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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**ARMENIA**

**LAW AMENDING THE ELECTORAL CODE  
ADOPTED ON 1 APRIL 2021 (\*)**

(\*) Translation provided by the Armenian authorities.

**CONSTITUTIONAL LAW  
OF THE REPUBLIC OF ARMENIA**

**ON MAKING AMENDMENTS AND SUPPLEMENTS TO THE CONSTITUTIONAL LAW OF  
THE REPUBLIC OF ARMENIA "ELECTORAL CODE"**

**Article 1.** In Article 8 of the Constitutional Law of the Republic of Armenia "Electoral Code" of 25 May 2016 (hereinafter referred to as "the Code"):

- (1) in the first and second paragraphs of part 2, the words "On legal acts" shall be replaced with the words "On regulatory legal acts", and in the second paragraph, the words "following their state registration and filing with the Central Electoral Commission" shall be replaced with the words "following their adoption";
- (2) in part 9, the words "by electoral districts, Marz centres and electoral district" shall be replaced with the words "by Marzes and Marz centres";
- (3) the words "and electoral districts" shall be deleted from part 10.

**Article 2.** In Article 9 of the Code:

- (1) in part 1, the words "by electoral districts" shall be replaced with the words "by Marzes";
- (2) part 4 shall be restated as follows:

"4. The authorised body shall, twice a year, in June and November (during the first week), electronically submit the Register of Electors of the Republic of Armenia, by communities to the Central Electoral Commission, for posting it with a search function on the website of the Commission. The Register of Electors of the Republic of Armenia shall be a permanent and integral part of the Central Electoral Commission website. In case of regular elections of the National Assembly, the authorised body shall electronically submit the list of electors, by electoral precincts, no later than 41 days and 7 days before the voting day, whereas in case of early elections — 20 days and 7 days before the voting day, to the Central Electoral Commission, for posting it with a search function on the website of the Commission".

**Article 3.** In Article 10 of the Code:

- (1) in part 9, the words "During elections of the National Assembly, the Ministry of Defence, the National Security Service and the Police shall — no later than 50 days, 10 days and 6 days before the voting day" shall be replaced with the words "During regular elections of the National Assembly, the Ministry of Defence, the National Security Service and the Police shall — no later than 50 days, 10 days and 6 days before the voting day, whereas in case of early elections of the National Assembly — no later than 20 days, 10 days and 6 days before the voting day".

**Article 4.** In Article 11 of the Code:

- (1) the words “the number of the electoral district,” shall be deleted from part 2.

**Article 5.** In Article 12 of the Code:

- (1) in part 1, the words "whereas during early elections — 20 days before the voting day," shall be added after the words "40 days before the voting day,".
- (2) in the first sentence of the first paragraph of part 2, the words "within a two-day period following the formation of electoral precincts, as well as" shall be added after the words "The authorised body shall — ", the words "electoral districts and" shall be deleted, and the number "5" shall be replaced with "7";
- (3) in the second sentence of the first paragraph of part 2, the words "within a two-day period following the formation of electoral precincts, as well as" shall be added after the words "the authorised body shall — ", and the number "5" shall be replaced with "7";
- (4) in the first sentence of the second paragraph of part 2, the words "by electoral districts," shall be replaced with the words "by Marzes,";  
the words "(including the supplementary list of electors undergoing inpatient treatment)" shall be deleted from part 3.

**Article 6.** In Article 13 of the Code:

- (1) part 2 shall be restated as follows:

"2. During elections of the National Assembly, the Councils of Elders of communities held under the proportional electoral system, the authorised body shall post the preliminary list of electors by electoral precincts 40 days and 4 days before the voting day, and in case of early elections — 20 days before the voting day, whereas the final list of electors by electoral precincts — 7 days before the voting day (including in case of early elections), on [www.police.am](http://www.police.am) website. The lists of electors posted on the Internet website by electoral precincts must be downloadable."

- (2) in part 3, the words ", whereas in case of early elections — 20 days" shall be added after the words "40 days,";

- (3) new part 7 shall be added:

"7. During elections of the National Assembly, signed lists of electors having participated in voting shall be published on the website of the Commission in the manner and within the time limit prescribed by Article 73 of this Code, which shall be maintained until the expiry of the time limit prescribed by this Code for summarisation of the voting results, whereas in case of challenging the decision of the electoral commission through judicial procedure — until the entry into force of the judicial act.

Signed lists of electors having participated in voting shall be deposited in the State Archive of the Republic of Armenia for maintenance in the manner prescribed."

**Article 7.** In Article 36 of the Code:

- (1) in the first sentence of part 2, the words "electoral district" shall be replaced with the words "Marz and for the city of Yerevan";
- (2) in the third sentence of part 2, the words "in an electoral district" shall be replaced with the words "in a Marz and the city of Yerevan".

**Article 8.** In part 2 of Article 58 of the Code, the words "(except for elections of the National Assembly)" shall be added after the words "a pen", and the words "when holding voting by separate ballot papers for each political party" shall be added after the words "a box for unused ballot papers".

**Article 9.** In Article 59 of the Code:

- (1) in the second sentence of part 1, the words "filling in the ballot paper" shall be replaced with the word "voting";
- (2) the sentence ", whereas in case the registration of a candidate included in the district electoral list of the political party running in elections is declared invalid or revoked, the name of that candidate shall be removed from the ballot papers as prescribed by the Central Electoral Commission" shall be deleted from part 7.

**Article 10.** The second sentence shall be deleted from part 5 of Article 61 of the Code.

**Article 11.** The second sentence shall be deleted from part 3 of Article 67 of the Code.

**Article 12.** In part 3 of Article 68 of the Code:

- (1) in the second paragraph, the words "(at this stage validity assessment of the ballot paper as regards the candidate included in the district electoral list shall not be carried out)" shall be deleted;
- (2) paragraphs 5 and 6 shall be repealed.

**Article 13.** The word "additional" shall be deleted from part 1 of Article 69 of the Code.

**Article 14.** In Article 71 of the Code:

- (1) the second sentence shall be deleted from point 11 of part 1;
- (2) the words "(without the data of candidates included in the district electoral lists)" shall be deleted from part 8.

**Article 15.** In Article 75 of the Code:

- (1) the second sentence of the second paragraph of part 1 shall be deleted;
- (2) the words "in case of elections of the National Assembly also by electoral districts" shall be deleted from point 11 of part 4;
- (3) point 12 of part 4 shall be repealed.

**Article 16.** The words "national and district," shall be deleted from part 1 of Article 77 of the Code.

**Article 17.** Article 78 of the Code shall be repealed.

**Article 18.** In Article 83 of the Code:

- (1) the title of the Article shall be restated as follows: "Electoral list of a political party (alliances of political parties)";
- (2) the words "national" and ", and 1 district electoral list for each electoral district" shall be deleted from part 1;
- (3) the words "national" shall be deleted from parts 2 and 4-7;
- (4) part 3 shall be repealed;
- (5) in part 8, the words "national and district electoral lists" shall be replaced with the words "electoral list";
- (6) parts 9-11 shall be repealed;
- (7) part 12 shall be restated as follows:

"12. Where any political party leaves the alliance of political parties, names of candidates submitted by such party shall be removed from the electoral list of the alliance of political parties as prescribed by the Central Electoral Commission."

**Article 19.** In points 2 and 3 of part 2 of Article 84 of the Code, the words "national and district electoral lists" shall be replaced with the words "electoral list", and the word "national" shall be deleted from point 5.

**Article 20.** In Article 85 of the Code:

- (1) the second sentence of part 1 shall be repealed;
- (2) the words "national and district" shall be deleted from part 3;
- (3) in part 4, the word "lists" shall be replaced with the word "list".

**Article 21.** In Article 86 of the Code:

- (1) in the title, the word "lists" shall be replaced with the word "list";
- (2) part 1 shall be repealed;
- (3) point 2 of part 2 shall be repealed;

(4) point 3 of part 2 shall be restated as follows:

“(3) the electoral list does not comply with the requirements prescribed by Article 83 of this Code. The registration of the electoral list shall not be rejected on the ground of non-compliance with the requirements prescribed by Article 83 of this Code, when non-compliance is conditioned by a circumstance having emerged after the nomination;”.

(5) in the first paragraph of part 4, the word "lists" shall be replaced with the word "list", and the words "national and district electoral lists" shall be replaced with the words "electoral list";

(6) in part 5, the word "lists" shall be replaced with the word "list".

**Article 22.** In Article 87 of the Code:

(1) the words "lists" shall be replaced with the word "list";

(2) in part 3, the words "national and district electoral lists" shall be replaced with the words "electoral list".

**Article 23.** In Article 88 of the Code:

(1) in the title and the entire Article, the word "lists" shall be replaced with the word "list";

(2) point 5 of part 1 shall be repealed;

(3) in part 4, the words "national and district electoral lists" shall be replaced with the words "electoral list".

**Article 24.** In the title and the entire article of Article 89, the word "lists" shall be replaced with the word "list".

**Article 25.** In part 3 of Article 90 of the Code, the words "national and district electoral lists" shall be replaced with the words "electoral list", and the word "lists" shall be replaced with the word "list".

**Article 26.** In the third paragraph of part 1 of Article 91 of the Code, the words "or the candidate included in the electoral lists" shall be replaced with the words "or the candidate included in the electoral list".

**Article 27.** The second paragraph of part 1 of Article 94 of the Code shall be restated as follows: "The name of the political party (alliance of political parties) running in elections, the number issued to the political party, as well as the surnames, names and patronymics of the first 3 candidates in the electoral list shall be specified in the ballot paper of elections of the National Assembly.".

**Article 28.** Parts 7-8 of Article 95 of the Code shall be repealed.

**Article 29.** Part 3 of Article 96 of the Code shall be repealed.

**Article 30.** The penultimate sentence of part 3 of Article 97 of the Code shall be repealed.

**Article 31.** In the last sentence of part 6 of Article 98 the words “by the 1<sup>st</sup> and 3<sup>rd</sup> parts of the Article 96” shall be replaced with the words “by the 1<sup>st</sup> part of the Article 96”.

**Article 32.** Article 100 of the Code shall be restated as follows:

**"Article 100. Provision of mandates to Deputies**

1. Provision of mandates to candidates included in the electoral list of a political party shall be carried out upon the protocol of the Central Electoral Commission, by registering the Deputies of the National Assembly. The candidate having received a mandate from one part of the electoral list shall be removed from the other part of the electoral list.

2. Firstly, mandates shall be provided to the representatives of national minorities as prescribed by part 9 of Article 95 of this Code.

Secondly, mandates shall be provided to candidates of the first part of the electoral list of the political party, in sequential order. Where, as a result of it, all mandates of the political party are distributed among representatives of the same sex, the last candidate shall give up his or her mandate to the candidate under the smallest number from the unrepresented sex from the first part of the electoral list, if any. If the number of candidates included in the first part of the electoral list of a political party is smaller than the number of mandates available, the relevant mandates shall remain vacant.

3. The mandate of a Deputy — who has waived the mandate under the first part of the electoral list or who has been elected therefrom and whose powers have been early terminated — shall be given to the next candidate having received maximum votes from the first part of the electoral list of that political party upon a protocol of the Central Electoral Commission, within a 1-week period after notifying the Commission, and if as a result of it, the number of representatives of any sex of the given faction decreases and will be less than 25 per cent as a result thereof, it shall be given to the next representative of the less represented sex from the first part of the electoral list of that political party, if any.

4. Where there is no other candidate in the first part of the electoral list, the mandate shall remain vacant.

5. The mandate of a Deputy — who has waived the mandate under the second part of the national electoral list or who has been elected as Deputy therefrom and whose powers have been early terminated — shall be given to the candidate under the smallest number in the list of the same national minority of the second part of the electoral list of that political party upon a protocol of the Central Electoral Commission, within a 1-week period after notifying the Commission, and in case there are no such, the mandate shall remain vacant.
6. Applications for recusal or waiver of the mandate submitted by persons included in the electoral list of a political party shall be certified by a notary, or the person shall confirm the relevant application at the sitting of the Central Electoral Commission.
7. In case of submitting an application for recusal, the name, surname of the citizen shall be removed from the first and second parts of the electoral list, as prescribed by the Central Electoral Commission."

**Article 33. Final part**

1. This Law shall enter into force on the day following its official promulgation.
2. Within a one-month period from the moment of entry into force of this Law, the Central Electoral Commission shall bring its decisions on organising and holding elections of the National Assembly in line with the provisions of this Law.