

**THE LAW OF THE NAGORNO KARABAKH REPUBLIC
ON LOCAL REFERENDUM**

17.09.2008

**CHAPTER I
GENERAL PROVISIONS**

Article 1. The Definition of Local Referendum

Local referendum is a means of voting of the residents of a given community on the important issues of local significance.

Article 2. The Principles of Conduct of Local Referendum

1. The Referendum is held based on the right to universal, equal and direct suffrage by secret ballot. Each citizen has a right to one vote.

2. The participation in the referendum is free. The oversight over the expression of citizens' will is forbidden.

Article 3. The Right to Participate in the Referendum

1. Citizens of the Nagorno Karabakh Republic, who have a registration of one year period in the relevant community and have attained the age of 18 years can participate in the Referendum.

2. The rights and freedoms of the citizens of the Nagorno Karabakh Republic provided by this Law are also spread to all the persons who have the suffrage.

3. Citizens who have been recognized as incapacitated by a court ruling as well as those that have been sentenced to imprisonment by a court judgment entered into legal force and endure punishment cannot participate in the referendum.

Article 4. The Law on the Local Referendum

1. The legislation on the Local Referendum consists of the Constitution of the Nagorno Karabakh Republic, this Law, Nagorno Karabakh Republic Law on "Local Self-Government", Nagorno Karabakh Republic Electoral Code and other legal acts.

Article 5. The Issues Submitted to Referendum

1. The issues of adopting a Constitution or making amendments to it can be submitted to referendum.

2.The following issues cannot be submitted to referendum:

- 1) Issues directly reserved to the exclusive authority of the local self-government bodies according to the Constitution or Law;
- 2) the issues related to human and citizens' rights, freedoms and obligations, the elimination or restriction of constitutional guarantees providing their implementation;
- 3) issues directly bestowed to the exclusive competence of state and local self-governing bodies;
- 4) issues related to the formation of the office of the community head;
- 5) issues related to the adoption or change of the community budget, as well as, implementation or change of the financial liability of the community;
- 6) issues on the disposals of the property of the community;
- 7) issues on taking emergency and urgent measures providing health and safety of the population
- 8) issues on damaging history, culture, nature monuments and preserves

3. The question submitted to the local referendum should be formed so that it will be possible to give a definite answer.

Article 6.The Circumstances Precluding the Conduct of Referendum

1. Referendum cannot be conducted in case of war or state of emergency, as well as within two months after the end of war or state of emergency.
2. A double referendum on the same issue or on an issue of having the same content cannot be conducted within a year after the official announcement of the referendum's results .
3. The decision related to the issue of the local referendum made by the Community Head or Council of Elders cannot be a circumstance precluding the conduct of referendum except for the case provided by Paragraph 7 of Article 11 of this Code.
4. Other circumstances precluding the conduct of referendum can only be defined by Law.

CHAPTER II

INITIATIVE FOR THE CONDUCT OF THE REFERENDUM AND THE APPOINTMENT OF A REFERENDUM

Article 7. The Initiative of the Conduct of a Referendum

1.The right to initiate a referendum belongs to those who have right to partake in that referendum, as well as, Head of that community and Council of Elders.

The Government of the Nagorno Karabakh Republic appoints local referendums on the issue of uniting or separating communities before coming up on the legislative initiative.

2. At least five citizens who have the right to participate in a Local Referendum, can form an initiative group for the Local Referendum (hereinafter - Initiative Group).
3. The Initiative Group applies to the territorial electoral commission (hereinafter- Territorial Electoral Commission) which organizes the elections of the local self-government bodies of the given community with a request for registration, for which together with the applications signed by all the members, submits;
 - a) the draft decision of the local government, proposed to be submitted to a local referendum;
 - b) the name, date of birth, place of residence and work (position), party affiliation, passport data of its members and authorized representatives;
 - c) the protocol of the decision of its meeting on coming up on the initiative of conducting Local Referendum.
4. Territorial Referendum Commission within 15 days after receipt of the application of the initiative group checks the validity of this application and the documents attached thereto and makes a decision on the registration of the initiative group or the refusal to register the initiative group.
5. If the draft decision proposed to be submitted to a referendum does not comply with the requirements of this Law, the territorial commission of the referendum before making a decision on the registration of the initiative group on the proposal or in accordance with the initiative group can change the wording of the draft, while maintaining its main content.
6. If Territorial Referendum Commission decides to register the initiative group, then it delivers to the authorized representative of the latter the certificate of registration of the draft decision proposed to be submitted to a local referendum, and the official blanks for collecting signatures in support of a local referendum (hereinafter - the blank) informing of it the administration governor of the relevant region, the Council of Elders of the community, Head of the Community and the mass media.
7. If the Territorial Referendum Commission decides to refuse the registration of the initiative group, then it indicates the reasons for the refusal in this decision and formally presents it to the initiative group within two working days.
8. The grounds for refusal of registration of the initiative group may be the only violation of the requirements of this Law by the initiative group. The decision on refusing the registration of the initiative group may be appealed in Court in accordance with the procedure prescribed by Law.

Article 8. The procedure of collecting signatures on the forms of persons entitled to participate in a local referendum

1. The form provided for the collection in support of a local referendum signatures of the persons entitled to participate in a local referendum is a numbered booklet, each page of which is produced in the form specified in the Supplement to this Law.

2. Prior to the collection of signatures the name of the community and the name of the draft of the decision proposed to be submitted to the Local Referendum should be marked on the blank. The person collecting signatures on a form should show the signatory citizen the draft of the decision proposed to be submitted to the Local Referendum by the first request of the citizen. Every citizen personally signs the blank.
 3. The Initiative Group itself determines individuals to collect signatures, giving them certificates. These persons when collecting signatures are not required to submit any other documents except the certificate, the blank, the draft of the decision proposed to be submitted to the Local Referendum, as well as of the legal act on the basis of which the Local Referendum is conducted.
 4. The Initiative Group organizes the collection of signatures within 30 days after the receipt of the blanks from the Territorial Referendum Commission. If the blank with the required number of signatures of the referendum is not submitted to the Territorial Referendum Commission in the prescribed time, the process of collecting signatures is terminated, and the initiative of the local referendum is completed. Costs associated with the collection of signatures are not refundable.
1. The minimum number of signatures required for the appointment of a local referendum shall be not less than 5 percent of the total number of persons entitled to participate in the local referendum.
 2. Signatures on the blank may be collected only in the whole area of the community, without establishing any proportions.
The process of collecting signatures on the blank is carried out in areas where campaigning and collecting signatures are not prohibited by Law.
 3. It is forbidden to collect signatures personally or in any other way to give (promise) citizens money, securities, food, goods or render (promise) gratuitous services. The collection of signatures is forbidden during and at the place of the payment of wages, pensions and benefits.

Article 9. Check of the validity of signatures of citizens entitled to participate in a local referendum in the blanks

1. After completion of the process of collecting signatures, but not later than the date specified in paragraph 4 of Article 8 of this Law, the initiative group counts available in the blank the total number of signatures of persons entitled to participate in a local referendum, and compiles a final protocol, which specifies day, month and year of the registration of the initiative group, date, month and year of completion of the process of collecting signatures and the total number of the collected signatures, and delivers the blank compiled by the prescribed procedure and the copy of the final protocol of the initiative group to the Territorial Referendum Commission. When taking the blank the Territorial Referendum Commission counts the total number of collected signatures and gives a receipt to the authorized person who delivers the blank.
2. Territorial Referendum Commission within 7 days after receiving the blank verifies its validity, as well as the validity of the signatures collected. In order to carry out the test, by the decision of the Territorial Referendum Commission working groups may be established among the members of the

Committee, the Commission staff, specialists and experts involved in the work of the commission, the findings of which may be grounds for invalidating the collected signatures.

3. The validity of the signature is set by the selective checks of not less than two percent of the total number of signatures required for the appointment of a local referendum.
4. In order to verify the signatures by the selective procedure the Territorial Referendum Commission
 - 1) receives the number of signatures by lot in the defined amount by the procedure prescribed by itself. All the signatures of the same page of the blank taken for inspection are subject to verification;
 - 2) records the verifiable numbers of signatures and information about the respective citizens prior to the check;
 - 3) compiles a protocol on the invalid signatures revealed at the result of the testing in which the number of the blank, number of signatures and information about the respective citizens are indicated;
 - 4) divides proportionally the ratio of valid and invalid signatures of the total number of the verified signatures to the total number of signatures to obtain the number of valid and invalid signatures in the total number of signatures;
 - 5) draws up a protocol on the results of testing.
5. Those signatures available in the blank that have been removed with a special note by the authorized representative of the initiative group prior to the submission of the blank to the Territorial Referendum Commission are not subject to verification and registration.
6. If during the inspection selectively several signatures belonging to one and the same person, are revealed, only one of them is considered valid.
7. Invalid are considered:
 - a. signatures of persons who are not entitled to participate in a local referendum on the voting day, as well as the signatures of persons on the blank with the data which do not correspond to reality on the basis of the reference of the Police or the conclusion of specialist (expert) involved in the work of the Territorial Commission of the Referendum;
 - b. signature, in which there is no data required by law;
 - c. signature with a modified date of the signing of a citizen who has the right to participate in a local referendum, or the person attesting the blank, if the signatory has not submitted the reason for this change in a written form;
 - d. signatures made in pencil;
 - e. signature, declared null and void on the basis of Paragraph 7 of Article 8 of this Law;

- f. signatures, which the citizen, entitled to participate in a local referendum has not signed personally and the circumstance has actually been identified by the written assurance submitted to the Territorial Referendum Commission by the citizen, entitled to participate in a local referendum;
- g. all other signatures in the case specified in Paragraph 6 of this Article.

Article 10. The decision of Territorial Referendum Commission on the results of signature verification

1. Based on the results of signature verification Territorial Referendum commission makes a decision.
2. If in the course of collecting signatures the procedure prescribed by this Law has been violated or the number of submitted valid signatures by the initiative group does not correspond to the required number prescribed by this Law, the Territorial Referendum Commission decides not to conduct a local referendum, a copy of which within two days from the date of its adoption forwarded to the initiative group. Members of the initiative group can not come up with an initiative to hold a local referendum again within two years from the date of this decision.
1. If the implementation of the initiatives of the local referendum meets the requirements of this Law, requirement of other laws, the Territorial Commission of the Referendum within 15 days after the term prescribed in Paragraph 4 of Article 9 of this Law sends the submitted blanks, the copies of the final protocols of the Initiative Group as well as the copy of its decision to Head of the relevant community, Council of Elders and Administration Head of the region which involves the given community. The Territorial Referendum Commission also delivers the initiative group a copy of its decision.

Article 11. Appointment of a Local Referendum

1. The local referendum is appointed by the Council of Elders of the relevant community, and if it is not formed, then by the decision of the Administration Head of the region which involves the given community;
 - 1) within 7 days after receipt of the documents provided for in Paragraph 3 of Article 10 of this Law;
 - 2) simultaneously with the decision of the Community Council of Elders on the initiative of conducting of the local referendum;
 - 3) within three days after receipt of the proposal of the Community Head on the initiative of conducting of the local referendum
2. In case of Paragraph 1 of Article 7 prescribed by this Code the local referendum is appointed by the decision of the Nagorno Karabakh Republic Government. The initiation and appointment of a referendum is carried out by one act.

3. The date, month and year of the local referendum, the name of the draft of the local self-government body or Nagorno Karabakh Republic Government decision to be submitted to the referendum should be marked in the decision on the appointment of a local referendum.
4. The decision on the appointment of a local referendum, as well as, the draft of the referendum decision and the normative legal act should be officially published not later than 45 days prior to the voting day.
5. The local referendum can only be assigned on a calendar day off. It is not permitted to appoint a local referendum on a holiday.
From the date of the appointment of a local referendum before the voting day can not be less than 45 and more than 60 days.
6. In order to combine the local referendum with another referendum or state and local elections, the body appointing the local referendum can move the date of the local referendum at a later date (not later than 90 days) not later than 25 days before the local referendum.
7. Decisions on the appointment of a local referendum, as well as postponing the day of voting in accordance with the preceding paragraph of this Law shall be published not later than 5 days from the date of their adoption.
8. If the Council of Elders of the Community makes a decision on refusing to hold a local referendum, the persons who have come up with that initiative, can not re-take the initiative of a local referendum on the same issue for two years from the day of publication of that decision.

CHAPTER III

THE REFERENDUM COMMISSIONS

Article 12. The System of Referendum Commissions

The referendum commissions are:

1. Referendum Territorial Commissions (hereinafter - Territorial Commissions)
2. Referendum Precinct Commissions (hereinafter- Precinct Commissions)

Article 13. The Formation of Referendum Commissions

1. The Territorial Electoral Commissions are the respectful commissions formed according to the procedure defined by the Electoral Code of the Nagorno Karabakh Republic and the Territorial Electoral Commissions based on the decision of the Central Electoral Commission of the Nagorno Karabakh Republic.
2. The Referendum Precinct Commissions are formed according to the procedure defined for the formation of Precinct Electoral Commissions by the Nagorno Karabakh Republic Electoral Code.

Article 14. The Powers of Territorial Commissions

The Territorial Commission:

- 1) systemizes the work of the precinct commissions;
- 2) Takes decisions and other normative acts providing for the application of the provisions of this Law and obligatory for all commissions.
- 3) Gives clarifications and instructions on the implementation of this Law;
- 4) Listens to reports of state and local self-governing bodies on the issues relating to the preparation and conduct of the referendum;
- 5) Considers the decisions adopted by the referendum commissions, received applications and complaints regarding the actions and inactivity of the referendum commissions, reviews or invalidates the decisions that contradict the laws and decisions, as well as the decisions of the precinct commissions adopted in excess of their powers, eliminates the violations of citizens' rights occurred in the result of actions or inactivity of the precinct commissions;
- 6) takes a decision on the registration or the refusal of the application of the Initiative Group of the local referendum
- 7) oversees the legality during the organization and conduct of referendum;
- 8) according to the procedure established by the Ter.EC, oversees the formation of voter lists of citizens eligible for participation in the referendum;
- 9) establishes the samples of ballots and other referendum documents;
- 10) establishes the forms of seals of its and precinct commissions, orders them and allocates to the commissions, defines the procedure for the return of the seals after the referendum

- 11) submits the seals of the commissions to the precinct commissions Chairmen not later than 2 days prior to the day of voting;
- 12) disposes the financial means allocated for the conduct of the referendum, distributes those between his precinct commissions by the procedure defined by Law, oversees their fulfillment;
- 13) provides the territorial and precinct commissions with necessary items for conducting the referendum
- 14) undertakes measures for providing the referendum commissions with territories, material, technical and communicational means, documents corresponding to the required work conditions of the referendum commissions;
- 15) organizes trainings for the members of the territorial and precinct commissions
- 16) provides the publication of the draft submitted to referendum via mass media
- 17) accredits the representatives of mass media and international organizations implementing observation mission according to the procedure defined by itself ;
- 18) defines a single procedure for summarization of referendum results
- 19) Based on the protocols of precinct commissions announces the preliminary voting results by precinct;
- 20) according to the requirements of the Electoral Code of Nagorno Karabakh Republic summarizes and announces the results of referendum, provides the submittal of corresponding documents to the archive
- 21) In case of a violation of the requirements of this Law as well as with the issues of organization of referendum, applies to relevant competent bodies
- 22) implements other powers defined by this Law and Nagorno Karabakh Republic Electoral Code.

Article 15. The Powers of Precinct Commissions

1. The precinct commission

- 1) informs the citizens eligible for voting and resident in the region through personal notices on the location of commission, on the place and time of the conduct of events in relation to the organization of referendum;

- 2) provides the furnishing of the precinct center;
 - 3) oversees the application of this Law within the territory of the precinct;
 - 4) organizes the voting in the precinct, summarizes their results and presents them to the Territorial commission;
 - 5) resolves the issues of disputable ballots by voting;
 - 6) considers the applications and complaints regarding the violation of this Law and adopts decisions on them, in case of necessity applies to competent bodies;
 - 7) disposes the allotted financial means;
 - 8) Exercises other powers prescribed by this Law and in the Electoral Code of Nagorno Karabakh Republic;
1. The powers of the precinct commissions are terminated from the moment after of the official announcement of the referendum results, and in case of disputing the referendum results in the Court, after the decision of the Court is published unless anything else is provided by that decision.

Article 16. Publicity in the work of the commissions of the local referendum

1. Commission of the local referendum act in a transparent manner. The commissions of the local referendum are forbidden to take secret decisions.
2. The decisions of the commissions of local referendum are published via mass media. The copies of those decisions are provided to the representatives of the media accredited at the commissions.
3. The Chairman of the Commission during the meetings of the Commission and voting in provides necessary and equal working conditions for the observers, media representatives in accordance with the procedure defined by Nagorno Karabakh Republic Electoral Code.

Article 17. The Organization of the Work of the Commissions of the Local Referendum

1. The Commissions of the local referendum exercise their activity through sessions, based on the principle of collegiality.

2. The Chairman of the commission, or the deputy Chairman by his instruction, leads the work of the commission of the local referendum.
3. The Chairman of the commission of the local referendum establishes the schedule for the regular sessions.
4. Extraordinary sessions are called by the Chairman of the commission upon his/her initiative or upon the written request of one third of the members of commission within the time appointed by them. The chairman of the commission informs the commission members in advance on the conduct of the extraordinary session;
5. The session of the commission is valid if more than the half of commission members are present;
6. The decision of the commission of the local referendum is adopted by the majority of the votes of the members present at the session;
7. The commissions are receiving clerical registers with page numbers and sealed by the superior commission, were the corresponding clerical work, in relation to the organization and conduct of referendum, shall be registered by dates and times. The requirements to be submitted to the clerical register, as well as the procedure of filling in the clerical register defines the territorial commission.
8. The commission members of the local referendum are obliged to participate in the sessions of the corresponding commissions.
9. The referendum documents are handed and accepted in the commission with a mandatory registration in the clerical register by signature of the giver and recipient;
10. The referendum documents shall be submitted to the territorial commission immediately after the summarization of the referendum results.
11. The territorial commission submits the referendum documents for keeping to the state archive of the Nagorno Karabakh Republic after the official announcement of referendum results according to the defined procedure.

Article 18. Procedures for Adjudication of Decisions, Actions and Inactivity of the Commissions

1. Decisions, actions and inactivity of the commission can be appealed to a territorial electoral commission or court, within two days after the publication of the decision, or the action, or the disclosure of the violation of legislation as a result of the inaction, with the exception of the decisions of the Precinct Commissions, on the summarization of voting results, which can be appealed on the day following the voting, until 18:00.
2. The courts and territorial commission are taking reasoned decisions regarding the complaints within a five days period after receiving the application. If the facts mentioned in the complaint require additional verification the court may take a decision not later than within seven days.
3. Within five days prior to the voting day the court and territorial commission are taking decisions not later than the voting day.
4. The disputes regarding the referendum results are subject for the Civil Court . Appeals on such disputes may be made within seven days after the official announcement of referendum results. The decision on the disputes regarding the referendum results adopted by the Court are not subject to appeal and enters into force from the moment of its publication.
5. The courts and the prosecutor's offices are obliged to organize their work (also on holidays) so that to ensure the consideration of complaints and adoption of decisions within the defined terms.

CHAPTER IV

THE VOTERS LIST OF CITIZENS ELIGIBLE FOR PARTICIPATION IN REFERENDUM. REFERENDUM PRECINCTS AND PRECINCT CENTERS. THE FUNDING OF REFERENDUM

Article 19. The Procedure for Compilation of Voter Lists of Citizens Eligible for Participation in Referendum

The procedure for compilation and maintenance of voter lists of citizens eligible for participation in referendum (hereinafter lists), inclusion of citizens in lists, requirements for the lists, publicity of the lists, procedure for the consideration of applications regarding the inaccuracies in lists and the correction of the lists, submission of lists to commissions are defined according to the procedures defined in provisions of Chapter Two of the Electoral Code of Nagorno Karabakh Republic relating to the compilation and maintenance of voter lists, inclusion of citizens in voter lists, requirements for the voter lists, publicity of the lists, procedure for the consideration of applications regarding the inaccuracies in lists and the correction of the lists and submission of lists to commissions during local self-government body elections.

Article 20. The Precincts and Precinct Centers

The precincts and precinct centers are formed according to the procedures defined in the Electoral Code of the Nagorno Karabakh Republic.

Article 21. Funding of the Referendum

1. Expenses for organization and conduct of the referendum, including the compilation of the lists, are covered by state budget.

2. The funds, envisaged for preparation and conduct of referendum are allocated to the Central Commission by the procedure defined by Law for funding the territorial and precinct commissions within five days after the referendum is appointed.

3. The financial means shall be distributed among the commissions on the basis of the procedure defined by Law, in conformity with the estimates provided by Territorial Commission. Commission chairmen shall dispose the financial resources and take the responsibility of using these means in compliance with the established procedure.

CHAPTER V

THE CAMPAIGN

Article 22. The Campaign During the Preparation for Referendum

1. In relation to the issue submitted to referendum the right to campaign by means and manners not prohibited by law belongs to citizens having right to participate in the referendum.

2. The state guarantees the free implementation of campaign regarding the issue submitted to referendum.

3. The campaign begins on the day when the referendum is appointed and ends one day prior to the day of voting.

4. The posters posted not in the precinct center can be left in their place on the voting day and on the day prior to it.

5. The bellow mentioned cannot campaign:

1) State and local self-governing bodies, as well as their staff while performing their official duties ;

2) Judges, officials of Police and National Security Service, officials (staff) of the Prosecutor's office, and the military servicemen.

3) Charitable and religious organizations

4) foreign citizens and organizations

6. The campaign can be conducted through mass media, through public campaign events (such as meetings and gatherings, public discussions, debates, rallies, marches and demonstrations) by printing publications, disseminating audiovisuals.

7. The persons eligible for campaigning can publish and disseminate posters, papers and other printed campaign materials by means not prohibited by law.

8. The community leaders, not later than within five days after the assignment of the referendum, allocate special places for display of campaign posters. The community leaders pursue that the posters displayed in special places are not torn.

9. During the announcement of the results of the public polls on the issue submitted to referendum the mass media is obliged to mention the name of the organization that conducted the poll, the time of the conduct of the poll, the number of the people questioned for the poll (the voting mode), the means for collecting the information, the correct formulation of the question, the assessment of possible statistical inaccuracies.

It is forbidden to publish the results of the public polls on the issue submitted to referendum within the last three days of the campaign.

10. Printed campaign materials shall contain information on the organizations and people that are responsible for the publication, as well as information on the printing company and the quantity.

11. It is forbidden to disseminate anonymous printed campaign materials. Whenever anonymous or false printed campaign materials are found, the informed Commission takes measures to prevent such activities and addresses the relevant bodies in order to eliminate the illegal activities.

12. It is forbidden to give (promise) - personally or through other means - money, food, bonds, and goods to citizens free of charge or on privileged terms or render (promise) services during the stage of campaign.

13. It is forbidden to influence citizens eligible for participation in referendum orally or in written form, through music or visual means, to collect signatures, as well as to campaign on the issue submitted to referendum in other ways on the voting day and the day prior to it, within the precinct center or in its vicinity, as well as right at its entrance.

14. It is forbidden to publish the result of voting of a citizen who participated in the referendum before the voting has finished

15. It is forbidden to assemble in groups on the voting day in the area surrounding the precinct center, in the radius of 50 meters.

16. The referendum commissions oversee the conformity of the procedure defined for the campaign. In case of its violation the commissions may apply to the competent bodies for preventing them, as well as to the court for holding the person eligible for campaigning liable according to the procedure defined by Law.

Article 23. Fund for the Referendum Campaign

1. The Initiative Group eligible for campaigning can create a single bank account (hereinafter-campaign account) for the purpose of funding the referendum campaign. The Initiative Group is forbidden to make expenses from other funding resources.

2. On the initiative of the local self-government body the funding for the campaign of the local referendum is performed by the procedure defined by the Nagorno Karabakh Republic Government.

3. Citizens of the Nagorno Karabakh Republic, as well as legal entities registered in the Nagorno Karabakh Republic have a right to make contributions to the campaign account.

4. The following have no right to contribution to the fund:

1) state and local self - governing bodies

2) fiscal institutions (organizations)

3) foreign private persons and legal entities

4) stateless persons

5) charitable and religious organizations, international organizations and international non-governmental movements.

6) those organizations which have foreign means in the amount of more than 30 per cent in their share capital.

5. A person authorized by the initiative group for that purpose may make expenditure from the campaign account . The initiative group every three days until the end of the campaign submits a reference to the territorial commission on the financial actions produced from the campaign account.

6. The amounts paid to the campaign amount by the persons referred to in Paragraph 4 of this Article, as well as the remains of campaign accounts after the agitation within two banking days shall be transferred to the stock of the local budget of the respective community.

7. The Initiative Group within ten days after the end of the campaign submits a report to the territorial commission on the use of the means of campaign account to which the documents justifying the expenditure shall be attached.

8. Violation of the procedure of the dispose of the campaign account entails responsibility in accordance with the procedure defined by the legislation.

CHAPTER VI

OBSERVERS

Article 24. The Rights to Observation Mission

1. During the referendum the right of observation mission belongs to:

a. Political parties of the Nagorno Karabakh Republic

b. Non-governmental organizations

c. Representatives of foreign countries and international organizations

2. The procedure of accreditation and activities of the organizations executing observation mission is established by the Electoral Code.

Article 25. The Rights, Duties and Guarantees for the Activities of the Observers and the Representatives of Mass Media

1. The observers and the mass media representatives have the right to:

a. Be present at the sessions of referendum commission and also in the polling station during the voting.

- b. Be familiarized, without impediments, with referendum documents, the samples of the ballots, documents, the decisions of Referendum Commissions, the protocols of the sessions; receive their copies, make extracts from the protocols.
 - c. Appeal the decisions of referendum commission, the actions of the commission members or their inactivity.
2. The observer and the mass media representatives do not have the right to interfere with the work of the commission.
 3. One member of an accredited observation mission member can participate in the work with an advisory vote or be present during the voting of the sessions of the referendum commission.
 4. The observers follow the work of the referendum commission during the voting. They can make suggestions and remarks regarding that to the commission Chairmen, and the latter undertakes required measures.
 5. No restriction of the rights of observers and mass media representatives is allowed.
 6. The observers and mass media representatives cannot be subject to liability for their opinions expressed in the course of voting and summarization of the voting and results of the referendum.

CHAPTER VII

THE PROCEDURE FOR PREPARATION AND CONDUCT OF VOTING

Article 26. The Procedure for Referendum Voting

The procedure for preparation and conduct of referendum voting is defined by the Electoral Code of NKR, if not prescribed by this law.

Article 27. Referendum Ballot, the Ballot Box, the Seals of the Commission

1. The samples of the ballot, ballot box and the seals of the commission are approved by the Central Commission. During the voting each citizen receives one ballot.

2. In the case of holding referendum on two or more issues simultaneously, the citizens are given ballots, the number of which corresponds to the number of the issues. The ballots must differ from each other.
3. The form and the content of the ballot are set up by the Central Commission.
4. The ballot papers are issued not earlier than 10 days and not later than 3 days prior to the voting day.
5. The procedure on the preparation of the commission seals of the local referendum, their submission to the commissions of the local referendum and return are defined by this Law and Electoral Code of the Nagorno Karabakh Republic..
6. The referendum ballots are submitted to the commissions according to the procedure defined by this law and Electoral Code of NKR.

Article 28. Preparation for Referendum

1. The Precinct Commissions are in charge of preparation of voting.
2. Tables for registration of voters, handing out ballot to voters, sealing the ballots, and for the conduct of oversight on the ballot, shall be installed at precinct centers.
3. The ballot box is installed in a place visible for the persons authorized to be present at the precinct.
4. The Precinct Electoral Commission shall install a signboard at the precinct center or at the entrance of the precinct center, with ballots specimen filled in and the whole text of the decision draft to be submitted to the local referendum..

Article 29. The Procedure for Marking In the Ballot

1. If the participant of the voting votes for he/she marks next to words "I am for" in the ballot, if he/she votes against - marks next to of the words "I am against".

2. Citizens, who are unable to fill in the ballot independently, have the right to invite another person into the voting booth, who shall not be a representative of accredited mass media, an observer and a commission member. Except for the above-mentioned case, the presence of other persons in the voting booth while filling in the ballot is prohibited.

3. The voter comes out of the voting booth with his filled-out ballot folder four times and approaches the person responsible for the ballot box.

The latter checks the identification document to be sure in the validity of the voting person and his registration in the territory of the given precinct center, opens the ballot box slot and allows the voter to drop his/her ballot paper into the ballot box.

4. It is forbidden to take the ballot outside of the precinct center.

Article 30. The Invalid Ballots

1. The ballots marked at the same time next to words "I am for" and "I am against", ballots without any mark, with extra marks or not signed or sealed ballots are considered as invalid.

2. The relevant commission of the local referendum settles the matter of disputable ballots by means of voting.

Article 31. Inappropriate Ballots

1. Ballots differing from the approved specimen are considered as not corresponding to the approved specimens.

2. The electoral commission settles the matter of disputable ballots by means of voting.

3. When the results of elections are summed up, ballots of not approved specimen will not be taken into account.

CHAPTER VIII

THE PROCEDURE FOR SUMMARIZING THE RESULT OF REFERENDUM AND DETERMINING THE NUMBER OF INACCURACIES

Article 32. The Procedure for Summarizing the Results of Voting Determining the Number of Inaccuracies In the Polling Station

1. The Chairman of the Precinct Electoral Commission bans the access of voters to the precinct center at 20:00 p.m., enables the voters at the precinct center to vote, closes the ballot box slot, invites all the persons not entitled to attend the sessions of the Precinct Electoral Commission out, and closes the precinct center. After these steps are performed, the Precinct Electoral Commission starts the session for summarization of the voting results.

For that purpose:

a) Counts, cancels and seals according to the procedure defined by Central Commission the unused, wrongly marked and returned ballots.

b) Counts the total number of the participated voters on the basis of the lists.

c) Counts the number of participated voters, that received ballots, on the basis of signatures in the list and seals the mentioned list.

d) Opens the ballot box

2. The chairman takes out one ballot from the ballot box, announces the inappropriate ballot, validity or invalidity of the ballot and in the case of validity also weather it is voter “for” or “against” the issue submitted to referendum. Upon a request the ballot shall be passed to the other members of commission. In case if the member disagrees with the chairman he makes an objection. The objection shall be submitted to voting. In the case of objection the decision is made by the result of the voting, and in case of no objection the chairman puts the ballot in the ballot pile of “for”, “against” or “invalid” according to his/her announcement, and

reveals the next ballot from the ballot box. The same action is repeated for all ballots in the ballot box. During these actions the commission members are banned from making marks on the ballots, as well as having pencils, pens or other objects for making notes.

3. After assortment of all ballots available in the ballot box the chairman, in the presence of the commission members, counts the ballots recognized as invalid, the ballots voted “for”, the ballots voted “against” one by one. Based on the results the number of the invalid ballots, the ballots voted “for”, the ballots voted “against” is counted. The counted and sorted ballots are packed and sealed according to procedure defined by the Territorial Commission.

4. The precinct commission, based on the summary precinct protocol, compiles a protocol on the number of inaccuracies. The commission determines the number of inaccuracies by comparing the number of the signatures in the list. The difference with the total number of the ballots in the ballot box is considered as the number of inaccuracies.

5. Each action stipulated in third and fourth points of this Article shall be conducted in the priority mentioned, each one after the previous one is accomplished and the appropriate protocol is complied. A separate protocol is complied on each of the actions, with the signatures of all present members and in two copies, one of which is packed and sealed with the documents considered as basis.

1. Simultaneously, in case of drafts on two or more issues being submitted to referendum, the summarization of voting result for each is implemented separately.

Article 33. The Procedure for Summarizing the Voting Results In the Precinct Commission

1. The following is registered in the summary protocol of voting results:

- a. The total number of the citizens eligible for participation in the referendum , according to the list,

b. The number of registered voters and the voters who received ballots, according to their signatures

c. The number of ballots allotted to the polling station.

d. The number of cancelled ballots

e. The number of valid ballots in the ballot box

f. The number of invalid ballots in the ballot box

g. The total number of the established ballots in the ballot box

h. The number of ballots cast "for"

i. The number of ballots cast "against"

2. The figures of counting and registering in the protocol are announced loudly.

3. The protocol is signed by the members of commission present at the session; it is sealed by the Chairman of the commission. If any member of the commission has a special opinion on the data of the protocol, he/she makes a remark on it next to her/his signature and submits her/his written opinion which shall be attached to the protocol.

4. If the member of the commission refuses to sign the protocol, or has left the commission after the session on summarization of voting results had started, a protocol is compiled on this and attached to the summarization protocol of the voting results.

5. Upon the request of the observer they are provided with copies of the precinct protocols ratified by the signature of the Chairman or the Secretary and the seal of the commission.

6. From the end of the voting until the compilation of the protocol on the inaccuracies, the session of the precinct electoral commission cannot be interrupted.

7. At the end of the session, but not later than within 12 hours after the voting is has ended, the Chairman of the commission publishes the results of the voting.

8. Copies of the summarization protocol and the number of inaccuracies are displayed at the precinct centre, in a visible place. Not later than within 14 hours after the voting is completed the Chairman of the precinct commission submits documents related to referendum to the Territorial Commission according to the procedure defined by the Territorial Commission.

Article 34. Procedure for Summarization of Voting Results In the Territorial Commission

1. Based on the summarization protocols of precinct commissions, the Territorial Commission summarizes and not later than within 28 hours after the end of the referendum publishes the preliminary results of the: the total number of citizens included in the list, the number of votes voted for, the number of the voters who voted "against", the total number of the voters who voted "for", and the amount of inaccuracies.

2. The session of the territorial commission is not interrupted unless the preliminary results of the local referendum is published.

3. Not later than within 48 hours after the completion of voting, and in the case of complaints in the Court, or Territorial Commissions on the results of voting in the precincts - not later than 5 days, the Territorial Commission compiles summarization protocol of the voting, entering:

a. the total number of the voters by voter lists

b. the number of the registered voters who have received the ballots, according to the signatures.

c. the number of the ballots allotted to the precinct commissions

d. the number of the cancelled ballots

e. the number of the valid ballots in the ballot box

f. the number of the invalid ballots in the ballot box

g. the total number of the established ballots in the ballot box

h. the number of the ballots cast for

i. the number of the ballots cast against

j. the number of inaccuracies

4. The final protocol is signed by the commission members attending the session; it is sealed by the Chairman. If any member of the commission has a special opinion on the data of the protocol, he/she makes a remark next to her/his signature and submits her/his written opinion which is attached to the protocol.

5. If a member of commission refuses to sign the protocol, a protocol thereof is compiled, which is attached to the summarization protocol of the final results of elections.

6. The protocol is signed by the members of the commission attending the session: it is sealed by the Chairman.

7. Upon the request of an observer, he/she is given copies of the summarization protocol, on the referendum results in the constituency, which has to be ratified by the signature of the Chairman of the commission or the Secretary and the seal of the commission.

5. Upon the written request of at least three members of the precinct commission the Territorial Commission verifies the conformity of the precinct summarization protocols of the relevant precinct with the factual results of the referendum. The members of the relevant precinct can participate in verification.

Article 35. Summarization of Referendum Results

1. Territorial Commission, after having summarized the results of referendum according to Article 35 of this Law takes one of the following decisions;

- 1) on the adoption of the issue submitted to referendum
- 2) on the non-adoption of the issue submitted to referendum
- 3) on recognizing the results of the referendum as invalid

2. The draft submitted to referendum is considered as adopted if more than half of the voters voted for it, but not less than one third of the citizens included in the lists.

3. The draft submitted to referendum is considered as not adopted if the requirements of the point 2 of this Article are not provided.

4. The results of the referendum are considered as invalid, if the number of inaccuracies or the violations held during the preparation and conduct of the referendum have impact or could have had impact on the results of the referendum.

If the results of the referendum are considered as invalid, a new voting is conducted according to the procedures defined in this law not sooner than 10 days and not later than 20 days after the decision to invalidate the entered into force.

5. The results of the referendum can be disputed in the Constitutional Court within 7 days after the official announcement of the results.

Article 36. Enforcing the Decisions Adopted By the Referendum

1. The decision of the local self-government body enters into force within five days after announcing the Decision of the Territorial Commission on the results of the referendum if

no application is submitted to the Court on disputes related to the results of the referendum.

2. In the case of application to the Court for disputes related to the results of the local referendum, the decision of the local self-government body adopted by the local referendum shall come into force from the date of the publication of the decision of the Court, if nothing else is provided by this decision.
3. Decisions adopted by local referendum are changed only by local referendum.

Article 37. The Storage of the Referendum Documents

The referendum documents are stored in the State Archives for at least 10 years in conformity with the procedures established by the Territorial Commission.

CHAPTER IX

LIABILITY FOR VIOLATIONS OF THIS LAW

Article 38. Liability for Violations of the Provisions of This Law

Violations of the provisions of this law cause liability as defined by law for violations committed against the suffrage.

CHAPTER X

CONCLUDING PROVISIONS

Article 39. Enforcement of This Law

1. This law shall enter into force from the tenth day after its official publication.

**President of the Nagorno Karabakh
Republic**

B. Sahakyan

14 October 2008

Stepanakert city

HO-45-N

Appendix

Appendix of the Nagorno-Karabakh Republic Law on "Local Referendum"

THE OFFICIAL FORM OF THE SIGNATURES

((the name of the community where the collection signatures of the participants of the local referendum is performed))

We, the undersigned, support the initiative on the issue of conducting a local referendum

(on the initiative of the adoption of the local self-government body decision)

and _____ registered:
(the name of the territorial electoral commission)

The number of the registration of the certificate -----, given «-----» «-----».

N	The name and the surname	The date of the birth (day, month, year)	Registration address	Passport number	The date of the passport receipt (day, month, year)	The date of the signature (day, month, year)	Signature

The brochure number