant number of candidates and their representatives were apparently inadequately prepared to understand the requirements of the law and to fulfill their obligations properly in the short time allowed for circulation of the petitions.
3. Officials were not sufficiently trained in dealing with the petition process in a uniform and consistent manner.
4. The appeal process is not sufficiently equipped to deal with adjudications in a timely and consistent manner to ensure that access to the ballot is not forestalled unfairly.



Altogether, 570 candidates were presented on the Party Lists competing for the 40 proportional seats. Any proportional seats won by a party are distributed among the candidates on their list in descending order based on their sequential position on the list. There are no limits established in the law as to how many candidates may appear on a proportional list. For the 5 July 1995 election individual Proportional Lists included as few as a 5 candidates. At the far end of the spectrum was the *Republic* bloc representing *Armenian National Movement* (the ruling party), *Liberal-Democratic Party* (*Ramkavar-Azatakan*, non-canonic), the *Republican Party*, *Christian-Democratic Union of Armenia*, *Intellectual Armenia*, and the *Social-Democratic Party* (*Hnchak*). Their list included 222 candidates.

In view of the limited number of proportional seats available, the high number of candidates on their list seemed unrealistic. In explanation, it was pointed out that because candidates could run simultaneously on the majoritarian ballot as well as the proportional ballot, a number of candidates on the list could win in both races. Their victory in a district race would mean that their proportional seat would go to the next person on the list. It was also pointed out that the party's seats which might be vacated throughout the terms of deputies elected in 1995 would also be replaced by the next candidates on the original list. Therefore, it was only reasonable to nominate a list which exceeded the 40 proportional seats in the Assembly. It was also suggested that the candidates nominated by the bloc might have agreed to run for office because under Article 23, a "candidate" for deputy is guaranteed a degree of immunity. Under this provision, a candidate cannot be apprehended without a decision of a court of law. It was reasoned that as long as a candidate on the list has the potential to become a deputy he/she maintains his/her status as a candidate, and therefore falls under the immunity provision.

## THE MEDIA AND PRE-ELECTION CAMPAIGNS

The same cloud that lingers over the political environment in the aftermath of the banning of *Dashnaktsutyun* (ARF), extends over the status of Armenian mass media as well. Legitimate concerns about the questionable status of a free and independent press continue to be expressed by a wide spectrum of local and international human rights organizations, non-governmental organizations, political parties and candidates, journalists, observers and segments of the general public. And, this is not without good reason. In spite of the provisions of law which lay some foundation for freedom of speech, openness in the election campaign, and freedom to express political will, in practice some actions and attitudes of government authorities appear to belie those rights in actual practice.

1. Article 25 of the Law on the Election of Deputies provides the following guarantee to the citizens of Armenia:

"...the right of free and diversified discussion of the political, business and personal characteristics of a candidate for deputy, as well as the right to freely propagate through meetings, rallies and mass media."

2. Article 17 of the Law on Conduct of Referendum provides for:

"The exercise of the right to the free propagation of discussion in favor or against the question posed at the referendum is guaranteed to the citizens of the Republic of Armenia, to public and political organizations, work place collectives, the personnel of secondary and higher education institutions, and during meetings of local voters..."

"...executive bodies of local councils of the Republic of Armenia and the referendum commissions shall ensure the citizens of the Republic of Armenia, the public and political organizations premises for the organization of public discussions and shall inform populations about debates."

In addition, the Law on Press and Other Mass Media (Appendix 10) provides a basis for the publication of independent newspapers, publications by public and political organizations, as well as independent broadcast media. In fact, a number of independent and non-governmental papers continue to function. However, for the most part, circulation is quite limited. Prohibitive costs, limited resources and difficult transportation methods contribute to their limitations. A few independent radio stations operate such as HI-FM which was opened about 6 months prior to the election. There have also been a few independent television stations that tend to serve regional areas. Overall, the media in Armenia is still dominated by state operated newspapers and broadcast stations.

### **The Repressive Media Environment**

One of the major difficulties encountered by independent and opposition publications is that they remain dependent on the printing houses controlled by the state. Frequently, publishers face obstacles in securing press time or paper and ink supplies. Costs escalate regularly. Some of those affected question the relation of these lapses and their publication of more controversial or critical reporting or commentary. In addition, independent and opposition media are closely monitored by the state. Audits occur regularly and negative findings can result in a paper being suspended. Not only can non-governmental media be sealed and closed altogether, they can receive oral orders from authorities not to publish until further notice. The state has the authority to confiscate all materials and assets in the most severe cases.

The tenuous nature of the "free press" and media environment in Armenia was severely jeopardized following December 28, 1994 banning of the ARF. Its suspension started a domino affect where the opposition and independent media were concerned. In the period immediately following President Ter-Petrosian's decree suspending the activities of ARF, the state's security agency began a crackdown on a wide range of newspapers, journals, magazines and other news media. Within a short time over a dozen publications were closed. Raids on editorial offices were protracted without warrant and with only the sketchiest grounds. In some instances, offices were closed down altogether with all materials, equipment, telephones and fax machines, computers and furnishings seized. Others received official warnings that they were not to publish until given permission to do so by security agency officers. According to a report of Human Rights Advocates (in consultant status with the Economic and Social Council of the United Nations) prepared after its fact finding mission in January of 1995, security officials explained that warrants were not necessary and "declared that the President's decree suspending the ARF was sufficient for the purposes of search and seizure."

The general reason for the closures seemed to be "guilty by association." The official justification for the mass crack-down efforts was that these news outlets were "affiliated" with the ARF. As "affiliates" they were subject to the same decree as the ARF itself. The major targets of the purge were *"Yerkir Daily,"* the official paper of ARF, and the largest daily circulation newspaper in the Republic. *"Azadamard Weekly,"* a party journal published in both Armenian and Russian was also closed as was ARF-affiliated news agency *"Haylour."* This agency produced its materials in Armenian, Russian and English. Reportedly its clients included independent newspapers as well as government agencies in the United and States and Europe. Even a Canadian-Armenian joint venture, Mikael Varandian Printers, involved in publishing a variety of newspapers and magazines including those of ARF, were sealed.

As events unfolded, most observers believed that certain publications became targets simply because a member of their editorial staff was a member of the ARF. Even a suspicion that a publication may have been funded by ARF was apparently sufficient to include them in the purge. It did not appear to matter whether or not the publication or news agency was even political in nature. A few examples illustrate this point.

1. One of the journals which was closed and sealed was *"Marzashkharh"*, a sport journal published twice a week. The journal was published by an ARF affiliated sports organization. Its editor-in-chief was one of the ARF members put under detention by authorities.
2. Horizon TV Agency had its editorial offices closed and sealed as well. Its director was also a member of ARF. The agency was affiliated with an Armenian community TV program based in Los Angeles.

3. "*Andratarts Monthly*" was an independent cultural and literary publication whose editor-in-chief was an ARF member. Publishers were given oral instructions not to publish until notified otherwise.
4. An independent agency called the Armenian Documentation Center was also closed. Its director was another of the ARF members who were arrested and detained. The agency provided technical services to foreign journalists working in the region.
5. The only women's publication in Armenia was also ordered not to publish. The editor-in-chief of "*Arakast Weekly*" was an ARF member.

During the months that ensued there were reports of acts of violence against offices, staff members and journalists of opposition newspapers which have never been solved. According to some newspapers on whom they've been perpetrated, the timing of the attacks seems to have coincided with particularly critical articles challenging the government. Even before the actual string of media closures began the Ministry of Foreign Affairs had suspended the accreditation of journalists working with ARF publications, as well as the independent, Russian language daily, "*Golos Armenii*."

International and domestic observers, human rights organizations and the diplomatic community have been openly critical of these events. Legitimate questions have arisen as to the legality of the closures. There are some specific legal issues which deserve consideration. First, under the law, the suspension of press and other mass media is relegated to the authority of the courts, after. Suspension of media activity requires a court order, and a result of a violation of Article 6 of the Law on the Press and Other Mass Media. The period of the suspension provided for in the law is 3 months. Nothing in the Law on Press and Other Mass News Media suggests the President's authority to act on these matters.

Even the grounds for suspension are narrowly and specifically drawn under Article 6. They include:

1. publication of state secrets;
2. publication of articles promoting war, violence, national and religious hatred, prostitution, drug addiction and other criminal activities; and,
3. publication of information about adoptions, or intimate personal information about a person without his or her permission.

It is also significant that under the Supreme Court's ruling regarding suspension of ARF, "*Dashnaksutyun*", only the technical grounds surrounding the participation by non-citizens in the

party's leadership were addressed. The court refused to rule on the issue of ARF's alleged covert activities through "DRO" since the investigation on these matters was still underway. Nothing in the case or the ruling of the Supreme Court focussed on mass media affiliated with ARF or otherwise. Critics would also argue that just as the President and state authorities failed to distinguish between alleged "clandestine" organization "DRO", and the legitimate functioning of the ARF at large, so too did they fail to identify any ties between the publications which were closed down and the promulgation of the alleged illegal activities the ban on the party was intended to halt.

If the President's banning of ARF has raised legitimate legal questions, the blanket extension of the boundaries of his decree to include media agencies and publishers of newspapers, journals and magazines without the benefit of court intervention also pushes the envelop regarding the "rule of law" in Armenia.

### Polarization and Bias in the Existing Media

Among the outlets of mass media that continue to survive there is a wide diversity of views and opinions. Criticism, controversy and editorial commentary are monitored closely but apparently tolerated to some degree. The party publications that remain open offer reporting that is strong, sometimes strident, in its criticism of the government and political rivals. Independent media attempt to offer alternative coverage to offset news reported by official government organs. The independent news service *Noyan Tapan* generally offers a balance of pro-government and opposition reporting and commentary to its multi-media subscribers. By its own acknowledgment, it can usually be predicted with certainty which media clients will pick up which of its articles, and which clients will bypass those same articles. Rarely, among its clients is there a crossover.

The state controlled media, including its two official newspapers, "*Hajastani Hanrapetutyun*" and "*Respubica Armenii*" as well as the state broadcast media tend to tow the government line although there is occasional diversity in its news coverage. The same is true of *Armenpress*, the state's news service. In discussions with its director, IFES asked about their policy regarding balanced reporting - his statement concluded that the state's source of news was only "one against many." To stress his point, he displayed a number of opposition newspapers and independent publications illustrating that they provided the platform for the other side of issues and events to be represented:

What is clear is that the Armenian press and mass media has not fully matured to the level of independence or balanced coverage to sustain a truly free and fair democratic state. It is also clear that, for the most part, media remains polarized. There seems to be no sufficient platform for diverse opinion or news reporting to appear simultaneously within the same publication. In most media, the particular bias and political agenda are blatantly clear. In terms of election coverage, this is a significant shortcoming. Depending on the paper of choice, the average citizen may never be

adequately exposed to opposing points of view or any definitive debate on parties, candidates or issues, therefore shortchanging the opportunity to stimulate a fully informed electorate.

### State's Campaign on Passage of the Constitutional Referendum

Evidence of the degree of polarization and bias that existed throughout the pre-election campaign is particularly noteworthy when considering the manner in which voter education on the constitutional referendum was dealt with through the state media.

During the time of IFES's visit, a lack of any evidence of public forum for discussion or debate on the constitutional referendum became apparent. The full text of the draft constitution had been widely published. Groups like the Association of Young Lawyers published papers about what was included in the draft being voted upon. However, their "analysis" simply explained the draft by reiterating the text of the draft into simpler language without offering any criticism or stating any position. During a discussion with one of their representatives questions as to any opinions which may have been developed as the group of attorney's completed their review were sidestepped. A portion of *HI-FM's* extensive voter education program was devoted to providing explanations about the draft's provisions. Again, its discussion remained factual without projecting any sense of debate or taking any stand.

What became apparent was that there seemed to be virtually no real analysis of the pros and cons or its ultimate impact if passed. There was no forum for discussion of its strengths and its weaknesses. There was simply no setting for meaningful debate. Mass information about the constitutional draft was extremely one-sided in favor of its passage. Except in opposition newspapers, or in the platforms of individual candidates or parties, no opposing views about the draft constitution were expressed in the mass media.

This circumstance would not seem to be reflective of the seriousness of the debate which confounded the sessions of the legislative body and the Constitutional Commission as they tackled the issues. Even the question to put the referendum before the voters would not have succeeded had the threshold number of votes required for adoption not been lowered. It was clear that lawmakers recognized that, as drafted, there was much with which to contend. In spite of the controversy that appeared to linger, mass media did not become the public forum to take the debate to the public.

IFES had the opportunity to discuss this question in separate meetings with the Directors of *Armenpress*, the state's news agency, and the Department of Radio and Television. In both instances, the agenda was made abundantly clear. Using almost the identical words, each director indicated that his goal was to "see that the Referendum on the Constitution was passed." In pressing the Director of Radio and Television further, IFES posed questions as to whether private citizens or

non-political groups, such as a hypothetical theater group, would be able to purchase air time to promote passage of the referendum. He indicated that, of course, they would be able to do so. Sometime later in the conversation, when asked if the same hypothetical theater group would be allowed to purchase time to discourage passage it became apparent that such an ad would most likely be refused.

With regard to the state's print campaign, the message was even more clear. During the weeks leading to the election, the official state newspaper, "*Republic*" ran a daily campaign promoting passage of the referendum. Each day, the right hand side of its front page was devoted to a series of statements by prominent scientists, educators, artists, writers, and others championing the draft and encouraging voters to vote in favor. Not one statement in opposition was included. At the bottom of each days column was a sample of the official referendum ballot marked to show a "YES" vote. At one point, flyers promoting passage and illustrating the same version of a sample ballot were also dropped from helicopters over Republic Square (Appendix 11).

There is no question that the campaign to secure passage of the constitution was prompted by government's interest in advancing the foundation of independent statehood for the Republic. However, the one-sided bias of the state press offers room for reevaluation in terms of providing the voter information necessary to ensure the public's readiness to make informed choices during election cycles.

It will be particularly important to review how that same bias was reflected in outreach efforts accomplished by the Central Election Committee. If any agency of government should maintain standards of absolute neutrality in its approach to voter education on issues, candidates or parties appearing on the ballot, it should be the official bodies responsible for carrying out the elections. Fundamental to the CEC's role was the assurance that public confidence in the freeness and fairness of the elections is justified. However, during the pre-election campaign it appeared that the Central Election Committee also advanced the government line in terms of promoting a positive vote on the constitution. Booklets containing the text of the constitution were prepared and distributed which also encouraged a favorable vote and included an illustration of a sample ballot with a "YES" vote marked. Large posters in different colors were also printed and distributed showing a "YES" vote on the constitution. Some observers saw these posters posted in and around polling sites on election day. In the pre-election publicity there was not one display of a sample ballot that showed voters how to express a "NO" vote. Such bias displayed in these contexts does little to raise the public's confidence in the neutrality with which administrators will carry out the full scope of their responsibilities in safeguarding the freeness and fairness of the elections.

## Pre-Election Campaigns of the Candidates

As far as candidates are concerned, the Law on the Election of Deputies, and regulations promulgated by the Central Election Commission set a loose foundation for equality in the campaign process.

1. Article 5 provides opportunities for candidates and political public organizations participating in the elections to use their own funds, as well as funds generated through donations and fundraisers for the pre-election publicity campaigns. A limit in campaign spending for each candidate, presumably for both majoritarian and proportional list candidates, is set at 500 times the established minimum monthly salary. Candidates and parties or blocs are also required to submit disclosures of their campaign expenses to the Central Election Committee.
2. Article 25, provides candidates, and their proxies, as well as political public organization the right to organize meetings with voters. It also requires respective state bodies to ensure equal opportunities to participants in the state operated media. Candidates in the majoritarian system are entitled access to local, state operated mass media, while political public organizations are allotted time on nationwide mass media. The time allotted without charge is limited to the united fund maintained by the CEC which has been authorized by the National Assembly. In addition to gratuitous time, election participants are authorized to purchase media time so long as their media expenditure on state operated media is no more than twice the limit allotted without charge.
3. Under Article 14, District Election Committees are charged with the responsibility of organizing the publication of the biographies and brief election programs of the district candidates. They are also required to provide the pre-election programs of the public political organizations and blocs to the precinct committees ensuring that they also have the list of the organizations' list of candidates.

As constructed, the law not only provides a base level equality in campaign opportunities, it also gives candidates and parties a lot of flexibility in determining their own campaign strategies and spending priorities. However, a number of questions are left unanswered by the law, especially as to how the state's and the competitors' responsibilities are to be carried out. In an attempt to fill in some of the gaps, the CEC promulgated a decision which set some definitive ground rules which would govern implementation of the pre-election campaign programs.

Only two restrictions are formalized in law. Article 25 mandates that on election day, it is forbidden to "propagate, have rallies, or for people to accumulate in the vicinity of the polling place."



Secondly, the law is very specific that it is forbidden for candidates, "either in person or through other persons, private, state enterprises or organizations to allocate funds, food, other goods or gifts to the voters using any pretext." If a candidate is found to have engaged in this activity, the CEC has the right to declare the registration of the candidate void.

Under its regulation, the amount of time to be allotted to each candidate and political public organization were set, as were the media outlets. Under rules designed in cooperation with the State Committee for Radio and Television Programs, each public political organization was allotted up to 30 minutes on state television. In addition, the organizations were given 2 hours of air time to participate in the television program "Round Table." An additional 30 minutes were given each group or bloc for announcements on the radio. In contrast, candidates on the majoritarian ballot were allotted only 5 minutes on radio and 5 minutes of television time at the local level.

With regard to print media, the CEC required that they receive articles and interviews from the public political organizations 3 days before their publication in the state's official newspapers, "*Hajastani Hanrapetutiun*" and "*Respublica Armenii*." At the local level, deadlines for submission of print materials to the DEC's were also set at 3 days prior to their publication.

In spite of attempts to fill in the gaps left vacant by the law itself, questions still remained unanswered. For example, once campaign disclosure documents are filed with the CEC, it is not clear what their responsibilities are in evaluating them or how violations will be treated. In some regions it was reported that local television stations have curtailed operations. No immediate answers were available as to how district candidates would be accommodated in those situations.

Although there is no specific guidance, the law seems to imply that there is a distinct separation between an organization's campaign opportunities, and the campaigns of candidates who appear on their lists. Whether the organization accumulates and expends the campaign funds on behalf of its candidates or whether they are responsible for their campaigns individually is not specifically answered. Another question that is not definitively resolved is whether each party within a bloc is entitled to solicit contributions separately raising the cumulative total of allowable expenditures for the bloc as a whole.

Nothing in the law or in the regulations addresses any role to be played by the CEC, local DEC's or media officials in monitoring the content of advertisements or statements submitted to them by the candidates and public political organizations. Nor are there provisions which would limit their intervention.

It became clear in the context of a meeting with the Ministry of Radio and Television, that officials believed they had a responsibility in monitoring campaign messages and determining "correctness"

through content screening. Officials indicated that if a message was inappropriate or "insulting" they would be obligated to pull it from the air.

Because the Ministry for Television and Radio is willing to assume the power to prevent material from being aired, it is important that certain safeguards and regulation be put in place to alleviate perceived or real bias in the manner in which the Ministry might wield such power. Ideally, state authorities should have very little capacity to intervene in the free expression of candidates and parties. At the very least, formal guidelines should be defined for ministry staff, public-political organizations, and candidates on what constitutes legal grounds for disallowing a message from being broadcast or pulling the announcement "off the air". A specific definition of "insults" or inappropriate material or language should be announced and shared with all appropriate parties. Broadcast officials should also have to thoroughly document or maintain a detailed log of specific incidents where political announcements were cut off, edited for content, or disallowed. Should an announcement or material be pulled or disallowed, written notification to the affected organizations or individuals identifying the grounds on which their announcements were pulled or interrupted and a determination should be made as to whether the affected organization or individual will be allowed replacement time if Ministry regulations are adhered to.

An issue which should also be addressed pertains to intermittent power outages or "brownouts" which occur in Armenia. Speculation has been offered that certain public political organization and candidates may have been affected by power outages that were intentionally connected to their scheduled advertisements. Even the perception of such coordinated or intentional activities could irreparably damage the relationship between parties and candidates and the Ministry.

In Armenia, the local or regional power company has a reasonably regular schedule of power availability on a grid-by-grid basis. The CEC indicated that special arrangements were made with the power authorities to ensure that power was maintained throughout election day. Similar arrangements should be made to ensure power during the peak hours when campaign programming is scheduled. Political advertizing and candidate forums or debates should be given a higher priority during periods of available power in the short election period in order to overcome any public perception of manipulation of equal air time. In the event of unannounced power lapses, specific guidelines should have been shared with public political organization and candidates as to how re-broadcast of the programming will be arranged.

In the weeks leading to the election a *TACIS*-funded team from the European Institute on Media in Dusseldorf engaged in a media monitoring exercise. The purpose of their mission was to analyze both broadcast and print media and evaluate the degree to which political competitors were afforded equal coverage. During the campaign period allegations were widespread that the ANM and the Republic bloc enjoyed a distinct advantage terms of its exposure on state operated media. When the media monitoring team's report is published, it will be very important for government officials

to review its findings and determine if such allegations have merit. If so, every effort should be made to determine what steps should be taken to improve the performance of state bodies in ensuring the equal access provisions guaranteed in the law.

Ultimately, as democratic principles continue to evolve in Armenia it will be important for lawmakers to reconsider the degree of control government should exert over the political campaign process. In addition, every effort should be made to ensure that independent media be free from government interference and that such extreme measures as suspensions of their activities be avoided at all costs. The campaign environment should be as free and independent of government control as possible.

All officials involved in the conduct of the elections and facilitation of election campaigns should be encouraged to understand that the impartiality with which they exercise their authority in overseeing the campaign process is ultimately one of the main standards by which the freeness and fairness of elections is measured. By their actions and through their decisions in overseeing the campaign process, officials have extraordinary power to affect the outcome of the elections. It is in this aspect of the election process that government officials and election administrators are also particularly vulnerable to allegations of partisanship and bias, not only from forces within Armenia, but from the international community.

Incumbent in a strong democracy is a free and independent media and an open and fair political environment protected from interference by the state. These are long-term objectives which will hopefully be achieved in Armenia as democracy evolves.

### The IFES/Noyan Tapan Voter Education Project

Just as publicly released information on the referendum tended to be single-sided, there also seemed to be limited opportunities for voters to become familiar with, and compare differences between, the political public organizations and their platforms. In addition, there was a dearth of fundamental information about voting procedures promoted in a "user friendly" format. The Election Laws and regulations of the Central Election Committee were published. However, when asked about posters or flyers about how to mark ballots, registration and voter identification requirements, and general voting procedures voters would encounter at the polls, officials indicated that they were not necessary because "everything is covered in the law" and "people are experienced and know what to do." As a matter of fact, an illustrated, instructional poster describing the steps voters would go through on election day was prepared by the *National Democratic Institute* and offered to the Central Election Committee for use in precincts on election day (Appendix 12). This enlightened approach was unfortunately declined.

Concerned with these issues, IFES attempted to explore how assistance might be provided to stimulate interest in developing a voter education program. During the IFES meeting with *Armenpress* a general discussion ensued about the possibility of the agency preparing a voter information campaign through a series of features which would provide profiles and programs of all the political public organizations competing in the election side by side. Evidently, the concept IFES was proposing had not been considered before. Ultimately, the response was similar to that provided about the agency's policy regarding balanced political news coverage: they were "one against many." They saw no responsibility in pursuing such a campaign. It was up to the parties to promote themselves. In fact, the reaction to the concept was that trying to provide information about all the competing parties in a single context would be "too confusing" and would make people "crazy in the head." Regardless, IFES continued to pursue these kinds of discussions in a number of contexts.

IFES was very encouraged when "*Noyan Tapan*," expressed genuine interest in the possibility of becoming a resource of voter information. As an independent news agency, they provide articles and advertising to a wide spectrum of newspaper and broadcast stations who subscribe to their service. As general concepts were explored, two options began to take shape. Through the first option voters would have the opportunity to see and compare the responses of all parties and blocs participating in the elections to a few key questions of common interest to everyone. Each party or bloc would be given the list of pre-determined questions to which they would provide their official response in a number of words specified by *Noyan Tapan*. In the client publications who chose to use the feature articles the "question of the day" would appear along with the answers provided by the separate parties or blocs.

The second option discussed was the preparation and dissemination of a series of public service "advertisements" in an eye-catching format. Each notice would feature a key piece of general voter information to assist citizens in understanding the election process. Suggestions included information about when the voter lists would be available for review so that people could make sure their names are properly listed and to alert election officials if errors are noted, reminder to voters about the kind of identification they must have with them in order to vote, or how voters who are ill or unable to go to the polling place on election day would be able to vote at home.

In follow up to preliminary discussions, IFES prepared a concept paper for consideration which included not only suggestions about how such a program could be implemented, but also how to safeguard the intended impartiality of the program. The biggest concern was how to develop standards by which each party would be guaranteed equal treatment, and how to ensure that media clients used the materials as they were intended. In its recommendations, IFES stressed the following points.



1. It would be important that *Noyan Tapan* (and its clients) remain unbiased throughout the program.
2. In order to remain neutral, all parties or blocs would have to be invited to participate, and one set of rules would have to apply to everyone regarding the number of words allowed for each response, deadlines for submission and manner of publication.
3. It would be advisable if parties and blocs were ensured that their responses would not be edited or modified, and that they would be solely responsible for abiding by the laws of the Republic in their statements.

This kind of program would require careful pre-planning and would ideally involve an advance public relations program if it were to be shared through normal channels to *Noyan Tapan's* regular media clients. Among the points provided by IFES for the agency's consideration in this regard were the following.

1. Careful thought would have to be given regarding the selection of the Key Questions.
2. Rules would have to be formalized and applied to all parties and blocs including:
  - \* the number of words allowed with notice as to how responses would be dealt with if they exceed the authorized length; (One suggestion was to advise respondents that if their submissions are too long, sentences would be cut beginning with the very last sentence and upward through each preceding full sentence the word limit is satisfactorily met.)
  - \* deadline for submission of responses;
  - \* the order in which parties or blocs would appear;
  - \* how a failure to respond would be treated in the context of the full article; (It was suggested that if a party failed to submit a response to a given question, a neutrally worded notation be made in the article that "no response had been received by press time.")
  - \* inclusion of disclaimers or identification of the submitter, as well as of the party or bloc being represented.
3. Letters or promotional material explaining the program would have to be sent to all parties and blocs identified by the Central Election Committee and registered to

participate on the Republic-wide Ballot based on the proportional system. It was also advised that a system of follow-up or reminder contacts be developed if responses are slow to be returned.

4. Letters and promotional materials explaining the program were also recommended to advise media clients about the materials that were being sent and how they were to be used. It was critically important that clients be made responsible to print or use materials in their entirety to avoid "selective" use which could be construed as manipulative or biased.
5. It was suggested that advance articles be published promoting the program and alerting citizens to keep watching for these articles.
6. Another recommendation was that a discussion group with clients to review the purpose and logistics of the program and the time table in which it would take place.
7. The agency was encouraged to ensure that the full article published for each question be preceded by a brief explanation of how the program has been designed, identifying that the responses are the sole responsibility of the party or bloc, and that the comments provided are the opinions of the organizations submitting them.
8. To extend the reach, it was suggested that readers be encouraged to share the paper with a friend, or to post it in a common area where others might have the chance to read it too.

In reviewing the issues presented, *Noyan Tapan* recognized that the one obstacle that could jeopardize the intent of the program was their lack of control over what their media clients might do with the materials. There simply was no way to ensure that the features intended to provide a forum in which voters could become familiar with the programs of political parties in an unbiased, yet comparative and informational format, would be used in their entirety. Selective or edited reproduction could undermine the objective of the program.

The agency proposed an alternative approach to the concept. Rather than preparing the features for their media clients, *Noyan Tapan* took on the challenge of publishing 3 special election editions of a newspaper in which the party responses were the main feature. IFES agreed to provide technical assistance and publication support.

Ultimately six questions were carefully developed which would require definitive and thoughtful answers, and which would cover a variety of topics of importance to a broad audience. They included questions about solutions to the Nagorno Karabagh crisis, the economy, the criminal code,

taxation policy, the draft constitution and education. Each edition also carried a feature titled "What Every Voter Needs to Know" which provided simple explanations about voting procedures and requirements, descriptions of the various ballots and how to mark them, and procedures at the polls (Appendix 13). IFES also arranged to utilize the informational poster designed by the *National Democratic Institute* which was published in two of the special editions.

All in all, 30,000 copies of these editions were published and circulated in major regional centers throughout the country. In addition, the agency created an advertising campaign announcing the special editions. The advertising was picked up by client newspapers, and one actually published a photo of the cover of one of the issues with an accompanying story. *Noyan Tapan's* staff and the parties who participated immediately recognized the impact of such a presentation and its value in preparing a voter to make an informed choice. The validity of this type of forum inspired several parties to ask if they might be able to purchase extra copies of these papers for their own distribution.

However, the success of the project was not without its obstacles and difficulties which are worthy of comment. The first disappointment was that the ruling party's bloc declined to participate in the first edition. The concern was that without their being included, the paper would be perceived as being an "opposition" publication. Even after meeting with the bloc's representatives, the paper's staff was unable to encourage their participation. Their response was that they didn't need this type of coverage because they had their own methods of campaigning. In the end, two other parties failed to submit their responses in time. In each case, the space intended for these groups was left blank except for the banner identifying their organization, their top ten candidates, date of registration, etc., which was provided by the CEC. The disclaimer about non-receipt of response was noted.

Subsequent to their declining to appear in the first edition, it appeared that the Republic bloc had a change of heart and would respond for the second and third editions. However, IFES learned that a meeting had been held during which a vote was taken and it was decided that they would not participate in the last two editions either. IFES was told that at the meeting questions were raised as to where the papers were being printed.

Perhaps it was pure coincidence, however, in spite of special arrangements which had been made with the printing house to print the second and third editions on a given weekend, when the materials were delivered at the appointed time, *Noyan Tapan* was told that they would not be able to print the papers after all. The excuse given was that other demands precluded them from printing anything but official materials, and that they wouldn't even have time to print the other independent papers normally on their schedule. The printing house staff indicated that they wouldn't be able to print the *Noyan Tapan* editions until after the election. It should be noted that in the few days that followed, the other papers which they said they would also not be able to print appeared on the streets on their normal schedule.

Through their unflagging and dauntless commitment to the project and their tireless effort, *Noyan Tapan* was able to find another printing house willing to do the job. In spite of the adversities, the papers were published and distributed in the last days prior to the election. IFES learned that after its departure, the printing house that printed the last two special editions had been shut down by state authorities on grounds related to their tax reporting.

On a final note, while not every copy of the first issue of the special editions was picked up at the news stands, IFES was told that not a single copy of the next two issues was left within a day of their release. A copy of the second issue (of three) can be found in Appendix 14 with an English announcement following.

## ADVANCE PREPARATIONS AND TRAINING OF OFFICIALS

Through the first weeks of IFES's visit, every attempt was made to meet with election officials at all levels, in Yerevan, and outside the capital city. Throughout this period IFES also made consistent attempts to meet with the Central Election Committee to share information and findings, and to pursue ways in which IFES could provide meaningful technical assistance. Several difficulties became evident as IFES conducted interviews, attended meetings, and observed sessions of the various election committees. First, it became clear that there existed a huge chasm between what was understood by senior officials and what was understood at the lower levels. From the outset the CEC remained confident that lower level officials were adequately apprised of their responsibilities and procedural requirements under the election law. They had seen to it that the law was widely published, and that copies had been distributed to district committees throughout the Republic. In addition, the CEC representatives with whom IFES met were equally confident that all details were adequately covered in the law.

In contrast, IFES learned at the precinct level that officials displayed confusion and lack of understanding about the elections which were about to take place. IFES found that some officials were not aware that there would be three ballots involved. Several indicated that they did not understand the differences between the majoritarian and proportional systems of voting. Most were not familiar with the newly enacted election law. Several of its features such as the new Certificates of the Right to Vote forms had not been heard of.

The concern was that formalized training and preparation of comprehensive instruction manuals were not being contemplated. That is not to say that training was not carried out at all. District officials scheduled numerous meetings with their precinct officials to discuss arrangements and procedures for the conduct of election day activities. However, a tremendous reliance was placed on officials to read the laws and to absorb the details of the procedures to be implemented directly from the legal text. District officials were required to absorb information from a variety of sources



distributed at different periods of time. This situation was poignantly illustrated during a visit with a District Election Committee in Giumri. When asked what kinds of instructions were being forwarded from the CEC, the Chairman pulled a pile of papers from his desk which comprised the materials from which he was supposed to train the precincts under his jurisdiction. Significant among them were a number of press clippings which he had cut from the official newspapers in which appeared the decisions and regulations promulgated by the CEC. It was through the mass media that officials received most of the substantive procedural materials that were to guide their activities on election day. There was no consolidated, comprehensive guidebook in which step by step procedures were detailed in a user friendly, simple to understand format.

As election day grew nearer, the CEC began to be aware of the questions that remained unanswered. All in all, the CEC reported that it had received and responded to more than 1,000 requests for information and instruction.

The lack of formalized training materials disadvantaged precinct officials as they tried to implement procedures made difficult by several circumstances that impacted their work.

1. Although the election of deputies and the referendum on the constitution were being held simultaneously, they were governed by two separate laws which contradicted one another on various issues.
2. Both laws imposed certain procedural requirements, but were then silent as to how they were to be carried out. In some instances the laws only imply that certain procedures were required. Omissions or shortcomings in the laws forced officials to envision these implied procedures could be fulfilled.

These difficulties were faced by officials at all levels. Without formalized guidelines, officials were left to their own devices in interpreting the law and deciding how various activities would be carried out, limiting the likelihood that uniform compliance would be ensured.

### **Technical Assistance Offered by IFES**

In an attempt to fill this gap, IFES offered its technical assistance to the CEC, and offered to work with the Committee to design and write a suitable handbook for precinct officials which would provide the uniform guidance which was needed (Appendix 15). Preliminary offers were declined. In the earlier stages, the CEC remained convinced that the laws themselves adequately laid out the detail of the procedures and that District and Precinct officials would know what to do. Ultimately, as IFES pursued its course, the CEC acquiesced and agreed to accept and review any submission

IFES would like to submit. The understanding was clear that the CEC was in no way obligated to use the materials.

In response, IFES took on the task of preparing a sample "Guide of Election Day Procedures for Precinct Election Committees." In preparing a comprehensive draft, IFES reviewed all relevant legislation as well as the regulations and decisions rendered by the CEC. IFES attempted to develop procedural details that fully complied with the precise mandates of law and which responded appropriately to those provisions which were contradictory. Equally important was the formation of procedures that would also fulfill the laws spirit and general tone. With these two objectives in mind IFES proposed procedural steps that would also enhance the democratic character of the law, improve efficiency, provide transparency and ensure accountability.

IFES chose a format for its draft presentation that would represent a departure from the style traditionally used for instructional materials which usually entailed the reiteration of legal text. The draft presented to the CEC included features which would hopefully make the hand book a meaningful resource, and a guide in which step by step instructions were easy to follow.

Each page was divided into two columns. On the left side were step by step procedures required based on the mandates of law. Wherever appropriate, each step was followed by a reference to the Article of Law which prevailed. On the right side of the page, emphasized with an "!" and printed in italics were reminders offered to help officials remember important details, or recommendations offered to simplify the tasks, improve efficiency or enhance transparency.

For the purposes of submitting the draft for review by the CEC, IFES also included shaded boxes in which key questions were posed which remained unresolved, and which needed the attention and a decision of the CEC. Through this feature IFES hoped to bring the CEC into the project so that they could fully come to understand the details required to ensure that poll workers could be adequately equipped to carry out their functions on election day.

While IFES made every attempt to be as thorough in its work as possible, it was recognized that a number of optional solutions to procedural questions might have been possible. Its recommendations offered only one set of alternatives. However, it was hoped that the proposed manual would fuel discussion and stimulate the consideration by the CEC to also come to grips with their responsibility to ensure uniform implementation of the law. Preliminary discussions had reflected a generally stated policy that lower commissions were free to make their own decisions on a number of important issues. CEC officials also displayed a reluctance to impose directives in some of those areas in which the law was silent. Through its sample guidebook, IFES hoped to encourage the CEC to act on its mandate in Article 13 of the Law on the Election of Deputies to ensure "uniform implementation." Under this statute, the CEC is authorized to define procedures necessary to ensure consistency and uniformity in the way the law is carried out. IFES hoped that its proposed guide



book would serve to illustrate how such directives might be formulated. In all instances IFES made sure that its proposed procedures never stretched or exceeded the bounds of the law itself.

In view of the CEC's initial reluctance to accept IFES's offer to work on this project, IFES was pleased to learn that the draft it submitted made more of an impact than was expected. It became apparent that time and inexperience had simply prevented the CEC from analyzing the laws in such detail, and from understanding the kinds of technicalities that had to be considered to adequately translate laws into process. IFES was very grateful for the full cooperation of Mr. Magnesian, a member of the CEC assigned to work with foreign observers, for his time and commitment in reviewing the draft on a line by line basis, and representing IFES's findings to the Committee as a whole.

At the end of the day, there was simply not sufficient time for the full committee to go over each suggested procedure posed in the guide book and to edit the booklet thoroughly in time for distribution sufficiently in advance of election day. However, it became apparent that the preliminary draft had peaked the interest and understanding of CEC members. Some members began to recognize impact of some of the issues IFES had raised, and how they would affect the processing of voters on election day. In the section of this report that follows dealing with "Procedures at the Polls," a number of the problems anticipated by IFES and for which solutions were proposed in the draft hand book are discussed in detail.

To ensure that the progress made in elevating the interest and understanding of the CEC would not wane, IFES embellished the draft and published 300 copies for distribution to key participants after the election was over. The sample guide book was incorporated into a booklet entitled "Translating Law into Process" which discussed the purpose of the book, identified questions that had not been adequately addressed, and offered explanations and the rationale behind some of its recommendations. These booklets were distributed to members of the CEC, newly elected lawmakers, several domestic NGO's, political parties and human rights organizations. They were offered to fuel discussion, and to stimulate the consideration of officials and lawmakers as they continue to build on the successes, and indeed, the problems which were encountered in these past elections.

Although IFES hand book was not used in facilitating the training of precinct workers for the 1995 elections, IFES was particularly encouraged by the supportive letters it received from the CEC prior to its departure from Armenia. From these letters it is clear that opportunities exist for continuing cooperation with the CEC in the future. It is hoped that IFES will be able to contribute to the ongoing work as officials and lawmakers strive to overcome some of the shortcomings experienced in these elections, and continue their work on developing an even stronger democratic election process.

## PROCEDURES AT THE POLLS

### Status of Observers

The provisions of the Law on Conduct of Referendum and the Law on Election of Deputies do not mirror each other in terms of identifying the observers who may be present to observe activities on election day. However, taken in tandem and augmented by a Decision of the Central Election Committee, foreign observers, representatives of public organizations (local NGO's,) the media, proxies of the candidates, and representatives political public organizations competing on the ballot are entitled to be present to watch pre-polling procedures, election day voting, and the counting of votes.

The differences between the wording of the two laws posed some difficulties for the CEC and for some domestic observer groups as well. For example, foreign observers are identified specifically in Article 16 of the Law on Conduct of Referendum. In the Law on Election of Deputies there is no specific reference to foreign observers. As a technicality, the CEC adopted its decision regarding the status foreign observers based on Article 7 of the Law on Election of Deputies which uses the general term "observers" in one context. In addition, it is only in the Law on Conduct of Referendum that access to the polls by non-political public organizations (NGOs) are allowed to be observers.

It became apparent that there was a reluctance on the part of the CEC to allow domestic NGO's to become participants at all. Several local human rights organizations joined forces under the auspices of the National Democracy Institute, an Armenian non-governmental organization, to organize a domestic monitoring group called "Vote Armenia." Although exact numbers of their volunteers were not readily available, reports indicated that well over 1,500 Armenians had volunteered and were organized to monitor election day activity. The *National Democratic Institute* (NDI) from the United States provided training and technical assistance to "Vote Armenia" as part of their overall technical assistance program in the pre-election period.

The primary difficulty encountered was that the CEC continued to forestall the issuance of any decision with regard to whether or not domestic monitors would be allowed to participate. In addition to a favorable decision, it was also important that the CEC issue the appropriate guidelines as to the procedures which such groups would have observe to qualify. Instructions were needed as to who they were to apply for registration of their groups and accreditation of their participants through the proper committees.

Under the Law on Conduct of Referendum general procedures are suggested in which the various authorized observer groups have to receive and display the proper documents to be admitted to the

polling sites. The law also makes reference to procedures whereby the District Election Committees maintain the records on groups observing in their district. In fulfilling the requirements monitoring groups had to submit their lists of observers not later than three days prior to the election. Their submissions were also to include the list of precincts to which monitors would be assigned.

In spite of persistent requests made orally and in writing to the CEC by the *UN/OSCE* Coordinating Team, NDI, Vote Armenia and others, the CEC did not develop its conclusive findings until the very last minute. Up until that point every response from the CEC had to be questioned because answers changed from day to day, and often depended on the member of the Committee with whom one spoke. Ultimately, procedures were put in place and Vote Armenia was allowed to field its monitors.

Altogether, there were approximately 120 foreign observers also present at the polls. Under the direction of the *UN/OSCE* Coordinating Unit, a number of "long-term" observers were also organized to evaluate the pre-election environment and to organize the logistics for the rest of the foreign observers who would be arriving just prior to election day. Through their efforts, plans were made to ensure the broadest coverage possible throughout the country. In addition, the Coordinating Unit organized each regionally assigned delegation to be divided into two-member teams. The pairing of each team was facilitated in such a way as to ensure that no team included delegates from the same country or organization. The Coordinating Unit made all arrangements for transportation, lodging, and facilitation, as well as for interpreters to accompany each team.

To prepare the foreign observers for their work, the *UN/OSCE* Coordinating Unit organized an extensive orientation briefing. In working with the *UN/OSCE* Coordinating Unit, it became apparent that their plans did not include preparation of printed training or educational materials for the foreign delegates. As part of its technical assistance program, IFES volunteered to prepare a brief handbook to be included in the orientation packets. Because of budgetary considerations, it was agreed that IFES would write the booklet and *UN/OSCE* would reproduce them for distribution. The instructional materials written by IFES included a comprehensive overview of the Armenian election process, and also provided suggestions for observer inquiries and investigations. IFES provided the camera-ready copy in both English and Russian. IFES was also invited to make a presentation at the *UN/OSCE* pre-briefing seminar held prior to election day. A copy of the IFES booklet "General Overview and Election Observation Guidelines for International Observers" is provided in Appendix 16.

### **Special Voter Services**

Election officials encountered some technical problems due to the fact that there are special voting opportunities offered in referendum elections that are not allowed in for candidate elections. Under

the Law on Conduct of Referendum, voters who are ill or otherwise incapacitated may have REFERENDUM BALLOTS brought to them at home so that they can still vote in the election. Polling sites are equipped with small, mobile ballot boxes which are used for this purpose. A supplemental voter list is maintained of the voters who vote at home. This service was NOT available to voters in the Majoritarian or Proportional Election. The Law on Election of Deputies makes no reference to this service.

One of the questions posed to election officials was how PEC's would come to know which voters would need to vote at home. In former practice the supplemental list identifying these voters was formulated as precinct officials went door to door for the purposes of preparing the voter lists. Since this practice was no longer being carried out on a widespread basis, IFES was advised that it would be up to family members to alert the precinct officials needs of their relatives. They were at liberty to make requests prior to election day, and when they came to vote during normal polling hours.

In addition, another special service allows a voter who determines that he/she will be away on election day to vote in the REFERENDUM ELECTION at his/her precinct up to 15 days before election day. A ballot voted in advance is kept by officials in a sealed envelop which is deposited into the regular ballot box during the regular voting on election day. This service is also not available to voters for voting in the Majoritarian or Proportional Election under the Law on Election of Deputies.

In the booklet "Translating Law into Process" some of the technical difficulties and IFES recommendations involved in integrating the unique procedural requirements related to these special voter services with those prescribed for the election of deputies are discussed in some detail.

### Polling Hours

Under Article 20 of the Law on the Election of Deputies, regular polling hours are from 08:00 to 20:00. However, under special circumstances the Central Election Committee can initiate changes in the hours and locations of the precincts. During the July 5th elections the CEC acted on this authority. Well into the polling day, the CEC made a decision to extend the polling hours. As observer teams visited polling sites throughout the country, they learned late in the afternoon that polling committees were awaiting official word about the possibility of being directed to keep the polling sites open for an additional two hours. In fact, such a directive was forthcoming: voters were advised of the extensive in widely publicized emergency announcements in the Republic-wide media. The CEC indicated that in view of the extensive lines at polling sites late in the day everywhere, not all voters could be served prior to 8:00 p.m. Therefore, polling hours would be extended until 10:00 p.m

In view of the skepticism which already surrounded the election period, questions were raised as to whether the official decision may have actually been prompted by other motives. At issue was the appearance that the decision may have been meant to raise the likelihood that the vote on the Constitution could achieve the threshold required for passage.

Throughout the day, polling sites were requested to report their overall turnout at regular intervals. Some observers suggested that turnout in many areas of the country appeared lower than what had been expected. Beginning at about 5:00 p.m., the *IFES/OSCE* observer team visiting polling sites in Giumri, for example, noted that turnout in many precincts it visited had not yet reached 40% with only an hour or two left in the normal polling day. The lower turnout would have made it almost impossible for the referendum to pass by a vote equaling 1/3 of the voters on the entire voter list. This observation would certainly have been borne out in view of the actual ratio of favorable and unfavorable votes counted at precincts the *IFES/UN/OSCE* observer team was able to track on the night of the election. In these precincts it appeared that the votes in favor were about 2/3 of the votes cast. Had the actual turnout remained less than 50%, there would simply not have been enough votes to meet the threshold. As the second largest city in Armenia, the trend might have had a significant impact on the election results reported for the country at large.

As it turned out, in Giumri there was a surge of voters in the two hours added to the polling day. Polling sites visited in this time period were almost overwhelmed by the numbers of voters waiting to vote. When asked the reason so many people were appearing so late, officials at some sites indicated that transportation was being provided. The *IFES* team did not notice any particular evidence of this type of activity. Similar lines of voters were reported at polling sites in Yerevan, however, in the Lake Sevan area where the other *IFES/UN/OSCE* team observed the process, however, turnout in the extension period was very slight.

It was reported that President Ter-Petrossian had actually made a statement that he was against the extension of hours. However, the CEC had moved forward with its plan to do so in spite of the President's recommendation. It is impossible to ascertain with certainty the degree to which concern over the passage of the referendum entered into their decision. However, with only a 3.8% margin of victory by which the Constitution was passed, it seems evident that the referendum would most likely have failed had the extension of polling hours not been declared.

It would difficult to argue that the extension had not, indeed, served the interest of providing a wider opportunity for voter participation. However, the point that raises the most concern is the possibility that normal procedures may have been manipulated to precipitate a desired outcome. In the future, it is suggested that Article 20 be utilized and announced well ahead of the election, or only in response to emergencies or circumstances beyond the control of election officials. To avoid the circumstances which were used to justify the extension during the July 5th elections, it would be worthwhile to investigate ways to streamline the process, and provide adequate training of election officials to ensure the efficient flow and processing of voters at the polls. It would also be helpful

for the CEC to develop a civic education program to motivate voter participation in a way that alleviates the necessity to manipulate the process after voting has already begun.

### Before Voting Begins on Election Day

PEC members were encouraged to be at the polling site at least 1 hour before the polls officially opened for voting. A number of tasks are required before the first voter is served. Under Article 30 of the Law on Election of Deputies, the committees are directed to take a decision regarding which members will be assigned to confirm the authenticity of the ballots by affixing their signatures to the ballots themselves. The law provides no directive as to how many officials's signatures are to appear on the ballot prior to its being issued to a voter. Nor were any specific instructions offered by the CEC. Under the law, if a member of the committee insists that he/she wants to sign the ballots, he/she is granted that opportunity, without a vote of the committee.

The Chairman of the Committee is also required to open the ballot box and display that it is empty to the members of the committee and other persons entitled to be present. Even though three types of elections were being conducted simultaneously, it was decided that only one ballot box would be used at each polling site. The ballot boxes were sealed with sealing wax.

At each polling site there were two additional boxes: a mobile ballot box used to serve referendum voters at home who were ill and unable to come to vote to the polling site; and, a special box which was used to receive the coupons from Certificates of the Right to Vote forms issued to each voter who participated in the election. The relevant laws covering these requirements were silent on pre-polling procedures to be followed regarding these important boxes. However, in its sample guide book, IFES recommended that the display and sealing of these boxes should also be accomplished in front of the committee members and authorized observers before voting begins.

On election day, it was noted that the while most polling sites presented and sealed their ballot boxes as required, there was no similar ceremony carried out for the mobile ballot box or the box used to contain the "right to vote" forms. In order to provide the degree of transparency necessary to warrant public confidence, and to ensure proper accountability, officials should make sure that these pre-polling tasks are carried out in the future. The importance of securing the mobile ballot box in plain view of the observers is particularly important in view of the fact that it is used for holding the ballots cast away from the polling site and outside the view of authorized observers. Only by displaying the empty box, affixing a secure seal, and accounting for the ballots contained in the mobile box at the end of the voting day can adequate safeguards be ensured.

For the purposes of accountability, ballot security and transparency, the Chairman should also count and announce the number of ballots voted in advance in full view of the observers and committee members. The law calls for the advanced ballots to be deposited in the ballot box and commingled



with the in-person votes cast on election day. No procedures were formalized with regard to these procedures. In fact, when IFES brought this detail to the attention of the CEC in the weeks prior to the election, there were extensive discussions regarding exactly when the advance ballots should be deposited into the ballot box. IFES's recommendation was that this procedure be carried out before the first voter cast his/her ballot on election day. A CEC representative pointed out a technicality in the Law on Referendum which indicates that advance ballots are deposited "during the voting." Without a clear directive, it was noted that officials initiated these steps at any time of their own choosing. Again, this random, and obscure handling of the advance ballot did not avail itself to adequate accountability transparency standards.

Another omission in the pre-voting procedures is a requirement that members physically count the ballots received by the precinct committee in front of the observers before voting begins. Ideally, officials should be instructed to announce the number received as well as the number of voters on the voter list.

These simple steps can go a long way in initiating an audit trail. Access to such information can also help observers and representatives of the candidates and public political organizations remain confident that all ballots are being properly accounted for. Even though they are not detailed in the law, it is within the authority of the CEC to provide such procedural directives.

### **The Ballots**

According to the policy established by the CEC, each polling station was to receive a number of ballots of each of the 3 types equal to the number of voters whose names appeared on the voter list. The format for each ballot type is dictated in Article 26. On the Majoritarian Ballot candidates are listed in alphabetical order and information about their party membership, if any, employment and job description are also listed. For the Proportional Ballot the law does not indicate the order in which the political public organizations are to be listed. However, the law requires that in addition to the name of the organization or abridged name if the entity is a bloc, the ballot lists the first and last names of the first three candidates on the organization's list. On the Referendum Ballot, the text of the question is posed and voters are given the option of voting "YES" or "NO." Samples of the ballots used in the 5 July 1995 elections are provided in Appendices 3-5.

Following old-style Soviet traditions, the law requires the voter to mark the district candidate ballot by crossing out the names of the candidates he/she rejects leaving his/her choice exposed. If there is only one candidate on the majoritarian ballot the voter has the choice to "AGREE" or to "DISAGREE" with acceptance of the candidate. The voter marks out the response he/she rejects leaving his/her favored response unmarked.

The voter marks the Proportional Ballot in a similar fashion, crossing out the names of all political public organizations or blocs he/she rejects leaving his/her preferred choice exposed.

For the referendum, the ballot offered the choices "YES" and "NO" with regard to the passage of the Constitution. On this ballot, too, the voter was required to mark out the response he/she rejected leaving his/her favored response uncovered. In other words, the voter was required to mark the "YES" option, in order to reflect a "NO" vote, and visa versa.

It became clear as observers watched the counting process in precincts throughout the country, that there was a widespread misunderstanding among the population as to how ballots should be marked to accurately reflect their intentions. Each ballot type provided an instruction to voters alerting them to the proper way to mark the ballot. End results indicated, however, that the message simply failed to get across. This was especially true in the case of the Proportional Ballot which proved to be confusing for a high number of voters. All in all, it was reported that about 25% of the votes cast in the election had to be ruled invalid because of improper markings, or because they were left blank. In some precincts observed by IFES and *UN/OSCE* teams, over 50% of the proportional ballots had to be set aside. In one precinct observed by IFES, for example, 56% of the proportional ballots were disqualified, as were approximately 15% of the referendum ballots and 30% of the majoritarian ballots.

No definitive figures were maintained regarding the number of rejected ballots which were left blank or on which all choices were marked out. It is difficult, therefore, to make any definitive judgements as to how many of these ballots might have been intended as "protest" votes, especially in the referendum election. At the very least, however, the high rate of invalid ballots points to serious limitations in the voters' understanding of the process. In its attempts to provide some technical assistance in this regard, IFES had proposed development of a chart by which officials could be guided in making determinations as to how ballots and markings were to be evaluated. The sample of the proposed guide is included on page 51 in Sample Guide Book. (See Appendix 7)

The invalidation of such a great number of ballots appeared to be the result of the following combination of circumstances:

1. inadequate voter education prior to the election;
2. lack of sufficient direction of precinct officials in providing instructions to voters;
3. needlessly strict interpretation of markings on the part of poll workers during the counting process; and,

4. notable dissatisfaction on the part of voters who chose to leave the ballot blank, or cross out all available choices.

In view of these unfortunate circumstances, it warrants the attention of lawmakers and election officials to reevaluate and amend the rules regarding how voters are to mark their choices. The process by which voters vote "against" all the options they reject is a remnant of old Soviet times when there may have been only one candidate on the ballot. A ballot which had no marking at all automatically indicated the voters acceptance of the candidate. The only option a voter had was to mark out the candidate's name to indicate a "NO" vote. As observers looked on in the July 5th elections, it became obvious that the current system of "negative" voting was also burdensome on officials as each ballot had to be carefully scrutinized before a decision as to its validity could be made.

In view of the advancement of multi-partyism, and in view of the number of candidates which can be anticipated, consideration should given introduction of a system whereby the voter makes a single mark indicating an "affirmative" vote for the choice he/she prefers. Whether the voter marks a box next to his/her choice, or circles his/her preference, an "affirmative" vote would prove much simpler, not only for voters, but also for election officials during the counting process.

### Security of the Ballots

Under Article 27 of the Laws on Conduct of Referendum, ballots for are made available 15 days in advance of the elections. Majoritarian and Proportional Ballots are received at the precinct immediately prior to, or on the morning of election day. Ballots are to be signed for upon receipt, and stored in a secured and locked location.

No provision of law requires the ballots to be sequentially numbered. Nor did the ballots for the July 5th elections have a stub or counterfoil. Only the ballot for the referendum was printed on security paper.

The only real security measure required in the law relates to activities which are to be undertaken by officials on election day. To validate its authenticity as an official ballot, each ballot is to be signed by pre-determined members of the commission and stamped with the official precinct seal. The provisions in the two laws are stated only generally regarding these requirements. However, under Article 33 in the Law on Election of Deputies, ballots which are not properly signed and stamped are to be considered invalid and excluded from the counting of votes. The same rule is established in the Law on Conduct of Referendum.

The laws are unclear as to whether the signatures and the stamp are to be affixed only to those ballots officially issued to voters, or if all ballots will be so marked. Nor is it clear as to when the signing and stamping of the ballots is to take place. Once again, precinct officials were left to make their own decisions as to how they would fulfill this requirement. The manner in which these provisions were to be interpreted was not formalized for uniform application. These shortcomings are significant. They represent one of the more critical issues which should be deliberated by the CEC for the future, because the signatures of the officials and the seal are the only measures which ensure the safety and security of the ballots. The manner in which this requirement was fulfilled in practice exposed an apparent lack of understanding by officials at all levels as to its purpose in effectively securing the ballots and ensuring against possible abuses.

In practice it was found that at many precincts, all the ballots were pre-signed and stamped before the polling place opened. By signing the ballot papers in advance the level of security that the signatures are intended to provide is defeated. Once the ballots are signed and stamped, they ALL become authenticated ballots. The signature and the stamp might certainly differentiate an official ballot from one that is forged. However, done in advance they would not necessarily distinguish one which was officially and properly ISSUED to a voter, from one that was not. If all ballots are signed and stamped in advance, any ballot found in the ballot box would have to be counted, even if it had been deposited in the box fraudulently.

In some polling sites, committees made a decision to sign and stamp the ballots in small stacks to be distributed to issuing officials on an as needed basis. At still others, the process went on continually just to keep up with the flow of voters.

One situation that caused some concern occurred in the Giumri region. Late in the day the *IFES/OSCE* observer team noted at precincts in several different districts that not all ballots being given to voters were properly signed and stamped. When officials were asked about this apparent deviation from procedure the team was told that precincts had been given license from superior officials to make their own decision as to which ballots they would sign and stamp. Reportedly, they were told that as long as the referendum ballots were signed and stamped, there was no need to sign the candidate or proportional ballots.

It was not clear whether this directive came from any authority higher than the District Committee level. However, since so many districts in the region seemed to be following the same pattern, it raised the likelihood that the instruction may have actually come down from the CEC. It is always a dangerous practice for officials at any level to make decisions as to which laws will be followed and which laws will be set aside. Under Article 13, the CEC is charged with oversight and "ensuring uniform implementation" of the law. This is certainly one instance when strict adherence and application of law should have been required uniformly in all precincts.

One final observation deserves comment. In many instances observers were invited to chat with the chairmen of committees in their offices away from the actual polling area. In a number of cases the IFES observers noted that stacks of ballots seemed to be left unattended and in unlocked rooms where anyone could have had access to them. During these chats, polling officials sometimes came into the room to get more ballots: there was no formal log maintained to record the number of ballots being taken or the name of the individual who retrieved them. Under these lax conditions, there is no guarantee that full accountability for all ballots received can be maintained. These kinds of records should be instituted in the future, and arrangements for secured and locked storage of ballots should be required.

### Processing of Voters

The processing of voters on election day is fundamentally a two- stage operation: 1) registration of the voter; and, 2) issuance of the ballots.

#### Stage 1: Registration of the Voter

Under Article 31 in the Law on Election of Deputies, and Article 30 of the Law on Conduct of Referendum, each voter is required to present a passport or "other identification" upon entering the polling station. Neither law defines what other types of identification are acceptable for voting purposes. Senior officials advised IFES, however, that there were some restrictions. It appeared to be widely understood that a temporary passport or other document featuring the person's photo and address were the only other types of documents that would be acceptable in lieu of an official passport. A military identification card, for example, would not have been adequate in that it does not contain the person's address. Upon presentation of the appropriate ID, the laws then require that the voter's name be located on the voter list and that the voter place his/her signature in the space provided. Without identification, the voter was not allowed to vote.

The law is very clear that each person has to vote personally. Voting on behalf of family members which was reported to have been allowed in traditional practice, is clearly prohibited in the law. This prohibition appeared to be clearly understood by officials in all precincts observed by IFES team members. On a few occasions when voters attempted to present the passports of relatives, officials denied their requests for additional ballots.

Procedures were implemented, however, to allow a voter whose name did not appear on the voter list, to be added to a "supplemental list" if he/she or she could provide proper identification showing a registered address within the precinct boundaries. It is interesting

to note that neither law mentions this opportunity: as envisioned by officials independently, the procedure was based on the general provisions defining who is eligible to vote.

### Certificates of the Right to Vote

New provisions in the Law on Election of Deputies required officials to have a pre-prepared Certificate of the Right to Vote for each voter on the list. The Certificates of the Right to Vote had two parts that mirrored each other. At Stage 1, the voter was asked to sign the Certificate, and the official also signed the form. The certificate was then given to the voter with the two parts still attached, and the voter advanced to Stage 2 where the ballots were issued. For each voter added to the supplemental list, a Certificate of the Right to Vote Form was made out on the spot, and the voter was processed in the normal way.

There is no conforming requirement for these Certificates in the Law on Conduct of Referendum. This procedural discrepancy left a number of issues unanswered, especially as it affected processing of voters voting at home or in advance. Although no formalized instruction was issued, senior officials advised IFES that when the ballots were taken to voters at their homes, officials would not take any Certificate forms with them. No answers were provided as to how these voters' Certificates which remained at the polling place would eventually be dealt with.

It was also suggested to IFES that, hypothetically, if someone who came to the polls only wanted to vote in the referendum, the steps related to the Right to Vote form would be bypassed. Since a single voter list was being used for all voting on election day, the omission of this step for only some voters would inevitably cause difficulties in balancing the number of ballots used for each type of ballot, with the total number of voters. District officials would encounter the same difficulty in rationalizing the differences between the number of Certificates of the Right to Vote submitted to them, with the figures reported on the protocol regarding the total number of voters participating. With no formalized procedure in place to document disparities, there is no real accountability: there was simply nothing to balance any reported total against. The system itself promoted the reporting of results which cannot really be audited.

The preparation of the Right to Vote Forms became particularly burdensome. The law is not specific as to when and by whom the Certificates are to be prepared. At one point, it was assumed that the administrative officials responsible for preparing the voter lists would also create the Certificates for each voter on those lists. However, it became apparent that the responsibility for the advance preparation of these forms fell on the shoulders of precinct officials to be accomplished after the voter lists were received. Observers noticed that, for

the most part, the task had been accomplished prior to election day. However, at many precincts, Certificates were also having to be made up as voters appeared. This situation added immeasurably to the time it took voters to be processed, and to the stress put on officials in trying to deal with the long lines of voters crowding into the polling sites. The situation was aggravated by the fact that the duplicate parts of the forms each had to be filled out individually as no carbon paper was used.

The Certificates were intended to provide an extra layer of accountability to the process and make it more difficult for "ghost voting" to occur. However, as it was carried out, the program was labor intensive and burdensome on voters and officials alike. In addition, the use of the form was only partially successful. Once created and issued, precinct officials had no real use for the portions they maintained. There were no formalized procedures or directives for their being accounted for or reported. If this process is to be retained for future elections, it will be necessary for the CEC to make determinations as to how current gaps in procedure might be filled.

#### Stage 2: Issuance of the Ballot

Upon completion of the registration process, the voter was requested to take the signed Certificate of the Right to Vote to Stage 2 where different officials were prepared to issue the ballots. Upon presentation of the Certificate, this official was also to affix his/her signature on the form. It should be noted that although both registration and ballot issuing officials were to sign the Certificates, the forms contained only one official signature line.

Under the law, one part of the form was to be deposited into a sealed box maintained for that purpose. The procedure called for this box to be delivered unopened to the District Committee at the completion of the count. Presumably, District officials would count the number of Certificates in the box as a point of comparison with the protocols prepared by the precincts. The law is silent as to what is to happen to the other part of the Certificate. Again, officials had no uniform guidance as to the coupon portion's ultimate disposition. At most polling sites, the precinct officials had determined that they were to keep this portion, although IFES observers noted that nothing was officially done with them in the counting, reporting or wrap-up operations at the end of the day.

The voter was then handed one of each type of ballot. As discussed earlier in this report, the ballots had to contain the signatures of authenticating officials, and the stamp mark of the precinct's seal. IFES was advised that if a voter appeared whose birthday was on election day, he/she would only be issued the Referendum ballot. Once again, no formalized procedures detailed how an event such as this would be recorded to account for the

imbalance which would result in the total number of ballots issued for each type of ballot, compared to the number of voters who signed the voter list.

The law implies that if a voter damaged or mis-marked his/her ballot, he/she would be able to return the spoiled ballot to the committee and request a new ballot. However, this is another detail for which there was no guidance in the law or formalized instructions. Rather, the inference that spoiled ballots will be replaced comes from Article 35 which states that the number of spoiled ballots is to be recorded on the protocol during the counting process.

Article 31 guarantees the voter the right to vote in secret. With limited materials available every attempt was made to provide some form of sectioned off booth or corner so that the voter would have a private place to mark his/her ballot. The law also provides that there is only to be one person inside the secrecy booth at a time unless the voter is handicapped or otherwise unable to mark the ballots without assistance. Voters needing assistance are allowed to request help from anyone they choose except an election official, or the representative of a candidate or political public organization.

Vague wording within Article 31 indicates that the voter is to bring his/her "closed ballot" from the secrecy booth and deposit it in the ballot box personally. In view of this wording, officials were questioned as to whether the voter would also be issued some type of envelop in which to enclose his/her ballot, or whether voters would be required to fold the ballot. While no directive had been given, officials at some polling sites suggested that the voter would have to fold the ballots anyway because the slot on the ballot box would be too small for an unfolded ballot to pass through.

On a wide spread basis, IFES team members observed that often the layout of the polling places and the flow of traffic was not well organized to accommodate the various stages of the voting procedure. In too many instances, voters were required to backtrack and retrace their steps in order to fulfill each requirement. Many precincts had simply not given sufficient consideration to working out an efficient plan which would allow a smooth flow of people in a single direction. This failure to think out the logistics of processing each voter through an orderly sequence of steps was particularly apparent in one precinct in District 53. At this site voters were registered then had to actually reverse their steps to get their ballots. Even more serious was the fact that once the ballots were issued, the voter was then directed to the far end of the area to deposit his/her own Certificate in the sealed box. Since the voter already had his/her ballots in hand, there is no way to tell how many may have decided to bypass this step altogether.

Only after the voter had voted was he/she directed to return to the officials who had issued the ballots to have them affix their signatures and the precinct stamp. Obviously, the secrecy of vote was obliterated as the voted ballots were handled and signed by the officials after they had already been marked. During the team's visit early in the day, it was observed that many voters missed this



step and put their ballots in the ballot box without the required authenticating official signatures. These voters' ballots were most likely invalidated and excluded from the count because of the omission. During a second visit to this polling site later in the voting day, the *IFES/OSCE* team noted that officials had reorganized the polling site to alleviate some of these very serious problems.

With the big crowds clustered into cramped quarters it was often impossible for officials to fully monitor what was happening throughout the polling place. Observers noted that voting outside the voting booths was a common occurrence. Several voters in the booth simultaneously was also prevalent, with families and friends going into the booths together. Voters, tired of the waiting, frequently voted in any corner or on any surface available just to be able to finish their voting and leave the precinct.

Some officials found themselves literally surrounded by voters as it was often difficult for officials to maintain orderly queues. Compounded by the time consuming process of completing the Certificates of the Right to Vote forms, conditions in many places observed deteriorated dramatically as the day wore on. Often enduring waits of 45 minutes and more, patience of voters was tried even more by the general atmosphere of chaos that was apparent in many polling sites.

It must be stressed that under the very poor conditions in which polling officials had to work, there efforts were heroic. Everywhere visited by the *IFES* team members, polling place workers appeared committed to trying to carrying out their duties contentiously. Resources in Armenia are very limited. Furnishings and fixtures were minimal at many sites, and very often lighting was inadequate. Often voting took place in hallways and rooms too small to accommodate the number of voters to be served. The lack of formalized training left officials unprepared to anticipate problems before they occurred.

Obviously, with the new law being implemented for the first time, problems were to be expected. However, with better planning of the traffic flow, a number of the difficulties could have been alleviated. These issues will warrant evaluation by officials so that the necessary improvements can be in place in future elections.

### Servicing Voters at Home

At some point during election day, 2 or 3 members of the precinct committee are assigned to go to the homes of voters who have been identified as to ill or incapacitated to come to the polls. For this purpose officials were supposed to count the number of voters to be visited, and are supposed to count out only a number of referendum ballots equal to the number of at home voters identified on the supplemental list. The ballots, the portable ballot box, and supplemental voter list were then taken from the polling site to people's homes so they could vote. It became apparent that officials varied in their understanding as to whether Certificates of the Right to Vote Forms were to be used

for at home voters or not. Any decision arrived at by senior officials in view of the fact that no such requirement is provided for in the Law on Conduct of Referendum had not appeared to reach the lower levels. Rather, precinct officials seemed to develop their own decision as to how at home voters would be processed.

Although the CEC had issued a decision that precincts could be established in military and health institutions, observers noted that in some instances, the at home voting process was used for nearby health care institutions instead. In most of the polling sites visited by IFES team observers, it appeared that there were relatively few at home voters to be served.

Two circumstance arose in several districts observed by IFES in the Giumri are that raised some concern. During the later hours of the voting day, officials in a significant number of precincts observed indicated that they had not yet made their at home visits. Instead, they said that they were awaiting word from superiors as to whether they were to go or not. Pressed for the reason why a specific decision had to be awaited before the normal process could be carried out, the common response was that they were waiting to be told "whether or not it was necessary." Officials had no further explanation. However, in listening to these officials it became apparent that many were still under the impression that the 50% voter participation threshold required under the old election law was still in effect. In view of the periodic reporting of turnout which occurred throughout the day, it raised the question as to whether the at home voting process might eventually be used to force a desired outcome.

Several issues related to this situation will deserve consideration as these elections are reviewed. First, some of the precinct officials indicated that if, indeed, a directive had been forthcoming that serving voters at home was "not necessary," they would not have gone at all. This would mean that eligible voters who legitimately made requests to have ballots delivered to them would have been denied their right to vote. Any action which disenfranchises voters who have perused legal opportunities to vote must be avoided at all costs.

Secondly, during the Soviet period, it was a traditional practice in much of the USSR that members of the committee would also visit the homes of any voter who had not shown up at the polls with ballots and request them to vote. There were contradictory reports as to whether this practice had been carried out in Armenia. While many officials indicated that such things did not happen, others openly acknowledged that it had. If the directive officials were waiting for had indicated that at home voting "was necessary" there was a concern that any voter who had failed to appear at the polls would have been solicited. Incumbent in the right to vote, is the right not to vote. No ballots should be taken from the polling site except those authorized by the law to assist incapacitated voter at home. Any time ballots are removed from the polling site and voted outside the view of committee members and observers, there are always concerns about potential abuses.

Finally, just as the extension of hours left room for concerns about a decision being made to precipitate a favorable outcome on the referendum, the same concern was raised with regard to officials waiting to learn whether it would be "necessary" to serve voters at home. It is critically important that officials avoid any action or decision that raises even the slightest question of potential impropriety or failure to maintain an absolutely neutral in every aspect of the election process.

### The Counting and Reporting of Votes

Ballots were counted at the polling sites by the Precinct Election Committees immediately after the closing of the polls. Authorized representatives of the candidates and political public organizations, as well as foreign and domestic observers and the media were entitled to be present for the count under the law.

Before counting begins the law requires the committee to prepare a separate protocol for each type of ballot. On each protocol, the committee was required to record the number of ballots originally received and the total number of voters identified on the voter list. Most election administrators would agree that this part of the protocol should be initiated before voting begins. In addition to the number of ballots received, officials entered the numbers of spoiled ballots, unused ballots, voters who actually participated and signed the list, and the number of the Certificates of the Right to Vote which remained unused. There was no place on the protocol for the number of used Certificates and the number of voters who signed the list to be compared. Nor was it clear how the number of advanced ballots and voters who voted at home in the Referendum election were accounted for on the protocol, as the form provided no space for such entries. Presumably, these numbers were commingled with the entries for the total number of voters voting in person.

Under the law, the committee is supposed to "cancel" the unused ballots in a manner which ensures they cannot be used fraudulently. There was no uniform directive issued as to how this was to be done. Each precinct chose its own method. Finally, each committee was supposed to make a note in the precinct registry that the ballot box had remained sealed throughout the voting day. It would have been advisable for a similar notation to be made regarding the box containing the used Certificates of the Right to Vote, and the mobile ballot box as well.

Only after these steps had been completed for each protocol, was the ballot box to be opened so that the counting could begin.

The laws are silent as to the exact manner in which the ballots are to be handled for the purpose of determining the results of the vote. However, at precincts observed by IFES, once the ballots were removed from the ballot box they were first sorted by ballot type. The ballots were then sorted again

with a separate pile being created for each candidate or choice appearing on the ballot. Certain officials were selected to inspect each ballot to determine whether it had been signed and stamped appropriately in accordance with the plan decided upon by the committee. Each ballots was also reviewed to determine the voter's choice or to determine whether the ballot was invalid. The ballots were then placed on the appropriate pile. When the sorting had been completed, officials counted the number of ballots in each stack and ultimately recorded that number on the protocol next to the candidate's name, or next to the appropriate response related to the referendum. In the case of the Referendum Election, the number of votes AGAINST as well as the votes FOR the measure are entered on the protocol.

Ballots which officials determined to be INVALID were set aside and not counted. Under the law, a ballot is considered INVALID if it:

1. does not conform to the approved specimen;
2. does not bear the official stamp of the precinct;
3. does not bear the signatures of the authorized officials;
4. has more than one choice exposed; or,
5. bears extra inscriptions.

When controversies regarding any aspect of the counting process or the validity of the ballots arose, decisions were made by a vote of the committee. At precincts observed by IFES team members, representatives of the candidates often were quite vocal in expressing their concerns. When tensions began to grow officials were generally able to quell disruptions before they got out of hand.

As discussed earlier in this report, the manner in which ballots had to be marked resulted in confusion not only for the voters, but also for officials as they attempted to make their determinations. Under the circumstances it was difficult and time consuming for officials to have to review each ballot so thoroughly to determine if it had been marked properly. In general, officials tended to be too restrictive in their interpretation of markings. Some ballots were rejected because of technical faults, even though the voter's intention could clearly be determined. The complexity of the ballot, and the obvious problems voters had in understanding how ballots should be marked contributed significantly to the difficulties and delays encountered during the counting of votes. In order to eliminate the problems that resulted in so many votes being invalidated, lawmakers will hopefully amend the laws to introduce a simpler ballot form and method of voting.

When counting had been completed, the committees summarized the results on the protocols for each type of ballot. Commission members responsible for counting the votes of a particular candidate were supposed to sign their names next to the recorded number of votes for that candidate. The same procedure had to be followed for the Proportional Ballot and the Ballots for the Referendum as well. In each case, the total number of INVALID ballots was also recorded. If any team member has a special opinion about the process or the results, he/she makes a notation across from his/her signature. Under the law, dissenting remarks were required to be submitted in writing. A refusal of a member to sign the protocol was also supposed to be recorded by the committee and attached to the protocol. As part of the wrap up procedure, the protocols were each signed by all members of the committee and the stamped with the official precinct seal. For the benefit of all committee members and observers, the chairman announced the results out loud.

As soon as the counting of ballots was completed and the protocols had been finalized, all materials were packaged and immediately transported to the District Election Committee where results were summarized for the District at large. In addition to the ballots, voter lists, protocols, the precinct registry and other documents were also packaged for delivery to the District officials. The sealed box containing the Certificates of the Right to Vote were also transported. However, no instructions gave guidance as to what was to be done with the second part of the Certificates or the unused ones. Most precincts simply submitted them to the Districts with the other materials. It is the District Election Committee who is responsible to count the number of Certificates which the sealed box contains as an additional accountability measure. There was no indication that copies of any of the protocols were maintained at the Precinct level as a back up to ensure that eventual results are reported accurately.

In spite of the many problems that arose during election day, overall, the counting process went quite smoothly in the precincts observed by IFES. All in all, the fundamentals of an accountability system are in place. However, there are loopholes and gaps which should be addressed in the future. What is missing are the details. Loose ends were not tied together to provide a streamlined process to create a fully accountable audit trail. Safeguards which have been initiated, such as the affixing of official signatures on ballots, and introduction of the Certificate of the Right to Vote, were not carefully enough thought out to ensure that they accomplished the security they were intended to provide. The foundation is firmly laid: if the necessary refinements are put in place in the future, most of the deficiencies encountered during election day processing will be overcome.

## RECOMMENDATIONS FOR FUTURE ASSISTANCE IN ARMENIA<sup>4</sup>

### Strengthening the Administrative Process

During the 1995 elections, every aspect of the election process was tested under fire. It will be extremely valuable for the government to ensure that the lessons learned during these elections are not lost to future election administrators. Especially in view of the fact that every major election cycle will be conducted by a new administrative body, it is critical that the procedures implemented during these elections be formally documented in a written manual. The value of building institutional memory and a basis for continuity can not be overestimated.

A comprehensive written review and analysis of the preparatory steps and logistics arrangements that had been made for the elections would contribute greatly to continuing evolution of a process which is more efficient, transparent and accountable. Particular focus should be given to the legal and technical problems which arose, and the manner in which they might be resolved. The policies which were established should be described in detail and made part of the permanent record. Copies of all press releases issued and instruction documents disseminated should also be retained. Finally, a formal record should include an extensive discussion of recommendations for improving the system in the future. These efforts should be undertaken while the issues are still fresh in everyone's mind.

Toward that effort, IFES makes the following recommendation for future technical assistance to the Republic of Armenia.

### COMPONENT I: SURVEY OF ELECTION OFFICIALS

Prior to the 5 July elections senior election officials expressed their firm belief that formalized training and distribution of procedure manuals to Precinct Election officials was an unnecessary step in election day preparations. They consistently expressed their opinion that the Election Law itself was an adequate guide for the conduct for election day activities. The problems experienced by poll workers and witnessed by foreign and domestic election monitoring delegations illustrated the magnitude of the Central Election Committee's (CEC) misjudgment. The problems experienced at the polling places were so numerous and varied that a shotgun approach to problem resolution is clearly not the most advantageous approach to building a sound and sustainable training program for election officials.

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<sup>4</sup> Gleaned from the IFES Concept Proposal for the Republic of Armenia which was shared with USAID/Yerevan prior to departure.

IFES recommends that a targeted survey be taken of a representative sample of polling place workers who participated in the 5 July elections throughout the Republic. The poll worker survey would be designed to identify:

- \* Laws, regulations and procedures most commonly misunderstood;
- \* Strengths and weaknesses of existing systems in the opinion of precinct-level officials;
- \* Circumstances and situations which caused the most difficulties for officials as they carried out their duties.
- \* Improvements poll workers would propose; and,
- \* Forms of training mechanisms and materials poll workers would find most helpful.

Survey results would be used as a basis for:

- \* Helping the CEC understand the sources and extent of misunderstandings among lower level officials;
- \* Developing a focus for poll worker training objectives;
- \* Determining appropriate amendments and refinements which should be pursued in election laws; and,
- \* Improving the administrative procedures with a goal toward greater efficiency, transparency, and accountability.

## COMPONENT II. TASK FORCE STRATEGIES FOR PROBLEM RESOLUTION

A fundamental ingredient of a sound electoral system is the development of an informed, independent, and professional election administrative structure. In order to nurture an empowered and involved core of officials equipped to sustain a well designed process, IFES would promote a strategy for problem resolution through the development of specialized task forces made up of election officials from committees at each level, legal counsel and other appropriate participants. Each targeted problem area would be assigned to a separate Task Force. IFES would serve as the facilitator to assist the Task Force since initiating and sustaining their work, identifying the components to be addressed, and organizing the materials, work plans and calendars for fulfilling Task Force objectives. Within the scope of each Task Force's work would be an analysis of related

laws, review of existing regulations or instructions, an assessment of related forms or protocols, and development of findings and recommendations to be presented to the full CEC for consideration and decision.

Based on the problems encountered in the 5 July elections, initial Task Forces would address four major aspects of the election process.

- \* Nomination and registration of candidates, including petition verification;
- \* Preparation and maintenance of voter lists;
- \* Processing of voters on election day; and,
- \* Counting and reporting of election results.

### COMPONENT III. DEVELOPMENT OF INSTITUTIONALIZED TRAINING STRATEGIES AND INSTRUCTIONAL MATERIALS

Prior to the 5 July 1995 elections, IFES developed and provided a draft Poll Worker Manual to the Central Election Committee. This draft Manual was eventually incorporated into a booklet entitled "Translating Law Into Process." This book included explanations and justifications for solutions proposed in the draft Manual.

Utilizing this initial phase of technical assistance and based on the results of work done under Components I and II of this proposal, IFES would provide technical assistance to the CEC in:

- \* Proposing appropriate amendments to the laws governing the administration of elections;
- \* Developing formalized procedures which ensure maximum efficiency, transparency and accountability throughout the process;
- \* Enhancing the skill and confidence of officials at each level, through the development of a full complement of guide books, manuals, and protocols necessary to carry out fundamental procedures in full compliance with the law;
- \* Developing a strategy for poll worker training through a pyramidal instructional approach; and,



- \* Ascertaining equipment and/or commodity needs which may be beyond the fiscal capacity and available resources of the CEC in order to strengthen its accountability, responsiveness, and communication capabilities during election periods.

IFES proposes that this work be accomplished in preparation for presidential and municipal elections scheduled for the coming year.

# APPENDICES

APPENDIX 1

The Law of the Republic of Armenia on the Election of the Deputies to  
the National Assembly

**THE LAW OF THE REPUBLIC OF ARMENIA  
ON THE ELECTION OF THE DEPUTIES TO THE NATIONAL ASSEMBLY**

**CHAPTER I. GENERAL PROVISIONS**

**Article 1.** The principles of the election of the deputies to the National Assembly and its composition

The deputies to the National Assembly are elected in a secret ballot by the citizens of the Republic of Armenia entitled to vote, based on the free implementation of the right for general equal direct elections.

The National Assembly comprises 190 deputies.

Members of the government can not be elected to the National Assembly. Judges, employees of the Prosecution Office and the State Directorate of National Security, servicemen of the Interior Ministry and the Armed Forces can not be deputies or be nominated for election.

**Article 2.** The electoral system

The elections to the National Assembly are carried out based on the majoritarian and proportional representation systems.

150 deputies of the National Assembly are elected by the majoritarian system, one National Assembly deputy from each voting district.

40 deputies of the National Assembly are elected by the proportional representation system in a single multiballot district comprising the whole territory of the republic from among deputy candidates nominated through lists.

**Article 3.** The right to vote

The citizens of the Republic of Armenia who became 18 years of age prior to the day of the elections and have resided in the Republic of Armenia for at least one year prior to the day of the elections have the right to vote.

The citizens of the Republic of Armenia who became 25 years of age prior to the day of the elections and have permanently resided in the Republic of Armenia for at least three years prior to the day of the elections have the right to be elected.

Persons recognized as incompetent by a court of law, citizens in confinement by a legal court verdict and citizens wanted in a criminal investigation do not take part in the elections. Neither

do persons detained under criminal charges, who were denied registration by a decision of the Central electoral committee or the Supreme Court in the manner prescribed by this law.

Each elector has a right of one vote in a single ballot district and a right of one vote in the multiballot district comprising the whole territory of the republic.

Each citizen entitled to be elected can run in only one majoritarian district and only one list.

Any restriction of the right of the citizens of the Republic of Armenia to vote is forbidden, except in cases provided by law.

Article 4. The right to nominate candidates for deputies to the National Assembly

The right to nominate candidates for deputies to the National Assembly belongs to the voters in constituent districts and to public-political organizations or coalitions of these registered prior to the nomination-submitting deadline defined by this law.

Each public-political organization or a coalition of them has the right to propose only one list of candidates for deputies to the National Assembly.

## CHAPTER II. THE BASES OF PREPARING AND CARRYING OUT THE ELECTIONS

Article 5. The the bases of preparing and carrying out the elections

The preparation and implementation of the elections is ensured by the central and district electoral committees in accordance with this law.

The organizational expenses of the elections are covered from a united fund created under the management of the Central electoral committee. The fund is formed by state allocations as well as voluntary contributions of enterprises, public organizations and individual citizens. The amount of the state allocation towards the organization of the elections is authorized by the National Assembly.

Candidates for deputies to the National Assembly participating in the elections by the majoritarian system and public-political organizations participating in the elections by the proportional system have the right to use their own funds as well as funds generated through donations and fundraisers in their pre-election publicity campaigns.

The funds used in the campaign of each candidate can not exceed the minimum [monthly] salary in the republic by a factor of more than five hundred. Candidates and public-political organizations submit disclosures of their campaign expenses to the Central electoral committee in a manner prescribed by the latter.

The enterprises, establishments and organizations, state and public entities shall provide to the electoral committees the necessary office space and furniture for the preparation and implementation of the elections and are obliged to lend practical assistance within their means to the process of preparation and implementation of the elections.

The decisions of the electoral committees adopted within their jurisdiction are subject to mandatory implementation by all state bodies, enterprises, establishments, organizations and individual citizens.

Article 6. The procedure of forming electoral districts and electoral precincts

For the purpose of organizing and implementing the elections the territory of the Republic of Armenia shall be divided into 150 electoral districts.

The number of voters in each district shall not exceed or be less than 15 percent of the average number of voters in an electoral district.

Each electoral district shall be formed in such a way as to contain districts with common borders.

Each settlement within an electoral district shall be divided into electoral precincts. The number of voters in an electoral precinct shall not be less than 100 or exceed 3000, except for the precincts formed in certain cases with the permission of the Central electoral committee.

The precincts shall be formed in such a way as to contain buildings and houses closest to the election site.

Article 7. Public information dissemination during the preparation and implementation of the National Assembly deputies elections

The electoral committees inform the public on their activities, the formation of electoral districts and precincts, the membership, location, working hours and the lists of constituent voters of respective electoral committees.

The electoral committees inform the citizens on the nomination and registration status of the candidates for deputies, their biographical data, the main provisions of the pre-election programs of the candidates and public-political organizations and the summary votes and election results for each candidate.

The representatives of the public-political organizations, the press, the television and the radio, observers and the proxies of the candidates for deputies of the respective electoral districts have the right to be present at the registration of the candidates for deputies, the sealing of the ballot-boxes, the opening of the latter and counting of the votes, the determining the outcome of the elections as well as during the whole duration of the elections.

The authorization of the representatives must be endorsed by proper documents and the

respective electoral district electoral committees must be notified of the latter at least 3 days prior to the date of the elections.

The respective electoral committee shall create equal conditions for ensuring the presence of the representatives.

No more than two proxies of each candidate for deputy and public-political organization may be present at an electoral precinct.

### CHAPTER III. ELECTORAL COMMITTEE

#### Article 8. The bases for forming electoral committees

The electoral committees comprise the citizens of the Republic of Armenia that have the right to vote.

Members of the electoral committees are proposed by the governing bodies provided by the charters of the competing public-political organizations according to the principle of equal representation in the prescribed manner.

In case the competing public-political organizations do not submit enough proposals the electoral committees are formed and augmented by decision of a superior electoral committee 3 days prior to the deadline set by this law for forming the respective electoral committees.

If the superior electoral committee does not decide on forming or augmenting the membership of the respective electoral committee within the deadline provided by section 3 of this Article, the decision is made by the chairman of the superior electoral committee.

Members of an electoral committees can not be laid off from their permanent employment by the management or be subjected to administrative penalty during the function of the electoral committee without agreement of a superior electoral committee.

Members of electoral committees can not be drafted into military service.

Decisions on proposing members of electoral committees are submitted to respective superior electoral committees.

Information on the membership of electoral committees is published in the manner prescribed by the Central electoral committee.

Chairmen, deputy chairmen and members of electoral committees can be elected only to one electoral committee and have no right to be nominated as candidates for deputies.

Article 9. The procedure for forming the Central electoral committee

The Central electoral committee comprises at least 7 persons, the chairman and 6 members. Candidates for membership of the Central electoral committee are proposed by the deputies of the Supreme Council, 1 candidate from every 10 deputies at least. The nomination of candidates by the deputies is certified on the letterhead of the deputies of the Supreme Council by personal signatures of supporting deputies or by means otherwise expressing their personal endorsement. The proposals for nominations are submitted to the secretary of the Supreme Council in the name of the chairman of the Supreme Council 10 days prior to the deadline set for forming the committee.

Nominees for membership of the Central electoral committee submit to the secretary of the Supreme Council in person or through an agent appointed in a manner prescribed by law their agreement to be registered as members of the Central electoral committee.

The membership of the Central electoral committee based on the submitted nominations is registered in a special memorandum signed by the chairman and the secretary of the Supreme Council and is published 6 days prior to the deadline set for forming the Central electoral committee.

If the chairman or the secretary of the Supreme Council due to impossibility can not register the membership of the Central electoral committee, these tasks are carried through within the set timeframe by the officials provided as their replacement in the charter of the Supreme Council.

If that possibility is also excluded within the timeframe set in this Article, the President of the Republic of Armenia registers the membership of the Central electoral committee based on the submitted nominations no later than the deadline set for the formation of the Central electoral committee.

If the number of nominees for the Central electoral committee proposed in the manner prescribed by this Article is less than 6 the vacancies are filled by the President of the Republic of Armenia no later than the deadline set for the formation of the committee.

The work of the Central electoral committee is directed by its chairman, in whose absence - by the deputy chairman.

The chairman of the Central electoral committee is confirmed from among the members of the Central electoral committee.

The chairman of the Central electoral committee is confirmed by the Supreme Council of the Republic of Armenia by a nomination from the President of the Republic of Armenia no later than 5 days prior the deadline set for the formation of the Central electoral committee.

If the Supreme Council does not confirm the nominee of the President of the Republic of Armenia, the Supreme Council elects the chairman of the Central electoral committee in a three



day session 3 days prior the deadline set for the formation of the Central electoral committee.

If the Supreme Council does not decide on the appointment of the chairman of the Central electoral committee within the set timeframe, the chairman of the Central electoral committee is appointed by the President of the Republic of Armenia in the time set for the formation of the Central electoral committee.

The Central electoral committee elects from among its members a deputy chairman and a secretary of the committee.

Prior to the registration of the candidates for deputies one representative from each public-political organizations registered by the Ministry of Justice prior to the deadline set for the formation of the Central electoral committee can take part in the work of the Central electoral committee with an advisory vote.

Following the registration of the candidates for deputies one representative from each public-political organization or their blocs that had received a right to participate in the elections can take part in the work of the Central electoral committee with an advisory vote.

Article 10. The procedure for forming a district electoral committee

The district electoral committee comprises at least 7 persons.

Prior to the deadline for the registration of candidates for deputies of the National Assembly the membership of the committee, ensuring the principle of equal representation, includes representatives of public-political organizations that had submitted an application to participate in the elections by the proportional system.

The number of the representatives of public-political organizations in the district electoral committees is determined by the Central electoral committee. The date for the nominations of the public-political organizations is determined by the Central electoral committee within the provisions of this law. The Central electoral committee records the membership of electoral committees based on the nominations of the public-political organizations.

The district electoral committees elect from among their members chairmen of the committees within three days but no later than 6 days prior to the deadline set by this law for the formation of the district electoral committees. If the chairman of a committee is not elected in this timeframe the chairman of the district committee is appointed by the Central electoral committee from among the members of the district committee 3 days prior to the deadline set by this law for the formation of the district electoral committees. If the Central electoral committee does not appoint a chairman to the respective district electoral committee within this timeframe, the appointment is made by the chairman of the Central electoral committee from among the members of the district electoral committee.

The district electoral committee elects from among its members a deputy chairman and a

secretary of the committee.

Following the deadline for the registration of the candidates for deputies the representatives of the public-political organizations not participating in the elections by the proportional system are excluded from the membership of the committee and can participate in the sessions of the committee with an advisory vote.

The provision defined in the previous section of this Article does not extend to the chairman of the committee.

The work of the district electoral committees ceases following the elections by a decision of the Central electoral committee.

Article 11. The procedure for forming a precinct electoral committee

The precinct electoral committee comprises at least 7 persons.

Prior to the deadline for the registration of candidates for deputies of the National Assembly the membership of the committee, ensuring the principle of equal representation, includes representatives of public-political organizations that had submitted an application to participate in the elections by the proportional system. The number of the representatives of public-political organizations in the committees is determined by the Central electoral committee.

The district electoral committee records the membership of precinct electoral committees based on the nominations of the public-political organizations.

The precinct electoral committees elect from among their members chairmen of the committees within three days 4 days prior to the deadline set by this law for the formation of the district electoral committees. If the chairman of a committee is not elected in this timeframe the chairman of the district committee is appointed by the district electoral committee from among the members of the precinct committee 2 days prior to the deadline set by this law for the formation of the precinct electoral committees. If the district electoral committee does not appoint a chairman to the respective precinct electoral committee within this timeframe, the appointment is made by the chairman of the district electoral committee from among the members of the precinct electoral committee.

The precinct electoral committee elects from among its members a deputy chairman and a secretary of the committee.

Following the deadline for the registration of the candidates for deputies to the National Assembly the representatives of the public-political organizations not participating in the elections by the proportional system are excluded from the membership of the committee.

The provision defined in the previous section of this Article does not extend to the chairman of the committee.

The work of the precinct electoral committees ceases following the elections by a decision of the Central electoral committee.

Article 12. The procedure of introducing changes in the membership of the electoral committees

The powers of the chairman of the Central electoral committee can be terminated prematurely initiated by the President of the Republic of Armenia or the National Assembly.

The National Assembly shall discuss and adopt a decision on such initiative from the President of the Republic of Armenia within one month upon its receipt.

If the decision of the National Assembly approves of the initiative of the President of the Republic of Armenia, the chairman of the Central electoral committee is dismissed by a presidential decree within two days from the receipt of the approval of the National Assembly.

The decision of the National Assembly on dismissing the chairman of the Central electoral committee is submitted to the President of the Republic of Armenia. The President of the Republic of Armenia can dismiss the chairman of the Central electoral committee by his decree within one month of the receipt of the decision of the National Assembly or he can object to the decision of the National Assembly. In the latter case the President of the Republic of Armenia submits his objection to the National Assembly, which can reconfirm its decision to dismiss the chairman of the Central electoral committee within 15 days by a majority vote of at least 2/3 of the of the total number of the National Assembly deputies.

In case the chairman of the Central electoral committee is dismissed, the new chairman is appointed within 20 days in the manner prescribed by this law.

The powers of the deputy chairman, the secretary and the members of the Central electoral committee can be terminated prematurely:

- a) based on a personal application;
- b) through an initiative of the Central electoral committee.

The powers of the deputy chairman, the secretary and the members of the Central electoral committee can be terminated based on their personal applications by a decision of the committee. If the Central electoral committee does not adopt a decision to settle the application, the powers of the deputy chairman, the secretary and the members of the Central electoral committee are terminated prematurely following a second application reiterating the request by the author within one month from the declination of the first.

The vacancies in the Central electoral committee created by cases provided in this Article are not filled unless the number of the members falls below 7. If the membership of the Central electoral committee falls below 7 it is augmented by a decree of the President of the Republic of Armenia

within 20 days.

The powers of the persons within district and precinct electoral committees may be terminated prematurely in the same procedure in which they were included in the committee.

The premature termination of the powers can also be implemented either through a decision of a superior committee by its own initiative or through a decision of an inferior committee:

- a) based on a personal application;
- b) if the provisions of this law are not obeyed;
- c) if five consecutive sessions of a committee are missed without a proper cause.

Point b) of the previous section of this Article can only be applied to a person included in an electoral committee for at least one month.

In case of a premature termination of the powers of persons included in an electoral committee the electoral committees are augmented in a manner prescribed by this law for the forming of respective committees.

No changes can be made in the membership of the electoral committees through the 5 days preceding the elections and during the assessment of the results of the elections. Persons included in the electoral committees have no right to refuse their duties in the committees beginning from 6 PM on the day preceding the elections and through the completion of the assessment of the election results except for cases of health failure or death of a close relation, of which the superior electoral committee shall be notified.

Article 13. The powers of the Central electoral committee

The Central electoral committee is the body conducting the oversight of this law and ensuring its uniform implementation. In accordance with the legislation of the Republic of Armenia it has the following powers:

- 1) in case of a fact of breaking this law or of disobeying its provisions to apply to the respective bodies or to the court;
- 2) to form electoral districts and district electoral committees, to alter the borders of electoral precincts and membership of electoral committees in cases and the manner provided by law;
- 3) to manage the means allocated for the elections, disburse the finances among the electoral committees, to oversee the allocation of office space, furnishings, transportation means, electricity, communications equipment and other material and technical assets to district and precinct electoral committees;

4) to determine the layout of the election documentation, the ballots, ballot boxes, specimens of the seals, the procedure and timeframe for filling in and filing the documentation. To provide necessary documentation to the electoral committees;

5) in order to ensure uniform implementation of the law to pass and publish the necessary decisions and decrees on the procedure of the elections and their preparation, to oversee their implementation;

6) to attend to reports of the electoral committees and government bodies on matters concerning the implementations of the elections and their preparation;

7) to change in exceptional cases the time and site of the voting;

8) to discuss the appeals and complaints received concerning the decisions and actions of the electoral committees and to pass decisions on these;

9) to alter or annul the decisions of the district and precinct committees;

10) to register the candidates for deputies nominated for participation in the elections to the National Assembly by the proportional system and issue them candidate certificates, to refuse or annul the registration of a candidate/candidates;

11) to register or refuse to register the persons in detention regardless of their nomination for participation in a proportional or majoritarian election system. In these cases the Central electoral committee must receive a conclusion from the Prosecutors office of the Republic of Armenia within the timeframe provided by law;

12) to render, summarize and confirm the results of the elections based on the proportional or majoritarian system, to verify them if necessary;

13) to register the elected candidates for deputies to the National Assembly and issue them certificates of a National Assembly deputy;

14) to declare the elections partially or completely invalid;

15) to appoint additional votings or by-elections;

16) to exercise other powers ensuring the oversight and the uniform implementation of this law.

Article 14. The powers of the district electoral committees

The district electoral committee, in accordance with the legislation of the Republic of Armenia, has the following powers:

1) to oversee the implementation of this law in its district;

- 2) to form electoral precincts and precinct electoral committees, make changes in their membership;
- 3) to provide the precinct committees with the necessary material and technical means, election documentation, to organize in the prescribed manner the preparation and the implementation of the elections, to oversee the implementation, to provide the electoral precincts with office space, furnishings, transportation means, electricity, communications equipment and other material and technical assets;
- 4) to attend to reports of the precinct committees, administrative bodies within the precinct territories and interested organizations on matters concerning the implementation of the elections and their preparation;
- 5) to follow the compilation of the lists of voters by the local authorities, the transfer of these to the respective precinct committees and submitting for general notification;
- 6) to discuss the applications and complaints received concerning the decisions and actions of the precinct electoral committees and to pass decisions on these;
- 7) to register and issue respective certificates to the candidates for deputies to the National Assembly and their proxies nominated in the district, as well as to the proxies of public-political organizations participating in the elections by the lists of candidates to the National Assembly. To refuse or annul the registration of a nominated candidate in accordance with this law;
- 8) to submit to the Central electoral committee all materials in its possession regarding the persons in detention nominated for participation in the elections in their district;
- 9) to organize the publication on an equal basis of the biographies and brief pre-election programs of the candidates for deputies nominated in the district, as well as to submit to the precinct electoral committees the pre-election programs of the public-political organizations or their blocs and the lists of the candidates for deputies;
- 10) to register the representatives and observers;
- 11) to ensure the the preparation of the district ballots and their distribution to the precincts along with the ballots for the list elections;
- 12) to summarize and declare the results of the voting in the district;
- 13) to exercise other powers ensuring the uniform implementation of this law in the district.

Article 15. The powers of the precinct electoral committees

The precinct electoral committee, in accordance with the legislation of the Republic of Armenia, has the following powers:

- 1) to ensure the voters the possibility to acquaint themselves with the lists;
  - 2) to accept and discuss complaints on the inaccuracies in the lists of voters and solve the issues of introducing the respective adjustments to the lists;
  - 3) to organize the publication on an equal basis of the biographies and pre-election programs of the candidates for deputies, the pre-election programs of the public-political organizations or their blocs and the lists of the candidates for deputies;
  - 4) to inform the voters on the location of the precinct, the day of the elections and the working hours of the committee;
  - 5) to ensure the the preparation of the building, the booths, the ballot boxes and other means necessary for the elections;
- [HB: either clause 6 is missing or clause 7 misnumbered]
- 7) to organize the voting, summarize the results of the voting and declare them in the precinct;
  - 8) to exercise other powers in accordance with this law

#### Article 16. The organization of the work of electoral committees

The work of the electoral committees is organised by the chairmen of respective committees or their deputies by their assignment, ensuring equal conditions for the presence at the committee sessions during deliberation of issues of the representatives of parties interested in them.

Members of electoral committees have the right to inspect the issues under the jurisdiction of their committees and access the corresponding documents.

The electoral committees determine the schedule for their regular sessions. The extraordinary sessions are convened by the chairman at his initiative or by a written demand of at least 1/3 of the committee members. The chairman must convene the extraordinary session before the regular session.

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

The decisions of the electoral committees are passed by an open ballot. In special cases a secret ballot may be decided upon by the committee members. The ballot is considered valid if more than half of the total number of committee members have voted.

The decision is considered passed if it was voted for by more than half of the participants of the voting.

Upon the request of a superior committee the committees must submit to it all materials at their disposal concerning issues of interest for the former, including, provided existing, written memorandums on the issue presented by the committee members.

If the decisions of a committee contradict each other, the decision of the superior committee prevails.

The persons included in the electoral committees, in the manner prescribed by the Central electoral committee, can be relieved of their obligations at the production or service employment.

The chairman and the secretary of the Central electoral committee are employed on a permanent basis and, until the termination of their powers, can not be engaged in other paid employment except for scientific-pedagogical or creative work, can not have other state positions or engage directly in entrepreneurship.

The chairman of the Central electoral committee forms a staff. Compensation for work performed with connection to the elections is paid from the allocation for the elections. From the day of their formation the electoral committees maintain a register with pages numbered and sealed by the superior committee, in which mandatory dated entries are made on all factual activities carried out in connection with the elections.

Article 17. The procedure of appealing the decisions and actions of electoral committees

The decisions and actions of electoral committees can be appealed at the superior electoral committee, while the decisions and actions of the Central electoral committee or, in other cases provided by this law, can also be appealed at the court of law by the public-political organizations, candidates for deputies, their proxies, observers and voters, within three days from the appealed decision or action.

The complaint must be discussed within 3 days from its submission. The decisions of the Central electoral committee concerning the results of the elections can be appealed at the Supreme Court of the Republic of Armenia.

#### CHAPTER IV.       LISTS OF VOTERS

Article 18. Lists of voters and the procedure for their compilation

Lists of voters are compiled according to the electoral districts, they are signed and sealed by the head of the local self-administration of the settlement that includes the district.

Lists of voters include citizens entitled to vote living in the respective district permanently or within the borders of the district during the last 6 months preceding the elections at the time of compilation of the lists.



The first and last names of voters, their patronimics, addresses, dates of birth and the documents serving as basis for including in the list are entered in the lists of voters in the format fit for the organization of voting. For voters 18 years of age the month and day of birth are also entered.

A voter can be included in the list of only one electoral district.

Article 19. The exposure of citizens to the lists of voters and the right to appeal the errors in the lists of voters

The lists of voters are exposed for general public 15 days prior to the date of the elections.

The citizens, candidates for deputies or their proxies are given the possibility to view the lists of voters and verify their accuracy in the offices of the precinct electoral committees.

A complaint on an inaccuracy in the list of voters is reviewed by the precinct electoral committee, it must discuss the complaint and introduce the necessary adjustments in the list or provide the applicant with a copy of a substantiated decision on rejecting the complaint within two days, and immediately on the eve or on the day of the election.

The decision of the precinct electoral committee can be appealed at the district (city) court of law five days prior to the elections day, the latter has to review the complaint within three days. The adjustment in the list of voters requested by a court of law is introduced immediately.

## CHAPTER V. THE NOMINATION AND REGISTRATION OF THE CANDIDATES FOR DEPUTIES

Article 20. The procedure of nomination for the candidates for deputies

The candidates for deputies are nominated through supporting the nomination proposal by the signatures of the voters.

Each voter supporting the proposal of the candidate for deputy personally signs the official nomination ballot.

The official letterhead and nomination ballots of a confirmed layout for the candidate for deputy are given by:

the Central electoral committee in case of proposing a nomination for election by the proportional system;

the respective district electoral committee in case of proposing a nomination for election by the majoritarian system, or the Central electoral committee in case the Central electoral committee satisfies the appeal of a rejection by a district committee to give nomination ballots.

The official nomination ballots for the candidate for deputy are given to:

not more than 10 authorized representatives of a public-political organization, who present the decision of the governing body of the organization on submitting a list of candidates and are fully authorized by that body;

not more than 5 authorized representatives of an individual who had submitted an application to run in the elections by the majoritarian system or had sent in the legally verified application. The authorized representatives represent the interests of the proposed candidates from the list of a given public-political organization or their bloc, as well as the interests of the individual candidates in the Central electoral committee and are entitled to an advisory vote.

The candidates for deputies from a list are considered nominated if between 10000 and 12000 voters sign in support of the list.

The candidate for deputy in an election by a majoritarian system is considered nominated if between 500 and 700 voters from the given electoral district sign in support of his/her proposal.

An election deposit in the amount of a factor of ten of the minimum [monthly] salary in the republic is paid to the united electoral fund by the public-political organizations or the candidate for every proposed nomination of a candidate.

The deposit is refunded to those public-political organizations, their blocs or individual candidates, who receive more than 5% of the votes.

Every public-political organization or individual organizing their nomination is responsible for selecting the persons to be trusted with collecting the signatures and issues them certificates to that effect.

The documents proposing nominations of candidates for deputies should contain entries of the candidates first and last names, patronymic, the day, month and year of birth, address of residence, employment and party membership.

When giving the official nomination ballots to the authorized representatives the Central and district electoral committees make mandatory entries in them of the receivers first and last names, patronymic, and the basis for registering that individual as an authorized representative. Upon submitting the nomination ballots with the signatures of voters to the respective committees for the registration of nominations, entries are made of the first and last names, patronymic, address of residence, passport number and signature of the authorized collector of signatures of the given nomination ballot.

If the proposed candidate for deputy is in detention a special reference to that effect is to be made by the initiators in the document proposing the candidate.

Article 21. The registration of a candidate for deputy

The documents nominating a candidate for deputy are accepted by the respective electoral committees. The latter may discuss the issue of their registration only if the following documents have been received by the nomination deadline set by law:

- 1) the properly filled in nomination documents proposing a candidate for deputy;
- 2) the properly filled in official nomination ballots of a candidate(s) for deputy with signatures of a minimum of 10000 voters in case of elections by the proportional system and signatures of a minimum of 500 voters in case of elections by the majoritarian system;
- 3) a written declaration of the agreement by the candidate(s) for deputy to run in the elections, which, if not submitted by the candidate in person, must be legally verified;
- 4) a certification of residential address and registration;
- 5) the receipt of the election deposit;
- 6) for detained persons a written statement to the fact by the proposed candidate or his/her authorized representative.

The candidates for deputies are registered by respective electoral committees provided:

- 1) the number of invalid or false signatures revealed by an inspection of the official nomination ballots of a candidate(s) for deputy does not exceed 300 in case of elections by the proportional system and 50 in case of elections by the majoritarian system, and if these are neglected, the number of remaining signatures in the official nomination ballots is no less than 10000 in case of elections by the proportional system and no less than 500 in case of elections by the majoritarian system;
- 2) no falsification is revealed by inspection of the other submitted nomination documents.

The nomination of a candidate(s) for deputy is registered without voting in cases referred to in the previous sections of this Article if the committee members with a decisive vote have no objections. In case of an objection the objection is voted on.

The registration of the nomination of a candidate for deputy can be refused by the respective committee if:

- 1) the number of invalid or false signatures revealed by an inspection of the official nomination ballots of a candidate(s) for deputy exceeds 300 in case of elections by the proportional system and exceeds 50 in case of elections by the majoritarian system, and in case these are neglected, the number of remaining signatures in the official nomination ballots is less than 10000 in case of elections by the proportional system and less than 500 in case of elections by the majoritarian system;

- 2) falsification is revealed by inspection of the other submitted nomination documents;
- 3) the candidate for deputy has agreed in writing to run in more than one district in case of elections by the majoritarian system and more than one list in case of elections by the proportional system;
- 4) the restrictions embedded in this law extend to the candidates for deputies.

In cases provided for by this Article the refusal to register the candidate for deputy by respective electoral committees is recorded without a vote, unless the persons in the committee with decisive or advisory votes have objections. In case of an objection by the above-mentioned persons the objection is voted on.

The registration of the candidate for deputy is considered void if following the registration facts are revealed that extend the restrictions of this Article upon the candidate. In such cases the respective committee records in its session and publishes the invalidity of the registration.

If the person proposed as a candidate for deputy is in detention the Central electoral committee passes a decision on his/her registration only if a written conclusion of the Prosecutors office exists on the substantiated nature of that persons detention. In such cases the the necessary documents for nominating a candidate for deputy are submitted to the district electoral committee 10 days prior to the deadline set for the submission of the nomination documentation.

The person in detention or his/her authorized representative applies to the chairman of the Central electoral committee with a request to receive the written conclusion of the Prosecutors office on the substantiated nature of the persons detention, attaching the receipt by the electoral committee in exchange for the necessary nomination documents, which the chairman or the secretary of the district electoral committee issues immediately upon receipt of the necessary documents, within one day.

Upon the receipt of the application by the person in detention or his/her authorized representative the chairman of the Central electoral committee within one day requests a conclusion from the Prosecutors office, which must send its conclusion on the substantiated nature of the persons detention before the deadline set by this law for submission of the nominations of candidates for deputies.

In case of registration or the refusal to register the persons in detention as candidates for deputy the interested parties have the right to appeal at the Supreme Court the decision of the Central electoral committee within three days of its passing.

The decision of the Supreme Court to recognize the decision of the Central electoral committee as illegal is considered basis for changing the corresponding decision of the Central electoral committee. In this case the Central electoral committee records without voting the change of its own decision necessitated by the decision of the Supreme Court.

The registration of persons in detention as candidates for deputy and their election as deputies can not serve as basis for dropping the criminal charges or closing the indictment.

Starting from the moment of registration the degree of custody chosen for such persons, the detention, may be replaced by a milder measure of custody that does not prevent them from participating in a full-pledge pre-election campaign.

The communique on the registration of the candidates for deputies is published in the manner defined by the Central electoral committee.

Article 22. The annulation of the registration of the candidate for deputy

The candidate for deputy can terminate his/her nomination through submitting a withdrawal application to the respective electoral committee. The registration of a candidate based on his/her withdrawal can be annulled no later than five days prior to the elections. In case one of the candidates declares withdrawal 5 days prior to the 2nd stage of voting, the permission is granted by decision of the the district electoral committee to the candidate with the next biggest number of votes in the 1st stage to take part in the 2nd stage of voting.

In case of the death of a candidate, as well as in cases provided for in Article 25 of this law when the facts are confirmed, the registration is annulled.

Article 23. Immunity of the candidates for deputies

The candidate for deputy can not be apprehended without a decision of a court of law.

## CHAPTER VI. PROXIES OF THE CANDIDATES FOR DEPUTIES, PRE-ELECTION PROPAGANDA

Article 24. Proxies

To represent the interests of the candidates for deputies and public-political organizations in the respective electoral committees the district electoral committees, upon presentation by the candidates for deputies and public-political organizations, register not more than three proxies for each electoral precinct, who are issued certificates.

The proxies have the right to represent the interests of the candidate for deputy in the relations with state and public bodies, to be present unhampered at all functions of the respective electoral committee.

Not more than two proxies from each candidate for deputy or public-political organization may be present concurrently at a function of the district electoral committee.

The registration of a proxy (proxies) is invalidated and a new proxy (proxies) is registered by the district electoral committee based on an application by the candidate for deputy or a public-political organization.

A proxy can not be included in the electoral committee.

#### Article 25. Pre-election propaganda

The citizens of the Republic of Armenia have the right of free and diversified discussion of the political, business and personal characteristics of a candidate for deputy, as well as the right to freely propagate through meetings, rallies and the mass media.

The candidates for deputies and their proxies, public-political organizations have the right to organize meetings with the voters.

The electoral committees and respective state bodies must ensure the equal opportunity to use:

for the public-political organizations participating in the elections by the proportional system the republican state-owned mass-media outlets;

for the candidates for deputies participating in the elections by the majoritarian system the local state-owned mass-media outlets. The Central electoral committee ensures the possibility of the gratuitous use by the public-political organizations and private candidates participating in the elections of the respective state-owned mass-media within the limits of the united elections fund.

Each public-political organization and private candidate participating in the elections may also use the respective state-owned mass-media on a paid basis on their own expense but not to exceed the double of what the Central electoral committee has defined as the gratuitous limit.

During the pre-election campaign it is forbidden for the candidates for deputies either in person or through other persons, private, state enterprises or organizations to allocate funds, food, other goods or gifts to the voters using any pretext. In case any of the above-mentioned facts is confirmed to have happened, the Central electoral committee may declare the registration of the candidate void.

On the day of voting it is forbidden to propagate, have rallies, or for people to accumulate in the vicinity of the ballot buildings.

### CHAPTER VII. THE PREPARATION AND IMPLEMENTATION OF VOTING

#### Article 26. Ballots

The ballots in the election by the majoritarian system lists in the alphabetical order the first and last names, the patronymic of the candidate for deputy, his/her party membership, employment and job description, in the election by the proportional system the name of the registered public-political organization or their bloc (or the abridged name, if the public-political organization uses one), as well as the first and last names and the patronimics of the first three candidates for deputy in the list.

Article 27. The certificate of the right to vote

Each voter is issued a certificate of the right to vote. The certificate of the right to vote is a sheet of paper consisting of two similar sections that can be separated. It has entries of the first and last names and the patronymic of the voter, the day, month and year of his/her birth, the address of residence, the numbers of the electoral district and the electoral precinct, as well as the number across the last name of the voter in the list of voters. distribution.

Article 28. The disbursing and collection of the voting documents

The voting documents are disbursed and received in the electoral committees with a mandatory entry in the register containing the signatures of the giver and taker as well as recording the transaction by way of issuing a receipt.

The ballots and certificates of the right to vote are allocated to the electoral committees in the previously approved quantities.

Article 29. The place and time of voting

The voting takes place on the day of the elections from 8AM to 8PM.

A voter participates in the elections only in the precinct that includes his/her residence.

In exceptional cases the the place and time of voting may be changed by a decision of the Central electoral committee.

Article 30. The organization of voting

The voting takes place in specially allocated buildings, where a sufficient number of booths or rooms must be furnished to carry out the secret ballot, and tables installed for the registration of voters and distribution of the ballots. The ballot boxes must be placed in a location visible for the majority of those entitled to be present in the precinct.

Before the voting begins the the precinct electoral committee approves by a decision the list of those its members, who will confirm with their signatures the authenticity of the ballots. If before the voting begin a member of the committee insists on the necessity of the ballots being signed by him/her, he/she is granted that opportunity. In such cases the decision of the committee is recorded without voting.

Then the chairman of the committee checks, closes and seals the ballot box in the presence of the members of the committee and persons entitled to be present at the sessions of the committee, after which he/she hands the counted quantity of the ballots to the persons responsible for the ballots and the persons responsible for registering voters with filled in certificates of the right to vote, making a corresponding entry in the register.

#### Article 31. The implementation of voting

Each voter registers by signing in the voters list across from his/her last name, upon presenting the passport or other proof of identity.

The member of the committee responsible for registration signs and hands the voter the certificate of the right to vote, which is also signed by the voter. The member of the committee responsible for the ballots signs in the registered voters certificate of the right to vote, separates the corresponding coupon from the certificate and drops it in the coupon box sealed by the committee, after which hands the voter the ballot.

The ballot is filled by the voter in the booth or room for secret ballots.

The voter that is incapable of personally fill in in the ballot may at his/her discretion invite another person into the ballot booth or room, excluding the members of the committee and proxies.

Except for the above-mentioned case the presence of other persons in the ballot booth or room during the filling of a ballot is prohibited.

In the ballot of the election by the majoritarian system the voter leaves the last name of only one preferred candidate, crossing out the last names of other candidates.

In the ballot of the election by the proportional system the voter leaves the name of only one preferred public-political organization or their bloc, crossing out the names of other public-political organization or their blocs.

In case there is only one candidate for deputy or one public-political organization on the ballot the voter crosses out the words I agree if he/she votes against it, or crosses out the words I disagree if he/she votes for.

The voter brings out the closed ballot from the ballot booth or room and personally drops it in the ballot box.

### CHAPTER VIII. SUMMARIZING THE RESULTS OF THE ELECTION

Article 31. The procedure of filling the summary records of the election results at the



electoral precincts

In the summary records of the election results each computed figure is entered and signed across from by those who did the computation in the order defined by the procedure for summarizing the results of the elections.

The records of the elections by the proportional and the majoritarian system are filled separately, in the order by which the computations were done.

Entries are made in the records about the ballot box and the box for the coupons of the certificates of the right to vote being closed and sealed until the end of the voting.

The figures being computed and the results of the computation are declared out loud.

The summary records of the election results are signed by the members of the precinct electoral committee who participated in the activities of the committee during the day of the voting. If any member of the committee has a special opinion regarding the process or the results of the voting, he/she makes a respective entry across from the signature, submitting his/her opinion in writing.

The refusal of a committee member to sign the record is recorded by the committee and attached to the summary record of the election results.

#### Article 33. Invalid ballots

The ballots are recognized as invalid if they do not correspond to the approved specimens, do not bear the stamp of the given electoral precinct and the signatures of the members of the committee selected by the committee, are voted pro for more than one candidate, are voted pro for more than one public-political organization or their bloc, in cases where there is only one candidate for deputy or one public-political organization on the ballot the voter crossed out or leaved both the words [I agree] and [I disagree], as well as those ballots that bear extra inscriptions.

The ballots that cause suspicion are voted on by the electoral committee.

#### Article 34. The procedure of summarizing the results of voting in the electoral precincts

After closing the precinct at 8PM on the day of the elections the precinct electoral committee:

- 1) enters the number of the ballots received from the district electoral committee in the records;
- 2) counts the number of unused ballots along with those incorrectly filled or returned by the voters and cancels them in the prescribed manner to rule out future use;
- 3) counts:

- a) the total number of voters based on the list of voters,
- b) the number of registered voters based on the signatures,
- c) the number of unused certificates of the right to vote;
- 4) opens the ballot box;
- 5) in the election by the majoritarian system counts:
  - a) the total number of ballots present in the ballot box,
  - b) the number of ballots recognized as invalid,
  - c) the number of [pro] votes given to each candidate for deputy,
- 6) in the election by the proportional system counts:
  - a) the total number of ballots present in the ballot box,
  - b) the number of ballots recognized as invalid,
  - c) the number of [pro] votes given to each list;

The counted and registered ballots are packed separately, the packs are sealed by the stamp of the precinct electoral committee.

The stamped records, the sealed box for the coupons of the certificates of the right to vote and packets of other election documents are sent to the superior electoral committee in the manner prescribed by the Central electoral committee.

#### Article 35. Summarizing the results of voting in the electoral districts

After placing the election documents received from the electoral precincts in the determined safe location and locking them up, the district electoral committee, based on the records of the precinct electoral committees, makes the following entries in the register of the district electoral committee:

- the total number of the ballots given to the precinct electoral committees;
- the total number of canceled ballots;
- the total number of incorrectly filled and returned ballots;
- the total number of voters;

the total number of registered voters;

the total number of unused certificates of the right to vote, by precincts;

the total number of the ballots in the ballot boxes;

the total number of ballots recognized as invalid;

the total number of votes in favor of each candidate for deputy;

the total number of votes in favor of each public-political organization or their bloc;

computes and enters the number by the precinct of the certificates in the boxes for the certificates of the right to vote. After the count the certificates are packed and sealed by the stamp of the district electoral committee.

The data in the register is confirmed by a vote of the district electoral committee, then signed and stamped.

The records of the district electoral committee, along with copies of the records of each of the [constituent] precinct electoral committees, are sent to the Central electoral committee in the prescribed manner.

Article 36. The rendition of the results of the elections

In order to distribute the mandates according to the lists and determine the deputies elected by the proportional system, the Central electoral committee, based on the records received from the electoral committees, renders:

the total number of voters; the total number of registered voters;

the total number of the certificates in the boxes for the certificates of the right to vote;

the total number of the ballots in the ballot boxes;

the total number of the ballots recognized as invalid;

the total number of voters (valid votes) in favor or against each public-political organization or their bloc;

the total number of votes in favor of each list;

the total number of votes in favor of all public-political organization or their blocs;

the total number of votes in favor of those public-political organization or their blocs that

received at least 5% of the total number of valid votes;

the effect of the inconsistencies in the numbers in the records on the result of the elections.

The Central electoral committee discusses the complaints received concerning the implementation of the elections and the summarizing of their results, if necessary, organizes inspections in a manner prescribed by itself.

#### Article 37. Recognizing the elections invalid

The Central electoral committee recognizes the elections invalid in certain precincts or districts if:

- 1) the candidate for deputy is changed or is not elected due to inconsistencies in the figures entered in the records of the electoral committees, or in accordance with facts confirmed by inspections, or, in the elections by the majoritarian system, passes to second round of voting and it is not possible to reconstruct the real result of the elections and thus determine the elected candidate;
- 2) violations of this law were made during the preparation and implementation of the elections that prevented the exercise of the equal direct free election right in a secret ballot.

The decision of the Central electoral committee regarding the results of the elections may be appealed within 10 days at the Supreme Court of the Republic of Armenia, the decision of the latter is final.

#### Article 38. Summarizing the results of the elections by the majoritarian system

The Central electoral committee passes a decision on the election of a deputy to the National Assembly from the electoral district.

The candidate receiving the majority of votes in his/her favor, but no less than 25 % of the valid votes is considered elected in the first round.

If two candidates run in the first round and neither receives over 25% of the valid votes, the elections in that district are considered not to have taken place and the districts mandate remains unfilled.

If more than two candidates run in the first round and none is elected, a second round is carried out between the first and second candidates with the most votes in their favor, and the one getting in it the most votes in his/her favor is considered elected.

If only one candidate runs in any round of the elections, he/she is considered elected by receiving over 50% of the valid votes.

Article 39. Summarizing the results of the elections by the proportional system

The mandates are distributed only between the lists that received at least 5% in their favor from the valid votes.

The mandates allocated for the elections by the proportional system (40 for the regular elections) are distributed between the public-political organization or their blocs in proportion with the votes in their favor received.

The computation of the share of the mandates for each public-political organization or their bloc is done in the following manner: the number of votes in favor of each list is multiplied by the number of mandates allocated to the lists, the resulting number is divided by the total number of votes in favor of all lists that got at least 5% of the valid votes, the resulting respective integer values of the quotients represent the number of the mandates received by each list. The remaining mandates are distributed between the lists according to the descending value of the remainders of the computation, one remaining mandate to each. In case the remainders are equal, the disputed mandate is given to the list with the most votes in its favor, if those are equal, the decision is made by a lottery.

The candidate is considered elected if his/her number in the list is less or equal to the number of mandates received by that list.

The mandate of the candidate elected by the proportional system is given to the next candidate in the list if he/she was also elected by the majoritarian system. If the candidate has to participate in the second round of elections by the majoritarian system, the issue of his/her mandate is resolved after receiving the results of the second round.

The issue of the mandates not distributed due to the recognition of the elections as partially invalid is resolved after receiving the results of re-voting.

Article 40. Summarizing the results of the elections by the proportional system in case the elections are recognized as partially invalid

If the elections were recognized as invalid in any electoral precinct by a decision of the Central electoral committee the results of the elections are summarized in the following manner:

1) the lists receiving in their favor at least 5% of the valid votes are determined, for which:

the votes in favor received by each list in the precinct where the elections were recognized as invalid are neglected;

when computing the total number of valid votes the number of valid votes in the precincts where the elections were recognized as invalid is substituted by the total number of votes in the lists of the voters of those precincts;

2) the lists retaining the possibility of getting at least 5% of the votes in their favor are determined, excluding the lists referred to in point 1 of this Article, for which in computing the total number of votes in favor of each list the number of votes in their favor in the precincts where the elections were recognized as invalid is substituted by the total number of votes in the lists of the voters of those precincts, and in computing the total number of valid votes the number of valid votes in the precincts where the elections were recognized as invalid is substituted by the total number of votes in the lists of the voters of those precincts.

Until the summarization of the results of the re-voting, the computation of the number of the mandates for each list is done in the prescribed manner, whence:

in computing the total number of votes in favor of each list, the number of votes received in favor of that list in the precincts where the elections were recognized as invalid is neglected;

the number of votes in favor of all lists that received at least 5% of valid votes is substituted by the total number of votes in favor that were received or could have been received by all public-political organizations or their blocs that received or retained the possibility to receive at least 5% of votes in their favor, and when computing this in the precincts where the elections were recognized as invalid instead of computing the total of votes in favor of all of them the total number of votes in the lists of the voters of those precincts is counted; mandates are not given to the lists retaining the possibility of receiving at least 5% of the votes in their favor;

the mandates due to the lists of public-political organizations or their blocs that received at least 5% of the valid votes in their favor computed in accordance with the provisions of this Article are distributed in the prescribed manner, but no mandates are distributed according to the value of the remainders.

The computation of the number of mandates due to each list after the re-voting is done in the prescribed manner, where the numbers computed for the case when the elections were recognized as partially invalid are substituted by the corresponding numbers obtained from the re-voting and the unclaimed mandates are respectively allocated to the lists of public-political organizations or their blocs, thus completing the number of mandates due to them.

Article 41. The registration of the deputies to the National Assembly

The publication of the election results The results of the elections are summarized no later than within 10 days from the day of the elections.

Irrespective of all possible outcomes of the re-voting to be carried out in the districts or precincts where the elections were recognized as invalid, the Central electoral committee registers the elected deputies to the National Assembly and, immediately upon expiry of the powers of the preceding National Assembly, issues them certificates of a deputy to the National Assembly.

The official memorandums on the results of the elections are published in the manner prescribed by the Central electoral committee.

Article 42. The premature termination of the powers of the deputy to the National Assembly

The powers of the deputy to the National Assembly may be terminated prematurely by a decision of the Supreme Court of the Republic of Armenia, if:

- 1) the Supreme Court has recognized the elections as invalid within one month based this law or on complaints about the results of the elections;
- 2) a verdict by the Supreme Court of his/her confinement is empowered;
- 3) the operation of the public-political organization that had nominated the deputy by the proportional system is banned in the procedure prescribed by law, and the deputy is a member of that public-political organization at the time of the ban.

The powers of the deputy to the National Assembly are considered prematurely terminated in the event of his/her death.

#### CHAPTER IX. ADDITIONAL VOTING

Article 43. Re-voting

In case the elections are recognized as partially invalid, within two weeks following the summarizing of the results of the elections in the electoral districts or precincts, a re-voting is assigned to be carried out with the same registered candidates for deputies, less the candidates recalled or withdrawn since the assignment of re-voting, within the provisions of this law.

Respectively, re-votings by the proportional or majoritarian system are not carried out in those precincts, where the results of the re-votings can not influence the results of the respective elections.

Article 44. Repeat votings

Repeat votings for the elections by the majoritarian system are carried out in the electoral district within two weeks following the summarizing of the results of the elections, within the provisions of this law. The candidate for deputy running in the repeat voting can not be recalled or withdrawn with the exception of his/her death.

#### CHAPTER X. REGULAR ELECTIONS

Article 45. The procedure and intervals of assigning and carrying out regular elections

The regular elections are assigned 4 months prior to the expiration date of the powers of the National Assembly.

The elections are carried out no later than on the day of the expiration of the powers of the National Assembly.

The regular elections are prepared and implemented in the manner prescribed by this law.

Article 46. The timeframe for forming the electoral committees

The Central electoral committee is formed at least 80 days prior to the date of the regular elections.

The district electoral committees are formed at least 60 days prior to the date of the regular elections.

The precinct electoral committees are formed at least 30 days prior to the date of the regular elections.

Article 47. The timeframe for forming electoral districts and precincts

The division of the territory of the Republic of Armenia into electoral districts is done at least 70 days prior to the date of the regular elections.

The division of the electoral districts into electoral precincts is done at least 40 days prior to the date of the regular elections.

Article 48. The timeframe for nominating and registering the candidates for deputies

The nomination of the the candidates for deputies begins no sooner than 60 days prior to the day of the elections and is terminated 40 days prior to the day of the elections at 6 PM.

The applications for participating in the elections by the proportional system are submitted by the public-political organizations or their blocs at least 75 days prior to the day of the elections.

The registration of the candidates for deputies terminates 25 days prior to the day of the elections.

The pre-election programs may be submitted to the respective electoral committee 20 days prior to the day of the elections.

## CHAPTER XI. BY-ELECTIONS



Article 49. The assignment of by-elections

If the mandate due to the electoral precinct by the majoritarian system remains unclaimed in the process of the regular elections to the National Assembly or due to the premature termination of the powers of a deputy, by-elections are assigned and carried out in the respective precinct.

By-elections by the proportional system are assigned and carried out in the republic in the event of no less than 10 vacancies in the allocation for the proportional system.

Article 50. The procedure of filling according to the lists of vacancies created by the premature termination of the powers of deputies elected by the proportional system

The mandate of the deputy to the National Assembly elected by the proportional system, whose powers were prematurely terminated, is given to the next candidate in the respective list within two weeks of the termination date by a decision of the Central electoral committee.

If the powers of the deputy to the National Assembly were prematurely terminated based on point 3 Article 42 of this law, by-elections are assigned to fill the vacancy, provided the total number of vacancies in the National Assembly from the allocation for the elections by the proportional system is not less 10.

By-elections are also assigned in the case when less than  $\frac{2}{3}$  of the total number of the deputies to the National Assembly are elected in the regular elections. In such cases the by-elections are assigned by a decision of the Central electoral committee no later than 60 and no sooner than 50 days after the day of repeat voting. They are carried out in the procedure prescribed by this law and in the timeframe defined by the Central electoral committee.

Article 51. The timeframe for forming electoral committees for by-elections

The district and precinct electoral committees can be reorganized or formed in the timeframe defined by this law for regular elections.

Article 52. The electoral districts and precincts of the by-elections

By-elections are carried out according to the electoral districts and precincts formed for the regular elections.

Article 53. The nomination and registration of the candidates for deputies in the by-elections

By-elections are carried out with new nominations of the candidates for deputies.

The nomination of candidates or lists of public-political organizations or their blocs is done according to the procedure defined for regular elections.

The list of candidates nominated for previous elections by a public-political organization or their

bloc taking part in the by-elections by the proportional system is voided.

Article 54. The procedure and timeframe of carrying out by-elections

The voting in by-elections is carried out in the month of May or October.

By-elections are carried out in the procedure prescribed by this law.

CHAPTER XII. THE RESPONSIBILITY FOR VIOLATING THE REQUIREMENTS OF  
THE LAW ON THE ELECTION OF THE DEPUTIES TO THE NATIONAL ASSEMBLY

Article 55. The responsibility for violating the requirements of this law

Persons violating the requirements of this law are held responsible in the manner prescribed by the legislation of the Republic of Armenia.

This law is enacted from the moment of its publication.

Levon Ter-Petrossian  
President of the Republic of Armenia

April 4, 1995  
Yerevan

[translated by Artashes Emin]

10) The powers of members of the Supreme Court are extended until the formation of the Court of Appeals, but for no longer than three years.

11) Until the formation of a new judicial system included in the Justice Council are 11 members appointed by the President of the Republic, of whom two are legal scholars, six are judges and three are prosecutors. Three members each of the Council are appointed from judges of the regional (urban) people's courts and the Supreme Court with the procedure stipulated by Article 94 of the Constitution. The President of the Republic heads the Council. The Minister of Justice and the Chief Prosecutor are vice-presidents of the Council. The Justice Council exercises the powers reserved to it by the Constitution.

12) The prosecutor's office exercises the powers reserved to it by the Constitution in accordance with legislation currently in effect until the adoption of a law on the prosecutor's office.

13) The Supreme Court reviews court verdicts, judgments and rulings that have entered into legal force on the basis of appeals of the Chief Prosecutor and his deputies and lawyers with special licenses who are registered with the Supreme Court.

14) The previous procedure for searches and arrests is maintained until criminal procedure legislation is made to correspond to the Constitution.

Article 117. The day the Constitution is adopted is declared a holiday, "Constitution Day."

APPENDIX 2

Draft Constitution of the Republic of Armenia

## DRAFT CONSTITUTION OF THE REPUBLIC OF ARMENIA

[As adopted by the Constitutional Commission of the Supreme Soviet of Armenia on 13 April 1995 and as printed in the 20 April 1995 edition of the official daily Hayastani Hanrapetutium.. Translation by the Armenian Center for National and International Studies.]

The Armenian people, adopting as a basis the fundamental principles and pan-national goals of Armenian statehood set forth in Armenia's Declaration of Independence, and having realized the holy precept of its freedom-loving ancestors for the re-establishment of sovereign statehood, and devoted to the strengthening of [the State] and prosperity, adopts, while asserting its faithfulness to the values of all mankind, the Constitution of the Republic of Armenia to secure freedom, overall prosperity, and civil harmony for the generations.

### CHAPTER 1 PRINCIPLES OF CONSTITUTIONAL RULE

Article 1. The Republic of Armenia is a sovereign, democratic, social, rule-of-law state.

Article 2. In the Republic of Armenia authority belongs to the people. The people exercise their authority through free elections and referenda, as well as through state and local self-governing bodies and official persons as provided in the Constitution. The seizure of authority by any organization or individual is a crime.

Article 3. Elections of the President of the Republic of Armenia, the National Assembly (Azhgayin Zhoghov), and local self-governing bodies, as well as referenda, occur by secret ballot on the basis of a general, equal and direct right to vote.

Article 4. The state provides for the protection of human rights and freedoms based on the Constitution and laws in accordance with the principles and norms of international law.

Article 5. State authority is exercised in accordance with the Constitution and laws based on the principle of the separation of the legislative, executive and judicial powers. State bodies and officials are competent to perform only those activities that they are authorized [to perform] by legislation.

Article 6. The primacy of the law is guaranteed in the Republic of Armenia. The Constitution of the Republic has the highest legal force and its norms operate directly. Laws found to contradict the Constitution as well as other legal acts found to contradict the Constitution and the law have no legal force. The laws take effect only after official publication. Unpublished legal acts concerning human rights, freedoms and duties have no legal force. International treaties made in the name of the Republic of Armenia take effect only after ratification. International treaties that have been ratified are a constituent part of the legal system of the Republic. If norms are provided for in them other than those provided for by laws, then the norms of the agreement are applied. International agreements that contradict the Constitution can be ratified after making a corresponding amendment to the Constitution.

Article 7. A multi-party system is recognized in the Republic of Armenia. Parties are formed freely and assist in the formation and expression of the people's political will. Their activity cannot contradict the Constitution and the laws, nor can their structure and way of working contradict the principles of democracy. Parties provide for the openness of their financial activity.

Article 8. The right to property is recognized and protected in the Republic of Armenia. The owner at his discretion possesses, uses and controls the property belonging to him. The exercise of the right to property must not cause damage to the environment or violate the rights and legal interests of other persons, society and the state. The state guarantees the free development and equal legal protection of all types of property, freedom of economic activity and free economic competition.

Article 9. The state provides for the preservation and reproduction of the environment and the rational use of natural resources.

Article 10. The foreign policy of the Republic of Armenia is exercised in accordance with the norms of international law with the goal of establishing good-neighborly, mutually-beneficial relations with all states.

Article 11. Historical and cultural monuments and other cultural valuables are under the care and protection of the state. The Republic of Armenia with the framework of the principles and norms of international law assists the preservation of Armenian historical and cultural valuables located in other states and the development of Armenian educational and cultural life.

Article 12. The state language of the Republic of Armenia is Armenian.

Article 13. The flag of the Republic of Armenia is a tricolor with equal red, blue, and orange horizontal strips. The coat of arms of the Republic of Armenia is: in the center on a shield are depicted Mount Ararat with Noah's ark and the coats of arms of four kingdoms of historical Armenia. An eagle and a lion hold up the shield and below the shield are depicted a sword, a sheaf of stalks, a chain and a ribbon. The anthem of the Republic of Armenia is "Our Fatherland". The capital of the Republic of Armenia is Yerevan.

## **CHAPTER 2. FUNDAMENTAL HUMAN AND CIVIL RIGHTS AND FREEDOMS**

Article 14. The procedure for obtaining and terminating Republic of Armenia citizenship is provided for by law. Armenians by nationality obtain Republic of Armenia citizenship by a simplified procedure.

A citizen of the Republic of Armenia cannot be at the same time a citizen of another state.

Article 15. Citizens of the Republic of Armenia, independent of nationality, race, sex, language, faith, political or other views, social origin, and property or other status, have all rights, freedoms and obligations stipulated by the Constitution and by law.

Article 16. All are equal before the law and are protected equally without prejudice by the law.

Article 17. Everyone has the right to life.

Article 18. Everyone has the right to freedom and inviolability. No one may be arrested or searched in any other way than as provided by law. He can be detained only by court decision through a procedure stipulated by law.

Article 19. No one may be subjected to torture or cruel treatment and punishment belittling his dignity. No one may be subjected to medical or scientific experimentation without his agreement.

Article 20. Everyone has the right to defend his personal and family life from illegal interference and his honor and good name from encroachment. It is prohibited to illegally collect, retain, utilize and disseminate information about a person's personal and family life. Everyone has the right to confidentiality of correspondence, telephone conversations, postal, telegraph and other communications, which right can be limited only by court decision.

Article 21. Everyone has the right to inviolability of his residence. It is prohibited to enter a person's residence against his will except in cases stipulated by law. A residence may be searched only by court decision through a procedure stipulated by law.

Article 22. Every citizen has the right to move freely and choose a place of residence within the territory of the Republic. Everyone has the right to leave the Republic. Every citizen has the right to return to the Republic.

Article 23. Everyone has the right to freedom of thought, conscience, and faith. Freedom of expression of religion and convictions can be limited only by law on the bases provided in Article 45 of the Constitution.

Article 24. Everyone has the right to assert his opinion. It is prohibited to force a person to renounce or change his opinion. Everyone has the right to freedom of speech, including, independent of state borders, the right to seek, receive and disseminate information and ideas by any means of information communication.

Article 25. Everyone has the right to form associations with other persons, including the right to form and join trade unions. Every citizen has the right to form political parties with other citizens and join them. These rights may be limited only by law on the bases provided in Article 45 of the Constitution, as well as for those serving in the armed forces and in law-enforcement agencies. It is prohibited to force someone to join any party or association.

Article 26. Citizens have the right to assemble peacefully without weapons and to hold meetings, public gatherings, processions and demonstrations.

Article 27. Citizens of the Republic of Armenia who have reached eighteen years of age have the right to participate in the governance of the state directly or through their representatives elected by free expression of their will. Citizens found incompetent by court decision as well as those sentenced to incarceration and undergoing punishment by a court decision that has entered into legal force cannot participate in elections or be elected.

Article 28. Everyone has a right to property and inheritance. Foreign citizens and stateless persons do not enjoy the right of land ownership. Only a court can deprive one of property in cases stipulated by law. Confiscation of property for the needs of society and the state may occur only in exceptional cases with prior full compensation on the basis of the law.

Article 29. Every citizen has the right to free choice of employment. Everyone has the right to a just wage no lower than the minimum set by the state and to work conditions meeting safety and health requirements. Citizens have the right to strike to protect their economic, social and labor interests. The procedure for realization of and limitations on this right are stipulated by law.

Article 30. Everyone has the right to rest. The maximum work-week, non-work days and the minimal length of annual paid vacations are stipulated by law.

Article 31. Every citizen has the right for himself and his family to a satisfactory standard of living, including housing, as well as to the improvement of living conditions. The state undertakes the necessary measures for the realization of this right.

Article 32. The family is the natural and fundamental cell of society. The family, motherhood and childhood are under the patronage and protection of society and the state. When marrying, during marriage and when undergoing divorce, men and women enjoy equal rights.

Article 33. Every citizen has the right to social security in the event of old age, disability, sickness, loss of a breadwinner, unemployment and in other cases provided by law.

Article 34. Everyone has the right to maintain his health. The system for medical assistance and services is stipulated by law. The state executes programs for the preservation of the health of the population and assists in the development of physical education and sports.

Article 35. Every citizen has the right to education. Secondary education is free of charge in state academic institutions. Every citizen has the right on a competitive basis to receive higher and other specialized education in state academic institutions free of charge.

Regulation of the establishment and operation of non-state academic institutions is provided by law.



Article 36. Everyone has the right to freedom of literary, artistic, scientific and technical creativity, to benefit from scientific achievements and to participate in the cultural life of society. Intellectual property is protected by law.

Article 37. Citizens belonging to national minorities have the right to preserve their traditions and to develop their language and culture.

Article 38. Everyone has the right to defend his rights and freedoms in all ways not prohibited by law. Everyone has the right to judicial protection of his rights and freedoms established by the Constitution and laws.

Article 39. Everyone has the right to the public hearing of his case by an independent and impartial court maintaining all requirements of justice under conditions of equality in order to regain his rights that have been violated as well as to ascertain the justification of an accusation presented him. The participation of news media and representatives of society during all or part of a judicial examination may be prohibited by law in consideration of the protection of the interests of the mores of society, social order, state security, the parties' personal lives and justice.

Article 40. Everyone has the right to receive legal assistance. Legal assistance is given free of charge in cases provided for by law. Everyone has the right to defense counsel from the moment of arrest, detention, or the presentation of charges. Everyone who has been convicted has a right of review of the decision by a higher court as provided by law. Everyone who has been convicted has a right to request a pardon or mitigation of the designated punishment. Compensation for the harm caused the wronged party is provided for in the manner stipulated by law.

Article 41. A person accused of a crime is considered innocent since his guilt has not yet been proved in the manner provided by law by a court's decision entered into legal force. The accused is not obligated to prove his innocence. Suspicions which have not been disproved are interpreted to the benefit of the accused.

Article 42. A person is not obligated to testify against his spouse or close relative. The law may stipulate other cases of freedom from the obligation to testify. It is prohibited to utilize evidence obtained through a violation of the law. It is prohibited to designate a sentence more severe than could have been applied under the law in existence at the time of the crime. A person cannot be found guilty for a crime if at the time of the act it was not considered a crime by the law in existence. A law stipulating liability or increasing liability does not have retroactive effect.

Article 43. The rights and freedoms established by the Constitution are not exhaustive and cannot be interpreted to except other well-known human and civil rights and freedoms.

Article 44. The fundamental human and civil rights and freedoms established in Articles 23 -

27 of the Constitution can be limited only by law if that is necessary for the protection of state and societal security, social order, the health and mores of society, and the rights and freedoms and honor and good reputation of others.

Article 45. Separate human and civil rights and freedoms, with the exception of those noted in Articles 17, 20, 39, and 41 - 43 of the Constitution, may be limited temporarily as provided by law during a military situation or in cases provided for in point 14 of Article 55 of the Constitution.

Article 46. Everyone is obligated in the manner and amount provided by law to pay taxes and duties and perform other obligatory payments.

Article 47. Every citizen is obligated as provided by law to participate in the defense of the Republic of Armenia.

Article 48. Everyone is obligated to uphold the Constitution and the laws, and respect the rights, freedoms and dignity of others. It is prohibited to use rights and freedoms with the purpose of forcefully overthrowing constitutional rule, inciting national, racial or religious hatred, or advocating violence and war.

### **CHAPTER 3. THE PRESIDENT OF THE REPUBLIC**

Article 49. The President of the Republic of Armenia pursues the upholding of the Constitution and the ensuring of the normal activity of the legislative, executive and judicial authorities. The President of the Republic is the guarantor of the independence, territorial integrity and security of the Republic.

Article 50. The President of the Republic is elected by the citizens of the Republic of Armenia for a term of five years. Every person who has reached 35 years of age, has been a citizen of the Republic of Armenia for the preceding ten years, has permanently resided in the Republic for the preceding ten years and has the right to vote can be elected President of the Republic. The same person cannot be elected continuously more than two times to the office of President of the Republic.

Article 51. Elections for the President of the Republic occur fifty days prior to the expiration of the powers of the President of the Republic as provided by the Constitution and by law. The candidate who received more than half of the votes cast for candidates is considered elected President of the Republic. If more than two candidates were voted for and none of them received the required votes, then on the fourteenth day following the voting there is a second stage of voting in which the two candidates who received the most votes can participate. The candidate who receives the most votes in the second stage is considered elected. In the case where one candidate is voted on, he is considered elected if he received over half of the votes of the participants in the voting.

In the event the President of the Republic is not elected, on the fortieth day after the voting new elections take place. The President of the Republic undertakes his position on the day of expiration of the powers of the previous President. A President of the Republic elected in new or special elections undertakes his position within a ten-day period after the elections.

Article 52. Should insuperable obstacles arise for one of the candidates for the President of the Republic, the elections for the President of the Republic are postponed for a period of two weeks. Should during that period the obstacles found insuperable not be eliminated or should one of the candidates die before the day of the vote, then new elections are held in which other candidates can participate as well. The new elections are held on the fortieth day after the obstacles are found insuperable.

Article 53. In cases of the resignation, death, or incapacity to perform powers of the President of the Republic or his removal from office as provided in Article 57 of the Constitution, special elections for the President of the Republic take place on the fortieth day after the President's office becomes vacant.

Article 54. The President of the Republic assumes office by an oath given the people in a special session of the National Assembly.

Article 55. The President of the Republic:

1) Addresses the people and the National Assembly.

2) Within a 21-day period after receipt of a law passed by the National Assembly signs and publishes it. During that period, demanding a new discussion of the law, he can return it to the National Assembly with objections or suggestions. Within a five-day period he signs and publishes a law repassed by the National Assembly.

3) Can disperse, after consulting with the president of the National Assembly and the Prime Minister, the National Assembly and designate special elections. Special elections take place no earlier than thirty and no later than forty days after dispersal of the National Assembly. He cannot disperse the National Assembly during the last six months of his term.

4) Appoints and dismisses the Prime Minister. He appoints and dismisses members of the Government at the proposal of the Prime Minister. In the event the National Assembly expresses no confidence in the Government, within a ten-day period he accepts the resignation of the Government and appoints a Prime Minister.

5) Makes appointments to civilian positions in cases provided for by law.

6) Can form consultative bodies.

7) Represents the Republic of Armenia in international relations, exercises general management of foreign policy, makes international agreements, signs international agreements

ratified by the National Assembly and ratifies intergovernmental agreements.

8) Appoints and recalls diplomatic representatives of the Republic of Armenia to foreign countries and international organizations, accepts the credentials and recall notices of diplomatic representatives of foreign states.

9) Appoints and dismisses the Chief Prosecutor at the proposal of the Prime Minister.

10) Appoints members and the president of the Constitutional Court. On the basis of the finding of the Constitutional Court, he can terminate the powers of a member of the Constitutional Court appointed by him or approve his arrest and his being subject to administrative or criminal liability by judicial procedure.

11) In the manner provided for in Article 95 of the Constitution appoints the presidents and judges of the Court of Appeals (Vchrabek dataran) and its chambers, and of the review, first-instance tribunal and other courts, the Deputy Chief Prosecutors and prosecutors heading structural subdivisions of the prosecutor's office; can terminate the powers of a judge, approve the arrest and subjecting of a judge to administrative or criminal liability by judicial procedure; and dismisses prosecutors appointed by him.

12) Is the chief commander of the armed forces and appoints the highest command staff of the armed forces.

13) Adopts decisions on the use of the armed forces; in cases of an armed attack on the Republic or the existence of an immediate danger of such an attack or a declaration of war by the National Assembly, declares a military situation and can proclaim a general or partial draft. Should a military situation be declared, the National Assembly holds a special session.

14) In the event of an immediate danger threatening constitutional order and upon consultation with the president of the National Assembly and the Prime Minister, undertakes measures warranted by the situation and makes an address to the people about them.

15) Bestows citizenship of the Republic of Armenia and resolves the question of giving political asylum.

16) Bestows pardons on convicts.

17) Awards decorations and medals of the Republic of Armenia, bestows high military and honorific titles and high diplomatic and other class ranks.

Article 56. The President of the Republic publishes decrees and orders which are subject to implementation throughout the Republic. Decrees and orders of the President cannot contradict the Constitution and the laws.

Article 57. The President of the Republic can be removed from office for state treason or

other serious crimes. In order to obtain a finding on the question of removing the President of the Republic from office, the National Assembly by a resolution adopted by the majority of votes of the overall number of delegates applies to the Constitutional Court. Based on the finding of the Constitutional Court, the National Assembly makes the decision to remove the President of the Republic from office by at least two-thirds of the votes of the overall number of delegates.

Article 58. The resignation of the President of the Republic is accepted by the National Assembly by a majority of the votes of the overall number of delegates.

Article 59. In cases of a serious illness of the President of the Republic or the presence of insuperable obstacles to the performance of his powers, the National Assembly at the proposal of the government and based on the finding of the Constitutional Court adopts by at least two-thirds of the votes of the overall number of delegates a decision on the impossibility of performance of his powers by the President of the Republic.

Article 60. In the event that the position of President of the Republic remains vacant, until the Republic's newly-elected President assumes office, the president of the National Assembly, and if that is not possible, the Prime Minister, performs the duties of the President of the Republic. During that period it is prohibited to disperse the National Assembly, designate a referendum, or appoint or dismiss the Prime Minister or the Chief Prosecutor.

Article 61. Provision for the compensation of, services to and security of the President of the Republic are stipulated by law.

#### **CHAPTER 4. THE NATIONAL ASSEMBLY**

Article 62. The National Assembly exercises the legislative authority in the Republic of Armenia. In cases provided for in Articles 59, 66, 73, 74, 78, 81, 83, 84, 111, and 112 of the Constitution, as well as with respect to questions of the organization of its activity, the National Assembly adopts resolutions which are signed and published by the president of the National Assembly. The powers of the National Assembly are fixed by the Constitution. The National Assembly operates in accordance with its Rules of Procedure.

Article 63. The National Assembly is comprised of one hundred and thirty delegates. The powers of the National Assembly terminate in June of the fourth year following its election on the opening day of the first session of the newly-elected National Assembly, when the powers of the newly-elected National Assembly commence. The National Assembly can be dispersed as provided in the Constitution. A newly-elected National Assembly cannot be dispersed for one year following elections. The National Assembly cannot be dispersed during a military situation or in cases provided for in point 14 of Article 55, as well as when the issue of the removal of the President of the Republic from office has been raised.

Article 64. Every person who has reached twenty-five years of age, has been a citizen of the

Republic of Armenia for the preceding five years, has permanently resided in the Republic for the previous five years and has the right to vote can be elected a delegate.

Article 65. A delegate cannot occupy any other state post or perform any other paid employment, other than scientific, educational and artistic work. The compensation and guarantees for the activity of delegates is provided for by law.

Article 66. A delegate is not bound by any imperative mandate and is guided by his conscience and convictions. A delegate cannot be prosecuted and subject to liability for activities flowing from his status, including for an opinion expressed in the National Assembly, if it does not contain slander or insult.

A delegate cannot be arrested and be subject to administrative or criminal liability through judicial procedure without the agreement of the National Assembly.

Article 67. The powers of a delegate terminate on termination of the term of the powers of the National Assembly, the dispersal of the National Assembly, a violation of the conditions of the first part of Article 65 of the Constitution, loss of Republic of Armenia citizenship, the invalid absence from more than half of the votes during one session, a conviction for a crime, a finding of incompetence, or resignation. The procedure for terminating the powers of a delegate are provided for in the Rules of Procedure of the National Assembly.

Article 68. The regular elections of the National Assembly take place during the sixty days preceding the termination of its powers. The procedure for elections to the National Assembly is provided for by law. The elections are designated by decree of the President of the Republic. The first session of the newly-elected National Assembly gathers on the second Thursday following the election of at least two-thirds of the overall number of delegates. Prior to the election of the president of the National Assembly, its meetings are run by the delegate most senior in age.

Article 69. The regular sessions of the National Assembly are held twice a year: from the second Monday in September to the second Wednesday in December and from the first Monday in February to the second Wednesday in June. Meetings of the National Assembly are open. A closed meeting can be held by decision of the National Assembly.

Article 70. A special session of the National Assembly is called by the President of the Republic at the initiative of at least one third of the overall number of delegates or of the Government. At the request of the majority of the overall number of delegates of the National Assembly a special session is held with the agenda and within the time period stipulated by the initiators. A special session may not last more than six days. A special meeting of the National Assembly is called by the president of the National Assembly at the initiative of the Government or at least one third of the overall number of delegates. A special meeting is held with the agenda and within the time period stipulated by the initiators.

Article 71. With the exception of the cases provided for in Articles 57, 58, 59, 72, 74, 84 and

111 and the first part of Article 79 of the Constitution, laws and National Assembly resolutions are adopted by majority votes of delegates present at the meeting if more than half of the overall number of delegates participated in the voting.

Article 72. The National Assembly discusses on a priority basis a law returned by the President of the Republic. In the event the National Assembly should not accept the objections and suggestions of the President of the Republic, it once again adopts the returned law by a majority of the votes of the overall number of delegates.

Article 73. Six permanent commissions, and when necessary, temporary commissions, are created in the National Assembly. Permanent commissions are created for preliminary discussion of draft laws and other proposals and for the presentation of findings about them to the National Assembly.

Temporary commissions are created for the preliminary discussion of separate draft laws or to present findings and reports to the National Assembly about certain events and facts.

Article 74. The Government within a twenty-day period following its formation or that of a newly-elected National Assembly presents its work-plan for approval by the National Assembly and places before the meeting of the National Assembly the issue of [the National Assembly's] confidence [in the Government]. A draft resolution on expressing no confidence in the Government can be presented by at least one third of the overall number of delegates within twenty-four hours of the placing of the confidence issue. The draft resolution on expressing no confidence in the Government is put to a vote no sooner than forty-eight hours and no later than seventy-two hours after it has been presented. The resolution is accepted by a majority of the votes of the overall number of delegates. In the event a draft resolution on expressing no confidence in the Government is not presented or such a resolution is not adopted, the work-plan is considered to have won approval. In the event a resolution on expressing no confidence is accepted, the Prime Minister offers the resignation of the Government to the President.

Article 75. The right to legislative initiative in the National Assembly belongs to the delegates and to the Government. The Government stipulates the sequence for discussion of the draft laws it presents and it can demand that they be put to a vote only with changes acceptable to it. The National Assembly discusses and votes on within a one-month period a draft law considered urgent by Government decision. The National Assembly discusses only with the agreement of the Government draft laws which reduce state income or increase expenses. In connection with the adoption of a draft law presented by it, the Government may present the issue [of the National Assembly's] confidence in it. If the National Assembly does not adopt by the procedure provided in Article 74 of the Constitution a resolution expressing no confidence in the Government, the draft law presented by the latter is deemed adopted.

Article 76. The National Assembly on the presentation of the Government certifies the state budget. If the state budget is not certified by the beginning of the fiscal year, expenditures are made in the proportions of the previous year's budget. The procedure for the discussion and certification of the state budget is provided for by law.

Article 77. The National Assembly oversees the implementation of the state budget as well as the utilization of loans and credits received from foreign states and international organizations. The National Assembly discusses and certifies the annual report on the implementation of the state budget in the presence of the conclusion of the Oversight Chamber (Verahskich palat) of the National Assembly.

Article 78. To legislatively secure the Government's work-plan, the National Assembly may empower the Government to adopt resolutions that have the force of law and that operate during the period stipulated by the National Assembly and that cannot contradict laws. The President of the Republic signs those resolutions.

Article 79. The National Assembly by the majority of votes of the overall number of delegates elects for the full term of its powers the president of the National Assembly. The president of the National Assembly conducts the meetings, administers the material and financial resources of the National Assembly and provides for its normal activity. The National Assembly elects two deputy presidents of the National Assembly.

Article 80. The deputies have the right to pose inquiries to the Government. During one meeting each week of the regular session, the Prime Minister and members of the Government respond to the inquiries of the deputies. The National Assembly does not adopt resolutions in connection with the inquiries of deputies.

Article 81. The National Assembly at the proposal of the President of the Republic:

- 1) Declares an amnesty.
- 2) Ratifies or annuls international agreements of the Republic of Armenia. The realm of international agreements subject to ratification of the National Assembly are fixed by law.
- 3) Declares war. The National Assembly based on the finding of the Constitutional Court can terminate the exercise of measures provided for in points 13 and 14 of Article 55 of the Constitution.

Article 82. The National Assembly at the proposal of the Government certifies the administrative territorial division of the Republic.

Article 83. The National Assembly:

- 1) Appoints, at the proposal of the President of the Republic, the president of the Central Bank and his deputy.
- 2) Appoints, at the proposal of the president of the National Assembly, the president of the National Assembly's Oversight Chamber (Verahskich palat) and members of the Constitutional Court.



3) Can terminate, based upon the finding of the Constitutional Court, the powers of a member of the Constitutional Court appointed by [the National Assembly] and agree to his arrest and being subject to administrative or criminal liability by judicial procedure.

Article 84. The National Assembly by a majority of the votes of the overall number of deputies expresses its no confidence in the Government. It cannot enjoy this right during a military situation or in cases provided for in point 14 of Article 55 of the Constitution.

## CHAPTER 5 . THE GOVERNMENT

Article 85. The Government of the Republic of Armenia exercises the executive authority of the Republic of Armenia. The Government is comprised of the Prime Minister and ministers. The powers of the Government are fixed by the Constitution and by the laws. The Government's structure and work procedure, upon presentation of the Prime Minister, are fixed by decree of the President of the Republic.

Article 86. The President, or on his instruction the Prime Minister, calls and conducts meetings of the Government. The Prime Minister signs, and the President certifies, resolutions of the Government.

In cases provided for in Article 59 of the Constitution, at the request of a majority of the members of the Government, the Prime Minister calls and chairs a meeting of the Government.

Article 87. The Prime Minister manages the ongoing work of the Government and coordinates the work of the ministers. The Prime Minister adopts resolutions. In cases determined by Government procedure, resolutions of the Prime Minister are also signed by the ministers carrying them out.

Article 88. A member of the Government cannot be a member of any representational body, occupy any other state post or perform any other paid employment.

Article 89. The Government:

1) Presents its work-plan to the National Assembly for approval according to the procedure provided for in Article 74 of the Constitution.

2) Presents for the National Assembly's certification the draft state budget and provides for the implementation of the budget, concerning which it presents a report to the National Assembly.

3) Manages state property.

4) Provides for the implementation of a state united financial, economic, credit and tax

policy.

5) Provides for the implementation of state policy in the areas of science, education, culture, health, social welfare and environmental preservation.

6) Provides for the implementation of the defense, national security and foreign policy of the Republic.

7) Undertakes measures aimed at strengthening lawfulness, securing the rights and freedoms of citizens, and protecting property and the social order.

Article 90. The Government presents the draft state budget to the National Assembly for discussion at least sixty days prior to the beginning of the fiscal year and it can request that [the draft budget], with any changes accepted by it, be put to a vote before the end of that period. In connection with the certification of the budget, the Government can raise the issue of [the National Assembly's] confidence in it. If the National Assembly, by the procedure provided for in Article 74 of the Constitution, does not express its no confidence in the Government, the state budget with the changes accepted by the Government is deemed certified. If the National Assembly expresses no confidence in the Government in connection with the certification of the state budget, the new Government presents to the National Assembly a draft budget within twenty days which is discussed and certified within thirty days by the procedure provided for in this article.

## CHAPTER 6. JUDICIAL AUTHORITY

Article 91. Only the courts execute justice in the Republic of Armenia according to the Constitution and the laws. In cases stipulated by law a trial takes place with the participation of jurors.

Article 92. Courts of general competence in the Republic of Armenia are: tribunal courts of first instance (arajin atyani dataranner), review courts (veraknnich dataranner) and the Court of Appeals (Vchrabek dataran).

Economic and military as well as other courts provided for by law also operate in the Republic of Armenia. The creation of extraordinary courts is prohibited.

Article 93. Decisions, verdicts and rulings that have entered into legal force are reexamined in the Court of Appeals on the basis of complaints by the Chief Prosecutor, his deputies or specially-licensed lawyers registered in the Court of Appeals.

Article 94. The guarantor of the independence of judicial bodies is the President of the Republic. He heads the Justice Council (Ardaradatutian khorhurd). The Justice Minister and the Chief Prosecutor are the vice-presidents of the Council. Also included in the Council are

fourteen members appointed for five years by the President of the Republic and of whom two are legal scholars, nine are judges, and three are prosecutors. Three Council members each are appointed from judges of the tribunal courts of first instance, the review courts and the Court of Appeals. General assemblies of the judges each put forward three candidates by secret ballot for each spot. The Chief Prosecutor puts forward the candidacies of the prosecutor members of the Council.

Article 95. The Justice Council:

1) Formulates at the proposal of the Justice Minister and presents for certification to the President of the Republic annual lists of the fitness for office and official advancement of judges, on the basis of which lists appointments are made.

2) Formulates at the proposal of the Chief Prosecutor and presents for certification to the President of the Republic annual lists of the fitness for office and official advancement of prosecutors, on the basis of which lists appointments are made.

3) Proposes the candidacies for the presidents and judges of the Court of Appeals and its chambers and the presidents of the review, first instance tribunal and other courts and presents its finding concerning the candidacies for other judges presented by the Justice Minister.

4) Presents its finding concerning the candidacies presented by the Chief Prosecutor for the Deputy Chief Prosecutors and prosecutors heading structural subdivisions of the prosecutor's office.

5) Presents proposals to bestow qualification rankings on judges and prosecutors.

6) Presents proposals on giving agreement to the termination of the powers of a judge, the arrest of a judge and his subjection to administrative or criminal liability by court procedure.

7) Subjects a judge to disciplinary liability. The president of the Court of Appeals conducts meetings of the Justice Council when they examine issues connected with the subjecting of a judge to liability. The President of the Republic, the Justice Minister and the Chief Prosecutor do not participate in those meetings.

8) Expresses its opinion about issues of pardon upon inquiry of the President of the Republic. Procedures of the Justice Council are provided for by law.

Article 96. Judges and members of the Constitutional Court are permanent. A judge holds office until he reaches age 65 and a member of the Constitutional Court until he reaches age 70. Their powers are terminated only in cases and in a manner provided for by the Constitution and by law.

Article 97. In carrying out justice, judges and members of the Constitutional Court are independent and are subservient only to the law. Guarantees, bases of liability and procedure for

the activity of judges and members of the Constitutional Court are provided for by law.

Article 98. Judges and members of the Constitutional Court cannot occupy other state posts or perform other paid employment, other than scientific, educational and artistic activity. Judges and members of the Constitutional Court cannot be members of any political party or engage in political activity.

Article 99. The Constitutional Court is comprised of nine members, of whom the National Assembly appoints five and the President of the Republic appoints four. The President of the Republic appoints the president of the Constitutional Court from among the members of the Constitutional Court.

Article 100. The Constitutional Court by procedures stipulated by law:

1) Decides on the correspondence to the Constitution of resolutions of the National Assembly, decrees and edicts of the President of the Republic, and resolutions of the Government.

2) Decides, prior to the ratification of an international treaty, on the issue of the correspondence of obligations created in it to the Constitution.

3) Resolves disputes relating to referenda and results of elections for the President of the Republic and delegates.

4) Makes a finding that an obstacle facing a candidate for President of the Republic is insuperable or has been eliminated.

5) Provides its finding on the existence of bases to remove the President of the Republic from his office.

6) Provides its finding on measures provided for by points 13 and 14 of Article 55 of the Constitution.

7) Provides its finding on the impossibility of the President's performance of his powers.

8) Provides its finding on terminating the powers of a member of the Constitutional Court, on arresting him, and on subjecting him to administrative or criminal liability through judicial procedure.

9) Decides on the suspension or prohibition of the activity of a political party in cases provided for by law.

Article 101. The Constitutional Court can be appealed to by:

1) the President of the Republic;

2) at least one third of the delegates;

3) candidates for the President of the Republic and for delegates in disputes related to the results of elections; and

4) the Government in a case provided for by Article 59 of the Constitution. The Constitutional Court examines cases only in the case of a corresponding application.

Article 102. The Constitutional Court makes its rulings and findings no later than thirty days following receipt of an application. Decisions of the Constitutional Court are final, not subject to review and enter into force from the moment of publication.

The Constitutional Court resolves the issues provided for in points 1 - 4 of Article 100 of the Constitution by a majority of the votes of the overall number of its members and issues provided for in points 5 - 9 by at least two-thirds.

Article 103. The prosecutor's office of the Republic of Armenia is a single centralized system headed by the Chief Prosecutor. The prosecutor's office:

1) Brings criminal prosecution in cases and by a procedure stipulated by law.

2) Oversees the legality of preliminary investigations and investigations.

3) Defends the accusation in court.

4) Brings actions in court to defend state interests.

5) Appeals the judgments, verdicts and rulings of the courts.

6) Oversees the application of punishments and other means of constraint. The prosecutor's office operates within the realm of powers reserved to it by the Constitution on the basis of a law on the prosecutor's office.

## **CHAPTER 7. REGIONAL GOVERNMENT AND LOCAL SELF-GOVERNMENT**

Article 104. Administrative territorial units of the Republic of Armenia are: regions (marzer) and communities (hamainkner). Regions are comprised of rural and urban communities.

Article 105. Local self-government takes place in the communities. Bodies for local self-government, community elders with five to fifteen members, and the head of the community (the city mayor or village head), are elected for a three-year period to administer community property and solve issues of community significance. The community leader forms his own

staff.

Article 106. The community elders on the presentation of the community leader ratify the community budget, oversee the implementation of the budget, and in the procedure provided for by the law fix local taxes and payments.

Article 107. State government takes place in the regions. In the regions, the Government appoints and dismisses regional governors (marzpetner) who implement the Government's regional policy and coordinate the activity of regional services with the republic executive bodies.

Article 108. The city of Yerevan has the status of a region. The President of the Republic upon presentation by the Prime Minister appoints and dismisses the mayor of Yerevan. Local self-government takes place in Yerevan in district communities.

Article 109. Upon the presentation of the regional governor, the Government in cases provided for by law can remove the community leader from office. In the case of the removal of a community leader by decision of the Government, special elections are held within thirty days. Until the newly-elected community leader assumes his duties, the Prime Minister appoints an acting urban community leader and the regional governor appoints an acting village community leader.

Article 110. The election procedure and powers of bodies of local self-government are fixed by the Constitution and by laws.

## **CHAPTER 8. THE CONSTITUTION'S ADOPTION, AMENDMENT AND REFERENDUM**

Article 111. The Constitution is adopted or amended through a referendum at the initiative of the President of the Republic or the National Assembly. The President of the Republic designates a referendum at the proposal or upon agreement of the majority of the overall number of National Assembly delegates. The President of the Republic, within twenty-one days after receiving the draft of the Constitution or amendments to it, can return it to the National Assembly with his objections and suggestions and request a new discussion [of it]. The President of the Republic puts up for a referendum within the period stipulated by the National Assembly a draft of the Constitution or amendments to it that are again proposed by the National Assembly by at least a two-thirds vote of the overall number of delegates.

Article 112. Laws are put up for a referendum at the proposal of the National Assembly or the Government through the procedure set forth in Article 111 of the Constitution.

Article 113. The draft put up for a referendum is considered accepted if over half of the participants in the voting, but no less than one third of the citizens included in the voting lists,

vote for it.

Article 114. Articles 1 and 2 and this Article of the Constitution are not subject to amendment.

## CHAPTER 9. TRANSITIONAL PROVISIONS

Article 115. This Constitution enters into force based on the results of a referendum from the moment of official publication.

Article 116. From the moment the Constitution enters into force:

1) The operation of the 1978 Constitution, along with the subsequent amendments and additions to it, as well as of the constitutional laws terminates.

2) Laws and other legal acts of the Republic of Armenia operate to the extent they do not contradict the Constitution.

3) The President of the Republic exercises the powers reserved to him by the Constitution. The Vice-President of the Republic, until the expiration of his powers, performs the instructions of the President of the Republic.

4) The National Assembly exercises the powers reserved to it by the Constitution. The provisions of the first part of Article 63 and the first part of Article 65 of the Constitution apply to the subsequent convocations of the National Assembly. Until then Articles 4 and 5 of the March 27, 1995 Constitutional Law are in operation.

5) Until the formation of the Constitutional Court international agreements are ratified without its finding.

6) Local soviets of deputies and their executive bodies operate within the realm of their former powers until the termination of their powers and the adoption of legislation in accordance with the Constitution on regional government and bodies of self-government.

7) Regional (urban) people's courts and the Supreme Court continue to operate within the realm of their former powers until the adoption of legislation on court structure and procedure and the formation of a new judicial system in accordance with the Constitution.

8) The state arbitration courts continue to operate within the realm of their former powers until the formation of an economic court.

9) The powers of judges of regional (urban) people's courts are extended for a period up to six months, during which the President of the Republic at the proposal of the Justice Council appoints for a period of three years the judges of regional (urban) people's courts.

APPENDIX 3

Referendum Ballot Regarding Adoption or Rejection of the Constitution





# ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՀԱՆՐԱՔԿԵ

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ջնջված չեն, քվեաթղթիկը համարվում է անպակտ

APPENDIX 4

Candidate Ballot on the Majoritarian System

ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ԱԶԳԱՅԻՆ ԺՈՂՈՎԻ  
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Հակոբյան Աշոտ Պողոսի	Լույս տրտարության միավորում վարպետ	Ազգային Ինքնորոշում - Միավորում
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Թողնել միայն մեկ թեկնածու, որին կողմ եք և ջնջել մյուս թեկնածուներին:

Անվավեր են ճանաչվում մեկից ավելի թեկնածուի տրված ձայներով, ինչպես  
նաև ավելորդ գրառումներով քվեաթերթիկները:

APPENDIX 5

Proportional System Ballot



# BALLOT

for

THE CANDIDATES FOR DEPUTIES TO THE NATIONAL ASSEMBLY OF  
REPUBLIC OF ARMENIA BY A PROPORTIONAL SYSTEM

5 July 1995

##	Name of the Public-Political Organization or Coalition	First Three Names of the List
1.	National Democratic Union	Manukian Vazgen Sadoyan Arshak Vardanian Davit
2.	Union of National Self-Determination	Hairikian Paruir Zakarian Aramazd Zeinalvandian Nerses
3.	National Statehood	Shahinian Samvel Grigorian Grigor Saghatelian Armen
4.	Arakeliutiun (Mission)	Papoyan Artiush Grigorian Vardevan Begdjanian Gagik
5.	Democratic Organization	Katsakhian Petros Petrosian Vardan Darbinian Albert
6.	"Kamk" (Will) Union, public-political Organization, and Armenian Dashtaktutiun Party	Hekimian Hovhannes Vardanian Galust Kosakian Vasili
7.	Agrarian Democratic Party of Armenia	Dilanian Telman Zargarian Hovhannes Margarian Levon
8.	Scientific-Industrial and Civil Union of Armenia	Ghazarian Raffael Zolyan Souren Manucharian Ashot

9.	Democratic Party of Armenia	Sargissian Aram Khodjabekian Vladimir Hovsepian Armen
10.	Communist Party of Armenia	Badalian Sergei Darbinian Vladimir Hakopian Leonid
11.	Liberal-Democratic Party of Armenia	Mirzakhanian Rouben Petrosian Raffik Dovlatian Frunzik
12.	Hanrapetutiun (Republic) All-Armenian National Movement Republican Party of Armenia Christian-Democratic Union of Armenia Social-Democratic Hnchak Party Union of Intelligentsia of Armenia Liberal-Democratic Party	Araktsian Babken Lazarian Ter-Husik Sargissian Vazgen
13.	Shamiram	Sarukhanian Gayane Sargissian Nadezhda Torosian Anahit

Leave only one public-political organization or their coalition that you support and cross out the name of the rest public-political organizations or their coalitions.

The ballots supporting more than one public-political organization or their coalition, as well containing additional notes are invalid.

APPENDIX 6

The Law on Referendum

# THE LAW ON REFERENDUM

(adopted in 1991, amended May 1995)

Partial translation of the Law (total 33 articles)

## Chapter 3

### Regulation on Conduction of Referendum

#### Article 16

#### Publicity in Preparing and Conducting Referendum

The preparation and conduction of Referendum is carried out by a Referendum Committee (RC), public-political organizations, and public organizations openly and publicly.

The RCs notify the citizens of their work, formation of precincts, its composition, location, RC's working hours, and lists of voters. RCs inform the citizens of the questions envisaged to pass the referendum, and, also, the referendum outcome.

The representatives of public-political and public organizations, press, television and radio (with special certificates), working collectives, collectives of secondary and higher education located in the district (city), RA national deputies and national deputies to the local Councils elected by the district of the given Council have right to be present at the RC sessions, sealing and opening of the ballot boxes, counting of ballots, summarizing the outcome of poll, as well as at voting over its course.

The corresponding district RC determines the number of representatives of public-political and public organizations, working collectives, collectives of secondary and higher education, which creates equal conditions for the present representatives. The authorization of the representatives must be endorsed by the appropriate documents stating the decisions of the collectives or their Councils, which in their turn must notify the RC of their decisions three days prior to the referendum.

The Parliament of Armenia may invite International observers to ensure publicity of the referendum.

Mass media covers the course of preparation and conduction of the referendum. They have right to be present at all sessions and meetings of RC unhampered. RC, local and public bodies, working collectives provide them with information on preparation and conduction of Referendum.



## LAW OF REPUBLIC OF ARMENIA

### Supplements and Amendments in the Law " On the Referendum of Republic of Armenia"

The RA Parliament decides:

- I. Make the following supplements and amendments in the law "On the Referendum of Republic of Armenia".
  1. Supplement Article 18 with the following:  
"To conduct a referendum for the purpose of adoption of the RA Constitutional Law, the Central, District and Precinct Committees of election of deputies to the National Assembly are entitled to take the authorities of the Central, District and Precinct Committees of referendum."
  2. Replace the words "from 7 AM until 23 PM" by "from 8 AM until 20 PM" in Article 28 of the Law.
  3. Re-edit part 9 of Article 31 in the following way:  
"The question of the referendum is passed if over 50%, but not less than 1/3 of the citizens included in the lists voted in favour of it."
- II. The present Law is in effect from the date of its publication.

APPENDIX 7

Translating Law Into Process



**TRANSLATING LAW  
INTO PROCESS**

**REPUBLIC OF ARMENIA**

**5 JULY 1995  
ELECTION OF DEPUTIES TO THE NATIONAL ASSEMBLY  
AND  
REFERENDUM ON THE CONSTITUTION**



**International Foundation for Electoral Systems**

1101 15th Street, N.W. • Third Floor • Washington, D.C. 20005

**PART I  
INTRODUCTION**

**PART II  
SAMPLE POLL WORKER GUIDEBOOK**

**PART III  
GENERAL COMMENTS AND EXPLANATIONS**

## PART I. INTRODUCTION

This booklet reflects the work done by the International Foundation for Electoral Systems in cooperation with the Central Election Committee in the weeks immediately preceding the 7 July 1995 elections. The goal was to try to prepare an official guide book which would provide detailed instructions for Precinct Election Committees as they carried out their official duties prior to the election and on election day.

In attempting such a project, every effort was made to define procedures which adhered to specific provisions of the laws governing these elections. Procedures were also proposed which would serve to fulfill the spirit of the law.

### Why This Project Was Undertaken

Two difficulties became evident as we attempted to develop detailed procedures.

- \* Although the election of deputies and the referendum on the Constitution were being held simultaneously, they were governed by two separate laws which contradicted one another on various issues.
- \* Both laws impose certain procedural requirements, but are then silent on how they are to be carried out. In some instances, the laws only imply that certain procedures are required. Omissions or shortcomings in the laws made it necessary to create or envision procedures which would fulfill its implied intent.

These difficulties were faced by Election Officials at all levels. As a result, a number of regulations had to be adopted by the Central Election Committee. It had become necessary for District and Precinct Committees to absorb information from many sources and to assimilate the instructions into workable procedures. The purpose of the proposed guidebook would have been to formalize procedural details into a single, concise, step by step instruction manual which would answer the many questions which were likely to arise.

Another primary purpose was to assist the Central Election Committee in formalizing the process in such a way as to ensure "UNIFORM IMPLEMENTATION" which is required under the Central Election Committee's mandate in Article 13 of the Law on the Election of Deputies to the National Assembly. Under this provision the Central Election Committee is authorized to define procedures necessary to ensure consistency and uniformity in the way the law is carried out.

### Format for the Guide Book

As the sample guidebook was being drafted, IFES attempted to fill in the gaps with step by step procedures which would conform with the mandates of the law, but also with its general tone. Any number of options might have been possible. However, IFES attempted to propose procedural details that would also enhance the democratic character of the law, improve efficiency, and ensure accountability.

For example, throughout the sample readers will recognize steps which are proposed to enhance openness required by Article 7. Readers will note proposed instructions regarding announcements which should be made by Committee Chairman for the benefit of observers and representatives of the candidates and public political organizations. Suggestions are made regarding assignment of teams to work stations which reflect a cross section of members representing public political organizations. Other suggestions serve to improve accountability such as instructions about security measures to safeguard the ballots, the handling of ballots, and promote greater accuracy during the counting process.

As drafted, the sample guidebook includes:

- \* recommended steps to be followed by Precinct Committees;
- \* suggestions and reminders to aid officials in remembering important details;
- \* references to articles of law which prevail;
- \* shaded boxes in which key questions are posed which remain unresolved.

### The Sample Guide Book as a Working Tool

At the end of the day, there was simply not sufficient time to go over each suggestion posed in the guide book and to edit the booklet thoroughly in time for distribution for these elections. However, perhaps it can find use as a working tool for lawmakers and officials as they continue to seek ways to improve the election process.

For this purpose, IFES presents the preliminary draft in the next section of this booklet. At the end of the sample guide book section which follows are some general comments which explain some of the issues noted in the shaded boxes within the text.

Readers of the sample manual included here will recognize that the issues presented do not cover all the details which will need attention. However, they are offered to fuel discussion, and to stimulate the consideration of officials as they continue to build on the successes, and indeed, the problems which were encountered in these past elections.

Perhaps this initial example guide book will also stimulate interest in developing formalized guidelines for other participants in the process as well. Such efforts might include development of a guide book for District Committees with special attention to rules for evaluating nominating petitions and determining the legitimacy of signatures submitted by aspiring candidates. They might also focus attention on a need for a hand book for candidates and political public organizations in order that they too can be better prepared to follow the dictates of law and strengthen their overall participation in an orderly process.

\*\*\*\*\*

We hope that this sample hand book will prove beneficial and helpful as election officials, parliamentarians and other participants continue their work on developing an even stronger election process. IFES looks forward to continuing our association in the spirit of cooperation and support which has already marked our work with all of the officials and election participants with whom we've met. We also want to express our gratitude for the generous hospitality of the people of Armenia who have made our first visit so rewarding.

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## USE OF THIS GUIDE

This Guide has been prepared to provide instructions regarding procedures that the Precinct Election Committee should follow on election day and to answer questions about how your basic duties to be carried out. It would be impossible to anticipate every question or situation which may arise. However, every effort has been made to provide fundamental instructions which should cover most of them.

This Guide is to be regarded as a supplement. While it attempts to explain procedural details, it is not meant to replace or supersede the law itself or the published Decisions of the Central Election Committee. The Armenian Republic Law on the Election of Deputies to the National Assembly, and the Law on Conduct of Referendum provide the legal guidance for conducting the elections. All officials are bound by the provisions of these laws. Read them thoroughly.

This Guide has three basic features to assist you in understanding your duties.

- [ ] Descriptions of Steps that are to be followed.
- ! Important reminders and suggestions that will make your job easier (or to provide openness or ensure accountability.)
- ( ) References to the Articles of Law which provide the basis for the instruction. Unless otherwise noted, Articles referenced in () refer to the Law on the Election of Deputies to the National Assembly.

If you have any questions or if an instruction is not clear to you, contact your District Election Commission.

## I. ABOUT THIS ELECTION

### 1. GENERAL OVERVIEW

Elections will be held throughout the Republic on July 5, 1995 for the purpose of election Deputies to the National Assembly, and for the purposes of voting on a referendum in which the voters will decide whether or not the Constitution of the Republic of Armenia will be adopted.

There will be three ballots on which voters will cast their votes:

[1.1] Referendum Ballot Regarding the Constitution

[1.2] Candidate Ballot on the Majoritarian System

[1.3] Political Public Organization or Bloc Ballot on the Proportional System

### 2. SYSTEM OF REPRESENTATION IN THE NATIONAL ASSEMBLY

Proportional System: In addition to the election of a single candidate from each district, 40 additional candidates will be elected based on a system of proportional representation. In this part of the election, the Republic as a whole is one large multi-mandate district. On this ballot voters will not vote for specific candidates. Rather, voters will vote for the political public organization or bloc which they prefer. Each political public organization or bloc identified on the ballot has presented a list of candidates whom they have selected to fill any seats their organization may ultimately win in this part of the election. Only three candidates from their full lists are identified on the ballot.

Majoritarian System: For this election the Republic of Armenia has been divided into 150 single mandate election districts. From each election district one Deputy will be elected to the National Assembly. For a candidate to be elected in his/hers her district, the candidate must receive a majority of the votes cast in the district as long as the total votes received is at least 25% of the total votes cast. If no candidate receives a sufficient number of votes, a second round of elections will be held based on a decision of the Central Election Committee. (Article 37)

The number of seats in the National Assembly won by each political public organization or bloc is determined based on the percentage of the total votes they receive based on votes cast on the Proportional System Ballot. They are eligible to win seats as long as their organization or bloc receives at least 5% of these votes. Their share of the 40 seats will be calculated by the Central Election Committee based on a mathematical formula defined in the law. (Article 39)

3. REFERENDUM ON THE CONSTITUTION

The draft Constitution is passed by a simple majority of the votes cast as long as at least 1/3 of the voters on the voter list vote in favor of its passage. (Draft Constitution of the Republic of Armenia, Chapter 8. Article 113.)

4. THE RIGHT TO VOTE

To vote in this election, a voter must have:

[4.1] Reached the age of 18.

*! To vote in the election of Deputies to the National Assembly, a voter must have reached the age of 18 PRIOR to Election Day.*

*! For the elections on the Proportional and Majoritarian ballots, the person must have reached the age of 18 by 4 June 1995. If their 18th birthday is election day, they may not vote on these ballots.*

*! For the Referendum Election, a person who turns 18 on election day is allowed to receive and vote on this ballot.*

[4.2] Resided in the Republic of Armenia for at least one year prior to the day of the elections.

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

Persons declared incompetent by a court of law.

Persons in confinement by a legal court verdict.

Persons wanted in a criminal investigation.

Persons detained under criminal charges  
who have been denied registration by a  
decision of the Central Election  
Committee or the Supreme Court.  
(Article 3)

## II. THE ROLE OF PRECINCT ELECTION COMMITTEES

As a Precinct Election Committee 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. Although you have been appointed to the committee as a representative of a political public organization, 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.

It is a sacred trust. Every decision and action taken by your committee must be characterized by these important standards.

- \* Integrity
- \* Neutrality
- \* Openness
- \* Accuracy

### 1. DUTIES OF PRECINCT ELECTION COMMITTEES (Article 15)

Your Committee is charged with a number of duties and responsibilities under the law.

[1.1] To ensure that voters have the opportunity to view the list of voters provided by the local self administrative authorities at least 15 days prior to the election. (Articles 15 and 19)

*! If a voter reports that someone in their household is ill, add the incapacitated person's name to the supplemental list of voters who will vote at home.*

[1.2] Make additions or corrections in the voter lists as necessary or reject complaints about the accuracy of the list made by citizens, candidates or their proxies.

[1.3] Post the biographies and pre-election programs

of all candidates or political public organizations or blocs (including their list of candidates) on an equal basis.

[1.4] Inform the voters about the location of the polling place, the day of the elections and the working hours of the Precinct Election Committee.

[1.5] Prepare the building or room to be used for the polling, the secrecy booths, ballot boxes and other furnishings or materials which will be used on election day.

[1.6] Process voters and issue ballots on election day:

[1.7] Count the ballots and summarize the results at the close of the polls.

## 2. WORKING ORGANIZATION OF THE COMMITTEE

Certain rules apply to the manner in which the Precinct Election Commission is to carry out its work and take decisions (Article 16.)

[2.1] Work of the committee is organized by the Chairman or the Deputy Chairman ensuring equal conditions for the presence of all members and authorized parties.

[2.2] All members have the right to have access to documents and to inspect issues under the jurisdiction of the committee.

[2.3] The committee determines the schedule of its regular sessions.

[2.4] Extraordinary sessions may be convened at the discretion of the Chairman or based on a written demand by at least 1/3 of the committee members. Extraordinary sessions take priority over regular sessions.

[2.5] A quorum exists if more than 1/2 of the total number of members is present.

[2.6] Decisions of the committee are taken by an open ballot among its members. More than 1/2 of the total members of the committee must participate for the results of the voting to be considered valid. A decision is passed if more than 1/2 the participants vote in favor.

*! In special cases, a secret ballot may be taken based on a decision of the committee.*

[2.7] The Precinct Election Committee is required to respond and submit materials, written correspondence, memorandums related to issues of interest to superior committees when requested.

[2.8] Decisions of the committee can be appealed to superior committee. If decisions of committees contradict one another, the decision of the superior committee prevails.



### III. 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 at working sessions of the election committees, during the registration of the candidates, the sealing of the ballot boxes, during the voting and at the counting and summarization of votes.

#### 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:

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

#### 2. AUTHORIZED OBSERVERS

[2.1] International Observers (Article 7, Article 16, Law on Referendum, Decision of the Central Election Committee)

- [2.1.1] International Observers will be accredited by the Central Election Committee and will have special badges authorizing their presence. Their interpreters and other assistants are not required to have a badge.

[2.2] Representatives of the Media (Article 7, and Article 16 of the Law on Referendum)

- [2.2.1] Representatives of the press, radio

and television media should have identification issued by their employers.

[2.3] Representatives of Public Organizations  
(Article 16, Law on Referendum)

[2.3.1] Public Organizations wishing to have observers at the polling sites must apply to the Central Election Committee. Representative of Public Organizations should present documents or certificates endorsed by their organizations and a copy of the document by which the organization was granted permission from the Central Election Committee.

[2.3.2] Ask your District Election Commission to advise you as to the public organizations and the number of their representative who may be present at the polling station. (Article 16, Law on Conduct of Referendum.)  
????

[2.4] Observers and Proxies of the Candidates:  
Observers and Proxies of the candidates must have proper documents endorsed by their candidates. Their list of observers and proxies should be submitted to the District Election Committee at least 3 days prior to election day. Ask your District Election Commission to advise you about the observers and proxies of the candidates who will be present at the polling station.

*! For each precinct, each candidate may assign 3 representatives to each polling site, however, no more than 2 may be present at the polling station at one time.  
(Article 7)*

[2.5] Representatives of the Political Public Organizations or Blocs Participating in the Election on the Proportional System:

Representatives must have proper documents endorsed by their organization or bloc. Their list of observers should be presented to the District Election Commission at least 3 days prior to election day. Ask your District Election Commission to advise you about the representatives who may be present at the polling station.

*! For each precinct, each Political Public Organization or Bloc may assign 3 representatives to each polling site, however, no more than 2 may be present at the polling station at one time. (Article 7)*

#### RIGHTS AND OBLIGATION OF OBSERVERS

Authorized observers are entitled to:

- [3.1] Attend sessions of the Precinct Election Committee.
- [3.2] 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.
- [3.3] Ask questions of the committee members and inspect the voter list, election documents and other materials used in the election.
- [3.4] Take photographs or video of the proceedings as long as they do not disrupt the orderly conduct of election activity.
- [3.5] Quietly draw problems or matters of importance to the attention to the Chairman or member of the committee.

- [3.6] Have documents and writing materials and may take notes regarding their observations.
- [3.7] Politely and quietly speak to voters regarding procedural matters and may ask to inspect their identification and watch them sign the voter list.
- [3.8] Quietly speak to other observers or representative of the candidates or political public organizations as long it does not disturb the voters.
- [3.9] Move quietly about the polling place in order to observe the procedures being followed by officials and voters, although they may not enter a secrecy booth with a voter.
- [3.10] 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.

**OBSERVERS ARE NOT ENTITLED TO:**

- [3.11] Handle the ballots.
- [3.12] Express a personal view about any candidate, political public organization, bloc or issue appearing on the ballot.
- [3.13] Enter a secrecy booth with a voter.
- [3.14] Ask a voter to divulge his/her preference on the ballots.
- [3.15] Attempt to influence the voter's choice.
- [3.16] Disrupt the voting process.
- [3.17] Disturb the ballot box.
- [3.17] Interfere with the decisions taken by the committee.

#### 4. RESPONDING TO OBSERVERS' CONCERNS

[4.1] Make sure that observers have a clear, unhampered view of all activities throughout the conduct of all election day procedures.

[4.2] Treat observers courteously and answer their questions promptly and accurately.

[4.3] Make appropriate announcements when special circumstances arise, or to openly share information of interest to the observers. Throughout this Guide reference is made to the kinds of announcements which should be made publicly.

[4.4] 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.

[4.4.1] If you believe the complaint is not justified, explain why to the observer.

[4.4.2] Be prepared to cite the law or regulations to justify your finding.

[4.4.3] If necessary, contact your District Election Committee for advice.

[4.4.4] In the event the observer is still not satisfied refer him or her to the superior committee.

[4.5] Regarding more serious complaints, make notations in your registry and record the manner in which the problem was resolved.

#### IV. BEFORE ELECTION DAY

As Precinct Election Committee members there are a number of tasks you should do before election day.

##### 1. GETTING READY:

- [1.1] Read the Law on the Election of Deputies to the National Assembly and the Law on Referendum.

*! In the Law on Election of Deputies to the National Assembly, pay special attention to:*

- Article 15 Powers of Precinct Election Committees*
- Article 16 Organization of the Work of Electoral Committees*
- Article 17 Exposure of Citizens to the List of Voters*
- Article 24 Proxies*
- Chapter 7 PREPARATION AND IMPLEMENTATION OF VOTING*
- Chapter 8 SUMMARIZING THE RESULTS OF THE ELECTION*

*! In the Law on Referendum, pay special attention to:*

- Article 16 Publicity in Preparing and Conducting Referendum*
- Article 27 Voting in Advance*
- Article 30 Voting at Home*
- Article 31 Counting Referendum Ballots*

- [1.2] Read the Regulations issued by the Central Election Committee.

*! If you do not have a copy of these documents contact your District Election Committee and ask for copies.*

- [1.3] Attend all meetings called by your District Election Commission.
- [1.4] Attend all meetings called by the Chairman of your Precinct Election Commission.
- [1.5] As a group, study the instructions in this Guidebook.
- [1.6] Discuss individual working assignments for election day. Discuss your plan as to how you will actually handle the counting of ballots.

## **2. INSPECTING YOUR POLLING STATION:**

- [2.1] 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 committees members, secrecy booths, chairs for the observers and representatives of the political public organizations, and the smooth traffic of voters.

*! If you feel that there are inadequacies advise the Chairman of your District Election Committee or make suitable arrangements with the authorized person in your building to correct the deficiencies.*

- [2.2] Check to see if there is a phone that you will be able to use on election day to call in to your District Electoral Commission. Arrange to have access to the room where the phone is, if it is in a room that is usually locked. Make sure the District Committee has the number of that phone in case they need to reach you on election day.

[2.3] Check with your District Election Committee to determine who you are to contact should you need advice or guidance on election day, or if you should need security assistance. Write down their phone numbers.

[2.4] Make sure appropriate signs are posted outside the building identifying the Precinct by number, and that, if necessary direction signs are posted inside the building to help voters find the room where voting will take place.

### 3. PRE-ELECTION RESPONSIBILITIES REGARDING THE VOTER LIST:

[3.1] Make sure that you have received the Voter List for your precinct at least 15 days prior to the election. Contact your District Committee if you have not received it. (Article 19)

[3.2] Verify that you have also received the blank Certificates of the Right to Vote for every voter on the list. (Article 27.)

[3.3] Prepare a Certificate of the Right to vote for every voter identified on the voter list.

*! Make sure that the Certificates of the Right to Vote are organized in the same order as the voters' names appear on the Voter List so that they will be easy to find on Election Day.*

*A. Are Precinct Officials supposed to verify the list of voters through a door to door canvass of their precinct? Some officials told IFES they do this exercise. This would also serve to help officials determine who is ill or elderly and cannot come to the polls on election day. Officials could then make appropriate notations in the Voter Lists and make up the supplemental voter lists to use when they take ballots to people's homes on election day. Through this process, they would also be able to make*



[3.4] Make the voter list available for review by citizens, candidates for deputies or their proxies. (Article 19)

[3.5] If a citizen, candidate for deputy or his/her proxy complains that there is an inaccuracy, review the complaint, determine if a correction is appropriate and make the adjustment.

*! Make a notation on the voter list (or in the registry) as to the reason or justification for the correction.*

*! If you find that you must reject the complaint and that no correction or adjustment to the voter list is to be made, you must provide the person submitting the complaint a written explanation of your decision within 2 days. If the complaint was made on the eve of the election, your written explanation must be given to the applicant immediately. (Article 19.)*

[3.6] If a voter advises you about someone who is ill and cannot come to the polls, add that person's name to the supplemental voter list of voters who will vote at home.

*! Make a notation on the voter list next to that person's name that they will vote at home.*

[3.7] Count the number of voters whose names appear on the Voter List for your Precinct including any adjustments you have had to make during the public scrutiny period.

*! Report the adjusted figure to your District Committee so that they can be sure you receive the correct number of ballots.*

4. ADVANCE VOTING IN THE REFERENDUM

Beginning 15 days before the election, a voter who learns he will not be able to vote at the polls on election day, may vote in advance at the Precinct. (Article 27, Law on Conduct of Referendum)

*! There is no provision in the Law on Election of Deputies to the National Assembly to allow voting in advance for majoritarian candidates or in the proportional system election.*

- [4.1] Make sure you have received Referendum Ballots at least 15 days in Advance of the election. If you do not receive them contact your District Election Committee.
  - [4.1.1] As soon as you receive the ballots count them and sign the receipt.
  - [4.1.2] Make arrangements for storing the ballots in a secure an locked location.
- [4.2] When a voter comes to vote in advance, verify his identification.
- [4.3] Find his name on the voter list and have him sign his name in the space provided.
- [4.4] Have the voter sign the Certificate of the Right to Vote.
- [4.5] Sign the Certificate of the Right to Vote in the space provided for the official's signature. Retain the Certificate for further processing on election day.
- [4.6] Sign the ballot and ensure that the ballot is stamped with the official seal of the precinct.

*! Make a note in your registry as to the date you received your Referendum ballots, the quantity you received, and the manner in which they are stored.*

[4.7] Issue the ballot to the voter and give the voter an envelope in which to seal the ballot once he has voted.

[4.8] Allow the voter to vote in private.

[4.9] When the voter has voted and sealed his ballot in the envelope, stamp the envelope with the official seal of the precinct, and sign the envelope.

[4.10] Store the envelope with unused Referendum Ballots until Election Day.

## 5. SUPPLIES AND COMMODITIES:

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

- Secrecy Booths
- Ballot Box
- Mobile Ballot Box for Voters Voting at Home
- Sealable Box for Maintaining the Certificates of the Right to Vote
- 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.
  
- Forms and Protocols
  - Protocol for Reporting Election Results on the Proportional System
  - Protocol for Reporting Election Results on the Majoritarian System
  - Protocol for Reporting Election Results on the Referendum
  - Certificates of the Right to Vote

- \_\_\_ Precinct Stamp
- \_\_\_ Writing Paper
- \_\_\_ Sealing Wax
- \_\_\_ Envelopes or Wrapping Materials in Which to Transport Materials and Ballots to the District Committee
- \_\_\_ Candles or Lanterns in the Event of a Power Outage
- \_\_\_ Matches
- \_\_\_ Scissors
- \_\_\_ String or Tape
- \_\_\_ Envelopes for Ballots Cast in Advance

## 6. RECEIVING YOUR BALLOTS

- [6.1] Confirm instructions from your District Election Committee as to when you are to pick up or receive your ballots.
- [6.2] Arrange for at least 2 members of your committee to be present when receiving and transporting your ballots.
- [6.3] When you receive your ballots, count them immediately and determine if there is a sufficient number to serve the voters on your Voters' List.
  - [6.3.1] Count the number of Proportional Ballots being assigned to you.
  - [6.3.2] Count the number of Majoritarian System Ballots being assigned to you.
- [6.4] Sign the receipt form acknowledging the quantity of ballots you have received for each type of ballot.
- [6.5] Make a note in your registry as to the date, time and quantity of ballots you have received for each type of ballot. (Article 28)
- [6.6] Make arrangements for storing them in a secure

and locked location with the Referendum Ballots  
you have already received.

*! Make a note in your registry as to the  
method by which you have ensured their  
safety and security.*

## V. BEFORE VOTING BEGINS ON ELECTION DAY

Regular polling hours are from 0800 to 2000. (Article 29 and Supplement and Amendments to the Law on Referendum)

### 1. ARRANGING YOUR POLLING STATION:

[1.1] Assemble at your polling station at least one hour before voting is due to begin.

[1.2] 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.

[1.2.1] Arrange a large enough table for Stage 1 for the registration of voters and the issuance of the Certificates of the Right to Vote.

*! If you have a very large list of voters you may want to divide the list into manageable increments with their corresponding Certificates of Right To Vote Forms. If so, arrange the number of tables required, and place signs on each table to help voters know which table to go to.*

[1.2.2] Arrange a large enough table for Stage 2 where voters will be issued their ballots. Remember, there will be 3 types of ballots so more room may be required.

*! Make sure there is proper space available to ensure that ballots can be maintained in an orderly manner. They should not be stacked where voters or others can take them for themselves. They should be maintained in a way that*

*ensures that only the official has clear access to them. (Article 31)*

[1.2.3] Arrange for a secured space INSIDE the voting room for the safe storage of excess ballots until they are ready to be used. They should be kept out of reach of voters, observers or others who are not authorized to handle them but maintained where authorized observers can observe them.

[1.3] Arrange the tables and chairs for authorized observers in a manner in which they are afforded full view of voting activity throughout the day.

[1.4] Arrange the placement of the secrecy booths so that the privacy of voters is guaranteed as they mark their ballots. (Article 30.)

[1.5] Position the Ballot Box so that it is always in plain view of the majority of those persons who are authorized to be present at the precinct. (Article 30.)

[1.6] Post any instructional posters or notices authorized by the Central Election Committee.

## 2. BEFORE VOTING BEGINS

Before voting begins at 0800, there are a number of tasks that must be completed. Many are to take place in the presence of committee members and authorized observers.

## 3. WHO MAY BE PRESENT

[3.1] All members of the Precinct Election Committee.

[3.2] Representatives of the candidates and political public organizations authorized by the District

Election Committee and holding an official Certificate. (Article 7 and Article 24)

*! Each candidate and political public organization may have up to 3 representatives. However, no more than 2 may be present inside the polling place at one time. (Article 24)*

[3.2.1] Inspect the Certificate of each representative of a candidate or political public organization.

*! It is a good idea to note the names of authorized representatives and their candidate or political public organization in the registry.*

[3.3] International Observers holding proper accreditation issued by the Central Election Committee and their interpreters. (Article 7 and Regulation of the Central Election Commission.)

*! Interpreters and others assisting the International Observers are not required to have accreditation documents. (Decision of the Central Election Committee)*

[3.4] Representatives of the mass media. (Article 7)

[3.5] Observers representing Public Organizations listed on the correspondence from the District Commission (Article 16, Law on Referendum)

#### 4. ASSIGNMENT OF DUTIES:

[4.1] Determine which committee members will be assigned to do which tasks.



*! Ensure that members work in teams of 2 or 3 at each work station. Each team should include a cross section of representatives of different political public organizations to provide greater transparency and self-monitoring.*

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

*! It is a good idea to assign members of the committee to maintain watch over 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.*

[4.2] As a committee, take a decision regarding which members will be assigned to confirm the authenticity of the ballots with their signature. (Article 30.)

*! If a member of the committee insists that he/she signs the ballot, he/she is granted that opportunity, without a vote of the committee. Note the decision in the registry. (Article 30.)*

[4.3] Identify a team of officials who will be assigned to take ballots and assist voters who will be voting at home.

*! Ensure that the team servicing voters at home includes unaffiliated members as well as members representing a cross-section of political public organizations.*

## 5. TRANSPARENCY BEFORE THE OBSERVERS

[5.1] The Chairman of the Committee opens the

box and displays that it is empty to the members of the committee and other persons entitled to be present. (Article 30.)

[5.2] Seal the Ballot Box with sealing wax so that it cannot be opened until the appropriate time after the polls close when counting is to begin. (Article 30.)

[5.2.1] Repeat the same procedure for the Box in which the Certificates of Right to Vote are to be sealed.

[5.2.2] Repeat the same procedure for the Mobile Ballot Box which will be used to serve voters voting at home.

*! Make note of these activities in the registry.*

*! Make sure that all 3 boxes remain in full view of the committee members and the observers throughout the voting day.*

[5.3] Count and publicly announce the number of voters on the Voter List, and the number of ballots received to the observers. Their organizations may have instructed them to ask for this information as part of their observation duties.

*B. Place the envelopes containing the voted Advance Ballots in the Sealed Ballot Box.*

## VI. VOTING BEGINS

The polls should officially be opened at 0800. Each voter should be processed in the same manner. All requirements must be applied uniformly and consistently.

Periodically throughout the polling check the secrecy booths to make sure there is no campaign literature left behind by a voter. (Article 25)

Throughout the polling day make sure that a pen is available in each secrecy booth.

Periodically check the polling booths to make sure that no voters have left unused ballots behind.

### 1. ROUTINE PROCESSING OF VOTERS

#### [1.1] STAGE 1: Registration of the Voter

[1.1.1] Verify the voter's identity by inspecting his/her identification document. (Article 31)

[1.1.1.1] Identification must be presented in the form of the voter's passport, temporary passport, or other official document featuring the voter's photograph and his/her residence. (Article 31, Decision of the Central Election Committee.)

[1.1.2] Find the voter's name on the voter list and require the voter to place his signature in the space provided across from his name on the list. (Article 31.)

[1.1.3] Issue the Certificate of the Right to Vote to the voter and make sure the voter signs both sides of the Certificate. (Article 31)

*The registration official signs the left side of the Certificate.*

[1.1.4] Direct the voter to Stage 2.

[1.2] STAGE 2: Issuance of the Ballots

[1.2.1] Make sure that each ballot is signed by the authorized official before it is issued to a voter. (Article 30 and Article 33)

[1.2.2] Make sure that each ballot has been stamped with the official Precinct seal. (Article 33)

*! Ballots which are not properly signed by the authorized official and sealed will be considered invalid and not counted. (Article 33)*

*D. Exactly when will the precinct seal and the official signature(s) be affixed to the ballot? At the time it is issued? In advance of the polls opening? In small stacks just prior to being given to the official responsible for issuing them?*

[1.2.3] Ask the voter to present his Certificate of the Right to Vote. (Article 31.)

[1.2.4] The official issuing the ballot signs the right side of the voter's Certificate of the Right to Vote. (Article 31.)

[1.2.5] Separate the coupon from the Certificate and drop the coupon into the sealed Box designated for that purpose, retaining the other half of the Certificate for the Precinct Records. (Article 31)

*E. What happens to the other half of the Certificate of the Right to Vote?*

- [1.2.6] Issue the ballots to the voter making sure that he/she gets only one of each type of ballot.

*! Hand the ballots to the voter personally. Do not allow voters to take them off the stacks themselves. Make sure that the voter receives only one of each ballot. (Article 31)*

- [1.2.7] Remind the voter to fold the ballots before leaving the secrecy booth. (Article 31.)

- [1.2.8] Direct the voter to the secrecy booth to mark his/her ballots in private and then to deposit the voted ballots into the ballot box before leaving the polling station. (Article 31)

*! Remind the voter that there only to be one person in the secrecy booth at a time. Watch to see that voters do not attempt to go into the booth together. (Article 31)*

**2. POSSIBLE EXCEPTIONS TO THE ROUTINE**

- [2.1] Voter does not have proper identification.

- [2.1.1] The voter is not permitted to vote. (Article 31)

- [2.2] Voter's name is not on the Voter List.

authorized resident of the district:

[2.2.1.1] add the voter's name and information onto the Voter List

[2.2.1.2] prepare a Certificate of the Right to Vote

[2.2.1.3] allow the voter to vote in the normal manner (Article 3).

[2.2.2] If the voter has identification which shows an address outside the district, direct the voter to his proper district. (Article 18)

[2.2.3] If the voter's documentation shows that he has not resided in the district for 6 months, advise the voter that he must return to his former precinct to vote. (Article 18)

[2.3] Voter's name is on the Voter List but there is no Certificate of the Right to Vote for the voter.

[2.3.1] Prepare a Certificate and allow the voter to vote in the normal manner. (Article 3 and Article 18)

[2.4] A voter presents passports for members of his/her family and wants to vote on their behalf.

[2.4.1] Refuse the voter's request. Each voter has the right to only one vote in the Majoritarian Ballot and one vote in the Proportional System. (Article 3)

[2.5] A voter spoils, tears or mismarks a ballot and asks for a replacement.

[2.5.1] Retrieve the spoiled ballot from the voter

[2.5.2] Segregate the spoiled ballot so that it

voter

[2.5.2] Segregate the spoiled ballot so that it can be accounted for during the process of counting.

[2.5.3] Issue the voter a replacement ballot.

[2.6] A voter is handicapped or otherwise incapable of voting without assistance.

[2.6.1] Allow the voter to select another person to enter the secrecy booth with him to help him cast his ballot.  
(Article 31)

*! The person can choose anyone except members of the Precinct Election Committee or a proxy of a candidate or political public organization.*

*Is any notation made in the register regarding the voter's voter need for assistance and the name of the person selected to assist?*

[2.7] A voter's 18th birthday is on Election Day

[2.7.1] Upon presentation of the voter's identification, add the voter's name to the supplemental list. Make a notation that the voter's birthday is on Election Day.

[2.7.2] Prepare a Certificate of the Right to Vote for the voter adding a note about his birth date.

[2.7.3] Send the vote to Stage 2. Issue only the Referendum Ballot and direct the

### 3. PROVIDING ASSISTANCE TO VOTERS

#### [3.1] DO:

[3.1.1] Answer questions and give instructions about voting procedures.

[3.1.2] Explain to voters the manner in which they are to mark their ballots (Article 31)

[3.1.2.1] Majoritarian Ballot: The voter expresses his preference by marking out the last names of candidates he rejects, only leaving exposed last name of the candidate he chooses.

If there is only one candidate on the ballot, the voter is given a choice as to whether he agrees with the choice or rejects it. He expresses his preference by leaving his choice exposed, and marking out the opposite response.

[3.1.2.2] Proportional Ballot: The voter expresses his preference by marking out the names of all political public organizations or blocs he rejects, leaving exposed only that political public organization or bloc he chooses.

[3.1.2.2] Referendum Ballot: The referendum ballot allows the voter to express his agreement or his disagreement with issue being proposed. He express his vote by leaving his choice exposed and marking out the opposite response.

[3.1.3] Make every effort to preserve the secrecy of each voter's vote.



[3.2] DO NOT

[3.2.1] Express a personal view on the referendum.

[3.2.2] Express any view in favor or against a candidate or political public organization.

[3.2.3] Advise the voter or make any recommendation as to the choices the voter should make as he casts his vote.

[3.2.4] Mark a ballot for a voter.

[3.2.5] Allow a voter to mark a ballot outside the secrecy booth.

[3.2.6] Allow a representative of a candidate or political public organization or an authorized observer to accompany a voter into the secrecy booth.

4. SERVICING VOTERS WHO MUST VOTE AT HOME.

Voters who are ill or elderly and unable to come to the polling place are entitled to vote on the Referendum. (Article 30, Law on Referendum)

Voters voting at home ARE NOT eligible to vote in the Majoritarian or Proportional elections. (The Law on Election of Deputies offers no provision for voting at home.)

*! No other ballots are to be removed from the polling place for any other reason. Solicitation of votes or visits to voters' homes simply because they have not appeared at the polling place IS NOT ALLOWED.*

[4.1] At a time decided upon by the committee, the

team selected to serve voters at home should prepare the materials needed.

*! In order to offer adequate transparency to the observers, the chairman should announce that preparations are underway to service voters who must vote at home. Allow observers to watch the preparations.*

- [4.2] Count the number of at-home voters on the supplemental list and announce the number to the observers.
- [4.3] In view of the observers, count a number of Referendum Ballots equal to the number of voters on the supplemental list.
  - [4.3.1] Make sure the ballots are signed by the authorized officials and stamped with the official seal.
- [4.4] Announce the names of the team members who will be taking the ballots, Certificates of the Right to Vote, supplemental voter lists and the Mobile Ballot Box sealed in the presence of the observers before the opening of the polls, to serve voters voting at home.
- [4.5] Team members serving voters at home should comply with the same rules that apply to voters voting at the polling site.
  - [4.5.1] Inspect the voter's identification.
  - [4.5.2] Have the voter sign the supplemental voter list.

*G. Have the voter sign both sides of the Certificate of the Right to Vote. Officials must sign both sides of the Certificate of the Right to Vote. Remember to bring the entire Certificate back to the precinct with you.*

[4.5.3] Hand the Referendum Ballot to the voter.

[4.5.4] Allow the voter to vote in private so that his vote remains secret.

[5.2.5] Have the voter fold the ballot and deposit it in the Mobile Ballot Box.

[4.6] Announce your return from assisting voters at home.

[4.6.1] Count and announce the number of voters on the supplemental list who actually voted.

[4.6.2] Count and announce the number of unused ballots that you have brought back to the polling station.

[4.5.3] Return the sealed Mobile Ballot Box to its position where it can remain in view of the observers and committee members.

*G(a). For each voter who voted at home, tear the coupon from the Certificate. Drop it into the special box. Retain the other half for the precinct records.*

## VII. CLOSING THE POLLS AND COUNTING THE VOTES

### 1. CLOSING THE POLLS

Regular polling hours end at 20:00. (Article 29, and Supplement and Amendments to the Law on Referendum)

- [1.1] At 20:00 announce that the polls have closed. (Article 31, Law on Referendum)
- [1.2] Close and secure the doors. Any voter who is present at that time who has not yet voted shall be allowed to vote. Don't forget that authorized observers who come late are allowed come in to observe the count.

### 2. BEFORE THE BALLOT BOX IS OPENED

If the Committee appears confused or disorganized, observers will have reason to doubt your competence. Act with authority.

- [2.1] 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 will have a clear and unhampered view of the counting activity.*

- [2.2] 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.*

*! If circumstances require the committee to alter its plan, announce the change to the observers.*

[2.3] Make a note in the registry that the ballot box, the mobile ballot box and the box containing the coupons from the Certificates of the Right to Vote were sealed before voting began and remained sealed until the polls closed. (Article 32)

[2.4] The counting and recording of information about the results is to be done separately for each of the 3 types of ballot. (Article 32).

[2.5] Be aware that procedures for the Referendum Ballots vary slightly from those for the Majoritarian and Proportional Ballots.

[2.6] There is a separate protocol to be completed for:

The Proportional Ballot  
The Majoritarian Ballot.  
The Referendum Ballot.

[2.7] For the Proportional and Majoritarian Ballots complete the following steps before the ballot box is opened (Article 34):

[2.7.1] Enter the numbers of Proportional and Majoritarian ballots originally received by the precinct on the separate protocols.

[2.7.2] Count the number of unused ballots and the number of ballots which were spoiled by voters for each type of ballot and make the appropriate entries on the separate protocols.

[2.7.2.1] Cancel the unused and spoiled ballots for each type of ballot to rule out future use, in a manner determined by the

*H. How are the unused ballots cancelled? Tearing them? Drawing lines across them? Cutting a corner off of them?*

- [2.7.3] On each protocol, enter the total number of voters on the voter list including the number of any additions which had to be made on election day.
- [2.7.4] Count and enter the number of voters who signed the voter list and participated in the election on each protocol.
- [2.7.5] Count and enter the number of Certificates of the Right to Vote which remain unused and enter it on the appropriate protocols.
- [2.7.6] Make the appropriate entries on the protocol for the Referendum.

*I. Is there a place to count the precinct portions of the Certificates of the Right to vote forms and enter the number on the protocols? Is there a place to enter the number of voters on the supplemental lists for voters voting at home on the protocol? Is there a place to enter the number of voters who voted in advanced or the number of advanced ballots which remain in the sealed envelopes?*

### 3. OPENING THE BALLOT BOX (Article 34)

- [3.1] In plain view of the observers, open the ballot box.

- 3.2] Sort the ballots by type. Each type of ballot is printed on a different color paper so sorting should be easy.
- 3.3] Count the total number of Proportional Ballots which were found in the ballot box and enter the number on the Protocol.
- 3.4] Count the total number of Proportional Ballots which were found in the ballot box and enter the number on the Protocol.
- 3.5] Count the total number of Referendum Ballots which were found in the ballot box and enter the number on the Protocol. Remember to include the ballots voted in advance, and to open the mobile ballot box so you can also include the number of ballot voted by people at home

*Is there a process for counting the number of sealed envelopes containing ballots cast in advance? If there are envelopes for advanced ballots in the ballot box, when are they opened. Or, are they mixed and counted with the other Referendum Ballots? Are they counted and recorded separately? At what point is the Mobile Ballot Box opened for counting the ballots cast by voters at home?*

### COUNTING THE VOTES AND RECORDING THE RESULTS (Article 34 and Article 31 in the Law on Referendum)

Observers are entitled to view every aspect of the process. They are free to move about the polling place while counting is being accomplished as long as they do not disrupt or interfere with the work of the officials

*! While observers may ask to watch and ask questions about committee decisions, they should not be allowed to handle the ballots.*

[4.1.1] Prepare signs and place them along the tables for each candidate appearing on the ballot leaving enough space between them to ensure that stacks of ballots do not get mixed. Also make a sign for a space reserved for Invalid ballots.

*! The signs should be placed in the same order as candidates appear on the ballot.*

[4.1.2] Assign a team of at least 2 to 3 members who will be responsible to inspect each ballot and determine the candidate for whom the ballot was cast or if the ballot is Invalid.

[4.1.3] Assign a team of at least 2 members to be responsible for receiving, handling and counting the ballots cast for each candidate on the ballot.

*! During the process, committee members are not permitted to make any markings on the ballots. They should not have any writing instrument during the actual counting of ballots.*

[4.1.4] Assign a team of at least 2 members to be responsible for receiving, inspecting and confirming determinations regarding the invalid ballots.

[4.2] Count the votes and record the results.

[4.2.1] Once the ballots have been sorted,



inspect each ballot which has been placed on the stack for each candidate to ensure that no errors have been made in determining for whom the vote was cast. If an error is discovered, the ballot should be delivered to the stack for the correct candidate receiving the vote.

- [4.2.2] Count the number of ballots cast for their candidate and makes a notation of the result on a piece of paper.
- [4.2.3] As a safeguard to ensure correctness of the counting, trade places so that the ballots are recounted. The results of the second count should be compared with the first result. If there is a discrepancy, the ballots should be recounted.
- [4.2.4] When you are satisfied that the count is accurate, the result should be reported to the Chairperson. The result is entered onto the Protocol next to the name of the candidate.
- [4.2.5] The Chairman announces the results of the counting out loud to all those present. (Article 32)

*! Observers are entitled to write down the results of the votes for their own record. (Article 24 and Article 16, Law on Referendum)*

*! It is also a good idea for the Chairman to prepare a copy of the results to keep for he or her own records until election results are officially registered and published.*

[4.2.6] All members of the committee participating in the activities throughout the day sign the Protocol. (Article 32)

*! If any member has a special opinion about the process or the results, he makes a notation across from his signature and submits his opinion in writing. A refusal of a member to sign the record is recorded by the committee and attached to the Protocol. (Article 32)*

[4.2.7] Ensure that the Protocol is stamped with the seal of the precinct committee.

[4.3] Immediately upon completing the count and when the Protocol has been signed, pack the counted and registered Majoritarian ballots and seal the packs with the stamp of the precinct.

[4.4] Repeat these procedures for counting the Proportional Ballots.

[4.5] Repeat these procedures for counting the Referendum Ballots.

[4.5.1] In the case of the Referendum Ballot, the votes AGAINST the referendum are also counted. The number of votes AGAINST are also recorded on the protocol.

## 5. INVALID BALLOTS (Article 33)

An invalid ballot is a ballot which cannot be included in the counting of votes.

[5.1] Inspect each ballot and determine whether the vote can be counted or not counted based on the

rules appearing on the chart.

[5.2] In the event committee members disagree as to whether a ballot is valid or invalid, a decision is taken by a vote.

[5.3] Count the number of ballots which are determined to be invalid and enter the number on the Protocol. (Article 32)

**RULES FOR COUNTING BALLOTS  
OR DECLARING THEM INVALID**

<b>CONDITION OR MANNER IN WHICH BALLOT IS MARKED</b>	<b>VALID COUNT</b>	<b>INVALID DO NOT COUNT</b>
<b>ALL BALLOTS</b>		
Ballot does not conform to approved specimen		x
Ballot does not bear the stamp of the precinct		x
Ballot does not bear the signatures of the selected members of the committee		x
Ballot bears the official signatures or the stamp but not both		
Ballot bears one or more, but not all of the signatures of selected members of the committee		
Ballot is crumpled or torn		
Ballot is not marked at all		x
Ballot bears hand written words, names or symbols in addition to or in place the signatures of authorized officials		x
<b>REFERENDUM BALLOT</b>		
Both responses are marked		x
Voter has placed an "X" or check mark next to a choice but has made no other markings		
Voter has drawn a circle around a choice but has made no other markings		
<b>MAJORITARIAN BALLOT</b>		
Voter has written another name on the ballot		x
Voter has left more than one name exposed		x

**RULES FOR COUNTING BALLOTS  
OR DECLARING THEM INVALID**

<b>MAJORITARIAN BALLOT CONTINUED</b>		
Voter has circled or otherwise made a mark by one name but has made no other markings		
Voter has marked every name on the ballot		x
Voter has marked out all names but left the name of one political party exposed		
<b>PROPORTIONAL BALLOT</b>		
Voter has left the name of more than one political public organization or bloc exposed		x
Voter has written name of another political public organization and marked out all pre-printed names on the ballot		
Voter has marked out the names of all political public organizations but left exposed the names of candidates associated with one organization		

6. TRANSPORT OF BALLOTS AND MATERIALS TO THE DISTRICT ELECTION COMMITTEE (Article 34)

[6.1] As soon as the counting of all ballots has been finished and the protocols have been completed, signed and stamped, all materials are to be packaged and immediately delivered to the District Election Committee. Those items which are to be delivered include:

[6.1.1] Separately packaged counted and registered ballots for each type.

*ks. What happens to the unused and spoiled ballots? Are they packaged separately and also returned to the District Election Committee? What happens to the remaining coupons from the Certificates of the used Certificate of the Right to Vote Forms?*

[6.1.2] Stamped records and protocols for each type of ballot, including any written objections or opinions submitted by members of the committee, or observers if any have been submitted.

[6.1.3] Registry of the Committee.

[6.1.4] Sealed box containing the coupons of the Certificates of the Right to Vote.

[6.1.5] Voter List and any supplemental lists.

[6.1.6] Any other materials requested by the District Election Committee.

### VIII. EMERGENCY CIRCUMSTANCES

Be prepared in advance to respond to the rare emergency which might occur.

Discuss emergency procedures in advance assign responsibilities to specific members.

Maintain a list of important phone numbers which might be useful in the event of a emergency.

Police Officers \_\_\_\_\_

District Election Committee \_\_\_\_\_

Central Election Committee \_\_\_\_\_

- [1] Should there be a disruption of activity because of disorderly conduct by a person in the polling place that you cannot control on your own, contact appropriate security officers for assistance.
- [2] In the event there is a power outage during the counting of ballots take necessary steps to secure the ballots and maintain order.
  - [2.1] Light candles or a lantern as quickly as possible.
  - [2.2] Ask everyone present to remain where they are until sufficient light can be restored.
  - [2.3] Resume normal activity as soon as it is reasonable to do so.
  - [2.4] If power is not restored and it becomes impossible for you to continue, contact your District Election Commission and ask for instructions.
  - [2.5] Take all steps necessary to secure the ballots, protocols and other election materials to ensure they are adequately safeguarded.

PART III. COMMENTS AND EXPLANATIONS  
REGARDING SUGGESTIONS POSED IN THE  
SAMPLE GUIDE BOOK FOR PRECINCT ELECTION OFFICIALS

Throughout the Sample Guide Book brief comments were specially noted in shaded boxes. These sections serve to illustrate examples of key questions which should be considered in formalizing procedures for future elections. What follows are brief discussions of these issues with explanations as to why they were singled out for special attention.

SHADED BOXES:

A. VERIFICATION OF THE VOTER LISTS

Through meetings with various precinct officials IFES was led to believe that preparation of the Voter Lists at the District level was a new practice. They indicated that in the past, the Precinct Official prepared the list through a door to door canvass of the residences within their precinct. Even if lists continue to be prepared at the district level, it may be a good idea to reestablish the role of the Precinct Official to confirm the accuracy of the voter list through their former practice.

First, Articles 15 and 19 provide the authority of the precinct officials to make the list available for public scrutiny, and to make corrections in the list as necessary. Secondly, a door to door canvas would allow for corrections through new information which might not be readily available to officials of self-administration offices. For example, residence records may accurately reflect the family living in a certain place. However, these records may not accurately reflect those members of the family who may have moved away. A door-to-door canvas would allow Precinct Officials to act appropriately on this kind of information. It would also allow Precinct Officials to know about voters who will need to vote at home and allow them to prepare the supplemental voter lists.

B. HANDLING OF BALLOTS VOTED IN ADVANCE

Article 3 of the Law on Referendum allows persons who will be away from the polls on election day to vote in advance. Their voted ballots are maintained in sealed envelopes until election day, at which time the envelopes are to be placed in the ballot box. The law, however, provides only very vague guidance as to when this activity should be accomplished. In fact there is an implication that they are dropped in the ballot box during the voting.

It is recommended that in the future, this procedure be accomplished before voting begins. This would allow the election committee to count and verify the number of voters who have already



signed the voter list in advance, before election day voters begin to add their names. The number of advance signatures could be compared to the number of envelopes and the information could be announced to the observers who are present. Such openness would alleviate potential complaints or allegations, in addition to assisting election officials to verify their accountability.

C. CERTIFICATES OF THE RIGHT TO VOTE

This instruction is highlighted to illustrate a difficulty which should be easy to overcome in future elections. Under Article 31, the registration official is supposed to sign the Certificate of the Right to vote when as it is given to the voter. In addition, there is a requirement that the official issuing the ballot is also to sign the Certificate. Presumably, both sides of the form are to have duplicate information. However, the form prepared for the 5 July 1995 elections provides space for only one official signature on each side. This instruction was written to allow the form to suffice for that election, even though neither side would show the two official signatures required.

It will be important that the Central Election Committee review each form used in the elections to ensure that it is well matched and suited to accommodate the requirements in the new law.

(The various protocols used for summarizing the results of the election also fail to provide space to record some of the accountability information which should be made part of the permanent record. These instances are also highlighted in the text of the sample guidebook.)

D. OFFICIAL SIGNATURES AND PRECINCT SEAL ON THE BALLOTS

Article 30, and 33 require that the ballots be signed by authorized officials who authenticate the ballots by their signatures. The ballots are also to be stamped with the official seal of the precinct. However, the law is not clear as to when this should be done. Nor does the law give guidance as to whether all ballots are to be signed and stamped, or only those which are actually issued to voters.

This is one of the more critical issues which would be deliberated by the Central Election Committee because the signatures of the officials and the seal are the only measures being used which ensure the safety and security of the ballots.

Many officials with whom IFES met indicated that they would be signing and stamping the ballots in advance. By signing the ballot papers in advance the level of security that the signature is intended to provide is defeated. Once the ballots are signed and stamped, they ALL become authenticated ballots. The signature and stamp might certainly differentiate an official ballot from one that is forged. However, done in advance, they would not necessarily distinguish one which was officially and properly ISSUED to a voter, from one that was not.

Under the law, any ballot found in the ballot box that does not have the signatures or the stamp would be rejected. But if all ballots are signed and stamped in advance, any ballot found in the box would have to be counted, even if it had been deposited in the box fraudulently.

Even if the signatures and the stamp were affixed on a small number of ballots on election day as issuing officials began to run low at their work station, the security measure would be greatly improved.

It is recommended that the Commission try to develop other ways to provide extra security measures in the way the ballots are printed. Ideally, it would be helpful if the ballots for each district were sequentially numbered from 1 to the maximum number of voters within the District. This would allow the District Committee to keep a log of the range of sequence numbers of the ballots they distribute to each polling place. It would also help them in distribution because they could rely on the sequence numbers rather than having to count out the exact numbers of ballots to be sent to each polling station. A copy of the distribution log from each District could be submitted to the Central Election Committee. This method would make it more difficult for misuse of ballot to occur because of the greater degree of accountability involved in knowing exactly which ballots are sent to which polling site. The signatures and the stamp would then no longer be necessary, although the addition of the precinct stamp affixed at the time of issuance to a voter could add an extra safety measure.

Similar sequential numbering could be imprinted on the Referendum Ballots as well. For these ballots, the District number could precede the sequence numbers for ease of distribution:

Existing facilities and resources may not have made this option feasible. However, other techniques should be possible as standard procedures for the preparation of ballots for any election.

- a. Two or three members of the Central Election Committee could be assigned to devise a secret symbol which is to be printed on all official ballots. It would be their responsibility to maintain confidentiality among only themselves as to what the symbol will be. An option could be possible for them to select a different symbol to be assigned to each District. At the last minute, when the ballots are actually ready to be printed, they would provide the symbol(s) to the printers who would also be held accountable for the confidentiality about the symbol. Any ballot found that did not include this symbol would be rejected or invalidated. The ballot printing facilities should also be provided extra security until ballots are ready for distribution.
- c. It would also be helpful if ballot papers could be padded or packaged in standardized quantities by the printing facility itself. The Committees could pre-determine the standard quantity in each package. Usually this quantity is from 50 to 250. Standardized packaging simplifies distribution. Officials then would only need to count out the number of packages to go to each site and to count the individual partial packs to meet the exact number of voters to be served at each site. In any circumstances District Committees

should maintain a log of the number of ballots sent to each polling station. Polling site committee should be required to confirm receipt of the exact number sent to them.

E. RETAINING THE SECOND PART OF THE CERTIFICATE OF THE RIGHT TO VOTE FORMS

The law offers no guidance as to what should be done with second part of the Certificate of the Right to Vote form once the coupon has been deposited into the special, sealed box. If they are to be retained by the precinct officials, then they should be used during the summarization process after the polls close. They should be counted and compared to the total number of voters who sign the voter list. The number should also be added to the protocol which should be modified to provide space for that entry. Without a specified use established for the second part of the form, it serves no function.

Whether a decision is made to retain a second portion in future elections or not, there needs to be directive established as to what action is to be taken if a discrepancy is found between the number of coupons found in the sealed box, and the number of participating voters and ballots reported by the Precinct Commissions.

Article 37 speaks to the authority of officials to declare an election partially invalid. Presumably, the language of the law is construed to limit invalidation of an election only to those cases where discrepancies are of such magnitude as to have potentially altered the outcome. For example, if a discrepancy involved a difference of 10 between the number of Certificates in the box and the total number of voted ballots, but the distance between the two candidates was 150 votes, the election could not be ruled invalid because of the error because it was insufficient to have altered the outcome.

F. VOTERS WHO NEED ASSISTANCE AT THE POLLS

It is a good idea that when an incapacitated voter has someone assist him in the voting booth, the assistant's name be written next to the voter's name on the voter list. This kind of record is helpful in identifying situations where one individual seems to be helping an unusually high number of voters. Caution may be warranted if there is a possibility that this individual is exerting undue partisan pressure on the voter.

G. VOTERS VOTING AT HOME

The text of these instructions serves to illustrate the difficulty when two different laws are being used to cover procedures for separate elections happening on the same day. The Law on Conduct of Referendum makes no reference to a Certificate of the Right to Vote form which IS required for voters in the election of deputies. The Certificates play an integral role in the processing of voters and accounting for the numbers of voters and ballots used at the polls. Questions arise as to how this process will be implemented in serving voters at home. In each case, a Certificate is already prepared for the voter from his presence on the regular voter list.

If the voter is ill and votes at home only in the Referendum, officials may suggest that no Certificate will be necessary for him because the Law on Referendum is silent on this issue. However, this decision will only increase confusion in processing, and in causing discrepancies in the number of Certificates found in the sealed box, and the number of various types of ballots cast.

In the future, it would be helpful that if two types of elections governed by different laws are held at the same time, special amendments should bring the laws into conformity so that only one set of rules applies. Consistent procedures governing all elements of the elections will help avoid confusion and improve accountability.

#### H. CANCELLING UNUSED AND SPOILED BALLOTS

Again, the law is silent on how this activity is to be done. (The law is also silent on how replacement ballots should be handled if a voter spoils a ballot. It is only in the procedures for after the close of the polls that spoiled ballots are even mentioned in the law.) In order to ensure "uniform implementation" required under Article \_\_\_\_\_, a decision should be made as to how this activity is to be carried out by all polling site officials.

#### I. COMPLETING THE PROTOCOLS

These questions are raised as additional examples where protocols may need revision to accommodate specific requirements of law and to fulfill requirements necessary to ensure that election day activity is auditable and accountable.

#### J. DEALING WITH BALLOTS VOTED IN ADVANCE AND AT HOME

These examples illustrate other important details which are not covered in the law but which require administrative decision to ensure that uniform procedures are followed. While the law provides for advance and at home voting, the law is silent as to how these ballots are to be accounted for. It make no mention as to whether these ballots are counted separately, or are commingled with other regular ballots. Specific instructions for their handling and counting should be developed by the Central Election Committee so that they are dealt with by all Precinct Committees in the same way, and so accounting for them can be properly regulated.

#### K. RETENTION AND TRANSPORT OF ELECTION MATERIALS

Article 35 only generally provides for the transport and retention of election materials to the District Committee after the Precinct results are summarized. However, the law indicates that the manner in which they are packaged and transmitted are "prescribed by the Central Election Committee." The questions raised in this section suggest some details which need attention. Since virtually all precinct records and documents pertain to the auditability of the election results it will be important that specific guidelines are detailed.

APPENDIX 8

CEC for the Elections of the National Assembly of the Republic of  
Armenia

THE CENTRAL ELECTORAL COMMISSION FOR THE ELECTIONS OF THE NATIONAL ASSEMBLY OF  
THE REPUBLIC OF ARMENIA

NAME	TITLE	TELEPHONE
Robert Amirian	Chairman of the Commission	52 71 58 82 62 27 28 17 home
Gagik Jhangirian	Deputy Chairman, Ministry of Justice of Armenia	69 40 /51-98 56 10 06 52 24 80 58 22 85 /58 86 69
Rouben Manoukian	Secretary of the Commission	56 14 58 82 31 27 04 68 home
Vahan Aslanian	"Interstroycomplex" joint enterprise	22 33 91 home
Avag Avagian	Legal Department of the Government of Armenia	64 45 52 58 60 39 74 78 home
Gourgen Boyajian	—————	46 10 24 home
Rozalia Gabrielian	Edition of the newspaper "Azg", Institute of History of the Armenian Academy of Science	52 16 35 58 24 83 52 28 63
Armenouhi Zohrabian	School No. 194	45 39 20 45 90 31 56 70 96 home
Armen Lalayan	—————	73 34 72 home
Goharik Khachatryan	Lawyer/advocate, Ashtarak District	35 32 06 home 35 70 34 home
Levon Kostanian	Division of the education & science of the Trade Union Council of Armenia	58 72 89 52 66 03 home
Jemma Hasratian	Deputy Director of the Scientific-research Institute for Education	57 15 31 57 21 00 52 25 42 home
Robert Matevosian	Legal consultant of "Siunik" LTD	56 31 88 46 70 49 home
Vahagn Moukouchian	Enterprise "Safir"	35 92 05
Hovhannes Manoukian	Parliament of Armenia	61 27 58 84 63 55 22 61 home
Vagharshak Manoukian	Republican Party	63 09 58 00 31 34 66 86 home

56-57-11

Gagik Minasian	Departm. of Education of the Spandarian District Council	53 14 33 46 26 68 home
Seiran Mkrtoumian	Enterprise "Hayelectro", foreman	42 81 82
Samvel Mnatsakanian	Legal Department of the Armenian Parliament	58 85 68 55 51 64 home
Artiom Movsesian	Division for the Control at the President of Armenia	61 54 27 28 36 23 25 10 home
Sergey Poghosian	Armenian National Museum	69 01 58 21 61 61 27 87 home
Arman Vardanian	Military serviceman	58 56 77 home
Karine Vardanian	Miasnikian District Council	56 37 24 58 72 44 home 39 51 86 home

APPENDIX 9

The Law of Republic of Armenia  
About Public Organizations



The Law of Republic of Armenia  
About Public Organizations

Chapter 1. General Theses

Clause 1. The Concept of a Public Organization

A public organization is a non-profit voluntary structure created by the expression of free will of citizens united by common interests, which being governed by its Charter acts within the legislation of Republic of Armenia.

Clause 2. Unions of Public Organizations

Public organizations, according to their goals and interests or other principles, for coordinating their activities, defending their rights, as well as for presenting common interests in international organizations can unite on voluntary basis within leagues, societies, associations, funds, federations and other unions.

A union is a juridical person. It acts based on the Charter verified by its founding members. The public organizations inside the union keep their identity and the status of juridical person.

The union is not responsible for the obligations of the public organizations within its structure, and the public organizations are not responsible for the obligations of the union unless otherwise specified in the founding documents.

The procedures of formation, activities, and termination of activities of the unions are determined by the present law.

Chapter 2. Formation and Termination of Activities of Public Organizations

Clause 3. Formation of Public Organizations

In Republic of Armenia a public organization is formed on the public organization founding meeting (congress, general meeting) that accepts the Charter of the public organization and elects the governing bodies.

Members of a public organization can be citizens of Republic of Armenia as well as foreign citizens and individuals having no citizenship.

Clause 4. Charter of a Public Organization

A public organization Charter must include the public organization

- name, logo, location (address), goals and objectives
- procedure of becoming a member and membership cancellation
- member rights and obligations
- structure
- procedure of establishing structural subdivisions
- territory of activities
- procedure of holding a congress and a general meeting and their competence
- procedure of electing governing bodies, the period of their authority and competence
- procedure of controlling activities of governing bodies by the public organizations
- resource sources and procedure of using them
- procedurc of termination of activities

The Charter can also project other issues concerning the activities of the public organization, procedure of changing and adjusting the Charter

The public organization Charter should not contradict with the legislation of Republic of Armenia.

#### Clause 5. Registration of a Public Organization

A public organization is registered by the Justice Ministry of Republic of Armenia. A public organization applies to the Justice Ministry for registration within 30 days' period after the end of the founding meeting.

The registration of a public organization is done within 60 days' period after the application for registration, the Charter, and the protocol of founding meeting (congress or general meeting) are presented to the Justice Ministry.

The registration of a public organization may be rejected if the Charter contradicts with the requirements of the present law or acting legislation of Republic of Armenia.

The registration is rejected if another public organization is already registered with the same name.

In case of rejection the applicant is informed in writing, no later than within three days' period after the expected time of registration mentioning the reasons and legislative basis of rejection.

The changes and adjustments of the Charter are made by the procedure determined by the present clause.

From the moment of registration the public organization as well as its initial organizations specified in the Charter obtain the status of juridical person.

The registration of other structural subdivisions of the public organization is done by the procedure determined by the legislation of Republic of Armenia.

If the registration is not done in time or is rejected it can be appealed to the Supreme Court of Republic of Armenia.

#### Clause 6. The Public Organization Name and Logo

A public organization has its name and may have a logo.

#### Clause 7. Termination of Activities of a Public Organization

Termination of activities of a public organization may happen through restructuring (joining, uniting, dividing) or through dissolution.

The restructuring of a public organization is carried out by the decision of its congress or general meeting. After restructuring the registration of the newly formed public organization is done by the procedure determined by the present law.

The dissolution of a public organization is done by the decision of its congress or general meeting or in cases determined by the legislation of Republic of Armenia.

In case of self-dissolution or restructuring the organization is obliged to inform the Justice Ministry of Republic of Armenia within 5 days' period.

After termination of activities of a public organization the remaining supplies are used for purposes projected in its Charter by the decision of its congress or general meeting unless otherwise specified by the legislation of Republic of Armenia.

### Chapter 3. Public Organization Rights, Property and Resources

#### Clause 8. Public Organization Rights and Obligations

Republic of Armenia ensures equal rights for public organizations, protection of their rights and legal interests.

In Republic of Armenia the participation of a citizen in a public organization activities cannot be a basis for restricting his rights and freedom, as well as a condition or an obstacle for holding a position in governmental structures or a basis for not carrying out obligations projected by the law.

The requirement about mentioning a public organization membership in official documents is prohibited.

An infant-juniors' public organization cannot belong to a public-political organization and any party propaganda is prohibited there.

#### Clause 9. Business Activities of Public Organizations

A public organization exceptionally for implementing issues projected in its Charter may carry out business activities by the procedure determined by legislation of Republic of Armenia.

A public organization carries out business activities by the procedure determined by the "Law about Enterprises and Business Activities" through daughter enterprises created by itself and having status of juridical person. The income obtained from business activities of the public organization cannot be distributed among members of the public organization and is used only for implementing issues projected in the Charter. A public organization can use its means for charity purposes even if it is not specified in the Charter.

Enterprises and organizations created by the public organization make payments to the state budget by the procedure determined by the legislation of Republic of Armenia.

#### Clause 10. Property and Resources of Public Organizations

Public organizations can own buildings, constructions, apartment fund, transportation vehicles, equipment, financial means, shares, other securities and supplies that are necessary for providing material basis for activities projected in the Charter. The public organization can own also enterprises created by its means in accordance with its Charter.

The public organization resources are formed from entrance payments, member payments, donations from non-governmental sources, inherited supplies, income obtained from economic activities of enterprises created by itself, and other sources not prohibited by the law.

Public organizations pay taxes by the procedure determined by the law.

The income, its sources, legality of expenses as well as of property are under the state financial control.

Public organizations and its structural subdivisions present annual reports on their financial activities to the State Department of Tax Inspection.

For public organizations involved in important activities for Republic of Armenia the government may provide privileges and assistance.

### Chapter 4. The Public Organization Responsibilities, Control of Activities, Prohibition and Suppression of Activities

#### Clause 11. The Public Organization Responsibilities, Control of Legality of Activities

A public organization that has caused material and moral detriment to Republic of Armenia, enterprises, institutions, organizations, citizens or has violated the legislation of Republic of Armenia in other ways bears the responsibility by the procedure determined by the law.

The control of the legality of public organization activities is carried out by the Justice Ministry of Republic of Armenia.

If a public organization has implemented actions that lie out of the range of the goals and objectives defined by its Charter or violate the legislation of Republic of Armenia, the Justice Ministry of Republic of Armenia may send a written warning to the governing body of the public organization.

The Justice Ministry has the right to demand from the governing body the decisions made by the public organization, to send its representatives to participate in the forums organized by the public organization, obtain information about the public organization activities from the public organization members and other citizens.

Clause 12. Prohibition and Suppression of the Public Organization Activities

In case of violating legislation of Republic of Armenia, by the presentation of the General Procurator of Republic of Armenia or other procurators subordinate to him or Justice Ministry of Republic of Armenia, the Supreme Court of Republic of Armenia prohibits or suppresses activities of the public organization and informs the Justice Ministry within 5 days' period.

In case of suppressing the public organization activities the governing bodies are informed in writing about the decision of suppressing and about violations of the law made by the public organization and a deadline is defined for eliminating violations.

After eliminating the violations of the law the public organization informs the Justice Ministry of Republic of Armenia which gives the public organization the permission to continue its activities within one month's period after the deadline defined by the Supreme Court of Republic of Armenia.

The Supreme Court of Republic of Armenia may revise the decision on suppressing the public organization activities by the presentation of the Justice Ministry of Republic of Armenia.

The public organization activities can be suppressed up to 6 months' period.

During the period of suppression of the public organization activities it is prohibited to use rights determined by the present law.

If the public organization does not eliminate violations after suppression of its activities or within one year's period violates the law again, its activities are suppressed for one year by the procedure described in the first part of the present clause.

In case of new violation of the law within one year's period after double suppression of activities the public organization activities may be prohibited by the procedure described in the first part of the present clause.

## Chapter 5. International Contacts of Public Organizations

Clause 13. International Contacts of Public Organizations

Public organizations in accordance with their Charters may become included in international non-governmental unions, have international contacts, sign corresponding agreements and treaties.

## Chapter 6. International Public Organizations

Clause 14. International Public Organizations

A public organization founded in Republic of Armenia is recognized as international if it has registered structural subdivisions in one or more foreign countries.

A public organization of Republic of Armenia that is a collective member of an international public organization founded abroad is a subject of registration according to the present law.

The theses of the present law apply to activities of structural subdivisions of public organizations of foreign countries founded or functioning in Armenia and international public organizations.

Presents the Permanent Committee of Establishing  
Independent State and National Policy

Yegorian 06.06.94.

**The Decision  
of Supreme Council of Republic of Armenia on  
Application of the Law of Republic of Armenia  
About Public Organizations**

The Supreme Council of Republic of Armenia decides:

1. To apply "The Law of Republic of Armenia About Public Organizations" from the moment of publishing the present decision.
2. Public organizations pay entrance tax of 2000 drams for the registration.  
The registration tax is paid by the public organization to the State Bank within one week's period after receiving the written agreement from the registering body.  
The public organizations of soldiers' mothers, handicapped people, pensioners, labor and war veterans, infant-juniors' and students' public organizations do not pay the registration tax.  
For registration of changes and adjustments in the public organization Charter that do not change the status of the organization the public organization pays a tax of 20% of the tax for registration.
3. For the registration of a public organization the following must be presented to the registering body:
  - a. Application for registration of a public organization
  - b. A copy of the public organization congress or founding meeting protocol
  - c. 4 copies of the public organization Charter stapled and signed by the key person (persons)
  - d. The passport data of the key leaders
  - e. The list of public organization own resources, sources of obtaining them, and documentation on their usage and management.
4. The arguments occurred during registration of public organizations having same name are resolved through the court.
5. Before acceptance of the "Law about Trade Unions" the trade unions are registered and function according to the present law and are registered free from charge.
6. Public organizations founded before December 31, 1988 are considered dissolved (except for creative unions) and all their supplies are considered ownership of Republic of Armenia.  
To the government of Republic of Armenia: according to the present law after the registration of the above mentioned organizations, solve the problem of placing the part of former supplies necessary for their activities at their disposal.  
Consider the whole supplies of public organizations and other non-state organizations of the former USSR on the territory of Republic of Armenia the ownership of Republic of Armenia and place at government's disposal.
7. All the public organizations, their subdivisions having status of juridical person, all the subdivisions of the public organizations of foreign countries and international public organizations are obliged to be registered and reregistered according to the " Law About Public Organizations" of Republic of Armenia within 6 months' period after acceptance of the present decision. The public organizations and their organizational subdivisions not reregistered before the specified date are considered dissolved.  
Reregistration is done by the procedure determined for registration.

8. To the Justice Ministry of Republic of Armenia: to publish in the daily newspaper " Haiastani Hanrapetutian" the list of all the public organizations and their organizational subdivisions been dissolved due to not being reregistered in time.
9. To the Ministries of Republic of Armenia, Executive Committees of City Council of Deputies, City Regional, Regional Councils: to present within one month's period to the Justice Ministry of Republic of Armenia data about public organizations or their structural subdivisions registered by them or non-registered and functioning on their territory but having the status of juridical person.
10. Registered and reregistered public organizations within 10 days' period after registration or reregistration should be registered in the State Tax Inspection of their region.
11. Consider no longer valid  
The decree of the Presidium of the Supreme Council of Armenian SSR of October 30, 1989 on "The Temporary Procedure of Registering the Charters of Unions of Citizens".

Presents the Permanent Committee of Establishing  
Independent State and National Policy

06.06.94

APPENDIX 10

Republic of Armenia Law on Press and Mass Media

# Republic of Armenia Law on Press and Mass Media

## Chapter I. - General Provisions

### Article 1. Press and Mass Media

For the purposes of the law, press and mass media (PMM) shall refer to papers, magazines, official bulletins, journals, and periodicals, published in quantities of more than 100 copies at a time, as well as television and radio broadcasts and cinema newsreels, which are periodically produced, and other news and information, publicly released, in accordance with this law.

PMM shall be founded and distributed by editorial boards, news agencies, publishing houses, other institutions which issue mass media, and citizens (henceforth "issuers of mass media").

An issuer of mass media may be a legal person and may possess the necessary means, property, and printing facilities for its operation.

This law shall not apply to publications of legislative and other acts of the bodies of state power and government.

### Article 2. Freedom of the PMM

In the Republic of Armenia (RA), PMM are free and shall not be subject to censorship.

The citizens of the RA shall have the right to express their views and opinions and to receive reliable and timely information on each issue of public importance via PMM.

In the RA, no monopoly of PMM shall be allowed.

### Article 3. The Principles of PMM

PMM shall be guided by the law of the RA, by the principles of equality, philanthropy, dissent, tolerance, respect, freedom of conscience, and other universal values; they shall promote openness and democracy, freedom of thought, speech, and diversity of opinion.

### Article 4. Right to Receive Information

PMM shall have the right to acquire information from all governmental, public, socio-political organizations and their leaders, if releasing the information does not violate the By-Laws of the organization or Article 6 (abuse of expression).

PMM may also receive information from individual citizens.

### Article 5. Language of PMM

In the RA, the language of PMM shall be Armenian. Mass media shall be prepared and distributed in Armenian, and upon the proposal of the founder and with the permission of the PMM agency, also in other languages.

PMM must care for the purity of the mother tongue.

National minorities in the RA shall have the right to receive, prepare, and distribute news in their native tongues, according to the procedure set forth in this law.

### Article 6. Unacceptability of Abuse of Freedom of Speech

PMM shall not be permitted to publish information containing state secrets, a list of which shall be established by the Council of Ministers.

False and unverified news reports, as well as news which advocate war, violence, ethnic and religious hostility, prostitution, drug abuse or other criminal acts shall not be published. Without the permission of the citizen, the secret of adoption and details of the private life of a citizen shall not be published.



## Chapter 2. Founding, Suspension and Cessation of the Activity of PMM

### Article 7. Right to Found PMM

All governmental and public agencies, corporations, institutes, social and political organizations, social movements, cultural associations, scientific and educational entities, as well as all adults residing in the RA shall have the right to found PMM.

### Article 8. Registration of PMM

The issuers of all PMM shall register with the Ministry of Justice before starting operations. To register the founder must submit an application and the By-Laws of the entity. The application for registration must be reviewed within one and a half months.

PMM application shall include

- 1) name of the founder and issuer;
- 2) name of publication, language of publication, place of publication or issuance;
- 3) frequency of issuance, quantity, source of financing, sponsor

No other information shall be required to apply for registration.  
The fee for registration shall be set by the Council of Ministers.

### Article 9. Exemption from Registration Requirement

State powers, governmental, judicial, and procuratorial bodies shall have the right to publish official releases without registration.

Corporations, institutes, organizations and educational institutions shall have the right to publish for their work necessary information, which is not intended for wider distribution.

### Article 10. Rejection of Application for Registration of PMM

The application for registration of a PMM shall be rejected if

- 1) the provisions of Articles 6, 7, and 8 are not observed;
- 2) another entity has already been registered under the proposed name;
- 3) less than one year has passed since the PMM's activities were suspended by court order;
- 4) the PMM does not pay its taxes;

In case of rejection, the applicant must be informed in writing within five days, together with the grounds for the rejection.

### Article 11. Suspension of a PMM's Operations

A PMM's operation may be suspended by the founder, or by a court decision for up to three months, for violating Article 6 of the this law.

### Article 12. Cessation of a PMM's Operations

If, after a court ordered suspension, a PMM violated the law again, then the PMM shall be suspended for six months.

A PMM may cease operation by the decision of its founder.

### Article 13. Protesting Violations of the Registration Deadline, and Decisions on Rejection of Registration, Suspension or Cessation of Operations.

Violations of the registration procedure deadline, and decisions on rejection of registration, suspension or cessation of operations may be protested or appealed according to procedures set forth in RA legislation.

### Chapter 3. The Organization of a PMM's Operation

#### Article 14. The Productive and Economic Operation of a PMM

The production and economic operation of a PMM shall be regulated by RA legislation.

#### Article 15. The Management of a PMM

A PMM shall be directed by its founder, or a person designated by the founder, an editor (editor-in-chief), if the By-Laws of the PMM do not provide otherwise.

#### Article 16. A PMM's Founder and the Issuer

The issuer of a PMM shall execute the plan of the founder, on the basis of professional autonomy. The economic, property, and financial relations between the founder and issuer of a PMM shall be governed by a contract signed by both parties. The contract shall not violate the law.

The founder and issuer can be the same person.

#### Article 17. Editor (Editor-in-Chief) and the Editorial Board and Staff

The work of the editorial board and staff shall be directed by the Editor (Editor-in-Chief), who is responsible for the activities of the PMM.

#### Article 18. By-Laws of the Editorial Board and Staff

The By-Laws of the Editorial Board and Staff shall be adopted at a general meeting by a majority vote of the journalists and affirmed by the founder. The By-Laws shall set forth the relations between the founder, editor, editorial board and staff.

The By-Laws shall not violate the law.

#### 19. Editorial Work and Publication

In the creative editorial work, the issuer of a PMM shall be guided by the Editorial By-Laws, and shall order, examine, and publish articles, creative works, letters and other items as it sees fit.

PMM shall obey the copyright law of the RA.

#### 20. Data on Publication and Issuance

Each printed publication must include the following information:

1. name of the publication;
2. founder, editor (editor-in-chief), publisher;
3. number of the issue, the date, the date that the publication was authorized;
4. type-setter (?);
5. quantity published;
6. price;
7. address of the editorial board, printer, and publisher;
8. PMM's registration number.

Television and radio editorial broads shall announce their name and the name of the announcer each time they go on the air. In case of continuous broadcasting, the editorial board must announce its name at least three times (per day?).

Sound recordings and video recordings must include the editor (editor-in-chief), editorial board, time and place of recording or videotaping.

#### **Article 21. Distribution of PMM**

PMM shall be distributed by the founder, publisher, editorial board, as well as state, social, cooperative, and other organizations, communications entities, citizens, by contract with the founder or publisher.

Copies of all printed publications shall be deposited free at the RA Archives, the National Library, and the body which registered the PMM.

Copies of a printed work or other publication may be made and distributed, only if this does not violate the rights and legal interests of the author and publisher.

Distribution of publications, including video and audio recordings, of unregistered entities, if the quantity published exceeds 100 copies, is prohibited.

#### **Article 22. Publication of Official Communications**

PMM established by state powers or governmental bodies must publish their official information bulletins and information issued by courts, in a timely fashion and without charge.

#### **Article 23. Preservation of Published News**

The issuer of PMM must preserve the originals of all printed or published items for at least one year from the date of publication.

The issuer of audio or audiovisual media must preserve all video- and audio-tapes for at least one week from the date of publication, or in case of a complaint (law suit?), at least one month.

The Council of Ministers of the RA shall establish a list of materials subject to longer or permanent preservation.

#### **Article 24. Refutation and Response**

Citizens and organizations or their legal representatives shall have the right to refute or respond to PMM information which is false.

The refutation or response shall be published without charge, within three days of its submission, or in the next regular issue of the PMM, by the same PMM, and in the same manner as the offending item.

During elections for the President of the RA, or the Deputies to the RA Supreme Council, the refutation of false reports about candidates shall be made within 24 hours, or as soon as the refutation is received, if there remains less than 24 hours until the election.

The published refutation shall not be more than twice as long as the item refuted.

If a PMM refuses to retract a published report or violates the refutation procedure or deadlines set forth in this law, the organization or citizens shall have the right to sue in court as provided by law.

A PMM may refuse to retract a report, for which Article 31 of this law relieves it of responsibility.

#### **Article 25. Editorial Secrets**

The PMM shall not be required to reveal the sources of its reports and shall not have the right to publish the name of a person who presents a report, without that person's approval.

The editorial board or the journalist shall be required to reveal the source of a report only to a law enforcement agency, if it is necessary for a court proceeding.

### **Chapter 4. The Rights and Responsibilities of a Journalist**

#### **Article 26. The Journalist**

Under this law, Journalist is a person who, as his or her lawful occupation, collects, prepares or edits material for PMM and who shall have made a contract with or is authorized by a PMM.

#### Article 27. The Rights of a Journalist

A journalist has the right to

1. collect and publish news and information;
2. refuse to prepare an item, if it is contrary to his or her beliefs;
3. refuse to sign an article he or she has written or other item he or she has prepared, whose content has been distorted by the editor or the editorial board;
4. make sound recordings, photograph, videotape, or record in some other media, if it is not prohibited by law;
5. be present, with a correspondent's registration card, at conventions and demonstrations, at other proceedings, court proceedings, and at the scene of natural disasters, as provided by law;
6. have a pseudonym.

It is illegal to interfere with a journalist's compliance with his or her professional obligations.

#### Article 28. A Journalist's Responsibilities

A journalist must

1. obey the law and the by-laws and guidelines of the editorial board, where he or she works;
2. give verified, reliable news;
3. in an emergency, reveal the informant or source, if the news is being published for the first time;
4. keep the editor informed of unverified facts and information, whose publication may violate Article 6 of this law.

#### Article 29. Accreditation of Journalists

PMM, with prior approval, may accredit their journalists with state and public organizations. An accredited journalist shall have the right to observe the work of that organization and to report on it.

Foreign journalists shall be accredited by the Foreign Ministry of the RA, which may withdraw a foreign journalists credentials, if that journalist violates the laws or constitution of the RA.

### Chapter 5. Liability for Violating the PMM Law

#### Article 30. The Bases for Liability

The activities of an unregistered PMM, which abuse the freedom of expression, or publish reports which do not correspond with the truth, which offend the honor and dignity of a person, or violate the legal rights and interests of organizations or citizens shall be held liable in the manner provided by law.

#### Article 31. Exemption from Liability

The publishes of PMM's shall not bear responsibility for information that does not correspond with the truth, if that information

1. is contained in an official document or bulletin of a state power, governmental or law enforcement body, public, or socio-political organization;
2. is a literal, undistorted reproduction of a public appearance; or
3. is drawn from other PMM reports or the information services of other state or public entities.

Chapter 6. PMM Cooperation in the International Arena

Article 32. International Treaties

PMMs, journalists' associations, writers' and artists' unions, and individual journalists, may make contracts with the news organizations and citizens of other countries, as provided by law.

If rules other than those set forth in this law are defined in international treaties to which the RA is a party, then the norms of the international agreements shall apply.

Supreme Council of the RA,  
President, L. Ter-Petrossian

Supreme Council of the RA,  
Secretary, A. Sahagian

8 October 1991, Yerevan.

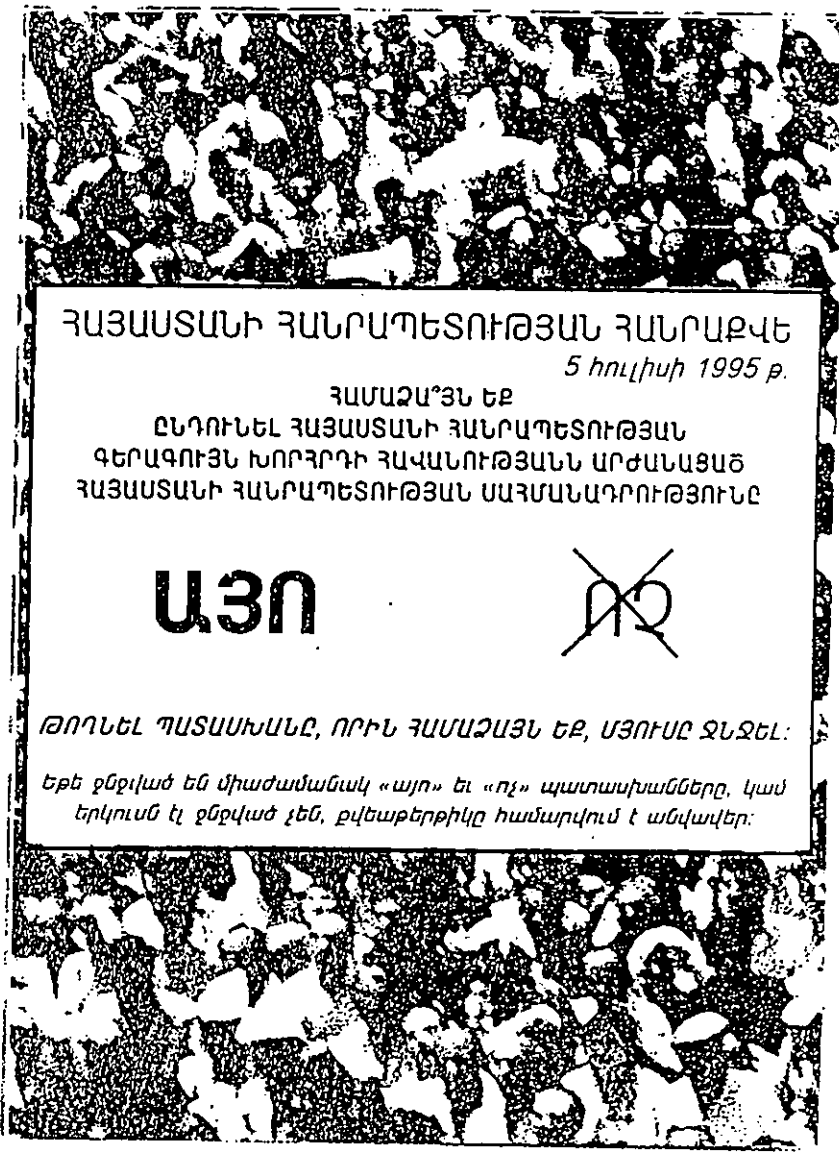
APPENDIX 11

Flyer dropped by helicopter over the Republic of Armenia



### ԱԶԱՏՈՒԹՅՈՒՆ, ՊԵՏՈՒԹՅՈՒՆ, ԲԱՐՕՐՈՒԹՅՈՒՆ

Հայ ժողովուրդը, հիմք ընդունելով Հայաստանի անկախության մասին հռչակագրում հաստատագրված հայոց պետականության հիմնարար սկզբունքները եւ համազգային նպատակները, իրականացրած ինքնիշխան պետության վերականգնման իր ազատասեր նախնիների սուրբ պատգամը, նվիրված հայրենիքի հզորացմանը եւ բարգավաճմանը, ապահովելու համար սերունդների ազատությունը, ընդհանուր քարեկեցությունը, քաղաքացիական համերաշխությունը, հավաստելով հավատարմությունը համամարդկային արժեքներին, ընդունում է Հայաստանի Հանրապետության Սահմանադրությունը:



### ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՀԱՆՐԱՔԿԵ

5 հունիսի 1995 թ.

ՀԱՄԱԶԱՅՆ ԵՔ

ԸՆԴՈՒՆԵԼ ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ  
ԳԵՐԱԳՈՒՅՆ ԽՈՐՀՐԴԻ ՀԱՎԱՆՈՒԹՅԱՆ ԱՐԺԱՆԱՅԱԾ  
ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՍԱՀՄԱՆԱԴՐՈՒԹՅՈՒՆԸ

# ԱՅՈՒ



ԹՈՂՆԵԼ ՊԱՏԱՍԽԱՆԸ, ՈՐԻՆ ՀԱՄԱԶԱՅՆ ԵՔ, ՄՅՈՒՄԸ ՋՆՋԵԼ:

Եթե ջնջված են միաժամանակ «այո» եւ «ոչ» պատասխանները, կամ երկուսն էլ ջնջված չեն, քվեաթերթիկը համարվում է անվավեր:

APPENDIX 12

Election Information  
(by the National Democratic Institute)





## ELECTION INFORMATION

### BEFORE ELECTION DAY

1. Check the other side of this leaflet to identify which should be your voting precinct.
2. Check if your name is on the list of voters at the precinct.
3. If not, appeal to the precinct election committee to have your name included.
4. Notify the committee if the list contains voters who are
  - a) Dead or emigrated
  - b) Born after 5 July 1977;
  - c) Citizens resident in Armenia after 5 July 1994; or Resident in the precinct after 5 Jan 1995.
5. Read the Constitution at the precinct office, then discuss with friends and family to help you make a decision.

### ON ELECTION DAY



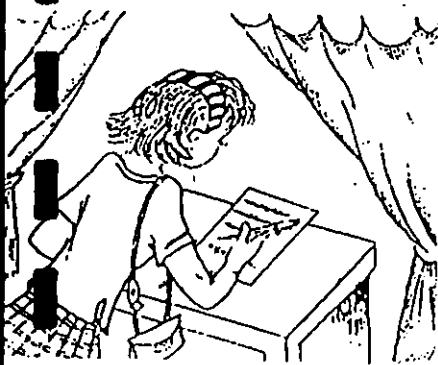
1. Go to your precinct between 8 am and 8pm on 5 July 1995.
2. Give your passport or ID to the registration official and sign next to your name on the voters list.



3. The registration official will then locate your certificate of the right to vote which you and the official will sign.



4. Take the certificate to the ballot official. He will sign it, tear it in half and drop one section into a special box.
5. The ballot official will then give you three different coloured ballots.



6. Go into the voting booth and mark the ballots as follows:  
Referendum ballot: cross out either "I agree" or "I do not agree".  
Majoritarian ballot: Cross out all the names of the candidates except the candidate you choose.

Proportional Representation ballot: Cross all the names of the political parties except the party you choose.



7. Fold the ballots and drop them into the ballot box.

# ՏԵՂԵԿՈՒԹՅՈՒՆՆԵՐ ԸՆՏՐՈՒԹՅՈՒՆՆԵՐԻ ՎԵՐԱՔԵՐՅԱԼ

## ՄԻՆՉԵՎ ԸՆՏՐՈՒԹՅՈՒՆՆԵՐԻ ՕՐԸ

1. Սկուզեք այս թերթիկի մյուս կողմը և գտեք Ձեր ընտրական տեղամասը:
2. Սկուզեք, թե արդյոք Ձեր անունը ընտրական տեղամասի ցուցակների մեջ նշված է:
3. Եթե ոչ, ապա դիմեք Ձեր ընտրական տեղամասի հանձնաժողովին, որ այն ավելացնեն կամ ներգրավեն ցուցակների մեջ:
4. Տեղեկացրեք ընտրական հանձնաժողովին, եթե ընտրացուցակների մեջ նշված են ընտրողների անուններ, որոնք
- Ա. Մահացել կամ արտագաղթել են

- Բ. Ծնվել են 1977 թվականի հուլիսի 5-ից հետո
- Գ. Հայաստանի քաղաքացի են համարվում միայն 1994 թվականի հունվարի 5-ից հետո
- Դ. Ընտրաընտանացի բնակիչ են համարվում 1995 թվականի հունվարի 5-ից հետո
5. Կարողացեք Մահմանադրությունը, որի օրինակները կան յուրաքանչյուր ընտրական տեղամասում, ըննարկեք այն թեկնածուների, Ձեր ընկերների և ընտրանիքի անդամների հետ: Այն Ձեզ կօգնի ճիշտ հնարավորության ընտրության հարցում:

## ԸՆՏՐՈՒԹՅՈՒՆՆԵՐԻ ՕՐԸ



1. Այցելեք Ձեր ընտրական տեղամաս ժամը 8.00-ից մինչև 20.00-ը ընկած ժամանակահատվածում:
2. Յուրաքանչյուր ընտրող գրանցվում է ընտրողների ցուցակում իր անվան դիմաց ստորագրելով, անձնագիր կամ ինքնությունը հաստատող այլ փաստաթուղթ ներկայացնելու դեպքում:



3. Գրանցման համար պարտախանարու հանձնաժողովի անդամը ստորագրում և ընտրողին է հանձնում քվեարկության իրավունքի վկայականը, որի վրա ընտրողը նույնպես ստորագրում է:



4. Քվեարկության համար պարտախանարու հանձնաժողովի անդամը գրանցված ընտրողի քվեարկության իրավունքի վկայականում ստորագրելով և վկայականի թերթիկից կտրելով համապատասխան կտրուկը, գցում է կնքված կտրուկների համապատասխան արկղը:
5. Քվեարկության համար պարտախանարու պաշտոնյան ընտրողին է հանձնում երեք տարբեր գույների քվեաթերթիկներ:



6. Գնացեք գաղտնի քվեարկության խցիկ կամ սեյակ և քվեաթերթիկերը լրացրեք հետևյալ կերպ.  
Հանրաքվեի թերթիկ: Ընտրողը ընջում է (Համաձայն եմ) կամ (Համաձայն չեմ) տողերը: Մեծամասնական ընտրական համակարգով ընտրությունների քվեաթերթիկ: Ընտրողը ընջում է բոլոր թեկնածուների անունները, բացի այն թեկնածուից, որին կողմ է:  
Համամասնական ընտրական համակարգով ընտրությունների քվեաթերթիկ: Ընտրողը ընջում է բոլոր հասարակական-քաղաքական կազմակերպությունների անվանումները, բողոքելով միայն այն կազմակերպությանը, որին կողմ է:



7. Լրացված քվեաթերթիկը փակ վիճակում ընտրողը գցում է քվեարուսի մեջ անձամբ:

Տպագրվում է ԱՄՆ Արտաքին գործերի Ազգային ժողովրդավարության ինստիտուտի պատվերով NDI

APPENDIX 13

What every Voter Needs to Know



## WHAT EVERY VOTER NEEDS TO KNOW

### WHEN IS THE ELECTION?

The election is 5 July 1995. The polls will be open from 08:00 to 20:00.

### WHO MAY VOTE?

To vote in this election you must be 18 years of age and have resided in the Republic of Armenia for at least one year prior to the day of the elections.

### WHAT ARE THESE ELECTIONS ABOUT?

At the polls you will be given 3 ballots and vote on 3 issues.

1. You will be given a Majoritarian Ballot on which you will elect your Deputy to the National Assembly to represent the Election District in which you live. There are 150 Districts from which voters will elect a Deputy.
2. You will be given a Proportional Ballot. On this ballot you will select the political public organization or bloc you prefer. Each organization or bloc on the ballot has nominated a list of its candidates. 40 Seats are reserved in the National Assembly for the candidates on the lists of political public organizations or blocs. The share of the 40 seats an organization will win is based on the percentage of the total votes their group receives on the Proportional Ballot. Organizations will receive a share of the seats as long as they received at least 5% of the total votes cast.
3. You will be given the Referendum Ballot on which you will decide whether the draft Constitution should be adopted or rejected.

### WHERE DO I VOTE?

Check the newspapers for the list of polling sites in your District. If you cannot find your polling place listed contact your local government office.

### HOW DO I KNOW IF I'M ON THE VOTER LIST?

Your Precinct Election Committee has the voter list for your polling site. Visit your precinct and check to see that your name is properly listed. If your name is missing or if it is listed in error, your precinct committee officials are authorized to make the correction. Take your passport with you in case a correction is necessary.

### WHAT DO I NEED TO BRING WITH ME TO THE POLLS?

Bring your passport for identification. If you do not have your passport, you may use a temporary passport, military identification document or other official document that has your photo, your address and your birth date. WITHOUT IDENTIFICATION YOU WILL NOT BE ALLOWED TO VOTE.

### WHEN I COME TO VOTE, WHAT WILL HAPPEN?

1. At the first table, you will be asked for your identification.
2. Your name will be found on the voter list, and you will be asked to

APPENDIX 14

*Noyan Tapan/IFES Special Edition, Number Two*



«Նոյյան Տապան» քրեական գործակալության շաբաթաթերթ



Ազգացի  
Ժողովուրդական  
ՄտնթՅՈՒՆ

Էջ 2



Ազգացի  
Ունևորուհու  
Մրավուհու  
Ջոխսուսուկուհու

Էջ 3



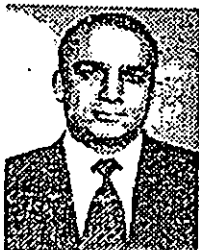
Ազգացի  
ՊԵՏՈՒԹՅՈՒՆ

Էջ 4



ԱՍՏԵՆՈՒԹՅՈՒՆ  
ՀԱՄԱՐԱԿԱՆ  
ՋԱՂԱՔԱԿԱՆ  
ԿԱՍՏԱԿՈՒԹՅՈՒՆ

Էջ 5



Ժողովուրդական  
ԿԱՍՏԱԿՈՒԹՅՈՒՆ

Էջ 6



ՀԱՅԱՍՏԱՆԻ ԳԻՏԱ-  
ԱՐԴՅՈՒՆԱԹԵՎԱԿԱՆ  
ԵՎ ՋԱՂԱՔԱԿԱՆ  
ՄՏՈՒԹՅՈՒՆ

Էջ 9



ՀԱՅԱՍՏԱՆԻ  
ԴՅՈՒՄԱՍՏԱՐԱՆ  
ԿՈՄՍՏԱՆՈՒԹՅՈՒՆ

Էջ 10



ՀԱՅԱՍՏԱՆԻ  
ԿՈՄՍՏԱՆՈՒԹՅՈՒՆ

Էջ 11



ՀԱՅԱՍՏԱՆԻ  
ՈՒՄԱՐԱԿԱՆ  
ԱՋԱՏԱԿԱՆ  
ԿՈՄՍՏԱՆՈՒԹՅՈՒՆ

Էջ 12



ՕՍՄՈՐԱՍ

Էջ 14

Սրբի՛ հայրենակից  
Չեր չեղին է «Նոյյան տապան»  
քրեական գործակալության շաբաթա-  
թերթի (որի անգլերեն փարբերակը  
1993թ ից մինչ այժմ հրատարակվում է  
Noyan Tapar Highlights անվամբ) երկ-  
րորդ արդարաբար թողարկումը՝ նվիրված  
Ազգային Ժողովի ընդհարյուններին։  
Համարելով, որ միջլի ընդհարյունն ան-  
խապայմաններից մեկը մրցակիցներին  
հավասար պայմաններում փնտնելն ու  
համեմատելն է «Նոյյան տապան» գոր-  
ծակալությանը նախաչեղին է ընդհար-  
յունների ներկայացնել ընդհարյունի  
մասնակցող մրցակից բաղադրական կու-  
սակցություններին ու խմբավորումնե-  
րին։

Կարողով այս երկր թողարկումները,  
զուր հնարավորություն կունենար միա-  
ժամանակ ծանոթանալ մյուս հարցերի  
վերաբերյալ փարբեր կուսակցություն-  
ների փեսակերպերի հեր ու կհարգա-  
նար համեմատելի դրանց։

Լիակատար չեզոքություն պահպանե-  
լու նպատակով կուսակցությունների ու  
խմբավորումների ներկայացում կյուրե-  
րից փակագրվում են ԱՌԱՅ ԿՍՏԱՆՈՒ  
ՄՏՈՒ ԵՎ ԿՈՄՍՏԱՆՈՒԹՅՈՒՆ

Առաջարկվել է պարտախանել հերի-  
յալ հարցերին

1. Ի՞նչ միջոցներ է առաջարկում Չեր  
կուսակցությունը (բլոկը) Հայաստանի  
քննչության կենտրոնադարձակի բար-  
րացնելու համար։

2. Որո՞նք են նպագա Ազգային Ժողո-  
վի առաջնակից խնդիրները։

3. Բավարարում է սրդի՞ր ք զոյություն  
ունեցող հարկային համակարգը Հա-  
յաստանում կարգավոր փնտնական  
բարեփոխումների ներկայիս փուլի  
պահանջներին։ Երև այն վերակազմ-  
վորման հարկը ունի, ապա ինչպիսի՞  
հիմնական ուղղություններով պնդը է  
այն իրականացվել։

4. Չեր կուսակցության (բլոկի) կարծի-  
քով ինչպիսի՞ն պնդը է լինի իրավա-  
պահ մարմինների ու հարուկ ծառա-  
յությունների օրենսդրական բարեփո-  
խումների հայեցակարգը։

5. Կրուրյան ու զիպուրյան համա-  
կարգի բարեփոխման օրենքների նա-  
խագծերի ինչպիսի՞ն հայեցակարգի ու-  
նենք։

6. Պարզաբանը Հայաստանի նոր  
Մահմանադրության նախագծի հան-  
րազմի ժամանակ Չեր կուսակցության  
(բլոկի) դիրքորոշումը։

Թողարկման երկրորդ համարում մենք  
ներկայացնում ենք հիշյալ կազմակեր-  
պությունների ու կուսակցությունների  
երրորդ ու չորրորդ հարցերի պարտա-  
խանները։

**IFES**  
Ընդհարյուններին նվիրված  
այս հարուկ համարը հնարավոր եղավ  
փակագրել  
Ընդհարյուն Համակարգի  
Սրագային Հիմնադրամի (IFES)  
արակցության շնորհիվ։

ԱԶԳԱՅԻՆ ԺՈՂՈՎՐԴԱԿԱՐԱՄԱԿԱՆ ՄԵՌՈՒԹՅՈՒՆ



ՎԱԶԳԵՆ ՄԱՆՈՒԿՅԱՆ  
ԱԶՄ-ի վարչության նախագահ

ՆԱԽՆՏՐԱԿԱՆ ԿԱՐԿԱՆՈՒՄ

ՊԵՏՈՒԹՅՈՒՆ ԲՈԼՈՐԻ ՀԱՄԱՐ

Ազգային ծո- ՏԵՂԵԿԱՆ-Բ Սաղոյան, Գավիթ  
զոմարդավարական Վարդանյան, Ըս-  
միությունը (ԱԶՄ) վարչ Զոյադյան,  
կազմավորվել է 1991 թ. այն Սեյրան Ավագյան, Սեմյոն  
բանից հեկո, երբ պարզ դար- Բազդասարյան, Լյուդվիգ  
չավ, որ իշխանության հկած Խաչատրյան, Ֆիլարիտ Բե-  
ուծերը հեղինակներին զո- ղիկյան և Ուրիշենի, ծանոթ է  
հարերում են ժողովրդավարա- մեր ժողովրդին ինչպես Գերա-  
կան ու համաժողովային առ- զույն Խորհրդում իր ժողովր-  
ծերին ու սկզբունքները «իշ- ղավարական կեցվածքով և  
խանություն հանուն իշխա- հարյուրավոր կառուցողական  
նության» և «իշխանություն ստաշարկություններով այն-  
անն գնով» զործելակերպին: Կան էլ կառավարության կազ-  
ԱԶՄ քաղաքական կորիզը մում իր ազգամիջեր գործու-  
վնագն Մանուկյան, Արյակ Ենությունը:

ՆԱԽՆՏՐԱԿԱՆ ՑՈՒՑԱՆԻ ԱՌԱՋԻՆ 10 ԱՆՈՒՆՆԵՐԸ

1. Մանուկյան Վազգեն Միքայելի
2. Սաղոյան Արշակ Ավետիսի
3. Վարդանյան Դավիթ Մանուկի
4. Զոյադյան Ըսվարչ Միքայելի
5. Ավագյան Սեյրան Մարտիրոսի
6. Բազդասարյան Սեմյոն Արժենակի
7. Խաչատրյան Լյուդվիգ Արտուշի
8. Բերիկյան Ֆիլարետ Արսենի
9. Մելքունյան Միքայել Սերգեյի
10. Գարությունյան Արա Գավրիի

ՀԱՐՑ 3

Քաղաքացիական պատերազմի ժամանակահատվածում հայաստանի տարածքում կատարված զանազան զանգվածային սպանությունները, որոնք կատարվել են հայաստանի տարածքում, չեն համարվում զանգվածային սպանություններ, քանի որ դրանք կատարվել են անհատական կամ փոքր խմբի կողմից:

Ներկայումս գործող հարկային համա- կարգը չի նպաստում արտադրության արդյունավետության բարձրացմանը: Գործող հարկերի (շահութահարկ, ավե- լացրած արժեքի հարկ, ակցիզային հարկ և եկամտահարկ) տոկոսադրույք- ներն այնքան բարձր են, որ ուղղակի խթանում են ստվերային տնտեսության աճը: Ներկայումս տնտեսության 70-80 տոկոսը ստվերային բնույթ է կրում, որն ապացուցվում է նաև պետական վիճա- կազրությանը:

Ծառայությունների և առևտրի ոլոր- տում ամբողջապես պետք է կիրառել հաստատագրված հարկավճարներ և վերացնել տնտեսավարող սուբյեկտների արտադրատնտեսական գործունեության և ֆինանսական գործունեության բոլոր տեսակի ստուգումները: Սա կբացատր-

չարաշահումները և կնպաստի երաշխա- վորված բյուջեի ձևավորմանը: Արտադ- րության ոլորտում պետք է կիրառվեն իջեցված տոկոսադրույքներ, դա ուղղա- կի կնպաստի լրացուցիչ ներդրումների ծավալների ավելացմանը:

Արտադրության, առևտրի ու ծառա- յությունների ոլորտում պետք է իրակա- նացվեն հարկային համալիր բարեփո- խումներ, որը պետք է ներառի ինչպես հարկային լծակների համակարգը, այն- պես էլ վարկերի, տնտեսական խթաննե- րի և արտոնությունների կիրառումը: Այս քայլը անհետաձգելի է, քանի որ գոյու- յուն ունի պետական վիճակագրական հետետյալ փաստը՝ 1994թ. 73-ում մանրա- ծախս ապրանքաշրջանառության ծավալ- ները հավասարվել են արդյունաբերու- յան համախառն ծավալներին:

1993-94թթ. համար անհատալ պետք է հայտարարվի հարկային ամենախիա- որի արդյունքում բազմաթիվ ձեռներեց- ներ կվերադառնան հայրենիք:

ՀԱՐՑ 4

4. Չեն կատարվում (ստուգվում) գործունեության ժամանակահատվածում հայաստանի տարածքում կատարված զանազան զանգվածային սպանությունները, որոնք կատարվել են հայաստանի տարածքում, չեն համարվում զանգվածային սպանություններ, քանի որ դրանք կատարվել են անհատական կամ փոքր խմբի կողմից:

Իրավապահ և հատուկ ծառայու- յունների գործունեությունը պետք է կարգավորվի բացառապես միայն հրա- պարակված օրենքներով, որոնք պետք է սահմանեն պետության ուղղակի պա- տասխանավությունը այդ մարմիննե- րի ծառայողների պատշաճ նյութական, իրավական ու սոցիալական ապահո- վության առումով, ինչպես նաև պար- տավորությունները նրանց տեխնիկա- կան միջոցներով ապահովելու համար: Միաժամանակ Օրենքով պետք է սահ- մանվի, որ եթե նրանց գործունեությու- նը հակասի անհատի և հասարակույ- յան օրենքով սահմանված շահերին ու առաջացնի հետեւանքներ, ապա նրանք կրում են ուղղակի պատասխա- նատվություն հասցված գույքային և

բարոյական վնասի հատուցման չա- փով: Նրանց ոչ օրինական վարքագիծը մյուս կողմի համար պետք է առաջաց- նի դատական պաշտպանության իրա- վունք: Օրենքով պետք է վավերացվի նրանց քաղաքականությունից զերծ մնալու պարտավորությունը: Օրենքով պետք է սահմանվի, որ այդ մարմիննե- րում պաշտոններ զբաղեցնող ծառա- յող անձինք կրում են ուղղակի պա- տասխանավություն իրենց ենթակա- նների ոչ օրինական գործողությունների հետեւանքների համար: (կադրերի հա- մար պատասխանատու լինելու սկզ- բունք):

4. Չեն կատարվում (ստուգվում) գործունեության ժամանակահատվածում հայաստանի տարածքում կատարված զանազան զանգվածային սպանությունները, որոնք կատարվել են հայաստանի տարածքում, չեն համարվում զանգվածային սպանություններ, քանի որ դրանք կատարվել են անհատական կամ փոքր խմբի կողմից:

### ՀԱՅԱՍՏԱՆԻ ԴԵՄՈԿՐԱՏԻԱԿԱՆ ԳՈՐԾԱԿՅՈՒԹՅՈՒՆ



Արամ Սարգսյան,  
ՀԴԿ-ի Նախագահ

#### ՆԱԽԵՆՏՄԱՆ ԿԱՐԳԱՑՈՒՄԸ

1991 թվականի օգոստոսյան հայրենի իրադարձություններից հետո ղեկավարական կուսակցության անդամները մի խումբ հանդես եկավ նրա կուսակցությունը ստեղծելու նախապայմանները ստեղծելու համար:

Սեպտեմբերի 18-ին կայացավ նրա Հայաստանի Դեմոկրատական կուսակցության հիմնադիր ժողովը որը կուսակցության նախագահ ընտրեց Արամ Սարգսյանին:  
ՀԴԿ-ն գաղափարախոս

#### ՀԱՆՈՒՆ ՍՈՑԻԱԼԻՍՏԻԱԿԱՆ ԱՐԴԱՐՈՒԹՅԱՆ ԵՎ ԱԶԳԱՅԻՆ ՀԱՍԵՐԱՇՆՈՒԹՅԱՆ

#### ՆԱԽԵՆՏՄԱՆ ԾՈՒՑԱԿԱՆ ԱՍՈՑԻՆ 10 ԱՄՆՈՒՆԵՐԸ

1. Արգելյան Արամ Գառապի
2. Խոսրովյան Կարենի Եղիշի
3. Բովսեպյան Կրիստ Լևոնիկ
4. Եղիազարյան Ալան Կոնստանտին
5. Ղանիկյան Կարեն Սարգիս
6. Գալստյան Զորապետ Կառլենի
7. Անանիկյան Պապի Պետրոսի
8. Ասրադյան Արամ Ասիսի
9. Ավետիսյան Հայկազ Ավետիսի
10. Շիրազյան Էլմիրա Մուշեղի

### ՀԱՐՑ 3

Օրենքի առաջնային հարցերից մեկը կլինի հարկային համակարգի եւ ֆինանսական քաղաքականության վերանայումը, որովհետեւ այսօրվա գործող հարկային օրենսդրությունը հաստատում է անարդար սոցիալական հարաբերություններ, որի պատճառով ներկայումս ժողովուրդը բեռնակր լինում է աղքատների եւ գերհարուստների:

Այդ տեսակետից մենք կառաջարկենք ճկուն հարկային քաղաքականության շնորհիվ ձեւավորել սոցիալական համապատասխան հարկային ֆունդը, որոնք հնարավորություն կտան պետության հովանավորության տակ պահել կրթությունը, գիտությունը, առողջապահությունը եւ մշակույթը:

Հարկային քաղաքականության երկրորդ խնդիրն այն է, որ այն պետք է խրա-

խախտի արտադրողին, ձեռներեցին զարգացնելու իր արտադրությունը Հայաստանում եւ նպաստի կապիտալի կուտակմանը հանրապետությունում:

Մենք պետք է սահմանենք համապատասխան պետական ներկայացուցիչներ ճանապարհատրանսպորտային կարեւոր կետերում, որոնք լիազորություններ կունենան իրենց տեղերում: Այդ դեպքում պետությունը պատրաստ կլինի զննելու բոլոր անհրաժեշտ ասպարեզները հենց սահմանի վրա, եւ վաճառողը ազատված կլինի համապատասխան հարկերից: Սա հնարավորություն կտա մեզ պետությունում մրցունակություն ստեղծել, եւ թույլ չի տա գների սամձարձակ աճին:

### ՀԱՐՑ 4

Հաշվի առնելով, որ մեր կուսակցությունը չի ընդունում Սահմանադրության այս տարբերակը եւ իր հերթին առաջարկում է Հայաստանում ձեւավորել պառլամենտական հանրապետություն ուժեղ վարչապետական իշխանությամբ, մենք գտնում ենք, որ իրավապահ մարմինները եւ հատուկ ծառայությունները օրենսդրորեն պետք է ենթարկվեն կառավարությանը եւ նրա վարչապետին, իսկ կառավարությունը հաշվետու կլինի խորհրդարանին:

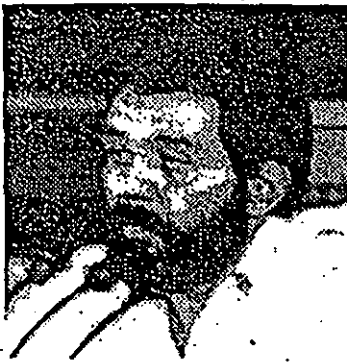
Դա կապահովի գործնական վերահսկողությունը իրավապահ մարմինների եւ հատուկ ծառայությունների գործունեության վրա:

Ինչ վերաբերում է բարեփոխումներին, ապա դրանք կամրագրվեն հատուկ

օրենքով, որի նախագիծը կուսակցությունը պատրաստ է ներկայացնելու ապագա Ազգային ժողովին:



# ՀԱՅԱՍՏԱՆԻ ԳԻՏԱՆԱԿԱԿԱՆ ԿԱՐԳԱՆՈՒՄ ԵՎ ԲԱՐՈՎՈՐՈՒՄ ԵՄ ԳՆԱԿԱԿԱՆ ԿԱՐԳԱՆՈՒՄ



Արշակյան Արշակ  
Գիտնականական կարգապահ

## ՎԱՍԽԱՆՈՒՄ ԿԱՐԳԱՆՈՒՄ ԳՆԱԿԱԿԱՆ ԿԱՐԳԱՆՈՒՄ ԵՎ ԲԱՐՈՎՈՐՈՒՄ ԵՄ ԳՆԱԿԱԿԱՆ ԿԱՐԳԱՆՈՒՄ

**ՎԱՍԽԱՆՈՒՄ ԿԱՐԳԱՆՈՒՄ**

**ՏԵՂԵԿԱՆՔ**

Հայաստանի Գիտա-արդյունաբերական և Էն է ա ղ ա ք ա ճ ի ա կ ա ն Միությունը արդարև ակադեմիկական հասարակական-քաղաքական կազմակերպություն է որպես համախոհական արարողության գիտության կրթության մշակույթի քննադատական պահպանում և իրականացումը արտադրության մասնագետները

Միությունը չգրում է հասարակ ժողովրդի իշխանություն հանրապետությանը և իրականացնում է հանրապետության անօրինականության և սոցիալական հարաբերության կոդաքսի մեղադրությունը

Գիտա-արդյունաբերական և Էն է ա ղ ա ճ ի ա կ ա ն Միությունը արդարև ակադեմիկական հասարակական-քաղաքական կազմակերպություն է որպես համախոհական արարողության գիտության կրթության մշակույթի քննադատական պահպանում և իրականացումը արտադրության մասնագետները

**ՎԱՍԽԱՆՈՒՄ ԿԱՐԳԱՆՈՒՄ ԵՎ ԲԱՐՈՎՈՐՈՒՄ ԵՄ ԳՆԱԿԱԿԱՆ ԿԱՐԳԱՆՈՒՄ**

1. Ղազարյան Ռաֆայի
2. Ջուլյան Արտեմ
3. Ասեն Շարյան Աշոտ
4. Արշակյան Արշակ
5. Խատաթյան Դավիթ
6. Լալայան Զորա
7. Դուրյանյան Արմեն
8. Արշակյան Ռաֆայի
9. Եղիշյան Վահագն
10. Ապրիկոսյան Արամ

### ՀԱՐՑ 3

33 գործող հարկային համակարգի ողջ անկարողությունը ակնհայտ է թեկուզե և այն փաստից, որ սովորաբար կառույցների կողմից եկամտի մինչև 85%-ը բացվում է եւ չի ենթարկվում պետական հարկման: Դրա փոխարեն հարկային եւ օրինապահ մարմինները համախարտադրողներից եւ անտեղականներից շորքում են անօրինական ծանր տուրքեր, որոնք բարձրատուկոս պետական հարկերի հետ միասին եկամուտներ բացքնելը դարձնում է գրեթե միակ այլընտրանքը:

Այստեղից ակնհայտ է դառնում, որ հարկային համակարգի բարեփոխումը պետք է սկսվի խախտումների լրիվ կանխարգելմամբ, որին կնպաստեն համապատասխան կառույցների վրա կանաչավարական հսկողության ուժեղացումը, պետվարչությունների համակարգերի եւ իրավապահ մարմինների ընդհանուր բարեփոխումը, Ազգային ժողովի կող-

### ՎԱՍԽԱՆՈՒՄ ԿԱՐԳԱՆՈՒՄ ԵՎ ԲԱՐՈՎՈՐՈՒՄ ԵՄ ԳՆԱԿԱԿԱՆ ԿԱՐԳԱՆՈՒՄ

մից պետական ծառայության մասին Օրենքի, ինչպես նաեւ այլ օրենսդրական ակտերի ընդունումը՝ ուղղված արտադրողների իրավունքների, այդ թվում եւ պետական պաշտոնյաների կամայականություններից եւ ռեկտից, պաշտպանությունը:

Պետք է ընդունել հարկային քաղաքականություն, առաջին հերթին, խրախուսելով արտադրողներին եւ ձեռնարկատերերին: Ընդ որում հարկերի նվազեցումը կհանգեցնի բյուջետային ընդհանուր մուտքի աճին ի հաշիվ հարկային բազայի ընդլայնման: Այսինքն շահույթ ստանալու տեսակետից արդարացված հարկերի առկայության եւ անօրինակ տուրքերի բացակայության դեպքում ձեռնարկատերը շահագրգռված կլինի ժամանակին մուծել հարկերը, այլ ոչ թե պետության հետ հակամարտության մեջ մտնել, առավել եւս, եթե պետությունը պաշտպանում է նրա իրա-

վունքները եւ տրամադրում որոշակի ծառայություններ (մարկետինգային տեղեկատվություն, արտոնյալ վարկեր եւ այլն): Հիմնական սկզբունքներից՝ մեկը պետք է դառնա տարբերակված հանրավորումը եւ վարկավորումը այն առաջինն ուղղությունների, որոնք պետք է իրականացնեն բոլոր դեպի-միջազգային մակարդակ: Դա հնարավոր է մեր տնտեսության մի շարք կարիւր ճյուղերի համակենտրոնացման շնորհիվ: Այդ առնչությամբ հարկ է առանձին ճշել գյուղական արտադրողների արտոնյալ հարկավորման եւ վարկավորման անհրաժեշտությունը: Վերոհիշյալ խնդիրներին համապատասխան կառավարությունը պետք է իրականացնի հարկային տեսչության սակարատի բարեփոխումներ՝ ձշակելով կարիքի ընտրելու չափանիշներ: Հարկերը, այլ ոչ արտաքին վարկերը միտի դառնան Հայաստանի բյուջեի ձեռավորման կայուն հիմքը:

### ՀԱՐՑ 4

Գիտնականական կարգապահի փոխանցում է ընդունել եւ կիրառել 33 ուժային գերատեսչությունների մասին Օրենքը: Օրենքում, մասնավորապես, հատակ կառուցման գործունեությունը, որոնք շրջանակներից դուրս գալով կրիտիկ որպես պատժի հանցագործություն: Օրենքը կրկնապատկելու նաեւ վերահսկողության մեխանիզմներ (խորհրդարանի, կառավարության, հասարակականության) քաղաքացիների նկատմամբ այդ մարմինների կողմից իրավական խախտումների դեպքում:

Վերջին ժամանակներս ԵՊՄ-ն եւ նրա ստորաբաժանումները ուժեղացել են անբեռնակալի չափերով: Այսինքն ոչ միայն պահանջում են հսկայական ֆինանսական միջոցներ, այլ և հաճախ չեն համապատասխանում իրենց կոչմանը: Չեն բացահայտվում բազմաթիվ հանցագործություններ, այդ թվում հատկապես վտանգավորները եւ քաղաքական միտում ունեցողները, որա փոխարեն անենու-

### ՎԱՍԽԱՆՈՒՄ ԿԱՐԳԱՆՈՒՄ ԵՎ ԲԱՐՈՎՈՐՈՒՄ ԵՄ ԳՆԱԿԱԿԱՆ ԿԱՐԳԱՆՈՒՄ

րեք խախտվում են մարդու իրավունքները, սովորաբար են դարձել անօրինական ձեռնարկությունները, հետաքննության արգելված եղանակները, դրամաշորքությունը եւ կաշտակերությունը: Այսպիսի իրավապահ մարմինների սերտառումը մաքիոզ կառույցների հետ, ԵՊՄ շատ ստորաբաժանումներ կրկնում են իրադ, զբաղվում են օրենքով չնախատեսված գործունեությամբ (օրինակ՝ ատելորակում), ԱՊՄ-ի հետ միջամտում են հանրապետության քաղաքական կյանքին:

Այդ սխեմայով ուժային գերատեսչությունների մասին Օրենքի հիմքում պետք է որվի Լեռնի-գործերի նախարարության տարածքային, այն է՝ կենտրոնական եւ մունիցիպալ (տեղական) ուսիլանության եւ գործառնական (ճանապարհային, քրեական, տնտեսական) բաժանման սկզբունքը, որը մի կողմից կբարձրանցի աշխատանքի արդյունավետությունը, մյուս կողմից՝ կկանխի իշխանության կենտրոնացումը եւ կուժեղացնի

հանելիությունը: Հետաքննչական մարմինները պետք է դուրս բերվեն ԵՊՄ-ից, ԱՊՄ-ից եւ դատախազությունից՝ կազմավորելով այդ գերատեսչություններից անկախ 33 գլխավոր հետաքննչական վարչություն:

Լորդնոի խորհրդարանը պետք է նաեւ ընդունի 33 ազգային անվտանգության հանցակարգ: որը կընդգրկի պարբերական լայն շրջանակ տնտեսական, քաղաքական անվտանգության, հասարակության հոգեբանական անվտանգության, քաղաքացիների եւ նրանց կացարանների անվտանգության, մասնավորապես ազատություն, ազատություն, հեռախոսային խտանկությունների, մասնավոր կյանքի եւ այլնի անձեռնմխելիության:

Այդ կառավարության ԱՊՄ-ն պետք է ազատվի ներքին քաղաքական հետախուզական գործունեությունից եւ իր ուժերը կենտրոնացնի արտաքին հետախուզության եւ հակահետախուզության աշխատանքներում:





### ԱՌՈՐԵՆՈՒԹՅՈՒՆ ՀԱՄԱՐԱԿԱՆԱՐՔԱՅԻՆ ԱՊՐԱՆՔԱՆԵՐՈՒԹՅՈՒՆ



Արտուշ Գալոյան  
Սահագործ

#### ՆԱԽԵՆՏՐՎԱԿԱՆ ԿԱՐԳԱՍՏՈՒՄ

«Առաքելություն» կուսակցությունը գրանցվել է Գյումրիի քաղաքում 1990 թվականին: Այս կազմակերպության անունըների մոտ կանգնել են «Արարատ» կոմիտեի կազմակերպության շաբաթը, անցանքը որոնք իրենց առաջնությունը խնդրել են համարել ժողովրդավարության դրոշմների ամրապնդումը հասարակության բարեփոխման անհրաժեշտությունը:

1991 թվականին «Առաքելությունը» համապատասխան «ՀՀ հասարակական հասարակական-քաղաքական կազմակերպությունների մասին» օրենքի զրանցվել է ՀՀ արդարադատության նախարարության կողմից, որպես կուսակցություն:

#### ՀՉՈՐ ՊԵՏՈՒԹՅՈՒՆ ՀՉՈՐ ԺՈՂՈՎՈՐԻՂ

#### ՆԱԽԵՆՏՐՎԱԿԱՆ ԾՈՒՑԱԿԻ ԱՌԱՋԻՆ 10 ԱՌՈՐԱՆԵՐԸ

1. Պալատական Արտուշ Կալոյան
2. Գրգորյան Վարդան Նալբանդյան
3. Քեչեանյան Գաղիկ Պելեանի
4. Գալոյանյան Խաչիկ Արամայանի
5. Կարապետյան Գրիգորյան Կարապետի
6. Քիմյանյան Մուսանյան Վաչագանի
7. Արտուշ Ժոյան Արտուշի
8. Եղիազարյան Թադևոս Խաչատրյանի
9. Ջալալյան Ռոբերտ Արտուշի
10. Մանուկյան Արշակ Արտուշի

### ՀԱՐՑ 3

Հարկային քաղաքականությունը ցանկացած երկրի տնտեսության հիմնական երաշխիքն է: Մենք հասկանում ենք, որ ՀՀ-ում այն ձևավորվեց տարերայնորեն՝ մեխանիկորեն վերարտադրելով այլ երկրներում հաստատված մի շարք սկզբունքներ, որոնք այսօր չեն արտահայտում մեր իրական վիճակը ու իրական շահերը: Հարկային քաղաքականությունը, ըստ մեր կուսակցության, պետք է ունենա ռեգիոնալ ուղղվածություն: Պետք է հաշվի առնվեն տվյալ տարածքի առանձնահատկություններն ու շահերը, տնտեսության յուրատիպությունները, սոցիալական խնդիրները, ինչպես նաև բնակչության կան պայմանները: Հի կարելի, օրինակ, նույնաչափ հարկեր գանձել եւ Արարատյան դաշտավայրի Գյումրիից, եւ հյուսիսային Հայաստանի բնակավայրերից, ուր հողը սակավապետ է,

խիստ սահմանափակ է գյուղատնտեսական արտադրությունը: Բնությունը խիստ քնհատ է, հատկապես այս տարածքներում, պետք է կիրառվի մեղմված հարկային քաղաքականություն, ինչը հնարավորություն կտա գյուղացուն կապել հողին, ընդլայնել իր նախաձեռնողականության սահմանները:

Ուշադրություն պետք է դարձվի նաև տնտեսապես բույլ զարգացած տարածքների վրա, որպեսզի այստեղ հարկային քաղաքականությունը չվերածվի քայքայի, ինչին մենք այսօր առնչվում ենք: Կոպիտ հարկային քաղաքականությունը պետք է փոխարինվի իսկապես մարդասիրական քաղաքականության, պետք է հաշվի առնվեն արտադրողի շահերը, անցման շրջանում պետք է ձգտենք հատկապես անհատ ձեռներեցության մեջ հարկային զանգվածների նվազեցմանը, որ-

պեսզի չկորցնենք մեր շուկան կարգավորող այս կարեւորագույն գործոնը:

Հարկային քաղաքականությունը պետք է իրականացվի միայն ու միայն օրենսդրական հզոր դաշտի անկախության պայմաններում, որպեսզի գերիշխող չդառնա նոմենկլատուրային բանդիտիզմը: Զափազանց կարեւոր խնդիր է արդյունաբերության վերադարձի կարողությունը, որն էլ կբեկադի իր նոր հարկային սկզբունքները: Մենք Ազգային ժողովում հիմնավորապես կպաշտպանենք նոր հարկային օրենքի ձևավորման անհրաժեշտությունը, ուր առաջնային իրավունքներ կտրվեն ձեռներեցության, կպաշտպանվեն նրանց իրավունքները: Առաջնային համարելով հանրապետությունում փոքր թիվների գարգացումը, մենք վերոհիշյալ գրոյսը համարում ենք խիստ անհրաժեշտ:

### ՀԱՐՑ 4

Օրենսդրական բարեփոխումների համակարգում մեր կուսակցությունն առաջնային է համարում օրենսդրական նոր ակտերի ընդունումը, որոնք հենվելով սահմանադրական նորմերի դիմամիկ գործընթացին կնպաստեն դատավորների իրական անկախությունը: Այս դեպքում արդեն հնարավոր կլինի ունենալ երդվյալների դատարան, ինչը էլ կդառնա մարդու իրավունքների եւ օրենքների պաշտպանության հզոր երաշխիքը:

Գտնում ենք, որ անհրաժեշտ է ընդունել օրենք դատախազության մասին, որը կապահովի դատախազական հսկողության արդյունավետությունը եւ անկախությունը օրենսդիր եւ գործադիր իշխանության ներկայացուցիչների միջամտությունից: Մենք գիտենք, որ այդ մի-

ջանությունը տակավին առկա է եւ իրավաբանությունն է գործում: Պետք է կուրականապես հեռանալ դրանից:

Զափազանց կարեւոր ենք համարում ներքին գործերի նախարարության արձանատկան բարեփոխման խնդիրը, երբ նրանց կօտարվեն հասարակական կարգի պահպանության ֆունկցիաները դրանց ծանրությունը տեղափոխելով տեղական կառույցներ: Հստակորեն կապահովվի այդ կառույցի գործունեության իրավական դաշտը: Նպատակահարմար ենք համարում այդ կառույցի վերակազմավորումն ազգային ոստիկանության, որը պետք է ապահովվի արհեստավոր մասնագետներով:

Մենք պետք է ձգտենք հատուկ ծառայությունների ֆունկցիաների սահմանա-

փակմանը: Գտնում ենք, որ հետախուզության եւ հակախեղամուտության, ինչպես նաև ահաբեկչության դեմ պայքարի ֆունկցիաները պետք է հստակորեն կարգավորվեն եւ դրվեն օրենսդրական շրջանակների մեջ, ասել է թե՛ պետք է ընդունվի նոր օրենք այս կառույցների մասին:

ՀԱՅԿԻՍՏԱՆ

### Ժողովրդական կազմակերպություններ



Պետրոս Բացախյան  
Նախագահ

#### ՆԱԽՆՏՐԱԿԱՆ ԿԱՐՁԱՆՈՒՄ

ԱՐԿԱՆ ԱՆՎԱՏ, ԱՐԿԱՐ ՊԵՏՈՒԹՅՈՒՆ,  
ՀՁՈՐ ՀԱՅՐԵՆԻՔ

#### ՏԵՂԵԿԱՔ

Ժողովրդական կազմակերպությունը սկսելով 1993 թ. փետրվարին հանդիսանում է արևելահայ ազգային գաղափարախոսության զարգացման կուսակցության զարգացման կուսակցության զարգացման կուսակցության հիմնադիրները ունենալով 7-ամյա փորձ: Ժողովրդական կազմակերպության նպատակներն ու խնդիրներն են՝ ազգային պետության ամրապնդումը, հասարակության և սեփականության բազմաշերտային վրա

հիմնված կենտրոնի կողմից զարգացում ազգային դեմագոյին համայնագրության ժողովրդական սկզբունքների հասարակում ժողովրդական կազմակերպությունը մեծելով ծայրահեղությունները որպես բազմաշերտային ու կենտրոնաձուլ կարգերում ազգային զործնականորեն պարզամեկության է

#### ՆԱԽՆՏՐԱԿԱՆ ԾԱՌՈՒՄՆԵՐԸ

1. Բացախյան Պետրոս Սիրայիսի
2. Պետրոսյան Կարոյան Ալեքսանդրի
3. Պարսիյան Ալեքսան Ապրիլի
4. Գալստյան Կարապետ Կարոյանի
5. Գրիգորյան Արտակ Աշոտի

(Ժողովրդական կազմակերպությունը իր նախընտրական ցուցակներում ներկայացրել է ընդամենը 5 անուն)

### ՀԱՐՑ 3

Հարկային քաղաքականությունը նոր տնտեսական համակարգում կարգավորիչ դեր ունի: Ենթադրյալն է արևելահայ ազգային գաղափարախոսության զարգացմանը, նպաստում է ճիշտ բյուջեի կազմմանը: Սեզ մոտ շուկայական հարաբերությունների զարգացմանը զուգահեռ կատարելագործվում է հարկային օրենսդրությունը, ընդլայնվում է հարկային բազան: Մենք կողմնակից ենք մեղմ հարկային քաղաքականությանը, քանի որ հարկային ավելորդ ճնշումը առաջացնում է ստվերային տնտեսություն: Զնայած այն բանին, որ գործող հարկային օրենսդրություն կան հակասություններ եւ անորոշ կետեր, որոնք բարենպաստ հող են ստեղծում կաշառակերության եւ չարաշահումների համար, ընդհանուր առմամբ տարվող հարկային

Քաղաքականությունը նոր տնտեսական համակարգում կարգավորիչ դեր ունի: Ենթադրյալն է արևելահայ ազգային գաղափարախոսության զարգացմանը, նպաստում է ճիշտ բյուջեի կազմմանը: Սեզ մոտ շուկայական հարաբերությունների զարգացմանը զուգահեռ կատարելագործվում է հարկային օրենսդրությունը, ընդլայնվում է հարկային բազան: Մենք կողմնակից ենք մեղմ հարկային քաղաքականությանը, քանի որ հարկային ավելորդ ճնշումը առաջացնում է ստվերային տնտեսություն: Զնայած այն բանին, որ գործող հարկային օրենսդրություն կան հակասություններ եւ անորոշ կետեր, որոնք բարենպաստ հող են ստեղծում կաշառակերության եւ չարաշահումների համար, ընդհանուր առմամբ տարվող հարկային

քաղաքականության գաղափարախոսությունը ընդունելի է Ստալինյան վարկերը եւ այն ուղղությունները, որոնցում կենդանի են գոյությունը, անհրաժեշտություն կառաջացնի վերանայել հարկերի կառուցվածքը: Զնարավոր են շահութահարկի, ավելացված արժեքի հարկի, ինչպես նաեւ եկամտահարկի փոփոխություններ՝ լինելով եկոնոմիկայի էֆեկտիվությունից: Ընդունելով որ «հավասար եկամուտներից՝ հավասար հարկում» սկզբունքը ճիշտ է, հնարավոր ենք համարում, հաշվի առնելով մեր յուրահատկությունները, օբյեկտիվ եւ սուբյեկտիվ գործոնների ազդեցությունները, որոշ արտադրական ոլորտներում (արտահանում, ստրատեգիական արտադրանք, առաջին անհրաժեշտության ապրանքներ) ժամանակա-

վորապես հարկային արտոնությունների սահմանում, հետապնդելով ստրատեգիական նպատակ՝ պահպանել որակյալ աշխատուժեւ արտադրական պրոտեկցիան պահպանելով այդ ոլորտներում ինվենստիցիաները խթանելու համար, չմեծացնելով գործազուրկների բանակը:

### ՀԱՐՑ 4

Թե իրավապահ մարմինները, թե հատուկ ծառայությունները մասն են պետական համակարգի եւ իրենց աշխատանքը պետք է կարգավորվի միմյայց օրենքով, որի հիմքում պիտի լինի քաղաքացիների սահմանադրական իրավունքները եւ պարտականությունները: Խստորեն պաշտպանելու սկզբունքը, հասարակական կարգի պաշտպանությունը, ինչպես նաեւ սահմանադրորեն ձեւակերպված ազգային անվտանգության հարցերի շրջանակներում գործելը: Սկզբունքային խնդիր է նաեւ, որպեսզի օրենքը ներառնի Սահմանադրությամբ նախատեսված պետական կառավարման եւ տեղական ինքնակառավարման նոր համակարգերին համապատասխան իրավունքների եւ պարտականությունների

Թե իրավապահ մարմինները, թե հատուկ ծառայությունները մասն են պետական համակարգի եւ իրենց աշխատանքը պետք է կարգավորվի միմյայց օրենքով, որի հիմքում պիտի լինի քաղաքացիների սահմանադրական իրավունքները եւ պարտականությունները: Խստորեն պաշտպանելու սկզբունքը, հասարակական կարգի պաշտպանությունը, ինչպես նաեւ սահմանադրորեն ձեւակերպված ազգային անվտանգության հարցերի շրջանակներում գործելը: Սկզբունքային խնդիր է նաեւ, որպեսզի օրենքը ներառնի Սահմանադրությամբ նախատեսված պետական կառավարման եւ տեղական ինքնակառավարման նոր համակարգերին համապատասխան իրավունքների եւ պարտականությունների

րի բաշխման դաշտը: Իրավապահ մարմինների եւ հատուկ ծառայությունների աշխատանքի բնույթը եւ առանձնահատկությունները հարկադրում են, որպեսզի անձնակազմը ունենա բարձր որակավորում, ինչպես նաեւ համակարգում որակյալ մասնագետ կարգերի պատրաստման հաստատություններ: Աշխատելով կյանքի համար վտանգավոր իրավիճակներում, իրավապահ մարմինների եւ հատուկ ծառայությունների աշխատակիցները պետք է ունենան բավարար աշխատավարձ, անվտանգության օրինական երաշխիքներ, պատահարներից ապահովագրություն: Վերջիններիս բացակայությունը եւ կադրային արատավոր քաղաքականությունը համակարգը դատապարտում է կաշառակերության, դրամա-

շրթության եւ պարտականությունների անբավարար կատարման: Ժողովրդական կազմակերպությունը հանդիսանում է, որ վերը նշված սկզբունքների կիրառումը կստեղծի իրավապահ մարմինների եւ հատուկ ծառայությունների նկատմամբ վստահության մթնոլորտ ժողովրդի մեջ:

### ԱԶԳԱՅԻՆ ՊԵՏՈՒԹՅՈՒՆ



**Վանձել Եախիճյան**  
ԱԳԿ Եախազահ

#### ՆԱՍԵՐՏՈՒՄ ԿԱՐՎԱԾՈՒՄ

«Ազգային» ՊԵՏՈՒԹՅԱՆ հասարակական-քաղաքական կազմակերպությունը Արցախյան պատերազմի ընթացքում 1994 թ. հոկտեմբերի 1-ին հիմնադրվել է 1994 թ. քան թիվը: «Շրճախի 5-ին» Առաջին հասարակական կազմակերպությունը է ՆՍՊ Սողոմոնյանը:

Հիմնադիր համագործակցություն ընդունվեցին հիմնական փաստաթղթերը՝ կանոնադրությունը եւ հռչակագիրը: «Ազգային Պետություն» /Յ

«ԱԶԱՅԻՆ ՊԵՏՈՒԹՅԱՆ» ՀԻ ԿԱԶՄԱԿԵՐՊԱԿԵՐՊՈՒՄԻ ԲՈԼՈՐ ԾՐԱԳՐԵՐԸ ՈՒՂՂՎԱԾ ԵՆ ԱԶԱՅԻՆ ՊԵՏՈՒԹՅԱՆ ԱՏԵՂՈՎՈՒՄԸ

- | ՆԱՍԵՐՏՈՒՄ ԸՈՒՑՈՒՄ ԿԱՐՎԱԾ 10 ԱՆՈՒՆԵՐԸ |
|--------------------------------------|
| 1. Եախիճյան Անձել Ասրուճի            |
| 2. Գրիգորյան Գրիգոր Խաչիճի           |
| 3. Ասրաբյան Արմեն Կարենի             |
| 4. Ասրաբյան Էմմա Աշուրի              |
| 5. Ասրուճյան Ռիմա Գրիգորի            |
| 6. Ասրաբյան Գեորգ Արամի              |
| 7. Ավագյան Գարություն Արտաշակի       |
| 8. Ասրաբյան Լեւոն Ռաֆիկի             |
| 9. Կարապետյան Վաչագան Անրայու        |
| 10. Գարապետյան Արաբիկ Լիդիայի        |

### ՀԱՐՑ 3

Հարկային համակարգը բառ էության խնդրում է դեռ վազմավորված մասնավոր, իսկոն տնտեսությունները, այն բույլ չի տալիս զարգանալ նաեւ դեռեւս պետական, բայց վաղը թաժնետիրական ընկերությունների վերածվող այն տնտեսավարման սուբյեկտներին, որոնք վերջական եւ մրցունակ արտադրատեսակներ են ստեղծում:

Հարկման այսօրվա մեխանիզմները արգելափակում են պետական հովանավորությունից զրկված գյուղացիական տնտեսությունների զարգացումը:

Անհրաժեշտ է հարկման մեխանիզմներին զուգահեռ ճշակել որոշակի արտոնություններ, երկարաժամկետ վարկեր այն տնտեսավարման սուբյեկտներին, որոնք կազմավորման եւ ուրքի կանգնելու համար ծախսեր են պահանջում: Առանձին արտոնություններ չնորիել այն արտադրություններին, որոնք միջազգային շուկայում մրցունակ ապրանքներ են

Հարկային համակարգի մեխանիզմները պետական հովանավորությունից զրկված գյուղացիական տնտեսությունների զարգացումը արգելափակում են:

արտադրում: Երբ տեխնոլոգիաներ ներդնելու համար ծախսված գումարները հանելու հարկի գումարից: Հարկային արտոնություններ սահմանելու ճանապարհով շահագրգռել տնտեսավարման սուբյեկտներին որանը շրջանառության մեջ դնել, ծանալաի մնալով սուվերային տնտեսական հարաբերությունների այսօր տարածված պրակտիկայից:

Ազատ շուկայական հարաբերությունների քաղաքականությունը որդեգրած Հայաստանին պետք է տնտեսական զարգացմանը նպաստող օրենքների այնպիսի համակարգ, որը հնարավորություն կնա հետեւողականորեն զարգացնել բարեփոխումների գործընթացը, կանխել արդյունաբերական հզոր միավորումների փոշիացման արդեն իսկ առկա վտանգավոր երևույթը եւ էներգետիկայի ու կապի ընագավառներում շարունակվող իշխանությունների ոչ մի տեղ չզբաղեցված մեկնաշնորդ: Այս դեպքում է,

որ պետականության կայացման գործին կներգրավվեն հասարակության բոլոր խավերը: Հարկային քաղաքականության բեւեռացման վտանգը ակնհայտ է: Առկա են նաեւ այդ ոչ արդյունավետ քաղաքականության հետեւանքները տնտեսավարման այնպիսի սուբյեկտների վրա, որոնք վերջնական արտադրանք են տալիս: Հարկային ու վարկային քաղաքականության ընդհանուր համակարգում պետք է առանձնացնել հատկապես գյուղատնտեսության եւ արդյունաբերության ընագավառների նկատմամբ դիրքորոշումները այնպես, որպեսզի հնարավորություն տրվի. ա) զարգացնել կենսական անհրաժեշտություն ունեցող տեղական ապրանքների արտադրությունը, բ) իրականացնել հեռահար տնտեսական եւ գիտաարտադրական ծրագրեր, որոնք արդյունաբերական կապահովվի միջազգային տնտեսական շուկայում մրցունակ ապրանքների արտադրությունը:

### ՀԱՐՑ 4

Իրավապահ մարմինների, հատուկ ծառայությունների, ինչպես նաեւ պետության անվտանգության հայեցակարգը, որը մշակվել է մեր կազմակերպությունում, ծավալուն է: Այսօր հայեցակարգը հրատարակելն անհիմաստ է, քանի որ այն կապված է պետության ձեւի եւ կառուցվածքի հետ, եւ առանց սույն հիմնահարցը լուծելու անհիմաստ է խոսել այս թեմայով:

Հարկային համակարգի մեխանիզմները պետական հովանավորությունից զրկված գյուղացիական տնտեսությունների զարգացումը արգելափակում են:

ԱԶԳԱՅԻՆ ԻՆՔՆՈՐՈՇՈՒՄ ՄԱՎՈՐՈՒՄ - ԲՐԻՍՏՈՆԵՆՎԱՐՆԵՐ



Պարույր Հայրիկյան  
ԱԻՍ-Բ Նախագահ

ՆԱԽԵՐՏՐԱՎԱՆ ԿԱՐԿԱՆՈՒՄԸ

ԱԻՍ-Բ-ը որը ծառանգորդն է 60-ական բվահանների կենտրոն գործող ԱԻՍ-Կ կուսակցության հիմնվել է 1987 թ. սեպտեմբերին Պ. Հայրիկյանի կողմից:

Ճանի որ վերջին 7 վարիների ընթացքում մեր ժողովուրդը անցավ համազգային պայքարի այն ճանապարհով որի առջևից ԱԻՍ-Բ էր ընթանում ապա կարելի է ասել որ ԱԻՍ-Բ ը առաջնորդող կազմակերպություն է Անկախության հանրաբնի ճանապարհով Մայիսի 28-ը պահպանել տուն երազույնը պահպանել որոշ Արցախին կարող է օգնել Անկախ Հայաստանը Ասիանապիտ ժողով Ազգային բանակ ժո-

ՏԵՂԵԿՄԱՔ

զոմիտի կողմից ընկրված նախագահ: ահա այն կարգախոսների որոնք մեր քաղաքական կյանք մուտք գործեցին ԱԻՍ-Բի միջոցով:

ԱԻՍ-Բ իր կառուցվածքով նման է նախագահական հանրապետության համակարգին, ունի իր խորհրդարանը - նախագահը փոփոխական ինքնակառավարման համակարգը: Գերագույն զեկամար ժայռից ԱԻՍ-Բ համագումարն է Այն գոմեարում է փարին մեկ անգամ մայիս ամսին:

Միակամների (անդամներ եւ կողմնակիցներ) թիվը կազմում է մոտ 15000 մարդ:

ՆԱԽԵՐՏՐԱՎԱՆ ԾՈՒՑԱՎ ԱՄԱՋԻՆ 10 ԱՆՈՒՆԵՐԸ

1. Հայրիկյան Պարույր Արշալիկի
2. Ջաքարյան Արամազդ Անդրաշակի
3. Ջեմալվանյան Ներսես Ուսմանյանի
4. Գորգիսյան Ռուզաննա Որբերուհի
5. Սարգսյան Ռազմիկ Գրիգորի
6. Ավագյան Մուսաննա Գրիգորի
7. Ասադյան Աշոտ Սեբեհի
8. Առվիսյան Անճելի Վահանի
9. Ասատրյան Վարդան Որբերուհի
10. Ասադյան Գոհար Սուլեյխի

ՀԱՐՑ 3

Հայաստանի բնակչության կենսամակարդակը, անշուշտ, պայմանավորված է հանրակենտրոնության տնտեսական, ընկերային կանցությամբ: Հայաստանի տնտեսությունը առջի կանգնեցնելու համար, նախ եւ փոռք անհրաժեշտ է նախատավոր օրենսդրական դաշտ ստեղծել: ԱԻՍ-Բ գտնում է որ կուսակցությունների դերը ոչ թե օրգեստիտ իր տեղը մասնավորին զիջող պետական տնտեսության կառավարումն է այլ այնպիսի օրենքների, բարոյա-քաղաքական իրավիճակի ստեղծումը, որն ապարքեզ կապահովի ցանկացած հանրօգուտ ծրագրի համար:

ԱԻՍ-Բ ի սկզբանե տնտեսության առավել ապակենտրոնացման եւ մեղծ հարկային քաղաքականության կողմնակից լինելով, իր ձեռք բերած հսկողական եւ օրենսդրական լծակները կծառայենքնի անհատական ձեռներեցությունը եւ մասնավոր սեփականատիրական տնտեսավա-

րումը խրախուսելու նպատակին: Այս է քաղաքացիներին աշխատանեղերով ապահովելու լավագույն ճանապարհը:

Որքան էլ որ քաղաքացիներից գանձվող բարձր հարկերն ու տուրքերը պետական ծախսագումարի (բյուջեի), համալրման գայթակղիչ միջոց են բվում: հարկերի բարձրացումը տնտեսության զարգացման եւ բնակչության կենսամակարդակի բարձրացման լուրջ խոչընդոտ է:

Պետության կողմից կարգավորվող նվազագույն աշխատավարձի ջանից պետք է համապատասխանեցվի գների աճին:

Տնտեսական ճգնաժամից դուրս գալու հիմնական ճանապարհը կիշտ հարկային քաղաքականությունն է: Հարկային քաղաքականությամբ, ինչպես նաեւ անսպառնակ խավերին հատկացվող օգնությամբ, պետք է կանխելի հասարակության խիստ արտահայտված շեղումները:

Պետության առաջնաձեռք խնդիրներից է

անսպառնակ խնդիր (գործազուրկների, կենսաթոշակատուների եւ այլն) ընկերային պաշտպանվածությունն ապահովող գործուն կառույցների ստեղծումը:

Գյուղում բնականոն գյուղատնտեսական աշխատանքների իրականացմանը խոչընդոտում է վարկային եւ հարկային սխալ քաղաքականությունը, որի հաղթահարման լավագույն ճանապարհը օրենսդրական արդյունավետ գործունեությունն է: Պետք է միջոցներ ձեռնարկվեն իրականացնելու գյուղական բնակչությունից պետության հանդեպ գյուղմբերքների անարդարացիորեն ձգձգվող վճարումները եւ փոխհատուցելու նրանց հասցված վնասները: Պետությունը պարտավոր է օժանդակելու գյուղին ջրամատակարարման, գյուղմբերքների տեղավորման, տեխնիկայի եւ վառելիքի հարցում արտոնյալ վարկային քաղաքականությամբ կամ ուղղակի հատկացումներով:

ՀԱՐՑ 4

Ներկայումս իրավապահ մարմինների եւ հատուկ ծառայությունների աշխատանքներում առկա են լուրջ թերություններ: Ամենահիմնականն այն է, որ նրանք այսօր ոչ թե ծառայում են Հայաստանում օրենքի իշխանության հաստատմանը, այլ երկրի նախագահի, իշխող կուսակցության ձեռքին իրենց իշխանությունը երկարած գեղու միջոց են այսինքն կուսակցական, անձնական շահը գերադասվում է ազգային շահից: Ազգային ժողովը պետք է ընդունի օրենքներ, որոնցով հետագայում կկանխվի իրավապահ մարմինների եւ հատուկ ծառայությունների նման գործելակերպը՝ այսինքն, այդ կառույցները պետք է ամբողջովին ապաքաղաքականացվեն:

4. Չոր կուսակցության (բոլորի) կարծիքով ինչպիսի և պետք է լինի իրավապահ մարմինների եւ հատուկ ծառայությունների օրենսդրական բարեփոխումների հարցումները:

2413 ԲԱՅԻՊԱ



ՀԱՅԱՍՏԱՆԻ ԿՈՍՏՐԱԿՏԱԿԱՆ ԿՈՒՍԱԿՑՈՒԹՅՈՒՆ



Սերգեյ Բաղդասարյան  
ՀՀ Կոնստիտուցիոնալ ընտրությունների կոմիտեի նախագահ

ՆԱԽՆԵՏԱԿԱՆ ԿԱՐԿԱՑՈՒՄ

Հայաստանի կոնստիտուցիոնալ ընտրությունների կոմիտեի նախագահ Սերգեյ Բաղդասարյանը

ՏԵՂԵԿԱՆԵՐ

Հայաստանի կոնստիտուցիոնալ ընտրությունների կոմիտեի նախագահ Սերգեյ Բաղդասարյանը 1991 թ. հուլիսին էր 75-ամյա պարտություններից մեկը և մի օրով իր ընդհատված կյանքը վերականգնելու համար պայքարում էր:

Սերգեյ Բաղդասարյանը համարվում էր 1994 թ. օգոստոսի 1-ին կողմնակիցներից մեկը և 31-րդ համագումարում 1994 թ. օգոստոսի 1-ին կողմնակիցներից մեկը և 31-րդ համագումարում 1994 թ. օգոստոսի 1-ին կողմնակիցներից մեկը:

ՀԱՅԱՍՏԱՆԻ ԱՇԽԱՏԱԿԱՆ ԱՍՈՑԻԱԿԱՆ ՍՈՑԻԱԼԻՍՏԻԿԱՆ ԿՈՄՍՊԱՐՏԻՆԻ ԵՂՁՐՈՒՄԻ ՆԱԽՆԵՏԱԿԱՆ ԿԱՐԿԱՑՈՒՄ

ՆԱԽՆԵՏԱԿԱՆ ԾՈՒՍԱԿՑՈՒՄ 10 ԱՐՁԱՆԵՐԸ

1. Բաղդասարյան Սերգեյ Գրիգորի
2. Բաղդասարյան Վաղյան Լևոնիկ
3. Բաղդասարյան Լեոնիդ Ասատուրի
4. Բաղդասարյան Արտուր Կարապետյան
5. Բաղդասարյան Վահագն Արմենակի
6. Բաղդասարյան Գալինա Արամյան
7. Բաղդասարյան Իսախան Թեմուրյան
8. Բաղդասարյան Յուրյան Արմենակի
9. Բաղդասարյան Ռազմիկ Արմենակի
10. Բաղդասարյան Էմիլ Արմենակի

ՀԱՐՑ 3

Հայաստանում մերկայանալու ընթացքով, միջազգային վալյուտային ֆոնդի միջոցով միջազգային իմպերիալիստական կենտրոնների կողմից մեր ժողովրդին պարտադրվող հանրապետության էկոնոմիկայի փլուզմանն ու տնտեսական զաղորթացմանն ուղղված քաղաքականությունը չի կարող համարվել բարեփոխումների ծրագիր: Դրան ուղեկցող հարկային քաղաքականությունը հանգեցնում է սոցիալական ծայրահեղ բեկեռացմանը, պետական-մաֆիական կառուցվածքների կողմից անաշխատ հարստությունների կուտակմանն ու ուժեղացմանը (բնակչության տասը տոկոսը), աշխատավորական զանգվածների ունեզրկմանն ու ծայրահեղ թշվառությանը, ազգային հարստության փոշեցրմանը, գործազրկության աննախադեպ աճին:

Հարց 3. Սերգեյ Բաղդասարյանը 1994 թ. օգոստոսի 1-ին կողմնակիցներից մեկն էր: Սերգեյ Բաղդասարյանը 1994 թ. օգոստոսի 1-ին կողմնակիցներից մեկն էր:

աշխատավորության սոցիալական բոլոր իրավունքների ու երաշխիքների վերացմանը: 744-ն այս գերծգնաճաճային վիճակից դուրս գալու միակ ելքը համարում է հասարակական կյանքի, էկոնոմիկայի սոցիալիստական հիմքերի եւ դրանց համապատասխանող արդեն իսկ կատարելապես մշակված հարկային քաղաքականության վերականգնումը:

ՀԱՐՑ 4

Իրավապահ ճարմինների եւ հատուկ ծառայությունների գործունեության իրավական-օրենսդրական հիմքերի ստեղծման եւ դրա կառավարման ու վերահսկողության բոլոր ֆունկցիաները պետք է իրականացվեն Ազգային ժողովի կողմից:

Հարց 4. Իրավապահ ճարմինների եւ հատուկ ծառայությունների գործունեության իրավական-օրենսդրական հիմքերի ստեղծման եւ դրա կառավարման ու վերահսկողության բոլոր ֆունկցիաները պետք է իրականացվեն Ազգային ժողովի կողմից:



ՀԱՅԱՍՏԱՆԻ ՌԱՍՄԱՍՈՒՄԱԿԱՆ ԱԶՈՍԱԿԱՆ ԿՈՆՍՏԱԿՑՈՒԹՅՈՒՆ



Ռուբեն Սիրզախանյան  
ՀՈԱԿ 74 Ատենայան

ՄԱՆԵՐՏՐԱԿԱՆ ԿԱՐԳԱՅԻՆՈՒՄ

ԺՈՂՈՎՐԻՑ, ԺՈՂՈՎՐԴՈՎ, ԺՈՂՈՎՐԴԻ ՀԱՄԱՐ

1991 թ. ՀՈԱԿ Հիմնադիր խորհրդի կողմից Հայաստանի Հանրապետության Կոնստիտուցիոնալ դեմոկրատիայի կենտրոնի կողմից անցկացված հարցազրույցի արդյունքները համառոտապես ներկայացված են հարցազրույցի մեջ:

ՏԵՂԵԿԱՆՔ

Խաղարկության ընթացքում հիմնականում քննարկվում են Հայաստանի Հանրապետության Կոնստիտուցիոնալ դեմոկրատիայի կենտրոնի կողմից անցկացված հարցազրույցի արդյունքները:

ՄԱՆԵՐՏՐԱԿԱՆ ԾՈՒՑԱՆԻ ԱՌԱՋԻՆ 10 ԱՆՈՒՆԵՐԸ

1. Արգելադրվում է Ռուբեն Սիրզախանյանի
2. Պետության Ոստիկանության
3. Պետության Զբոսայգիների
4. Կոնստիտուցիոնալ դեմոկրատիայի կենտրոնի
5. Բարձրագույն Կրթության
6. Կրթության Գործակալության
7. Կրթության Գործակալության
8. Գաղտնիության
9. Տնտեսական
10. Գաղտնիության

ՀԱՐՑ 3

ՀՈԱԿ-ը գտնուի է, որ կառուցվածքային փոփոխությունների արդյունքում ընթացքը ռեսուրսների շուկայի անկատարության պայմաններում, պետք է ապահովվի ձեռնարկությունների համար տնտեսավարման հավասար հնարավորությունների ստեղծումը: Դրան պետք է ծառայեն հակաբյուրեղային քաղաքականությունը եւ վարկավորման հաստատությունները: Մանր եւ միջին ձեռնարկատիրության զարգացման համար պետք է իրագործվի պետական օժանդակության հստակ քաղաքականություն: Տնտեսության այս հատվածում հիմնադրվող նոր ձեռնարկությունները սկզբնական փուլում պետք է ազատվեն հարկերից (շահութահարկից), այնուհետեւ նրանց նկատմամբ պետք է կիրառվեն զեղչված դրույքներ՝ կախված նոր աշխատատեղերի ստեղծման հանգամանքից: Կենտրոնական բանկը հատուկ առևտրային բանկի միջոցով ցածր տոկոսադրույքներով նպատակային վարկեր պետք է տրամադրի մանր եւ միջին ձեռնարկություններին: Հանրապետությունում առաջնային ծելով պետք է իրականացվի զբաղվածության ապահովմանը եւ տնտեսական ակտիվության աշխուժացմանը ուղղված ակտիվ փողային քաղաքականությանը՝ առաջին հերթին հարկերի եւ վարկային տոկոսադրույքների իջեցման միջոցով:

ՀՈԱԿ-ը գտնուի է, որ կառուցվածքային փոփոխությունների արդյունքում ընթացքը ռեսուրսների շուկայի անկատարության պայմաններում, պետք է ապահովվի ձեռնարկությունների համար տնտեսավարման հավասար հնարավորությունների ստեղծումը: Դրան պետք է ծառայեն հակաբյուրեղային քաղաքականությունը եւ վարկավորման հաստատությունները: Մանր եւ միջին ձեռնարկատիրության զարգացման համար պետք է իրագործվի պետական օժանդակության հստակ քաղաքականություն: Տնտեսության այս հատվածում հիմնադրվող նոր ձեռնարկությունները սկզբնական փուլում պետք է ազատվեն հարկերից (շահութահարկից), այնուհետեւ նրանց նկատմամբ պետք է կիրառվեն զեղչված դրույքներ՝ կախված նոր աշխատատեղերի ստեղծման հանգամանքից: Կենտրոնական բանկը հատուկ առևտրային բանկի միջոցով ցածր տոկոսադրույքներով նպատակային վարկեր պետք է տրամադրի մանր եւ միջին ձեռնարկություններին: Հանրապետությունում առաջնային ծելով պետք է իրականացվի զբաղվածության ապահովմանը եւ տնտեսական ակտիվության աշխուժացմանը ուղղված ակտիվ փողային քաղաքականությանը՝ առաջին հերթին հարկերի եւ վարկային տոկոսադրույքների իջեցման միջոցով:

ՀԱՐՑ 4

ՀՈԱԿ-ի կարծիքով, իրավապահ մարմիններից յուրաքանչյուրի՝ ՆԳՆ-ի, ԱԿ-ի, դատախազության, փաստաբանների կոլեգիայի, արդարադատության եւ միաժամանակ՝ իրավապահ ֆունկցիաներ իրականացնող ընդհանուր իրավասության, ինչպես նաեւ տնտեսական դատարանի մասին պետք է ընդունվեն առանձին առանձին օրենքներ: Նախաքննության օբյեկտիվությունն ու նրա վրա դատախազական անկախանդ հսկողությունն ապահովելու շահը պահանջում է ՆԳՆ-ի, ԱԿ-ն եւ դատախազության իրավասությունից հանել նախաքննական ֆունկցիան եւ ՀՀ ԱԺ-ին կամ ՀՀ կառավարությանն առընթեր ստեղծել ընձեռնական վարչություն: ՆԳՆ-ն կիրականացնի հասարակական

ՀՈԱԿ-ի կարծիքով, իրավապահ մարմիններից յուրաքանչյուրի՝ ՆԳՆ-ի, ԱԿ-ի, դատախազության, փաստաբանների կոլեգիայի, արդարադատության եւ միաժամանակ՝ իրավապահ ֆունկցիաներ իրականացնող ընդհանուր իրավասության, ինչպես նաեւ տնտեսական դատարանի մասին պետք է ընդունվեն առանձին առանձին օրենքներ: Նախաքննության օբյեկտիվությունն ու նրա վրա դատախազական անկախանդ հսկողությունն ապահովելու շահը պահանջում է ՆԳՆ-ի, ԱԿ-ն եւ դատախազության իրավասությունից հանել նախաքննական ֆունկցիան եւ ՀՀ ԱԺ-ին կամ ՀՀ կառավարությանն առընթեր ստեղծել ընձեռնական վարչություն: ՆԳՆ-ն կիրականացնի հասարակական

կարգի եւ հասարակական անվտանգության ու, դրա հետ կապված՝ հետաքննության, ԱԿ-ը՝ պետական անվտանգության ու, դրա հետ կապված՝ հետաքննության ապահովումը, իսկ դատախազությունը՝ ջրեակն հետախնդրում հարուցելու, նախաքննության, հետաքննության եւ պատիժների իրականացման նկատմամբ հսկողությունը, դատարանում պետական մեղադրանքի պաշտպանությունը, դատարանում պետական շահերի պաշտպանությունը հայցերի հարուցումը, դատարանի վճիռների, դատավճիռների եւ որոշումների բողոքարկումը: Դատարանը եւ տնտեսական դատարանը պետք է լինեն օրենսդիր եւ գործադիր իշխանություններից անկախ, դատավորները՝ անփոփոխելի: Ընդհանուր դատազորության առաջին, վերաքննիչ եւ վճռաբեկ դատարաններում պետք է գործի երդվյալների ինստիտուտը: Կրճղայնվի փաստաբանական կոլեգիայի մասնակցությունը եւ կապահովվի նրա անդամների իրավահավասարությունը ինչպես դատական քննության, այնպես էլ անօրինական կամ անհիմն վճիռների ու դատավճիռների բողոքարկման հարցերում: Հիշյալ ֆունկցիոնալ փոփոխությունները, անշուշտ, կհանգեցնեն իրավապահ մարմինների կարգավորման կարգի եւ կառուցվածքային փոփոխությունների:

ՀՈԱԿ-ի կարծիքով, իրավապահ մարմիններից յուրաքանչյուրի՝ ՆԳՆ-ի, ԱԿ-ի, դատախազության, փաստաբանների կոլեգիայի, արդարադատության եւ միաժամանակ՝ իրավապահ ֆունկցիաներ իրականացնող ընդհանուր իրավասության, ինչպես նաեւ տնտեսական դատարանի մասին պետք է ընդունվեն առանձին առանձին օրենքներ: Նախաքննության օբյեկտիվությունն ու նրա վրա դատախազական անկախանդ հսկողությունն ապահովելու շահը պահանջում է ՆԳՆ-ի, ԱԿ-ն եւ դատախազության իրավասությունից հանել նախաքննական ֆունկցիան եւ ՀՀ ԱԺ-ին կամ ՀՀ կառավարությանն առընթեր ստեղծել ընձեռնական վարչություն: ՆԳՆ-ն կիրականացնի հասարակական

Շ Ո Ս Ի Բ Ո Ս



Չայանն Մարուխանյան  
Նախագահ

ՆԱԽՆՏՐԱԿԱՆ ԿԱՐՁԱՆՈՒՄԸ

ՄԵՐ ԵՎ ՄԻՈՒԹՅՈՒՆ

«ՀՀ Արդարադատության նախարարությունում գրանցվել է 1995թ. ապրիլի 19-ին:

Լեռնայացու է Ազգային ժողովի ընկրկություններում (համաձայնական ընկրկարգում) 39 քննաձևների գույքը:

Միավորման անդամներ Շուրի Մարիուսյանը (Երևան) և Հասմիկ Մուրզյանը (Գյումրի) առաջարկվել են մեծամասնական ընկրկարգով:

«Շամիրամ» կանանց միավորումը փնտրական կազմակերպություններ և սցենարող խմբեր ունի 16 քա-

ՏԵՂԵԿՈՒՄ

ղաքներում և շրջաններում: «Շամիրամին» արդեն անդամակցել է ավելի քան 4400 կին:

«Շամիրամ» կանանց միավորումը հանդես է գալիս Հայաստանի կանանց իրավունքների պաշտպանության դիրքերից: Հայաստանի պետականության կերպման և սահմանափակման գործընթացում կանանց առավել փարձեք մասնակցության օգտին:

ՆԱԽՆՏՐԱԿԱՆ ՑՈՒՑԱՎՈՒՄԱՆՔԻՆ 10 ԱՆՈՒՆՆԵՐԸ

1. Աստիվանյան Չայանն Շիրազի
2. Ասրոզյան Աստվածուհի Վիգենի
3. Թորոսյան Անտիտ Տիգրի
4. Պետրոսյան Անույան Արշակի
5. Սարգսյան Եղիշ Քյանուհի
6. Կառնյան Ջուլիետա Սուրենի
7. Բակունց Աննա Սուրենի
8. Արեշտյան Շարլոտի Ռուբենի
9. Արմաշյան Անտիտ Արթուրի
10. Թորոզյան Լանա Չորոզի

ՀԱՐՑ 3

Հայաստանում գոյություն ունեցող հարկային համակարգը «Շամիրամ» կանանց միավորումը չի քաղաքարում:

Միավորումը հանդես է գալիս հարկային բեռի թեթեւացման, հարկային դաշտի ընդլայնման օգտին: Անհրաժեշտ է ավելի ճկունորեն կիրառել պողոտայի հարկերի համակարգը՝ գերազանց ստացողներից գանձվող հարկերն ուղղելով սոցիալական ոլորտ: Հարկային քաղաքականությունը պետք է ուղղված լինի անհատական եւ կոլեկտիվ նախաձեռնության խթանմանը՝ բարենպաստ պայմաններ ստեղծելով ՀՀ քաղաքացիների տնտեսական գործունեության համար:

ՀԱՐՑ 4

Իրավապահ մարմինների եւ հատուկ ծառայությունների գործունեությունը ցանկացած իրավական պետության մեջ հստակորեն ձեւակերպված է օրենսդրություն եւ ենթակա է վերահսկողության: Այդ պատճառով հիմքը դրվել է անկախ պետականության կերտման անցած տարիների ընթացքում: Բարեփոխումներն այս ասպարեզում պետք է ելնեն այն պարզ գիտակցումից, որ հանրապետության ազգային անվտանգությունը, քաղաքացու անձի անվտանգության եւ իրավունքների երաշխավորումը իրավապահ մարմինների գլխավոր խնդիրն է: Տեղական ինքնակառավարման օրենքի շրջանակներում պարտադիր է մունիցիպալ ոստիկանության իրավասությունների եւ խնդիրների, ինչպես նաեւ Նյուրատնտեսա-

Իրավապահ մարմինների գործունեությունը ցանկացած իրավական պետության մեջ հստակորեն ձեւակերպված է օրենսդրությամբ: Այդ պատճառով հիմքը դրվել է անկախ պետականության կերտման անցած տարիների ընթացքում: Բարեփոխումներն այս ասպարեզում պետք է ելնեն այն պարզ գիտակցումից, որ հանրապետության ազգային անվտանգությունը, քաղաքացու անձի անվտանգության եւ իրավունքների երաշխավորումը իրավապահ մարմինների գլխավոր խնդիրն է: Տեղական ինքնակառավարման օրենքի շրջանակներում պարտադիր է մունիցիպալ ոստիկանության իրավասությունների եւ խնդիրների, ինչպես նաեւ Նյուրատնտեսա-

Իրավապահ մարմինների գործունեությունը ցանկացած իրավական պետության մեջ հստակորեն ձեւակերպված է օրենսդրությամբ: Այդ պատճառով հիմքը դրվել է անկախ պետականության կերտման անցած տարիների ընթացքում: Բարեփոխումներն այս ասպարեզում պետք է ելնեն այն պարզ գիտակցումից, որ հանրապետության ազգային անվտանգությունը, քաղաքացու անձի անվտանգության եւ իրավունքների երաշխավորումը իրավապահ մարմինների գլխավոր խնդիրն է: Տեղական ինքնակառավարման օրենքի շրջանակներում պարտադիր է մունիցիպալ ոստիկանության իրավասությունների եւ խնդիրների, ինչպես նաեւ Նյուրատնտեսա-



Արդեն մեկ ամիս է ինչ «Ընդհանրական համակարգերի միջազգային հասարակարքային» (IFES) փորձագետները գրեմում են Հայաստանում: Մեր բորթակից Չայանե Մարտյանի հարցերին է պատասխանում հասարակարքային խորհրդաբան Լինդա Էջվորթը:

Տեղեկանք - IFES-ը իր հիմնադրման օրվանից՝ 1987 թ.-ից, տեխնիկական օգնություն է ցուցաբերել աշխարհի 90 երկրների ընդհանրական համակարգերին: Նախկին խորհրդային տարածքում մշտական գրասենյակներ ունի Մոսկվայում, Կիևում, Ալմա-Աթայում և Քիշինյովում:



Լուս:

«ՆՏ»- Ի՞նչ առաքելություն ունի Ձեր կազմակերպությունը Հայաստանում:

Լ.Է.- Մենք այսօրեզ գրեմում ենք ոչ միայն որպես ղեկավարներ, այլև որպես փորձագետներ: Մենք աջակցում ենք Հայաստանում անցկացվող առաջին ընդհանրական տեխնիկական օգնություններում: Իհրդմայնպես ակզրուները պահպանում ենք IFES-ի փորձագետներն աշխարհում ԿԸՀ-ի հետ, նպատակ ունեն ուսումնասիրել ընդհանրապարտարային և տեխնոլոգիաների հանցնածո ղովների աշխարհային և հայտնաբերել հնարավոր հակասությունները, քերտություններն ու քաջողունները ԿԸՀ-ի ուղղորդությունը հրավիրել օրենքում տեղ գրած սահմանադրականությունների վրա ինչպես նաև առաջարկել որոշ խնդիրներ լուծման տարրերակներ: Այս ամենի մասին հաշվետվություն կներկայացվի հասարակարքային վաշինգտոնյան կենտրոնակայան:

«ՆՏ»- Որքանով էք հասցրել ծանօրանակ Հայաստանում տիրող նախընտրական իրավիճակին:

Լ.Է.- Հանդիպումներ ենք ունեցել որոշ նախարարների, պաշտոնարար անցանց, ինչպես նաև տարրեր տեխնոլոգիային աշխարհողների հետ: Մրտիր ենք նաև հանդիպել տարրեր կուսակցությունների, ներկացացուցիչների հետ, քանի որ մինչ այժմ այդպիսի ծանոթություններ եղել են ընդհանրապարտարային և տեխնոլոգիաների հանցնածո ղովների մակարդակներում միայն: Այժմ ԿԸՀ-ի հետ միասին պատրաստում ենք հարյուր չեռնարկ, տեխնոլոգիաների հանցնածո ղովների անդամների համար: Նուսնարկ ուղեցուց-չեռնարկ է պատրաստվում նաև արտասահմանյան ղեկավարների համար:

«ՆՏ»- Դուք մասնակցել էք ԱՊՀ մի քանի երկրների Ուկրաինայի, Բելառուսի և Միջնասիական հանրապետությունների խորհրդարանական ընդհանրություններին: Ի՞նչ տարբերություն եք տեսնում Հայաստանի և այդ երկրների ընդհանրական օրենքներում:

Լ.Է.- Այդ երկրներում ես պարզեցի քի որքան տարբեր է զարգանում ժողովրդավարությունը ընդհանրական քնազայնում: Ի տարբերություն ԱՊՀ որոշ երկրների, որոնց օրենքներն ավելի շատ էին հիշեցնում նախկին խորհրդային ընդհանրական օրենքը Հայաստանի ընդհանրական օրենքում ես նուսն որոշակի քարելակումներ: Օրինակ Տաջիկստանում տարրեր մակարդակի հանցնածո ղովներում համամասնական համակարգում մասնակցող կուսակցությունների անդամներն իրավունք չունեն մասնակցել հանցնածո ղովների աշխարհային: Կամ, օրինակ մի քանի երկրներում խորհրդարանական քեկնածուներն առավելագուստ առաջարկում են աշխարհակրական կոլեկտիվներին, քայց ոչ տարրեր կուսակցությունների կողմից:

**ԼՂԸՊԱ ԷՋՎՈՐԹ**

**«ՀԱՅԱՍՏԱՆԻ ԿԱՌԱՎԱՐՈՒԹՅՈՒՆ ԵՎ ԿՈՒՍԱԿՑՈՒԹՅՈՒՆՆԵՐԸ ՊԵՏՔ ԷՍԵԱԿԵՆ ՆՈՐ ԱՍՏՕՆԵԼԱԿԵՐՈՒ ԱՐԺԱՆԻ ՄՐՅԱԿՈՒՆԵՐ ԱՆՔԵԼՈՒ ՀԱՄԱՐ»**

միջ: Հայաստանը տարրերում է ԱՊՀ միս երկրներից և, այդ առումով՝ քայլահանդիս առաջ է անցել նրանցից: Իհարկին, ղրակաի հետ մեկտեղ, չեզ մտր կան նաև քացասական առանցնահարկություններ:

«ՆՏ»- Ի՞նչ քերտություններ եք տեսնում ՀՀ Ընդհանրությունների մասին օրենքում:

Լ.Է.- Օրենքը հերմեն շրջանցում է որոշ հարցեր: Ծաղ հարցեր անհրաչ են և ԿԸՀ-ի կողմից քացարքությունների ու պարզարանումների կարիք ունեն: Այսպես, օրինակ օրենքում գրված է որ քեկնածուների օգրին հավաքած ստորագրությունները պետք է առազվեկ, քայց չկա արտադրությունների խկական կամ կեզծ լինելը որոշելու մեխանիզմ: Թերես ոչ է հանցնածո ղովների և չքրանցված կուսակցությունների ու քեկնածուների միջու ծագած վիսարանությունների պատմաուր:

Միս մի քանի օրինակներ են: Օրենքի մեջ գրված է որ պետք է հազվել «կրմ», «ղն» կամ «անվավեր» քեկնածուների քայց չկան: հազվելու չեերի վերաբերյալ ներկուղական ցուցումներ: Դս նրանակում է որ այդ գործընթացը տարրեր տեխնոլոգիաներում կկատարվի տարրեր չեերով: Մի քան է օրենք գրել այլ քան այն կերտուրը:

Հուլիսի 5-ին անց է կացվելու Ազգային ժողովի պատրզամայորության քեկնածուների ընդհանրությունը և ՀՀ Մսնմանաղության հանրաքվին: Ընդհանրությունը պետք է առաջնորդվեն քե՝ Մսնմանաղության և քե՝ ընդհանրությունների մասին օրենքներով: Մակայն այդ երկուսի միջու կան որոշ հակասություններ: Օրինակ: ընդհանրությունների մասնակցելու համար ընդհանրի 18 տարին միկելու ընդհանրության օրը պետք է քրացած լինի, իսկ հանրաքվին կարող են մասնակցել այն անչինք, որոնց 18-ը տրանում է նույն ընդհանրությունների օրը: Բացի այդ, համաչայն օրենքի, հիվանդ ընդհանր կարող է մասնակցել հանրաքվին՝ մնալով տանը իսկ ընդհանրությունների ղեպրում պետք է անչամր ներկայանա ընդհանրական տեխնոլոգիան: Փատորդեն այդ ամենի հիմնական պատմաուր օրենքի ղրտյթեերի իրազորման ժամանակ ամեն քայլափոխում

առաջացող հակասություններն են:

«ՆՏ»- Ծեք գրեմում որ այդ հակասությունները վատ կանդրադառնան ժողովրդավարական ընդհանրությունների արյունների վրա:

Լ.Է.- Ծեք կարծում որ դս էսպես կազդի ժողովրդավարության ընթացքի վրա: Ծեք հանրապետությունն առաջին անգամ է անցնում ժողովրդավարության ուղիով, որի ծամանակ անպայման կուսարանան խառնաչիտությունների շիտքունքներ և այլն: Դս միանգամայն քնական երեուրք է: Օրենքը վերջերս է լույս տեսել և մարդիկ ըիջ ժամանակ են ունեցել այն ուսումնասիրելու համար: Բուր երկրներում էլ առաջացել են այն նույն խնդիրները, որոնք այսօր առկա են Հայաստանում: Այսպես չկա մի ընդհանրական համակարգ, որը չունենա վրիպումներ և քերտություններ: Օրինակ Միացյալ Նահանգները, որոնք արդեն 200 տարի է ծա

ղովրդավարության գործընթացի մեջ են, ղեռես չունեն կարգապար ընդհանրական համակարգ: Մեծ Բրիտանիան ավելի մեծ փորք ունի այդ առումով, քայց այնտեղ ես միկել այժմ կան Կրման ու կարարիազորման կարիք ու նեցող հարցեր: Ժողովրդավարությունը պետք է ղեկել որպես զարգացող գործընթաց: Հույս ունեն, որ այս ընդհանրությունների քուր մասնակցները այս առաջին փորքի հիման վրա կհանգնեն նարակացությունների, որոնք քույլ կկան իրենց ավելի լավ հասկանալ այդ գործընթացը: Թե՛ կուսավարությունը քե՛ ժողովրդավարական մարմինները և քե՛ տարրեր կուսակցությունները պետք է մշակեն նոր մրածեղակերպ, որպեսզի աշխարհն միասին ու լինեն արժանի մրցակիցներ:

**ՆՅՅԱՆ**

**ՍՏՅԱՆ**

ԳՐԱՆՑԱՆ № 278

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Գայանե Առաքելյան

Տիգրան Հարությունյան

Հարությունյան Խոսեպարյան

Արմեն Անիրխանյան

**ԾԵՎԱԿՈՐՈՒՄԸ**

Արարտ Բոյախյանի

Բուր Արարտիցը ՆՅՅԱՆ ՏԱՊԸՆ գործակալությանն են

# ԽՈՐՀՈՒՐԴՆԵՐ ԸՆՏՐՈՂՆԵՐԻՆ

## ՄԻՆՉԵՎ ԸՆՏՐՈՒԹՅՈՒՆՆԵՐԻ ՕՐԸ

1. Մինչև ընտրությունների օրը այցելեք Ձեր ընտրական տեղամասը:
2. Ստուգեք, քե արդյո՞ք կա Ձեր անունը ընտրական տեղամասի ցուցակներում:
3. Եթե Ձեր անունը ցուցակներում չկա, ապա դիմեք Ձեր ընտրական տեղամասի հանձնաժողովին, որպեսզի Ձեր անունն ավելացնեն ցուցակների մեջ:
4. Տեղեկացրեք ընտրական հանձնաժողովին, եթե ընտրացուցակների մեջ նշված են ընտրողների անուններ, որոնք:
  - ա. մահացել կամ արտագաղթել են.

- բ. ծնվել են 1977թ. հուլիսի 5-ից հետո.
- գ. Հայաստանի քաղաքացի են դարձել միայն 1994թ. հունվարի 5-ից հետո.
- դ. ընտրատարածքի բնակիչ են դարձել 1995թ. հունվարի 5-ից հետո:
5. Կարծացեք Սահմանադրությունը, որի օրինակները կան յուրաքանչյուր ընտրական տեղամասում: Ուսումնասիրեք տեղեկությունները թեկնածուների եւ հասարակական-քաղաքական կազմակերպությունների մասին: Զննարկեք այդ ամենը թեկնածուների, Ձեր ընկերների եւ ընտանիքի անդամների հետ: Այս Ձեզ կօգնի կայացնել ձիշտ ընտրություն:

## ԸՆՏՐՈՒԹՅՈՒՆՆԵՐԻ ՕՐԸ



1. Այցելեք Ձեր ընտրական տեղամաս ժամը 8.00-20.00 ընկած ժամանակահատվածում:  
 2. Յուրաքանչյուր ընտրող գրանցվում է ընտրողների ցուցակում, իր անվան դիմաց ստորագրելով, անձնագիր կամ ինքնությունը հաստատող այլ փաստաթուղթ ներկայացնելու դեպքում:



3. Գրանցման համար պատասխանատու հանձնաժողովի անդամը ստորագրում է ընտրողին է հանձնում քվեարկության իրավունքի վկայականը, որի վրա ընտրողը նույնպես ստորագրում է:



4. Քվեարկության համար պատասխանատու հանձնաժողովի անդամը գրանցված ընտրողի քվեարկության իրավունքի վկայականում ստորագրելով եւ վկայականի թերթիկից կտրելով համապատասխան կտրուկը, գցում է կնքված կտրուկների համապատասխան արկղը:  
 5. Քվեարկության համար պատասխանատու պաշտոնյան ընտրողին է հանձնում երեք տարբեր գույների քվեթերթիկներ:



Մեկից ավելի անուն թողնել չի կարելի:  
 Համամասնական ընտրական համակարգով ընտրությունների քվեաթերթիկ: Ընտրողը ջնջում է բոլոր թեկնածուների անունները, բացի այն թեկնածուից, որին կողմ է:

6. Գնացեք գաղտնի քվեարկության խցիկ կամ սենյակ եւ քվեաթերթիկները լրացրեք հետևյալ կերպ:  
 Հանրաքվեի թերթիկ: Ընտրողը ջնջում է կամ «ՈՉ»-ը, ինչը նշանակում է, որ նա համաձայն է Ասիմաստրության ընդունմանը, կամ «ԱՅՈ՛՛՛»-ն, ինչը նշանակում է, որ նա համաձայն է Սահմանադրության ընդունմանը:  
 Մեծամասնական ընտրական համակարգով ընտրությունների քվեաթերթիկ: Ընտրողը ջնջում է բոլոր թեկնածուների անունները, բացի այն թեկնածուից, որին կողմ է:



7. Լրացված քվեաթերթիկները ընտրողը փակ վիճակում գցում է քվեատասի մեջ անձամբ:

Այս էջի նյութերը մեզ է տրամադրել ԱՄՆ-ի Արմաթին գործերի Ազգային Ժողովրդավարության ինստիտուտը (NDI):

APPENDIX 15

Regulations Concerning the Status of Foreign Observers during the  
Elections to the National Assembly of RA in 1995

Passed by the  
Central Electoral Commission  
on the Elections of Deputies to  
the National Assembly of the  
Republic of Armenia

## REGULATIONS Concerning the Status of Foreign Observers during the Elections to the National Assembly of RA in 1995

### 1. Procedure of Accrediting of Foreign Observers

- 1.1. Accreditation of foreign observers is carried out by the Central Electoral Commission from June 1 1995 to July 1 1995.
- 1.2. The Central Electoral Commission will decide at its sitting whether to accredit a foreign observer or not: proposals for accreditation are submitted to the Central Electoral Commission by international, national governmental and non-governmental organisations as well as by private individuals having recognised authority in defending human rights.
- 1.3. The Central Electoral Commission will distribute among foreign observers certificates in an established format in Armenian.
- 1.4. The duration of the powers of foreign observers is set by the Central Electoral Commission, and is noted in the observers' certificates.

### 2. Rights of Foreign Observers

The foreign observer has a right:

- 2.1 To be present at the polling stations during voting, to take photographs, to use motion-picture and video cameras (informing the chairman of the electoral commission about the fact and without using overly-bright blinding additional lighting).
- 2.2. To be present at the sittings of electoral commissions.
- 2.3. To familiarise themselves with the lists of voters, samples of ballot-papers, with pre-electoral and financial documents (concerning the electoral campaign) of political organisations, their associations, candidate deputies, to photocopy all these documents at their own expense.
- 2.4. To provide the electoral commissions with their suggestions, to express their opinion about the election process and its results.
- 2.5. To be present at the meetings of political organisations, their associations and candidate deputies with the voters.
- 2.6. To hold press conferences, to appear in the mass media, provided they do not violate the laws in force of the Republic of Armenia.
- 2.7. In order to observe the course of the election campaign to establish temporary working groups, provided it is agreed with the Central Electoral Commission.

### 3. Guarantees of Activities of Foreign Observers

- 3.1. During the whole period of their staying in the Republic of Armenia foreign observers shall be under the state guardianship (protection).
- 3.2. Material and financial expenses related to the activities of foreign observers are covered by the organisations sending the observers or by themselves.
- 3.3. The Ministry of Foreign Affairs of RA and the relevant electoral commissions provide necessary assistance to the observers while they are performing their duties, as described in Article 2 of these Regulations.

3.4. According to the present Regulations the foreign observers carry out their observations autonomously and independently.

3.5. Foreign observers cannot be called to account for expressing their opinion and for assessing the process of electoral campaign and summarising the results.

#### 4. Responsibilities of Foreign Observers.

4.1. The foreign observer does not have a right to use his status in activities not related to the election campaign.

4.2. The Central Electoral Commission has a right to nullify the powers of a foreign observer taking away his certificate in case he violates the laws of the Republic of Armenia, generally recognised standards of International Law or these Regulations.



APPENDIX 16

General Overview and Election Observation Guidelines for International  
Observers  
(Republic of Armenia)

REPUBLIC OF ARMENIA

GENERAL OVERVIEW  
AND  
ELECTION OBSERVATION GUIDELINES  
FOR INTERNATIONAL OBSERVERS

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5 July 1995  
Election of Deputies to the National Assembly  
and  
Referendum Election on the Adoption of the Constitution



Compliments of the International Foundation for Electoral Systems  
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## USE OF THIS GUIDE

This guide has been prepared to provide you general information about the election process in Armenia. It also provides a brief description of some of the procedures which will be followed by officials on election day. Finally, it offers you some general suggestions about the kinds of questions or points of examination you may wish to pursue as you conduct your observations.

### I. GENERAL STANDARDS FOR OBSERVER ACTIVITIES

The presence of observers serves multiple purposes:

To 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.

The objective of neutral observation is to monitor election activities and to identify irregular practices that jeopardize or hinder the fair and orderly conduct of the elections. This is particularly important if such irregularities appear to be deliberate, pervasive or part of an organized scheme.

Adherence to a few general standards will ensure that monitoring efforts are meaningful.

1. Be vigilant and take detailed notes regarding positive aspects of the process as well as notes describing questionable or irregular voting or counting practices. Include information as to the place and time as well as identifying witness, if possible.
2. Recognize that some mistakes may be made by election officials because of inexperience or unfamiliarity with the new law, rather than because of any deliberate intention to compromise the integrity of the process. Do not treat every mistake or variation in established procedure as deliberate cheating. When these kinds of mistakes come to the attention of the Chairmen, they are usually prepared to correct the problem immediately.
3. Observers should never disrupt or interfere with the voting, counting or other phases of the election process. Ask questions, express concerns, render objective opinions when asked, but do not instruct, give orders or attempt to countermand decisions of the election officials. Comments should generally be addressed to the election commission chairman.

4. If serious problems are encountered at a particular polling site, bring those situations to the attention of the local superior Election Committee. OSCE/UN Coordinators have provided you a list of contact persons of the District Election Committees. You can also contact the Regional Offices of the OSCE/UN Unit in Yerevan. (See separate list of telephone numbers.)

Consider returning to the polling site later in the day if serious concerns about irregularities justify another look or increased observer presence.

5. On election day, you should refrain from contacts with the mass media. If approached by journalists, you should limit your remarks to information about the purpose and activities of the observation mission and to what you really do while in the field. Refrain from providing opinions to news media as to the general fairness or honesty of the election based on your individual experience. Observers will have an opportunity immediately after the election to share information and report their cumulative conclusions.

## II. GENERAL OVERVIEW OF THIS ELECTION

Elections will be held throughout the Republic on July 5, 1995 for the purpose of election Deputies to the National Assembly, and for the purposes of voting on a referendum in which the voters will decide whether or not the Constitution of the Republic of Armenia will be adopted.

1. There will be three ballots on which voters will cast their votes:

Referendum Ballot Regarding Adoption or Rejection of the Constitution

Candidate Ballot on the Majoritarian System

Political Public Organization or Bloc Ballot on the Proportional System

2. Two laws will be governing the conduct of these elections:

The Law on the Election of Deputies to the National Assembly newly adopted April 4, 1995

The Law on Conduct of Referendum, adopted in 1991, as amended in May 1995.

Procedures for the Referendum Election vary slightly from those governing the candidate and proportional elections. Those differences are noted throughout this guide.

System of Representation

Majoritarian System: For this election the Republic of Armenia has been divided into 150 single mandate election districts. From each election district one Deputy will be elected to the National Assembly. For a candidate to be

	<p>elected in his/her district, the candidate must receive a majority of the votes cast in the district as long as the total votes received is at least 25% of the total votes cast. If no candidate receives a sufficient number of votes, a second round of elections will be held based on a decision of the Central Election Committee. (Article 37)</p> <p><u>Proportional System:</u> In addition to the election of a single candidate from each district, 40 additional candidates will be elected based on a system of proportional representation. In this part of the election, the Republic as a whole is one large multi-mandate district. On this ballot voters will not vote for specific candidates. Rather, voters will vote for the political public organization or bloc which they prefer. Each political public organization or bloc identified on the ballot has presented a list of candidates whom they have selected to fill any seats their organization may ultimately win in this part of the election. Only three candidates from their full lists are identified on the ballot.</p> <p>The number of seats in the National Assembly won by each political public organization or bloc is determined based on the percentage of the total votes they receive based on votes cast on the Proportional System Ballot. They are eligible to win seats as long as their organization or bloc receives at least 5 % of these votes. Their share of the 40 seats will be calculated by the Central Election Committee based on a mathematical formula defined in the law. (Article 39)</p>
<p>Referendum on the Constitution</p>	<p>The draft Constitution put up for Referendum is considered accepted by a simple majority as long as the votes in favor equal at least 1/3 of the number of voters on the voter list. (Draft Constitution of the Republic of Armenia, Chapter 8, Article 113)</p>
<p>Administration</p>	<p>Elections are administered by a hierarchy of appointed electoral committees supported by an administrative staff at the Central Election Committee, and by local executive authorities at the district levels. (Article 5)</p> <p>At the top of the hierarchy is the Central Election Committee (CEC) made up of at least 7 members. Candidates for membership on the CEC are proposed by Deputies of the Supreme Council. Members are then registered by the Chairman and Secretary of the Supreme Council or their replacements. If registration is not accomplished by the deadline established in the law, the President registers the members from among those originally nominated by the Deputies. The Chairman of the CEC is confirmed by the Supreme Council based on a nomination by the President chosen from among the registered members. If the Supreme Council fails to confirm the President's nominee, the Chairman is selected by the Supreme Council during a special session. Upon their failure to</p>

	<p>select the Chairman, he is unilaterally selected by the President. (Article 8 and 9)</p> <p>The CEC is responsible for oversight of the process throughout the Republic and establishing general policies under which elections will be administered. They also directly register and supervise ballot preparation for the political public organizations participating in the Proportional System Election. (Article 13)</p> <p><u>District Election Committees</u> (DEC) are formed for each of the 150 electoral districts and are comprised of at least 7 members. Many DEC's have as many as 26 members. Members may be nominated by public political organizations who have applied to participate in the elections by the proportional system. Their appointment is determined by the CEC. Chairmen of DEC's are elected from within their own membership. However, if they fail to elect their chairman, the CEC appoints the chairman. If the CEC fails to make a selection, the CEC Chairman appoints the district Chairman.</p> <p>The DEC administers elections at the constituency level, registering majoritarian ballot candidates and organizing equal campaign activities, establishing polling sites and supervising poll workers. (Articles 8, 10 and 14)</p> <p><u>Precinct Election Committees</u> (PEC) are the poll workers who serve at the precincts. There are approximately 10 Precinct Committees in each election district. Each precinct may serve 100 to 3,000 voters. The PEC's are responsible for processing of voters on election day and counting and tabulating the votes at the close of the polls. Nominations for membership may be submitted to the PEC's by the political public organizations participating in the proportional system election. The selection of PEC chairmen follow a similar process as for chairmen of higher level committees with a final decision being made by the Chairman of the DEC if the Precinct committee fails to make its own choice. (Articles 8, 11 and 15)</p> <p>A special CEC regulation allows precincts to be established in military installations and medical institutions.</p> <p>Once appointed to a Precinct Election Committee, members nominated by a political public organization lose their membership if their organization subsequently fails to be registered to participate in the election.</p>
<p>Who May Participate in the Elections</p>	<p>To vote in these elections, a voter must have reached the age of 18 <u>prior</u> to election day. Although they may not vote in the Majoritarian or Proportional elections, a voter whose 18th birthday is <u>on</u> election day, may vote in the Referendum. In addition, a voter must have resided in the Republic of Armenia for at least one year prior to the day of the elections. (Article 3, Law on Election of Deputies to National Assembly, and Article 3, Law on Conduct of Referendum)</p>

	<p>The following persons are NOT entitled to vote in these elections.</p> <p>Persons declared incompetent by a court of law.</p> <p>Persons in confinement by a legal court verdict.</p> <p>Persons wanted in a criminal investigation.</p> <p>Persons detained under criminal charges who have been denied registration by a decision of the Central Election Committee.</p> <p>To be elected a voter must have:</p> <p>Reached the age of 25.</p> <p>Permanently resided in the Republic or Armenia for at least three years prior to the day of the election. (Article 3)</p> <p>Special provisions of law allow a detained person to be a candidate when certain conditions are met.</p>
<p>Registration of Political-Public Organizations</p>	<p>Political Public Organizations (Parties) are registered under similar laws associated with the registration of other public organizations such as cultural clubs, youth groups, etc. They apply for registration with the Ministry of Justice by whom their activities and organization are also monitored for continuing compliance with the law. Political Public Organizations operate under their Charter which must be submitted at the time of application for registration. An organization found to be committing violations or operating outside the scope of their charter can be suspended for up to six months. Subsequent offenses can result in more severe penalties.</p> <p>A registered public political organization does not automatically qualify to participate in the proportional system of election. To participate as a party or as a bloc or coalition of parties, the political public organization must apply by means of a petition under the rules established for the nomination of candidates.</p>
<p>Nomination of Candidates</p>	<p>Any candidate seeking election as a Deputy to the National Assembly is entitled to run in one District in the Majoritarian System and also on party list in the Proportional System. Should the candidate prevail in both races, he accepts the district seat and his mandate is passed to the next candidate listed on the Party List. In the event the candidate must advance to a second round of elections in the Majoritarian race, the issue of his election in the Proportional System is resolved after the second round has taken place.</p>



	<p><u>Majoritarian System:</u> Candidates seeking election in an election district are nominated by petition signed by eligible voters. The nomination rules are the same for independent candidates and candidates affiliated with registered political public organizations. The petitions circulated by representatives of the candidates must contain the signatures of 500 to 700 voters within the election district in which the candidate seeks office. Petitions are inspected by the District Election Committee. If the inspection reveals that the number of invalid or falsified signatures exceeds 50, the petition is rejected even if the remaining signatures equal the lower limit of 500. Candidates must also submit an acknowledgement of their willingness to be a candidate, documents certifying his residency, and a deposit determined by a Regulation of the CEC. The deposit is refunded if the candidate earns at least 5% of the votes.</p> <p><u>Proportional System:</u> Political Public Organizations or Blocs nominate their lists of candidates. The list is supported by submission of a petition containing the signatures of at least 10,000 valid voter signatures. The petition and the list of candidates is submitted to the Central Election Commission who inspects the documents and registers the candidates. Even if the threshold is met, a petition containing more than 300 invalid or falsified signatures is rejected. The required documents and deposit must be paid for each candidate on the list. There are no limits established in the law as to how many candidates may appear on a list. For this election individual Proportional Lists include very few to as many as 222 candidates. Altogether, 570 candidates have been presented on the Party Lists. Proportional seats won are distributed among the candidates on the list in descending order based on their sequential position on the list.</p> <p><u>Nomination of Detained Persons:</u> Rules for nominating a person who is detained pending resolution of their cases by court decision are almost the same. However, in these cases the Central Election Committee takes a decision as to his registration only after receiving a written conclusion of the Prosecutor's Office regarding the substantiated nature of the person's case which has been requested by the candidate. To allow time for this requirement, detained candidates submit their nomination documents 10 days in advance of the normal nomination deadline. (Articles 20 and 21)</p>
<p>Preparation of the Voters Lists</p>	<p>Registration of voters is accomplished by designated offices of the local authorities, primarily those offices responsible for maintaining residency records. Lists are provided to the District Committees who distribute them to the Precinct officials 15 days before the election (June 20, 1995.) It is not clear whether precinct officials accomplished a door to door canvas to verify the lists. The lists are also available for public scrutiny and precinct officials are authorized to make adjustments as necessary. (Article 18-19, Law on Election of Deputies, Article 17, Law on Referendum)</p>

<p>Special Voter Services</p>	<p>Under the Law on Conduct of Referendum, voters who are ill or otherwise incapacitated may have REFERENDUM BALLOTS brought to them at home so that they can vote in this election. Polling sites are equipped with small, mobile ballot boxes which are used for his purpose. A supplemental voter list is maintained of the voters who vote at home.</p> <p><u>This service IS NOT available to voters for voting in the Majoritarian or Proportional Election.</u></p> <p>A voter who determines that he will be away on election day may vote in the REFERENDUM ELECTION at his precinct up to 15 days before election day. A ballot voted in advance is kept by officials in a sealed envelop which is deposited into the regular ballot box prior to the beginning of regular voting on election day.</p> <p><u>This service is NOT available to voters for voting in the Majoritarian or Proportional Election.</u></p> <p>On election day a voter who is unable to vote without assistance is entitled to select another person to enter the secrecy booth with him to help him cast his ballot. The voter can choose anyone except members of the Precinct Election Committee or a proxy of a candidate or political public organization.</p>
<p>III. OPENING THE POLLS</p>	
<p>Polling Hours</p>	<p>Regular polling hours are from 08:00 to 20:00. However, under special circumstances the Central Election Committee can initiate changes in the hours and locations and the precincts. PEC members are encouraged to be at the polling site at least 1 hour before the polls officially open for voting. (Article 29, Law on Election of Deputies, Supplement and Amendments to Law on Referendum)</p>
<p>Opening the Polls</p>	<p>Before the polls open for voting a number of tasks are to be completed. Foreign observers as well as representatives of public organizations (local NGO's,) the media, candidates, and political public organizations are entitled to be present to watch pre-poll procedures. The committee takes a decision regarding which members will be assigned to confirm the authenticity of the ballots with their signature. If a member of the committee insists that he want to sign the ballots, he is granted that opportunity, without a vote of the committee.</p> <p>The Chairman of the Committee opens the ballot box and displays that it is empty to the members of the committee and other persons entitled to be present. The Ballot Box is sealed with sealing wax. The same procedure should be followed for the mobile ballot box and a special box which will be used to contain the coupons from the Certificates of the Right to Vote issued to each voter who participates in the election. (Articles 7, 24 and 30, Law on Election of Deputies. Article 16, Law on Referendum)</p>

The Chairman should display the number of ballots voted in advance and deposit them into the ballot box inside their sealed envelopes.

It is not clear whether the members will physically count the ballots received in front of the observers before opening the polls. Nor is it certain they will announce the number received or the number of voters on the voter list.

#### SUGGESTIONS FOR OBSERVERS:

1. Begin your observations even before you arrive at the polling site. Survey the neighborhood for evidence of campaigning or suspicious activity nearby. Take note of any vehicles seemingly transporting an unusual number of voters to the polling site or seeming to come from one particular place.
2. Note the location, accessibility and sufficiency of the polling site. Observe indications of disorganization such as unusually long lines of people milling around. Also note the presence of police or other security officials.
3. Campaigning is prohibited on election day. (Article 25) However, it is possible that biographical posters and other material may be posted. If so, check to see if each candidate and party is equally represented and take note of materials related to the Referendum which might be posted.
4. Upon arrival, identify yourself, show your credentials and ask to speak with the Chairman of the Committee. With the least possible disruption, try to talk with other members of the committee as well as with other observers or representatives of the candidates or political public organizations who may be present. Look for peculiar signs of tension or dissention.
5. Confirm that all persons working as election officials and issuing ballots are duly appointed members. Notice whether groups of people appear to be lingering with no apparent purpose or authority.
6. Ask which candidate's representatives are present or if there are observers representing public political organizations. Note which candidates or organizations are not represented.
7. Ask which political public organizations appearing on the ballot are represented on the committee itself. Note which are not.
8. Take notice of the layout and organization of the polling site, including division of duties among committee members, placement of work stations, secrecy booths, and the ballot box.

Does the layout promote reasonable flow of traffic, efficiency and security?

Does the layout and placement of voting booths safeguard secrecy of the vote?

Is the ballot box in plain view of the committee and observers?

Does the layout promote transparency and allow observers to view the process easily?

#### IV. THE BALLOTS

Number of Ballots	Each polling station will receive a number of ballots of each of the 3 types equal to the number of voters whose names appear on the voter list.
Form of Ballots	<p><u>Majoritarian Ballot:</u> Candidates are listed in alphabetical order and information their party membership, if any, employment and job description are also listed.</p> <p><u>Proportional Ballot:</u> The law does not indicate the order in which the political public organizations will be listed. In addition to the name of the organization or abridged name if the entity is a bloc, the ballot lists the first and last names of the first three candidates on the organization's list. (Article 26, Law on Election of Deputies)</p> <p><u>Referendum Ballot:</u> The text of the question is posed on the ballot and voters are given the option of voting "YES" or "NO." (Article 29, Law on Referendum)</p>
Method of Marking a Ballot	<p><u>Majoritarian Ballot:</u> The voter marks the Majoritarian Ballot by crossing out the names of the candidates he rejects leaving his choice exposed. If there is only one candidate on the ballot the voter has the choice to "AGREE" or to "DISAGREE" with acceptance of the candidate. The voter marks out the response he rejects leaving his favored response exposed.</p> <p><u>Proportional Ballot:</u> The voter marks the Proportional Ballot by crossing out the names of all political public organizations or blocs he rejects leaving his preferred choice exposed. (Article 31, Law on Election of Deputies)</p> <p><u>Referendum Ballot:</u> The ballot offers the choice to "YES" or to "NO" with regard to the adoption of the Constitution. The voter marks out the response he rejects leaving his favored response exposed. (Article 30, Law on Referendum)</p>
Security	Ballots for the Referendum are available 15 days in advance of the elections. Majoritarian and Proportional Ballots are received at the precinct immediately prior to, or on the morning of election day. Ballots are to be stored in a secured and locked location. Ballots are not sequentially numbered and do not have a stub or counterfoil. However, to validate its authenticity as an official ballot, each ballot is to be signed by pre-determined members of the commission and stamped with the official precinct seal. It is not clear whether the signatures and the stamp are to be affixed only to those ballots officially issued to voters, or if all ballots will be so marked. Nor is it clear as to when the signing and stamping of the ballots will take place.

Officials are required to sign a receipt for the number of ballots they receive and all ballots must be accounted for on a separate protocol for each type of ballot.

**SUGGESTIONS FOR OBSERVERS:**

1. Observe the handling and method by which ballots for each type of ballot are issued to voters. Does the official personally hand it to the voter or does the voter take it from the stack himself? Can others take ballots from the tables?
2. Note whether the ballots on the tables are kept in secure, tidy piles and neatly sorted by ballot type.
3. Inquire of the Chairman when the ballots and other voting materials were received and under what security arrangements the voting materials were kept secured.
4. Observe the process whereby each ballot is properly signed by the official(s) and stamped with the precinct seal. Ask if all ballots were all pre-signed prior to the opening of the polls, or before election day.
5. Ask if all ballots including unused ballots are signed and stamped with the official precinct seal.

**V. PROCESSING THE VOTERS**

**Registration of Voters**

Upon entering the polling station, the voter must present his or her identification documents. The ID will usually be a passport, however, temporary passport, or other document featuring the person's photo and address is acceptable. The voter's name is located on the voter list and the voter is asked to place his signature in the space provided. Without identification, the voter is not allowed to vote. (Article 31, Law on Election of Deputies, Article 30, Law on Referendum)

For each voter, officials have a pre-prepared Certificate of the Right to vote. The Certificate has two parts, one of which will be retained by the precinct. The voter is asked to sign the Certificate which is also signed by the officials. There are no provisions for this Certificate in the Law on Referendum. Therefore, the Certificate might not be used for voters voting in advance or at home, whose 18th birthdays are on election day, or voters who only wish to vote in the Referendum at the polls. (Article 31, Law on Election of Deputies)

If a voter has the proper identification and meets eligibility requirements but is not found on the list, the officials have the authority to add the person to the list. A Certificate is made out and the voter is allowed to vote.

Voters are not allowed to vote on behalf of family members. Each voter must appear in person.

<p>Issuance of the Ballot</p>	<p>The voter takes the Certificate of the Right to Vote and advances to Stage 2. Upon presentation of the Certificate, the official affixes his signature, tears off the part of the Certificate which is to be retained and deposits it into a sealed box. The voter is then handed one of each type of ballot (unless his 18th birthday is on election day and he is only eligible for the Referendum ballot,) and is directed to the secrecy booth to vote in private. (Article 31, Law on Election of Deputies)</p> <p>Each ballot must contain the signature(s) of the authorized officials, and the stamp of the precinct. (Articles, 30 and 33, Law on Election of Deputies)</p>
<p>Secrecy of Vote</p>	<p>The voter enters the secrecy booth and marks the ballot in private. Only one person may be present inside the secrecy booth at a time, unless the person is handicapped or otherwise unable to mark the ballots without assistance. Voters needing assistance may request help from anyone they choose except an election official, or the representative of a candidate or political public organization. After voting, the voter is encouraged to bring his folded or otherwise covered ballots out of the booth and to deposit them into the ballot box which is to be maintained in plain view.</p>
<p>Spoiled Ballots</p>	<p>If a voter damages or mismarks his ballot, he should be able to return the spoiled ballot to the committee and request a new ballot. However, there is no guidance in the law on how this situation is to be handled. It has been suggested that the spoiled ballot will be immediately segregated with other spoiled ballots papers, and that the voter will be given a replacement. The law calls for the number of spoiled ballots to be recorded on the protocol during the counting process.</p>
<p>Voting at Home <u>Only for Referendum</u></p>	<p>Voters who are ill, incapacitated or otherwise unable to come to the polls on election day, may request to have ballots and a portable ballot box brought to them on election day so they can vote at home. These voters are only entitled to vote in the REFERENDUM election and are precluded from participating in the candidate and proportional elections. The names of these voters can be provided by in-person voters on election day. Others may have been identified in advance, if the Precinct Election Committee accomplished a door to door canvas to verify the voter lists. At home voters should be listed on a supplemental list, and a notation should be made by their names on the regular voter list.</p> <p>At some point on election day, 2-3 members of the committee will be assigned to go to these voters' homes. At that time, they will count the number of voters to be visited, and are supposed to count out only an equal number of ballots. The ballots, the portable ballot box, supplemental voter list and the voters' Certificates of the Right to Vote Forms. Upon arrival of the voter's home, they should complete the same steps as would be required for voters at the polling site.</p>

Door to Door Solicitation	In many post-Soviet countries it used to be the practice that members of the committee would also visit the homes of any voter who had not shown up at the polls with ballots and request them to vote. However, there are no such provisions in law. No ballots should be taken from the polling site except Referendum Ballots officially used to assist authorized voters at home.
<p><b>SUGGESTIONS FOR OBSERVERS:</b></p> <ol style="list-style-type: none"> <li>1. Ask about the total number of voters appearing on regular voter list and the number of additions which have been made on election day. Also ask the number of voters on the supplemental list of voters voting at home, and how many voters voted in advance. Determine if there seem to be an unusually high number of voters on the special lists in relation to the number on the master list.</li> <li>2. Ask if the committee completed a door to door canvass to verify the accuracy of the lists they were provided. Ask to examine the various lists and note how many names have been signed in or have notations.</li> <li>3. Observe the manner in which voters are given instructions and determine if there is any evidence of undue pressure or partisanship implied on the part of election officials.</li> <li>4. Inquire if anyone has attempted to vote on behalf of family members not present and if they were allowed to do so.</li> <li>5. Ask if anyone has been turned away because their name did not appear on the list or because they did not have proper identification. Ask how such situations were handled.</li> <li>6. Note whether secrecy of voting has been adequately ensured. Can the ballot box be plainly seen by officials and all authorized observers and candidate representatives?</li> <li>7. Ask the Chairman if there have been any problems, disturbances irregularities or complaints regarding the voting. Inquire as to how such problems were resolved.</li> <li>8. If confidentiality is possible, try to ask representatives of the candidates if they have been generally satisfied with the processing of voters at the polling site and the performance of the Committee. Be aware of any unusual tension which might exist.</li> <li>9. Determine if officials have, or intend to take ballots door to door to solicit voting.</li> </ol>	
<b>VI. VOTE TABULATION</b>	
Time of Counting	Ballots are counted at the polling sites by the Precinct Election Committee immediately after the closing of the polls at 20:00. All voters who are present and have not yet voted are allowed to vote. (Article 29, Law on Election of Deputies)

	<p>Authorized representatives of the candidates and political public organizations, as well as foreign and domestic observers and the media are entitled to be present for the count.</p>
<p>Preparation</p>	<p>Before counting begins the committee prepares a separate protocol for each type of ballot. On each protocol, the committee records the number of that type of ballot originally received, and the numbers of spoiled ballots, unused ballots, total voters on the list(s), voters who actually participated and signed the list, and the number of the Certificates of the Right to Vote which remain unused. It is not clear as to whether the number of advanced ballots and voters who voted at home in the Referendum election are enumerated separately on the protocol.</p> <p>The committee is supposed to "cancel" the unused ballots in a manner which ensures they cannot be used fraudulently. The committee also makes a note in the registry that the ballot box has remained sealed throughout the voting day.</p> <p>When these steps have been completed for each protocol, the ballot box may be opened and the counting may begin. (Article 34, Law on Election of Deputies)</p>
<p>Counting the Votes</p>	<p>Voters mark their ballots by crossing out the choices they reject. On each type of ballot, the choice remaining exposed receives the vote. The process of the count begins with the sorting of the three types of ballots, each of which is printed on a different colored paper.</p> <p>The laws are silent as to the exact manner in which the ballots will be handled for the purpose of determining the results of the vote. However, previous practice seems to have called for the ballots to be sorted again with a separate pile being created for each candidate or choice appearing on the ballot. Each ballot is inspected to determine the voter's choice and the ballot is placed on the appropriate pile. When the sorting has been completed, officials count the number of ballots in each stack and ultimately record that number on the protocol next to the candidate's name or the referendum choice. In the case of the Referendum Election, the number of votes AGAINST as well as the votes FOR the measure are entered on the protocol.</p> <p>Ballots which are determined to be INVALID are not counted. Under the law, a ballot is considered INVALID if:</p> <ul style="list-style-type: none"> <li>does not conform to the approved specimen;</li> <li>does not bear the official stamp of the precinct;</li> <li>does not bear the signatures of the authorized officials;</li> </ul>



	<p>has more than one choice exposed; or,</p> <p>bears extra inscriptions.</p> <p>If there are controversies regarding any aspect of the counting process or the validity of the ballot, decisions are to be made by a vote of the committee. (Article 33, Law on Election of Deputies)</p>
Recording the Vote	<p>The committee summarizes the results on the protocols for each type of ballot. Commission members responsible for counting the votes of a particular candidate sign their names next to the recorded number of votes for that candidate. The same procedure is followed for the Proportional Ballot and the Ballots for the Referendum. In each case, the total number of INVALID ballots is also recorded. If any team member has a special opinion about the process or the results, he makes a notation across from his signature and submits his opinion in writing. A refusal of a member to sign the protocol is recorded by the committee and attached to the protocol. Protocols are each signed by all members of the committee and the protocols are stamped with the official precinct seal. The chairman is required to announce the results to the committee members and observers who are present. (Article 32, 34 and 35, Law on Election of Deputies)</p>
Transfer of Materials to the District Election Committee	<p>As soon as the counting of ballots has been completed and the protocols have been finalized, all materials are to be packaged and immediately transported to the District Election Committee where results are summarized for the District at Large. In addition to the ballots, voter lists, protocols, registry and other documents, the sealed box containing the Certificates of the Right to Vote is also transported. It is the District Election Committee who is responsible to count the number of Certificates which it contains as an additional accountability measure. There is no indication that copies of any of the protocols are maintained at the Precinct level. (Article 35, Law on Election of Deputies)</p>
<p><b>SUGGESTIONS FOR OBSERVERS:</b></p> <ol style="list-style-type: none"> <li>1. Plan to arrive at the polling site shortly before 20:00. It is likely that for security purposes access to the polling site after closure of the polls may be restricted. But, authorized observers are entitled to observe the count.</li> <li>2. Observe whether representatives of the candidates and political public organizations are present and ask if any have been restricted from observing. Make note of any "special rules" established by the committee being applied to observers or representatives, especially if they tend to hinder reasonable transparency.</li> <li>3. Check to see that counting is only being performed by committee members and that no other individuals are "assisting."</li> <li>4. Note how the unused ballots are "cancelled," defaced or destroyed after being counted.</li> </ol>	

5. Carefully observe the method and standards for identifying INVALID ballots and whether such ballots are appropriately segregated.
6. Observe whether protocols are completed in ink or in pencil.
7. Observe whether the ballots are handled, stacked, or sorted in a methodical way which provides ease of counting, and a fundamental basis of order and reasonable security.
8. Note how disputes among committee members or complaints raised by candidate or political public organization representatives are resolved.
9. Attempt to maintain a record of the results, and make note of any discrepancies that seem unusual or unreasonable. Compare the number of voted ballots accounted for and the number of voters who signed the voter lists.
10. Make note of how long it takes the committee to complete the count.
11. Ask the Chairman how ballots, voting materials, voter lists, etc. are being transported at the completion of their work, and how they will be secured in transit. Ask how many officials will accompany them and check to see if opposing forces are represented.
12. If feasible, try to accompany them to the District Election Committee and observe the manner in which District Officials carry out their duties.

Observe how materials are logged in or signed for upon delivery.

Observe how boxes containing Certificates of the Right to Vote are opened and counted.

Ask how matters are handled if discrepancies or errors are found by District Officials.

Observe whether or not District Officials make corrections or adjustments on the Precinct documents. Observe whether original figures submitted by the Precinct are obliterated or maintained as corrections or adjustments are made. Observe the manner in which the accuracy of summarized results are verified.

Ask how results will be published, by precinct or districtwide.

Note if representatives of the candidates or political public organizations are present or if any have been prevented from being present.

VII. OBSERVATIONS REGARDING REGISTRATION OF CANDIDATES

Nominating  
Petitions

District Election Committee have a great deal of responsibility over the administration of elections at the constituency level. Among their major tasks is the registration of candidates and facilitation of certain

campaign activities. They assist in arrangement of public locations of campaign events and with the cooperation of local media arrange for equal broadcast time and newspaper space for the candidates.

The registration of candidates is commonly one of the most controversial aspects of the pre-election period. The law requires that District Committees review nominating petitions and make rulings as to their validity. The law is silent as to the actual process which is to be followed in verifying the authenticity of the signatures contained in the petitions. Therefore, it is likely that DEC's have had to develop their own approaches to the task. If a DEC finds deficiencies in the nomination documents, or if the DEC determines that an excessive number of signatures are invalid, the candidate's nomination is rejected.

The Central Election Committee is responsible to fulfill this responsibility for political public organization petitions relative to the Proportional Ballot.

Candidates who have been rejected may appeal decisions to the Central Election Committee and ultimately to the court. As of 23 June, a number of candidates and political public organizations had been rejected, and appeals were still being considered. During the appeal, rejected candidates are precluded from campaigning. (Article 20, Law on Election of Deputies)

#### SUGGESTIONS TO OBSERVERS:

1. Find time to visit the District Election Committee in the constituency where you will be observing. Try to coordinate your efforts so that one team is delegated to visit the District Committee. If possible, plan to make this visit before election day.
2. Ask the District Committee about the procedures they used in reviewing documents submitted by nominated candidates. Inquire as to the manner in which they reviewed signatures and evaluated their validity.
3. If there were candidates who were rejected, ask for a description of the grounds on which the decision was made.
4. Ask how many nominations were submitted and how many were rejected. Ask about the affiliations of the candidates who were accepted and those who were rejected.
5. Ask to see samples of both registered and rejected petitions. Determine if similar markings or notations appear on the petitions of both registered and rejected candidates. Note any obvious differences in the manner in which petitions appear to have been scrutinized.

### VIII. WRAP UP AND REPORTING OBSERVATIONS

We hope that these materials will be helpful to you as you observe these important elections. But our work does not end on election day. It is important that we consolidate and formalize our findings if we are to leave something meaningful behind. We hope that you will help us in that endeavor by returning copies of your observation forms and notations to the OSCE/UN Coordinating Unit so that they can be assimilated for a comprehensive report of cumulative findings. Thank you for participating in this important mission.

APPENDIX 17

Result Summary of the Constitutional Referendum and Parliamentary  
Elections in Armenia

**RESULT SUMMARY OF THE CONSTITUTIONAL REFERENDUM  
AND PARLIAMENTARY ELECTIONS IN ARMENIA**  
(As reported by the *Joint UN/OSCE Election Monitoring Team*)

Constitutional Referendum:

Total number of eligible voters - 2,189,804  
Actual number of voters - 1,217,531 (56% voter participation)

REFERENDUM	POPULAR VOTE	% OF ELIGIBLE VOTERS	% OF ACTUAL VOTERS
YES	828,370	37%	68%
NO	349,721	16%	28%
INVALID VOTES	39,440	2%	3%

Summary of the Elections to the National Assembly:

Total number of eligible voters - 2,178,699  
Actual number of voters - 1,195,283 (54.86% voter participation)  
Total number of ballots cast - 1,183,573  
Total number of invalid ballots - 411,743

PARTY/BLOC	P.R. SEAT	MAJ. SEAT	TOTAL SEATS
" <i>Hanrapetutian</i> " Bloc	20	--	--
Armenian National Movement	--	62	88
Liberal Democratic Party	--	4	--
Christian Democratic Party	--	1	--
Republican Party of Armenia	--	1	--
Communist Party	6	4	10
<i>Shamiran</i>	8	--	8
National Democratic Union	3	2	5
Union of Self-Determination	3	--	3
Liberal Democratic Party ( <i>Ramkavar</i> )	--	1	1
Armenian Revolutionary Federation	--	1	1
Independent*	--	72	72
<b>TOTAL</b>	<b>40</b>	<b>148</b>	<b>188</b>

APPENDIX 18

Election Calender, Republic of Armenia

# REPUBLIC OF ARMENIA

## ELECTION CALENDAR

CEC - Central Election Commission  
 DEC - District Election Commissions (150)  
 PEC - Precinct Election Commissions (< >1150)

NUMBER OF DAYS PRIOR TO ELECTIONS	EVENT/ACTIVITY	ARTICLE OF LAW
180 days	Voter must live within the district to be included on the voter list	A.18
90 days	Chairman of Supreme Council submits nomination for membership to CEC to Secretary of Supreme Council	A.9
86 days	The membership of the CEC nominees is published	A.9
85 days	Nomination for Chairman of the CEC proposed by the President is confirmed by the Supreme Council	A.9
83 days	If Supreme Council fails to confirm President's nominee for Chairman for CEC the Supreme Council elects	A.9
81 days *	Last day for registration of political parties with the MoJ	A.10
75 days	Applications for participating in elections under the PR system submitted to CEC by parties and blocs are due	A.48
70 days	Electoral districts and boundaries are formalized by the CEC	A.47
66 days	First day for DEC's to elect Chairmen	A.10
63 days	Last day for DEC's to elect Chairmen	A.10
60 days	DEC's formed	A.46
60 days	Nomination of candidates begins	A.48



50 days	Required document for nominating a candidate for Deputy under detention must be submitted to the DEC	A.20
40 days	Division of districts into electoral precincts is completed	A.47
40 days	Prosecutors office must send its conclusion regarding the nature of a detained candidate's detention to the CEC	A.20
40 days	Nomination period ends at 1800 hours	A.48
37 days	First day for PECs to elect Chairmen	A.11
34 days	Last day for PECs to elect Chairmen	A.11
30 days	PECs formed	A.46
26 days *	Last day for parties to provide nominees for participation on DEC's	A.10
25 days	Registration for candidates for deputy is terminated	A.48
20 days	Pre-election programs of candidates and parties may be submitted to the respective electoral committees	A.48
15 days	Lists of voters are posted for public review	A.19
9 days	DECs must issue a receipt to a detained candidate or his representative acknowledging the submission of nominating documents	A.20
5 days	No changes may be made in memberships of electoral committees through completion and certification of election results	A.12
5 days	Last day for a candidate to withdraw	A.22
5 days	Decision of PEC regarding complaints on accuracy of voter list may be appealed to district court	A.19

2 days	Last day by which the district court must review complaints regarding errors or omissions of voter list	A.19
1 day - 1800 hours	No member of any election commission may resign through the period of certification of election results except for health failure or the death of a close relative	A.12
<b>ELECTION DAY</b>	All campaigning prohibited	A.25
Election day	Polling Station hours 0800 - 1000 hours	A.29.
Upon station closing	Votes counted	A.34
10 days after	Results of the Election must be summarized and published	A.41
10 days after	CEC's decision regarding final results of the Election may be appealed to the Supreme Court	A.37
31 days after *	Last day for repeat elections to be held in areas where election were recognized as partially invalid	A.43
31 days after *	Last day for second round elections in races where no candidate achieved the threshold required for election	A.43
50 days after date of repeat voting	First date whereby "by-elections" may be held when less than 2/3 of the total number of deputies to the National Assembly were elected to the regular elections	A.50
60 days after date of repeat voting	The last day by which "by-elections" must be held when less than 2/3 of the total number of deputies to the National Assembly were elected to the regular elections	A.50

DEADLINES FOR ACTIVITIES PROMPTED BY OTHER EVENTS

DEADLINE	EVENT/ACTIVITY	ARTICLE OF LAW
120 days prior to expiration of term	Elections for National Assembly must be scheduled	A.45
Expiration of existing Terms	Last date that Elections must be held	A.45
80 days prior to Election	If Chairman and the Secretary of the Supreme Council or their replacements fail to register the membership of the CEC the President registers them	A.9
63 days prior to Election	DEC Chairmen appointed in districts where DEC's failed to elect Chairmen from among their members	A.10
32 days prior to Election	If PECs fail to elect their Chairmen DEC's appoint them	A.11
Within 30 days of receipt	President dismisses or rejects decision of the National Assembly to dismiss the Chairman of the CEC	A.12
Within 15 days of Presidential decision	National Assembly can reconfirm its decision to dismiss the Chairman of the CEC with a 2/3 vote	A.12
Within 20 days	New Chairman of the CEC is appointed following Article 9	A.12
Within 20 days	If membership of the CEC falls below 7 commissioners is augmented by decree of the President	A.12
Within 3 days	Appeal of decisions or action of lower commissions appealed to superior commissions or action of the CEC must be brought within 3 days of the action or decision	A.17
Within 3 days of submission	Complaints and appeals must be discussed	A.17

Within 3 days candidate must appeal	After the refusal of registration a detained candidate may appeal a decision to the Supreme Court	A.20
Within 1 day of the receipt of the candidate's submission of application	CEC must request a conclusion from the Prosecutors office regarding the nature of the candidate's detention.	A.20

\* Not clearly defined in the Election Law or subsequent material.

Letters of Thanks and Support from the CEC of the Republic of Armenia





ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ԱԶԳԱՅԻՆ ԺՈՂՈՎԻ ՊԱՏՊԱՄԱՎՈՐՆԵՐԻ  
ԸՆՏՐՈՒԹՅՈՒՆՆԵՐԻ ԿԵՆՏՐՈՆԱԿԱՆ ԸՆՏՐԱԿԱՆ ՀԱՆՁՆԱԺՈՂՈՎԻ  
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Ս. Երևան, Մարշալ Բաղրամյան 19, 6եռ. 58-82-62, 58-86-62

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ԸՆՏՐԱԿԱՆ ՀԱՄԱԿԱՐԳԵՐԻ ՄԻՋԱԶԳԱՅԻՆ ՀԱՍՏԱՏՈՒԹՅԱՆԸ,  
ԱՆՁԱՄԲ ԼԻՆԻԱ ԷԶՎՈՐԹԻՆ

Հայաստանի Հանրապետության Ազգային ժողովի պատգամավորների ընտրու-  
թյունների կենտրոնական ընտրական հանձնաժողովը զոհուհանակությամբ հայտնում  
է իր ողջույնները ընտրական համակարգերի միջազգային հիմնադրամին,  
անձամբ տիկին Լինդա Էջվորթին և պարոն Լ.Սքոթին:

Մեզ համար ուրախալի է Հայաստանի Հանրապետության առաջին Սահմանադրու-  
թյան համար հանրաքվեի և Հայաստանի Հանրապետության Ազգային ժողովի պատ-  
գամավորների ընտրությունների առիթով հյուրընկալել շուրջ 180 միջազ-  
գային դիտորդների, համագործակցել միջազգային մի շարք իմրնդհանուր ճա-  
նաչում գտած կազմակերպությունների հետ, այդ թվում իհարկե Ձեզ հետ:

Այսօր մենք շնորհակալություն ենք հայտնում Ձեզ, որ օգնեցիք մեզ Ձեր  
ներկայությամբ և խորհուրդներով, Ձեր բարոյական և նյութական աջակցու-  
թյամբ: Մենք մասնավորապես ուզում ենք հիշել ձեզանից նվեր ստացած զրեհա-  
կան պիտույքները և իհարկե, Ռիդեցույց ընտրակարգի մասին, այն հիանալի  
զրքույկը, որ պատրաստեց տիկին Լինդա Էջվորթը: Ճիշտ է, ժամանակի սղու-  
թյան հետևանքով այն չհրատարակվեց, սակայն որպես օգտակար ձեռնարկ այն  
կմնա մեզ համար որպես օրինակ մեր հետագա զործունեության համար:

Կրկին անգամ հայտնելով մեր շնորհակալությունը և մեր ողջույնները  
տիկին Էջվորթին, պարոն Սքոթին, ամբողջ ընտրական համակարգերի Միջազգա-  
յին Հիմնադրամին, միաժամանակ հայտնում ենք մեր ցանկությունը և պատրաս-  
տակամությունը՝ հետագայում ևս համագործակցել:

*Alli Shmuni*  
Ամենայն հարգանքներով՝

July 6, 1995

FROM: The Chairman of the Central Electoral Committee for Deputy Elections of the Republic of Armenia's National Assembly

TO: The International Foundation for Electoral Systems, to Ms. Linda Edgeworth personally

The CEC of the National Assembly of the Republic of Armenia is pleased to be able to express its appreciation to Ms. L. Edgeworth, Mr. Scott and IFES group.

We are happy to host 180 international observers on the occasion of the referendum of Armenia's first Draft Constitution as well as the elections to the National Assembly of the Republic. Also, we are pleased to cooperate with a number of internationally acknowledged organizations and individuals, including yourselves.

Your presence during these days has been of great assistance to us. We would also like to express you our special thanks for providing us with your council as well as moral and material support. In particular, we want to mention the stationary materials and manuals such as "Guidance on the Implementation of the Election Law", which you generously presented to us. The latter is a wonderful manual prepared by Ms Edgeworth. It is true that it was not published due to the limited time, however, as a helpful means of education, it will serve its purposes in our future activities.

Thanks again and best regards to Ms. Edgeworth, Mr. Scott, and the whole IFES group.

We are looking forward to our future cooperation.

Sincerely yours,

Robert Amirian  
Chairman

ԿԵՆՏՐՈՆԱԿԱՆ ԸՆՏՐԱԿԱՆ ՀԱՆՁՆԱԺՈՂՈՎ  
ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅՈՒՆ  
CENTRAL ELECTION COMMISSION  
REPUBLIC OF ARMENIA

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Yerevan, Republic of Armenia  
July 7, 1995

Ms. Linda Edgeworth  
International Foundation of Electoral Systems  
Yerevan, Armenia

Dear Ms. Edgeworth

Please, allow me to take this opportunity and in the name of the Central Election Commission thank you for the support and advice you have given us in the pre-election period.

The pamphlet prepared by your Foundation contains some very valuable observations. Unfortunately, the lack of time did not allow the Central Election Commission to be able to use your advice more productively, especially because of two reasons:

1) The terminology used in your recommendations differs from the one used by us, and any attempts to correspond the two will require considerable amount of time.

2) The adjustments required by your provisions that need to be made to our laws would also require much time and effort.

However, I hope that we shall continue to cooperate. Specifically, we would like to request a list of proposals by the International Foundation of Electoral Systems which would enumerate the ways in which the appropriate Armenian organs could receive technical assistance for later elections.

Sincerely,



Gagik Jhangiryan  
Vice Chairman of CEC