

**ELECTORAL CODE**  
**OF THE NAGORNO KARABAKH REPUBLIC**

**PART ONE**

**SECTION 1**

**GENERAL PROVISIONS**

**CHAPTER 1**

**MAIN PROVISIONS**

**Article 1. The Foundations of Elections**

1. In accordance with the Constitution of the Nagorno Karabakh Republic, elections of the President of the Republic, as well as to the National Assembly and local self-government bodies shall be conducted by secret ballot on the basis of universal, equal, and direct suffrage.

2. Within the scope of the powers vested in them by law, officials of state government and local self-government bodies shall bear responsibility for the lawfulness of the preparation, organization, and implementation of elections.

3. Suffrage law shall be governed by the Nagorno Karabakh Republic Constitution and this Code.

**Article 2. Right to Vote**

1. Citizens of the Nagorno Karabakh Republic that have attained the age of 18 on the day of the voting shall have the right to vote in the Nagorno Karabakh Republic. Persons that do not have the citizenship of the Nagorno Karabakh Republic shall have the right to vote at the elections to the local self-government bodies in case of being registered for at least a year prior to the voting day in the community where the election is conducted.

2. At the elections to the local self-government bodies, the rights and obligations prescribed by this Code for the citizens of the Nagorno Karabakh Republic shall be extended also to persons that have the right to vote at the elections to the local self-government bodies.

3. Citizens declared by court judgment as lacking active legal capacity, as well as citizens sentenced by a final judgment to imprisonment and serving the sentence in a penitentiary institution, which has entered into force may not vote or be elected.

4. Military servicemen undergoing compulsory military service or training musters, arrested or detained persons, as well as citizens not registered in the Nagorno Karabakh Republic may not participate in the voting at local self-government elections and National Assembly elections under the majoritarian electoral system.

5. Voters with physical capacity limitations, as well as having difficulties to participate in elections, participate in the voting at the precinct center in accordance with the procedure prescribed by the Central Electoral Commission.

### **Article 3. Equal Suffrage**

1. Voters shall participate in elections on equal grounds.

2. The state shall ensure equal conditions for the exercise of the right of suffrage of voters.

3. Voters shall, irrespective of ethnic origin, race, sex, language, faith, political or other opinion, social origin, property or other status, have the right to vote and to be elected.

### **Article 4. Direct Suffrage**

1. The President of the Republic, the National Assembly deputies, as well as local self-government bodies, shall be elected directly.

### **Article 5. Secrecy of the Vote**

1. The vote shall be secret. The secrecy of the vote shall be not only a right, but also an obligation of a voter. Control over the free expression of will of a voter shall be prohibited.

### **Article 6. Publicity of Elections**

1. Elections shall be prepared and conducted publicly.

2. Normative decisions of the Central Electoral Commission shall be published in accordance with the procedure prescribed by the Nagorno Karabakh Republic Law on Legal Acts. The individual decisions of the Central Electoral Commission, after their adoption, and the normative decisions of the Central Electoral Commission, after their state registration, and the registration at the Central Electoral Commission in accordance with the procedure prescribed by Law shall be posted on the website of the Central Electoral Commission by the end of the following working day.

3. For the purposes of ensuring the publicity and transparency of organizing and conducting elections, raising the public awareness, and ensuring the security, protection and fail-safe operation, as well as for the proper performance of the powers vested in electoral commissions by this Code, electoral commissions shall be provided with the necessary software, hardware, communication means, equipment, and other facilities.

4. Candidates, political parties (alliances of political parties) participating in elections under the proportional electoral system, may, in national elections (national elections are the elections of the President of the Republic and to the National Assembly under the proportional system), submit their campaign programs in the electronic form prescribed by the Central Electoral Commission for the purpose of posting on the website of the Central Electoral Commission. After such programs are submitted, the Central Electoral Commission shall post them on the website by the end of the working day following the submission.

5. For the registration of the voting lists of the candidates and political parties (alliances of political parties) after the expiry of the time prescribed by this Code, the candidates and the political parties participating in the elections under the proportional system (the political parties involved in the political party alliances) submit a declaration about their property and income. Candidates for the President of the Republic submit autobiography and a photo as well. The forms of the declarations and the procedure of their submission are prescribed by the Central Electoral Commission.

6. Declarations of candidates for the President and declarations of political parties shall, within a three-day period of submission, be posted on the website of the Central Electoral Commission. Copies of the declarations of other candidates shall be provided to members of electoral commissions, proxies, mass media representatives, and observers on the basis of their written requests.

7. During the elections of the President of the Republic and to the National Assembly, the Authorized Body maintaining the Voter Register of the Nagorno Karabakh Republic shall, on the day preceding the voting day, publish the total number of voters included in the Voter Register of the Nagorno Karabakh Republic.

8. Voters shall, in the procedure prescribed by this Code, be informed of the composition, locations, and working hours of electoral commissions, the time limits for submission of applications on inaccuracies in the lists of voters, and of the nomination and registration of candidates, the voting day, the voting results and the election results.

9. On the voting day, precinct electoral commissions shall be obliged to communicate to the territorial electoral commissions by 11:30 a.m., 2:30 p.m., 5:30 p.m., and 8:30 p.m. the number of voters having participated in the voting at the particular electoral precinct as of 11:00 a.m., 2:00 p.m., 5:00 p.m., and 8:00 p.m., respectively. Territorial electoral commissions shall summarize, publish, and communicate such data to the Central Electoral Commission at the same frequency. In national elections, the Central Electoral Commission shall, at 9:00 a.m. of the voting day, publish information on the progress of the elections; from 12:00 p.m. to 9:00 p.m., the Central Electoral Commission shall, once every three hours, publish information as per the electoral precincts on the number of voters having participated in the voting as of the foregoing hour. After the information on the number of voters having participated in the voting is published, it shall be posted on the website of the Central Electoral Commission as per electoral precinct.

In the cases mentioned in the first Paragraph of this Part, the Central Electoral Commission shall publish the data in a live broadcast on the Public Radio and Public Television from the residence or media center of the Central Electoral Commission.

10. The Central Electoral Commission shall, no later than starting at 0:00 on the day following the voting, carry out the tabulation of voting results as per electoral precinct. The Central Electoral Commission shall complete the tabulation of the preliminary results of the voting and shall post the preliminary results of the election on the website of the Commission after the receipt of the last piece of information from an electoral precinct concerning the voting results, but no later than within 24 hours of the end of the voting.

11. Proxies, observers, mass media representatives, and, with the consent or upon the assignment of the chairperson of the superior electoral commission, members of a superior electoral commission shall be entitled to be present at the sessions of the electoral commissions and in polling stations during the entire voting process in

accordance with the procedure prescribed by this Code. Proxies, observers, and mass media representatives may take photos and videos of sessions of the electoral commission, as well as of the voting process without violating the right of voters to secrecy of the ballot.

## CHAPTER 2

### *VOTER LISTS*

#### **Article 7. Maintaining the Voter Register; Compiling the Lists of Voters**

1. The Voter Register of the Nagorno Karabakh Republic is a permanently maintained document, which is compiled as per regions (Stepanakert city) and communities. Citizens of the Nagorno Karabakh Republic, which are registered in any community of the Nagorno Karabakh Republic, and have the right to vote shall be included in the Voter Register of the Nagorno Karabakh Republic.

Citizens having no registration in the Nagorno Karabakh Republic, as well as persons that do not have the citizenship of the Nagorno Karabakh Republic, but have the right to vote at the elections to the self-government bodies, shall not be included in the Voter Register of the Nagorno Karabakh Republic, which does not restrict their right to be included in the list of voters.

2. The Voter Register of the Nagorno Karabakh Republic shall be maintained and the list of voters compiled by the public administration body authorized by the Government of the Nagorno Karabakh Republic (hereinafter referred to as “the Authorized Body”) maintaining the registration of the citizens as per dwelling place. The Authorized Body shall be responsible for compiling and maintaining the Voter Register of and the list of voters of the Nagorno Karabakh Republic in accordance with the requirements of this Code.

3. Heads of Diplomatic and Consular Missions of the Nagorno Karabakh Republic in foreign countries, penitentiary institutions, as well as commanders of military units shall compile the lists of voters, too, in the cases and procedure prescribed by this Code.

4. The Authorized Body shall submit to the Central Electoral Commission the Voter Register of the Nagorno Karabakh Republic as per regions and communities twice a year, in July and January (during two weeks), and in the case of national elections also as per electoral precincts at least 41 days prior to the voting day; such submission shall be in an electronic form for posting on the website of the Central Electoral Commission with a search feature. The Voter Register of the Nagorno Karabakh Republic shall be a permanent and integral part of the website of the Central Electoral Commission.

#### **Article 8. Inclusion of Voters in the List**

1. The list of voters of a community shall be compiled on the basis of the Voter Register of the Nagorno Karabakh Republic as per electoral precincts. Such a list of voters of a community shall include the persons that have the right to vote in relevant elections pursuant to Article 2 of this Code.

2. In each election, a voter shall be included only in one list of voters and only once.

In the elections to the self-government bodies, citizens that became registered in the respective community after announcing an election there may not be included in the list of

voters of such a community. The provisions of this paragraph shall not apply to the citizens who became registered in such a community by virtue of marriage, demobilization from compulsory military service for a term, release from a prison sentence, moving for the purpose of establishing permanent residence in the Nagorno Karabakh Republic.

3. In case of national elections, voters registered in another community may, no later than seven days prior to the voting day, file an application with the head of the Authorized Body or of its relevant subdivision (hereinafter referred to as “the Authorized Body”) on temporary removal from the list of voters of the place of his registration, indicating the address where he will be on the voting day. The form of such application shall be defined by the Central Electoral Commission.

The Authorized Body shall, within a three-day period of receiving the application, issue a statement to the voter on removing his data from the list of voters of the place of his registration and on including him in a supplementary list of voters of the electoral precinct where he will actually be. The form of the statement shall be defined by the Central Electoral Commission.

4. The voters of the Nagorno Karabakh Republic having submitted a nomination who live or are outside the territory of the Nagorno Karabakh Republic, are included in the voters lists compiled out of the Nagorno Karabakh Republic in accordance with the procedure prescribed by the Central Electoral Commission.

In the case of the absence of the Diplomatic and Consular Missions of the Nagorno Karabakh Republic in foreign countries the voter mentioned in the first paragraph of this part can apply to the Diplomatic and Consular Missions of the Nagorno Karabakh Republic in the country closest to his residence or the place of stay with the nomination for the registration in the voters list.

5. For the purpose of participating in the voting in national elections, voters not registered in the Nagorno Karabakh Republic shall, no later than seven days prior to the voting day, submit an application on including them in the list of voters, indicating the address of the place of stay in the Nagorno Karabakh Republic on the voting day. The Authorized Body shall, within a three-day period of receiving such application, include the voter in the supplementary list of voters of the electoral precinct closest to his place of stay on the voting day and shall provide him a statement thereon. The forms of the application and of the statement shall be defined by the Central Electoral Commission.

6. In national elections, the Police of the Nagorno Karabakh Republic shall, no later than four days prior to the voting day, by 2:00 p.m. of that day, compile the list of police officers seconded to electoral precincts on the voting day, indicating in the list the surname, first name, and patronymic, the year, month and day of birth (hereinafter referred to as “the Date”), as well as the address of the place of registration of such voters. Based on such lists, the Authorized Body shall remove such police officers from the list of voters of their places of registration and shall, in accordance with the requirements on the lists of voters stipulated by Article 9 of this Code, compile a supplementary list of police officers voting in such an electoral precinct.

7. In national elections, the head of an inpatient facility shall, no later than four days prior to the voting day, by 2:00 p.m., submit to the Authorized Body the list of voters undergoing inpatient treatment, which have no possibility to visit the polling station on their own, but wish to participate in the voting. Such list shall indicate the surname, first name, patronymic, date of birth, and address of the place of registration of such voters.

Based on the submitted lists, the Authorized Body shall remove the voters undergoing inpatient treatment from the list of voters of the places of their registration, and shall, in accordance with the requirements concerning the lists of voters stipulated by Article 9 of

this Code, compile a supplementary list of voters participating in the voting at the inpatient facility.

8. In national elections, military servicemen undergoing compulsory military service or training musters shall, in case of being granted temporary leave from service in accordance with the procedure defined by the legislation, be removed from the list of voters of the respective military unit, and may be included in the list of voters of the places of their permanent residence, provided that an application on including them in such a list of voters is filed within the time limit specified in Part 3 of this Article. The form of the application and the list of documents attached thereto shall be defined by the Central Electoral Commission.
9. In national elections, military servicemen undergoing compulsory military service, as well as contract servicemen registered in the territory where a military unit is deployed, members of their families registered within the same territory that have the right to vote, as well as voters undergoing training in musters shall be included in the list of voters of the military unit.
10. In national elections, the Ministry of Defense of the Nagorno Karabakh Republic shall, no later than 50 days prior to the voting day, submit the number of voters registered in military units to the community mayor, the Authorized Body, and the Central Electoral Commission in accordance with the procedure prescribed by the Central Electoral Commission. The provisions of this Part shall also apply to the National Security and Police troops of the Nagorno Karabakh Republic.
11. Contract servicemen registered outside the territory of a military unit shall be included in the list of voters of the community in accordance with the general procedure.
12. The lists of voters detained in an institution shall be compiled by the head of the penitentiary institution with the participation of the Territorial Electoral Commission member three days prior to the voting day.

#### **Article 9. Requirements on the Lists of Voters**

1. The lists of voters shall be compiled according to the addresses of the places of registration of voters.
2. A list of voters shall include the name of the region and the community, and, in separate columns, the voter's:
  - (1) Number in the list;
  - (2) Surname, first name, and patronymic (if the patronymic is specified in the registration documents);
  - (3) Date of birth; and
  - (4) Address of the place of registration and, in case of voters not registered in the Nagorno Karabakh Republic, the address of the place of residence in the Nagorno Karabakh Republic on the voting day.
3. The numbering in the lists of voters provided to precinct electoral commissions, referred to in Point 1 of Part 2 of this Article, shall be carried out as per electoral precincts; the number of the electoral precinct shall also appear on each sheet of the lists, and four additional columns shall be designated for the following:

- (1) The series and number (hereinafter referred to as “the Number”) of the voter’s personal identification document;
- (2) The voter’s signature;
- (3) The signature of the commission member responsible for the registration of voters;
- (4) Remarks: remarks in the list of voters may be made in accordance with the procedure prescribed by the Central Electoral Commission.

4. In case of more than one concurrent elections, a separate column for the voter’s signature for each vote shall be provided.

5. The lists of voters shall be compiled in the form of a journal, paginated for up to 750 voters, so that each journal of the lists of voters provided to an electoral precinct having more than 750 voters includes the data of an approximately equal number of voters. Each page of the list of voters may contain data on no more than 20 voters.

6. The list of voters and the supplementary list of voters prepared by the Authorized Body in cases prescribed by this Code shall be compiled and paginated by the Authorized Body, and each page of such list shall be signed and sealed by the Authorized Body.

7. The lists of voters prepared in a military unit and penitentiary institution shall be compiled and paginated by, and each page of such lists shall be signed and sealed by, the commanders of the respective military units and the head of the penitentiary institution, respectively.

#### **Article 10. Providing Lists of Voters to Electoral Commissions and to the Entity Controlling the Premises of a Polling Station**

1. The Authorized Body shall, no later than 40 days prior to the voting day, provide to the entity controlling the premises of a polling station one copy of the list of voters containing on the last page a statement on the time limits and place of submitting applications on inaccuracies in the lists of voters, as well as on the manner, time period, and conditions of their review, to be posted in the polling station. The form of such statement shall be defined by the Central Electoral Commission.

2. The Authorized Body shall, 10 days prior to and three days prior to the voting day, provide a statement, as per constituencies and electoral precincts, on the number of voters to the Central Electoral Commission in case of national elections and to the territorial electoral commission in case of local self-government elections and by-elections of a National Assembly deputy under the majoritarian electoral system.

3. The Authorized Body shall, two days prior to the voting day, provide to chairpersons of precinct electoral commissions the lists of voters (including supplementary lists) compiled by the Authorized Body as per electoral precincts and the addresses of residential buildings (houses) included in the electoral precinct, in two printed copies (the first copy of the lists of voters, including the supplementary lists, shall be compiled in the form of a journal, and the second copy shall be for posting in the polling station), as well as the forms necessary for compiling supplementary lists of voters under Article 13 of this Code.

4. The Authorized Body shall, within the time limits prescribed by Parts 1 and 3 of this Article, provide the lists of voters to the Central Electoral Commission in an electronic medium.

5. Three days prior to the voting day, the commander of a military unit shall provide to the chairperson of the territorial electoral commission the lists of voters registered in the respective military unit, in a sealed envelope that shall be opened only on the voting day at the precinct electoral commission.

6. Two days prior to the voting day, the head of a penitentiary institution shall deliver the list of voters to the precinct electoral commission chairperson.

### **Article 11. Access to the Lists of Voters**

1. The list of voters of the Nagorno Karabakh Republic, except for the lists compiled in a military unit, penitentiary institution, as well as the lists signed by voters, shall be freely accessible.

The lists signed by voters shall not be published, and no copy of these lists shall be made; furthermore, they may not be photographed or videotaped.

2. In national elections, the Authorized Body shall post on the Internet the list of voters as per electoral precincts 40 days and two days prior to the voting day. The lists of voters posted on the Internet as per electoral precincts must be downloadable.

3. The entity controlling the premises of the polling station shall, 40 days prior to the voting day, post the list of voters in the polling station in a place visible for everyone.

4. The chairperson of a precinct electoral commission shall, two days prior to the voting day, post a copy of the list of voters, including the supplementary lists, in the polling station in a place visible for everyone. Such lists shall remain posted in the polling station until the termination of the authority of the precinct electoral commission.

5. The lists of voters registered in military units shall be posted in military units in a place visible to servicemen 10 days prior to the voting day.

6. The Authorized Body shall send notices to voters about the voting day, the number of the polling station, and the place and time of the voting no later than three days prior to the voting day.

### **Article 12. Procedure of Filing Applications on Eliminating Inaccuracies in the Lists of Voters; Procedure of Reviewing Such Applications and Correcting the Lists of Voters**

1. Everyone shall be entitled to file, no later than five days prior to the voting day, an application with the Authorized Body on eliminating inaccuracies (including those not related personally to the applicant) in the lists of voters. Within five days of receiving such an application, but no later than four days prior to the voting day, the Authorized Body shall, if sufficient grounds prescribed by this Code are present, make the necessary changes or corrections to the list of voters and inform the applicant thereof in writing.

2. During four days preceding the voting and until the end of the voting, everyone shall have the right to file an application with the Authorized Body on being included in the list of voters. Decisions concerning applications on being included in the lists shall be rendered in such time frames as to enable a voter to participate in the voting.

The Central Electoral Commission shall define the form of the statement issued by the Authorized Body on a person not being included in the list of voters, which is to be submitted to the relevant precinct electoral commission. The precinct electoral

commission shall make an addition to the list of voters based on the statement issued by the Authorized Body on being included in the list of voters: such addition shall be made on the voting day by drawing up a supplementary list in accordance with the procedure prescribed by Article 13 of this Code.

3. Disputes on eliminating inaccuracies in the list of voters and on making additions to the list shall be resolved in the procedure and time limits prescribed by the Administrative Procedure Code of the Nagorno Karabakh Republic. The court shall render a judgment on making additions to the list within a time period that will enable the voter concerned to participate in the voting. A court judgment on eliminating inaccuracies in the lists of voters shall be enforced by the Authorized Body. Additions to the list of voters, based on a judgment on being included in the list of voters, shall be made by a precinct electoral commission on the voting day by means of compiling a supplementary list in accordance with the procedure prescribed by Article 13 of this Code. For purposes of correcting the Voter Register, courts shall send a copy of the judgment on including voters in the list of voters to the Authorized Body for making corresponding changes in the Voter Register, too.

4. Electoral commissions may not, at their initiative, make any changes, whether corrections or additions, to the lists of voters (including supplementary lists), except for correcting spelling errors and technical errors in the electoral precinct on the voting day, as well as in the case prescribed by Article 13 of this Code.

### **Article 13. Supplementary Lists of Voters**

1. Precinct electoral commissions shall compile a supplementary list of voters in accordance with the procedure prescribed by this Code. The documents considered the basis for including a voter in the supplementary list of voters shall be annexed to the supplementary list.

2. Supplementary lists of voters shall be compiled in accordance with the requirements for the lists of voters provided to precinct electoral commissions for the voting, by means of adding one column for indicating the number and date of either the relevant court judgment or the statement issued by the Authorized Body.

3. Each page of a supplementary list of voters compiled by a precinct electoral commission shall be signed and sealed by the precinct electoral commission chairperson. After the end of the voting, the chairperson of the commission shall indicate at the end of the list the total number of voters included in the supplementary list.

## **CHAPTER 3**

### **ELECTORAL PRECINCTS AND POLLING STATIONS**

#### **Article 14. Electoral Precincts**

1. The Authorized Body shall, with the participation of the community mayor and a member of the territorial electoral commission, form electoral precincts no later than 45 days prior to the voting day, taking into account the local, as well as other conditions, with the aim of creating more favorable conditions for the voting.

2. Electoral precincts shall be formed with sequential numbering. The procedure of numbering the electoral precincts shall be defined by the Central Electoral Commission.

3. An electoral precinct shall, at the time of formation, include not more than 2,000

voters. The number established by this Part may be changed in case of correcting the lists of voters and in cases provided by Article 8 of this Code, but no more than by 1 percent.

4. An electoral precinct may not include different community settlements.

#### **Article 15. Polling Stations**

1. The voting shall be conducted in a polling station.

2. A polling station shall be as close as possible to the residential buildings and houses located in the electoral precinct. The polling station shall be selected in such a way as to ensure the proper conduct of the voting. The community mayor shall be responsible for selecting the location of a polling station, as well as for furnishing the voting room in accordance with the requirements defined by Article 54 of this Code.

3. A polling station may not be located in buildings occupied by state bodies and local self-government bodies, or military educational institutions, military formations, or health care institutions.

4. In national elections, polling stations shall be formed also in the Diplomatic and Consular Missions of the Nagorno Karabakh Republic abroad, as well as in detention facilities.

5. Local self-government bodies shall take appropriate measures in polling stations to safeguard the accessibility for the purposes of the exercise of the voting rights by voters with physical capacity limitations.

#### **Article 16. Designating a Polling Station**

1. No later than 43 days prior to the voting day, the community mayor shall designate a polling station. The community mayor shall provide information about it to the Authorized Body, the relevant territorial electoral commission, and the entity controlling the premises of the polling station.

2. If it is impossible to properly organize the voting or if it is impossible to conduct the voting in a polling station, the community mayor shall be obliged, upon the request of the chairperson of the territorial electoral commission, to change the location of the polling station no later than five days prior to the voting day, and, in exceptional cases (natural disaster, accident, fire, or *force majeure*), to change the location of the polling station also on the voting day with the consent of the chairperson of the territorial electoral commission.

3. In case of changing the location of a polling station, the community mayor shall give immediate notice thereof to the voters.

### **CHAPTER 4**

#### **CONSTITUENCIES**

#### **Article 17. Constituencies**

1. Constituencies equal in number to the number of mandates of the National Assembly deputies under the majoritarian electoral system shall be formed in the territory of the Nagorno Karabakh Republic.

2. A constituency shall be a unified territory that may not include non-adjacent settlements.

3. The borders of each constituency shall be formed so that all the constituencies include voters of about equal quantity, taking into account the geographic, topographic, and physical features of the area, availability of means of communication, as well as the existing social and other factors. In each formed constituency, the number of voters shall not be more than 10 percent and in exceptional cases 15 percent more or less than the ratio of the total number of voters to the number of the formed constituencies.

If the number of voters at the constituency is more than 10 percent of the ratio of the total number of voters to the number of the formed constituencies, then the Central Electoral Commission shall point out all the factors, on the basis of which that decision has been made and substantiate their effect.

4. Constituencies shall be formed and numbered by the Central Electoral Commission.

5. The Central Electoral Commission shall publish the lists of the numbered constituencies and the diagram on the official guidebook, website of the Central Electoral Commission and 'Azat Artsakh' newspaper within thirty days after the change of the number of the constituencies prescribed by this Code enter into force.

6. At by-elections of a National Assembly deputy under the majoritarian electoral system, the borders of a constituency shall not be changed.

## CHAPTER 5

### THE PRE-ELECTION CAMPAIGN

#### Article 18. Main Principles of the Pre-Election Campaign

1. The pre-election campaign period is the period, during which the rules in effect are the rules defined by this Code for ensuring equal opportunities for the candidates in access to public resources, campaigning, and financial transparency.

Prescription of the pre-election campaign period may not restrain campaigning during other periods not prohibited by this Code.

The pre-election campaign period shall start on the day after the last day of the time period defined by this Code for registration of candidates and electoral lists of parties, and shall expire one day prior to the voting day. The campaign during such period shall hereinafter be referred to as "the pre-election campaign."

Campaigning shall be prohibited on the voting day and on the preceding day.

2. The state shall safeguard free pre-election campaigning. Free pre-election campaigning shall be safeguarded by state government and local self-government bodies by means of providing halls and other premises for pre-election meetings, meetings of voters with candidates, and other election-related events. They shall be provided to candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system on equal grounds and free of charge in accordance with the procedure prescribed by the Central Electoral Commission.

3. No later than 20 days after calling national elections the head of the regional administration( Mayor of Stepanakert) shall submit to the Central Electoral Commission

the list of halls and other premises that are available free of charge to candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. Such a list shall be posted on the website of the Central Electoral Commission.

4. Voters, candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall have the right to campaign, in any way not prohibited by law, for or against a candidate, political party, or alliance of political parties.

5. After calling elections, candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system may form election campaign offices. Election campaign offices may not be located in buildings occupied by state government bodies and local self-government bodies (except for cases where election campaign offices occupy an area not belonging to such bodies), or in buildings, in which electoral commissions are functioning.

6. The following shall be prohibited from conducting pre-election campaigning and disseminating any campaign materials:

(1) State government bodies and local self-government bodies, as well as their servants, and the pedagogical staff of educational institutions during the performance of their duties;

(2) Judges, prosecutors, officers serving in the Police, the National Security Service Bodies, and penitentiary institutions, as well as military servicemen

(3) Charitable and religious organizations.

(4) Foreign citizens and organizations

(5) Members of electoral commissions.

7. During the pre-election campaign, as well as on the day preceding the voting and on the voting day, candidates, political parties, and political party alliances shall be prohibited from giving (promising), in person or via someone else acting on their behalf or in any other manner, gratuitously or on preferential terms, any money, food, securities, or goods to voters, or from providing (promising) services to voters.

8. Candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, and other participants in elections shall observe the established procedure for pre-election campaigning. Electoral commissions shall oversee compliance with the established procedure for pre-election campaigning. In case of violation of this procedure by candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, the commission that registered the candidate or the electoral list of the political party or political party alliance shall request the competent authorities to prevent such violations or to issue a warning in respect of the violating candidate, political party, or political party alliance, giving a reasonable period not exceeding three days for eliminating the violation. If the violation is not eliminated during the specified period, the commission shall file a court claim to repeal the registration of the candidate or of the electoral list of the political party or political party alliance.

If a candidate, as well as a political party or political party alliance participating in elections under the proportional electoral system violates the established procedure of pre-election campaigning in a way that can materially affect the outcome of the elections, then the commission that registered the candidate or political party or political party alliance shall file a court claim to repeal the registration of the candidate or of the electoral list of the political party or political party alliance.

9. Arrested or detained candidates shall conduct the pre-election campaigning via their proxies in electoral processes. To this end, arrested or detained candidates shall be entitled, during the pre-election campaign, to have meetings with up to three of their proxies, for up to two hours a day, at the institutions for holding arrestees or in detention institutions, respectively.

## **Article 19. Pre-Election Campaigning via the Mass Media**

1. Candidates for the President of the Republic, as well as political parties and political party alliances participating in elections shall have the right to use air time of the Public Radio and Public Television (including by live transmission) on equal grounds, free of charge, and for pay.

2. For each national election the Central Electoral Commission shall, on the day following the expiry of the time limit provided for registration of candidates and lists of political parties and political party alliances, prescribe the procedure and schedule for providing free-of-charge and paid air time on the Public Radio and Public Television to candidates for the President of the Republic, as well as political parties and political party alliances participating in elections under the proportional electoral system.

3. The Public Radio and the Public Television shall be obliged to ensure non-discriminatory conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system.

News programs of the Public Radio and the Public Television shall present impartial and non-judgmental information on the pre-election campaigns of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system.

The failure of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system to organize events or to provide information about such events shall not serve as a basis for the mass media not publishing information about the campaign of the other participants of the elections.

4. No later than 10 days after calling national elections the Public Radio and Public Television shall disclose the minute price of their paid air time, which may not exceed the average cost of commercial advertisement for the six months immediately preceding the calling of elections and may not be changed until the end of the pre-election campaign.

5. The provisions defined by Parts 3 and 4 of this Article shall extend equally to other radio and television companies performing terrestrial broadcasting, irrespective of the form of ownership, which provide air time to candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system for purposes of campaigning.

6. The pre-election campaigning is performed in the form of public debates, round tables, press conferences, interviews, and other lawful forms of political advertising via mass media.

7. It shall be prohibited to interrupt radio and television programs concerning the pre-election campaign by advertisements of goods or services.

8. When performing terrestrial broadcasting, radio and television programs concerning the pre-election campaign shall be audio- and video-taped. They shall be retained for at least three months.

9. Public Services and Economic Competition Regulatory State Commission of the Nagorno Karabakh Republic oversee compliance with the established procedure for pre-election campaigns by television and radio companies performing terrestrial broadcasting.

10. Newspapers and magazines founded by state government bodies or local self-government bodies shall be obliged to ensure non-discriminatory conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system during the period of the pre-election campaign.

## **Article 20. Procedure of Using Campaign Posters and Print Campaign Materials during the Pre-Election Campaign**

1. Candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall have the right to disseminate, on equal grounds and in an unimpeded manner, campaign posters, print campaign materials, and other materials.

2. It shall be prohibited to post campaign posters on or inside buildings occupied by state government bodies or local self-government bodies.

Campaign posters may be posted on or inside buildings, premises, and means of transport belonging to or possessed by natural or legal persons upon their consent, unless this Article prohibits the posting of posters in such places.

Campaign posters may be posted or used without restrictions during pre-election campaign gatherings, meetings with voters, and other events connected with the pre-election campaign, at the places of holding such events. Campaign posters posted in such events shall, after the event is over, be removed by the relevant candidate or party or alliance of political parties.

Natural persons entitled to carry out campaign may carry campaign materials with them without any restrictions.

3. The community mayor shall be obliged, within 21 days after calling elections, to decide upon designating free-of-charge places for posting campaign posters in the territory of the community, establishing conditions that will safeguard equal opportunities (equal surface area) for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. This power shall be a mandatory power for the community mayor.

4. Organizations managing outdoor billboards shall, in case of placing campaign posters, during the period of the pre-election campaign, ensure non-discriminatory and impartial conditions for candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system.

5. In national elections, all applications on receiving permission to post banners shall be granted by officials authorizing the posting thereof. The costs of posting campaign banners shall be born by the respective candidates, political parties, or alliance of political parties. No fee shall be charged for the placement of such campaign banners.

6. It shall be prohibited to scratching off or tear posters or write on them or damage them in any other way.

7. The community mayor and the heads of organizations managing outdoor billboards shall ensure the removal of campaign posters of candidates, political parties, or political party alliances the registration of which has been repealed or declared as invalid.

8. Campaign posters placed in violation of the provisions of this Article shall be removed by the community mayor, with the help of the Police if necessary. This function shall be considered as a power delegated to the community mayor.

9. Print campaign materials shall include information on the client, the publisher, and the print run.

10. It shall be prohibited to disseminate anonymous print campaign materials. In case of detecting anonymous or false print campaign materials the informed electoral commission shall apply to the competent authorities to terminate the illegal conduct.

## **Article 21. Prohibition of Influence on the Free Expression of the Will of Voters**

1. Employees of radio and television companies performing terrestrial broadcasting, who are registered as candidates, shall be prohibited from covering the elections and anchoring radio and television program or participating therein, except for cases prescribed by Article 19 of this Code.

2. During the pre-election campaign, state and servants of local self-government bodies, mass media employees shall be prohibited from exercising their powers for the purpose of influencing the free expression of the will of voters by means of creating unequal conditions among candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, or by demonstrating bias.

3. When publishing the findings of an opinion poll on ratings of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system, the organization carrying out the opinion poll shall indicate the poll time frames, the number of respondents, the form of the sample, the type and place of the collection, the exact wording of the question, the statistical estimate of possible errors, and the client.

It shall be prohibited within seven days prior to the voting day, including the voting day till 8:00 p.m., to publish the findings of an opinion poll on ratings of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system.

Radio or television companies performing terrestrial broadcasting shall be prohibited to publish, at any time prior to 8:00 p.m. of the voting day, findings of any opinion polls of voters as to whom they have voted for.

4. On the voting day, it shall be prohibited to assemble in groups in the area adjacent to a polling station, within a radius of fifty meters, or to cluster vehicles in the area adjacent to the entrance of a polling station. The enforcement of the provisions of this Part shall be ensured by the Police of the Nagorno Karabakh Republic, independently of requests by the relevant electoral commission.

## **Article 22. Restrictions on Pre-Election Campaigns of Candidates Holding Political, Discretionary, or Civil Positions, as well as Candidates that are State or Local Self-Government Body Servants**

1. Candidates holding political, discretionary, or civil positions, as well as candidates

that are state or local self-government body servants shall conduct the pre-election campaigns subject to the following restrictions:

(1) Making direct or indirect statement urging to vote for or against a candidate, political party, or alliance of political parties during one's performance of official duties, and any abuse of official position to gain advantage at elections shall be prohibited;

(2) It shall be prohibited to use for pre-election campaign purposes areas, transportation and communication means, or material and human resources provided for the performance of official responsibilities, except for security measures applicable in respect of high-ranking officials subject to state protection under the Nagorno Karabakh Republic Law on Ensuring the Safety of Persons Subject to Special State Protection."

For purposes of pre-election campaigning, these candidates shall make use of state property on grounds equal to those for other candidates.

(3) It shall be prohibited to coverage the activities of these candidates via the mass media, except for cases prescribed by the Constitution, official visits and receptions, as well as activities carried out by them during natural disasters.

2. Where the other activities of a candidate referred to in this Article are covered, the mass media performing terrestrial broadcasting shall consider it when covering the activities of other candidates in order to comply with the non-discrimination principle of equal coverage prescribed by Article 19 of this Code.

## CHAPTER 6

### THE FINANCING OF ELECTIONS

#### **Article 23. Financing of the Organization and Conduct of Elections**

1. The state budget shall finance the expenditures of organizing and conducting elections (including the compilation of lists of voters and the organization of professional training courses on conducting elections), as well as the expenditures necessary for the operation of the electoral commissions. Such expenditures shall be envisaged by a separate budget line in the state.

2. In case of conducting early elections, the elections shall be funded from the reserve fund of the state budget within five days after calling the elections.

3. Financial means intended for elections (including those provided for the maintenance of commissions) shall be allocated to the Central Electoral Commission which, in accordance with the procedure prescribed by this Code and the legislation of the Nagorno Karabakh Republic, manage the financial means. Heads of the Territorial Electoral Commission shall be responsible for using such means in accordance with the cost estimates prepared by the Central Electoral Commission.

5. The commission of the polling station within a period of 10 days after the election shall submit a report on the use of financial means to the Territorial Electoral Commission, and Territorial Electoral Commission within a period of 20 days after the election shall submit a report on the use of financial means to Central Electoral Commission. The Central Electoral Commission shall submit a report on the expenditures incurred to the Control Chamber of the Nagorno Karabakh Republic in the procedure and time periods prescribed by the legislation of the Nagorno Karabakh Republic.

## **Article 24. Electoral Deposits**

1. Candidates, as well as political parties and political party alliances participating in the elections under the proportional electoral system shall pay an electoral deposit to the bank account of the Central Electoral Commission.

2. The amount of the electoral deposit shall be returned within a period of one month on the basis of a written application.

(1) Being elected or participating in the distribution of mandates under the proportional electoral system;

(2) Receiving 5 percent or more of the total number of ballots voted "for" the candidates;

(3) Self-withdrawal prior to the registration of candidates or electoral lists of political parties and alliances of political parties;

(4) Declaring the election results invalid and calling a new election; or

(5) The death of a candidate – to his heirs.

## **Article 25. Formation of the Pre-Election Fund**

1. Candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system shall open a pre-election fund for the purpose of financing their pre-election campaign. Political parties included in an alliance of political parties and candidates nominated only under the proportional electoral system may not create a separate pre-election fund. Financial means of the pre-election fund shall be collected in any commercial bank of the Nagorno Karabakh Republic. For the purpose of creating a pre-election fund, banks shall open special temporary accounts on the basis of applications of candidates, as well as political parties and political party alliances participating in elections under the proportional electoral system. Interest income shall not be accrued or paid out of such accounts.

2. The pre-election fund of a candidate shall be made up of:

(1) His personal funds;

(2) Funds provided by the political party that nominated him; and

(3) Voluntary contributions by persons having the right to vote;

3. The pre-election fund of political parties and political party alliances registered under the proportional electoral system shall be made up of:

(1) The funds of such political party, or, in case of an alliance of political parties - from the funds of the political parties that are members of the alliance; and

(2) Voluntary contributions by persons having the right to vote.

4. Amounts paid to the accounts of pre-election funds by natural and legal persons not specified in Parts 2 and 3 of this Article shall be transferred to the state budget in accordance with the procedure prescribed by the Central Electoral Commission.

5. The maximum limits of contributions made to pre-election funds shall be prescribed by this Code. Amounts exceeding the maximum limits of contributions prescribed by this Code, which were made to pre-election funds, shall be transferred to the state budget in accordance with the procedure prescribed by the Central Electoral Commission.

6. Banks, in which special temporary accounts have been opened in case of national elections, shall submit a statement of revenues and expenditures of pre-election funds of candidates, political parties, and alliances of political parties to the Oversight and Audit Service of the Central Electoral Commission once every three working days after the end of the time limit prescribed by this Code for the registration of candidates or electoral lists of political parties or political party alliances. The Oversight and Audit Service shall summarize such data, compile a brief statement, and post it on the website of the Central Electoral Commission.

In case of other elections the statement on revenues and expenditures of pre-election funds mentioned in the first paragraph of this Part shall be submitted to the relevant territorial electoral commission.

7. The Central Electoral Commission shall define the procedure of recording contributions made to and expenditures made from pre-election funds.

## **Article 26. Use of Resources of Pre-Election Funds**

1. The candidates may use the resources of the pre-election fund to finance any non-prohibited by law event aimed at pre-election campaigning.

2. Candidates, as well as political parties and political party alliances participating in the elections under the proportional electoral system shall use only the resources of the pre-election fund to finance pre-election campaigning via the mass media, to rent halls and premises, to prepare (post) campaign posters, to acquire print campaign and other materials, and to prepare any campaign material (including print materials) to be provided to voters. The maximum amount of expenses made from the pre-election fund for such purposes shall be prescribed by this Code.

In case the goods and services prescribed by this Part are delivered at a price lower than the market price or are acquired prior to the creation of the pre-election fund, then they shall be included in the expenditures of the pre-election fund at their market price.

3. If it is substantiated that the expenditures made for the pre-election campaign of a candidate, a political party, or an alliance of political parties have exceeded the maximum limit of the pre-election fund prescribed by this Code, the electoral commission shall render a decision to oblige the candidate, political party, or alliance of political parties to transfer to the state budget the amount by which the maximum limit of the pre-election fund prescribed under this Code has been exceeded.

4. In case of failure, within five days of rendering the decision of the electoral commission, to transfer the amounts prescribed by this Article to the state budget or to appeal the decision of the electoral commission by judicial procedure, the electoral commission shall collect the mentioned amount by court procedure.

5. All transactions involving the accounts of pre-election funds shall be terminated effective from the voting day.

6. Based on an application of a candidate or political party and political party alliance, the Central Electoral Commission shall allow to make payments from the fund also after the voting day, but only for transactions carried out before the voting day.

7. The resources remaining in the pre-election fund after the election shall, within a three-month period of the official publication of the election results, be used for charitable purposes at the discretion of the candidate, political party, or political party alliance. After the expiry of the three-month period, the resources remaining in the pre-election fund shall be transferred to the state budget.

8. In case of declaring elections as not having taken place, the resources remaining in the pre-election fund shall be blocked until the registration of candidates or electoral lists of political parties and political party alliances for new elections. In case of new elections, candidates, political parties, and political party alliances may use the resources remaining in their pre-election funds.

9. The resources remaining in the pre-election funds of candidates, political parties, or political party alliances not participating in new elections shall be transferred to the state budget.

### **Article 27. Declaration on Contributions to Pre-Election Funds and Their Use**

1. Candidates, political parties, and political party alliances shall submit to the electoral commissions registered by them a declaration with the documents approving the expenditure on the contributions made to their pre-election funds and the use thereof, on the 10<sup>th</sup> day after the start of the pre-election campaign prescribed by this Code, as well as no later than three days before the relevant period for summarizing election results as defined by this Code. In national elections the electoral commissions within three days after receiving the declarations send them to the Oversight and Audit Service of the Central Electoral Commission.

2. The electronic form of the declaration shall be defined by the Central Electoral Commission. The declaration form shall also include guidelines on the procedure and time limits for compiling and submitting the declaration.

3. The declaration shall include:

(1) The timeline of all contributions made to the pre-election fund and the amounts of contributions;

(2) All expenditures incurred for the acquisition of each service, asset, or product as defined by Part 2 of Article 26 of this Code, the time period of incurring them, and information on documents confirming such expenditures; and

(3) The amount remaining in the pre-election fund.

4. Declarations of the candidates to Nagorno Karabakh President, political parties and political party alliances participating in the elections to National Assembly shall be posted on the website of the Central Electoral Commission within the period of three days, and the copies of the declarations of other candidates can be provided to the proxies, members of mass media, observers.

### **Article 28. The Oversight and Audit Service**

1. The Central Electoral Commission shall establish an Oversight and Audit Service, the activity of which shall terminate on the 31<sup>st</sup> day after publishing the results of the elections, to supervise the use of resources provided to electoral commissions, the contributions made to pre-election funds, and the accounting and spending of such

contributions from the following day after calling the national elections.

2. The Head of the Oversight and Audit Service shall be appointed by Central Electoral Commission decision. The Head of the Service may not be a member of any political party. Specialists shall be engaged in service activities on a contractual basis.

3. The Oversight and Audit Service shall, within two days of receiving the declarations on the use of resources of the pre-election funds of candidates, political parties, and political party alliances, check them, prepare a statement based on the results of such checks, and submit them to the Central Electoral Commission for review. After discussion in a session of the Commission, the statement shall be posted on the website of the Central Electoral Commission.

4. The operating procedures of the Oversight and Audit Service shall be defined by the Central Electoral Commission in accordance with the requirements of this Code.

## CHAPTER 7

### OBSERVERS, PROXIES, AND MASS MEDIA REPRESENTATIVES

#### Article 29. Right to Observation Missions

1. The following shall have the right to observation missions during elections:

(1) International organizations;

(2) Foreign representatives;

(3) Foreign non-governmental organizations and those of the Nagorno Karabakh Republic, the tasks of which, as enshrined in their statutes, include issues relating to democracy and the protection of human rights, provided that they do not support candidates or political parties or political party alliances.

2. International organizations, foreign representatives, and foreign non-governmental organizations may carry out an observation mission in case there is an invitation. Citizens of the Nagorno Karabakh Republic may not be engaged as observers in the observation missions of international organizations and foreign non-governmental organizations.

The following shall have the right to send, to the organizations and persons specified in this Part, invitations to carry out an observation mission:

(1) The President of the Republic;

(2) The Speaker of the National Assembly;

(3) The Prime Minister; and

(4) The Central Electoral Commission.

3. Election reports of observation missions of international organizations and foreign non-governmental organizations shall be posted on the website of the Central Electoral Commission.

#### Article 30. Accreditation of Observers

1. Observers of the organizations specified in Article 29 of this Code shall carry out their mission after having been accredited in the Central Electoral Commission.

2. Applications to be accredited or applications to alter (supplement) the list of

accredited observers shall be filed with the Central Electoral Commission after calling elections, but no later than 10 days prior to the voting day.

3. No later than seven days after receiving the application, the Central Electoral Commission shall deliver to such organizations the certificates issued for observers.

4. The Central Electoral Commission shall reject an application to accredit observers, if the statutory objectives of the applying organization do not meet the requirements of Part 1(3) of Article 29 of this Code, or if the documents filed do not comply with the requirements of the decision of the Central Electoral Commission defined by Part 7 of this Article.

5. If an observer supports any candidate, or any political party or political party alliance participating in the proportional contest of elections, the Central Electoral Commission shall have the right to deprive the respective organization of the right to carry out an observation mission.

6. The powers of observers shall terminate on the eighth day after the official publication of the election results, unless the election results have been appealed in court. If the election results have been appealed in court, the powers of observers shall cease on the day following the date of publishing the judicial act, unless a revote has been called. Re-registration of observers shall not be required in case of a revote.

7. The Central Electoral Commission shall define the procedure of accrediting observers, the list of documents and information necessary for such accreditation, the forms of observers' certificates, and the procedure of completing such forms.

### **Article 31. Rights, Obligations, and Safeguards of Activities of Observers and Mass Media Representatives**

1. Observers and mass media representatives shall have the right:

(1) To be present in sessions of the electoral commission and in the voting room, too, during the voting.

(2) To observe, in accordance with the procedure prescribed by the Central Electoral Commission, the process of printing, transporting, keeping, and counting ballots;

(3) Freely to become familiar with specimen ballots in the presence of the electoral commission chairperson, deputy chairperson, secretary, or any member of the commission assigned by the chairperson of the commission, freely to become familiar with electoral documents under the disposal of the electoral commission, the decisions of the commissions, the minutes of sessions, relevant court decisions, the relevant statements provided to the voters by the Authorized Body, as well as to receive copies or excerpts thereof (except for the lists signed by the voters), and independently to take excerpts from the lists signed by the voters during the recount of the election results;

(4) Freely to move around the voting room for observing ballots and the ballot box;  
and

(5) To enjoy other rights provided by this Law.

2. Observers and mass media representatives shall have no right to intervene with the activities of the electoral commission.

3. On the voting day, an observer shall observe the activities of the electoral commission and may submit his observations and recommendations to the chairperson of the

commission.

4. Any limitation of the rights of observers and mass media representatives under this Code shall be prohibited. No one (including the electoral commissions) shall be entitled to make the observer or the mass media representative leave the room or otherwise to isolate them from being present at the activities of the commission, except for cases of their arrest or detention.

5. Observers and mass media representatives shall be obliged to comply with the requirements of this Code.

### **Article 32. Status of Proxies**

1. Parties and alliance of political parties may, after registering their electoral lists, and candidates may, after becoming registered, have proxies for protecting their interests in electoral commissions and in their relations with state government bodies and local self-government bodies, organizations, and the mass media. Only citizens having the right of suffrage may be proxies.

2. After registration of candidates or after registration of the electoral lists of political parties or political party alliances, the electoral commission making the registration shall, within a five-day period, provide the authorized representative of the candidate, political party, or political party alliance the certificates of proxies, the number of which shall be three-fold the number of precincts. In the certificate, the relevant commission shall indicate the name of the political party or political party alliance, or the first name, patronymic, and surname of the candidate. The candidate or his authorized representative or the authorized representative of the political party or political party alliance shall complete the certificates and provide them to the proxies.

3. Judges, prosecutors, employees of the Police of the Nagorno Karabakh Republic and the National Security Service of the Nagorno Karabakh Republic, servants of the Service for Compulsory Execution of Judicial Acts, military servicemen, observers, candidates, and members of electoral commissions may not act as proxies.

### **Article 33. Rights, Obligations, and Safeguards of Activities of Proxies**

1. A proxy shall have the right:

(1) To participate in an advisory capacity in sessions of the electoral commission, and to be present in the voting room during the voting;

(2) Freely to become familiar with specimen ballots in the presence of the electoral commission chairperson, deputy chairperson, or commission secretary or any commission member so assigned by the commission chairperson, freely to become familiar with electoral documents under the disposal of the electoral commission, decisions of the commissions, minutes of sessions, relevant court decisions, and the relevant statement provided to voters by the Authorized Body, as well as to receive copies or excerpts thereof (except for the lists signed by the voters), and independently to make excerpts from the lists signed by the voters during the recount of the voting results;

(3) In the procedure and cases prescribed by this Code, to appeal against the decisions, actions, and inaction of commissions;

(4) To observe, in the procedure prescribed by the Central Electoral Commission, the process of printing, transporting, keeping, and calculating ballots;

(5) Without interfering with the activities of the commission, to be physically present near

the commission members who registers voters, the commission member who provides a ballot, who seals the ballot and controls the ballot box, and to observe their activities;

(6) To observe the activities of the electoral commission on the voting day and to submit observations and recommendations thereon to the commission chairperson;

(7) During the summarization of the voting results, freely to become familiar with the cast ballots and markings made thereon in the presence of the electoral commission chairperson, deputy chairperson, commission secretary, or a commission member so assigned by the commission chairperson, as well as to be present during the counting of the ballots and summarization of voting results; and

(8) To exercise other powers reserved for proxies by this Code.

2. The proxy shall exercise his powers in accordance with the procedure prescribed by this Code.

3. One proxy of each candidate and one proxy of each political party or alliance of political parties participating in the proportional contest of the election may be present at the session of the electoral commission and during the voting.

4. Any limitation of the rights of proxies prescribed by this Code shall not be permitted. No one (including electoral commissions) may remove the proxies from the voting room or otherwise isolate them from the activities of the commission, except for cases of their arrest or detention.

5. A proxy shall comply with the requirements of this Code.

## SECTION 2

### ELECTORAL COMMISSIONS

#### CHAPTER 8

#### THE SYSTEM OF ELECTORAL COMMISSIONS; THE STATUS OF MEMBERS OF ELECTORAL COMMISSIONS

##### **Article 34. The System, Status, and Operational Procedure of Electoral Commissions**

1. For purposes of organizing and conducting elections, a three-level system of electoral commissions shall be formed, consisting of the Central Electoral Commission, territorial electoral commissions, and precinct electoral commissions.

2. In each region or having a status of a region of the Republic, a territorial electoral commission shall be formed in Stepanakert city, the residence of which shall be determined by the Central Electoral Commission.

3. If the constituency includes more than one community of a region, the Central Electoral Commission shall, no later than 65 days prior to the voting day, determine the territorial electoral commission empowered to organize and conduct local self-government elections in such a community.

In Stepanakert city, the area of which is included in more than one constituency, the territorial electoral commission of Stepanakert shall be empowered to organize and conduct the elections.

4. Electoral commissions shall be independent of state government bodies and local

self-government bodies in the exercise of their powers.

5. Electoral commissions shall act on the basis of the principles of legality, collegiality, and publicity.

6. State government bodies and local self-government bodies shall provide territorial electoral commissions with the necessary office space and facilities, at no cost, and shall support them to ensure their normal working activities.

### **Article 35. Functions of Electoral Commissions**

1. Electoral commissions shall ensure the exercise and protection of voters' rights of suffrage.

### **Article 36. Acts of Electoral Commissions**

1. The Central Electoral Commission shall adopt normative and individual legal acts. Territorial and precinct electoral commissions shall adopt individual legal acts.

2. Legal acts of electoral commissions adopted within the scope of their powers shall be binding for execution.

### **Article 37. Status of Electoral Commission Members**

1. Members of electoral commissions shall act independently within the electoral commission and shall not represent the entity that appointed them.

2. Members of electoral commissions shall be exempted of military mobilization, training musters and, during the period of national elections, also from conscription.

3. The members of the Central Electoral Commission during the whole period of the activities of Central Electoral Commission and the members of Territorial Electoral Commission during the national elections may be required to detain a member of the Central Electoral Commission or to initiate proceedings to have an administrative sanction imposed on them by judicial procedure.

4. Chairman, Deputy Chairman, Secretary of the Central Electoral Commission and Chairmen of Territorial Electoral Commissions shall work on a permanent basis and shall be prohibited from engaging in any entrepreneurial or other paid occupation, save for scientific, pedagogical, and creative work.

5. Members of electoral commissions shall have the right to become familiar, in advance, with issues and documents submitted to the commission for review, to make speeches at the commission sessions, to submit proposals and to demand conducting a vote in respect of such matters, as well as to ask questions of the session participants and to receive answers.

6. Members of electoral commissions shall be obliged to perform the assignments given to them by the commission chairperson within the scope of his authority.

7. Members of a superior electoral commission shall, upon the assignment or the consent of the chairperson of such superior commission, be obliged or have the right, respectively, to participate in an advisory capacity in sessions of the lower electoral commission, and to be present in the voting room on the voting day.

8. To exercise their powers, members of territorial and precinct electoral commissions may on their personal initiative be exempted of other official duties.

9. A member of an electoral commission shall be obliged to participate in the activities of

the commission and perform his functions.

### **Article 38. Funding of Electoral Commissions**

1. Electoral commissions shall be funded and their members remunerated and compensated from the state budget in accordance with the procedure prescribed by this Article. The Central Electoral Commission may have an off-budgetary account for implementing programs aimed at improving the quality of the electoral administration and technical refurbishment of the electoral commissions.

2. The post salaries of the Central Electoral Commission Chairperson, Deputy Chairman and Secretary shall be prescribed by the Nagorno Karabakh Republic Law on <Remuneration of persons holding public office>. Applicable provisions for persons holding public office prescribed by the Nagorno Karabakh Republic Law on <Remuneration of persons holding public office> shall be extended to Central Electoral Commission staff employees (save for political and discretionary positions as well as civil and technical servants). The member of Central Electoral Commission save for the period (60 days) of the preparation and conduct of the national elections shall be remunerated monthly in the amount of 30 percent of the minimum salary (hereinafter minimum salary) in accordance with the first Article prescribed by the Nagorno Karabakh Law on the <Minimum salary>.

The member of the Central Electoral Commission shall be remunerated a compensation for each month in the amount of 2.5-fold of the minimum salary for the activities of the period of the preparation and conduct of the national elections.

3. The post salary of the Territorial Electoral Commission Chairman shall be prescribed in accordance with the amount of 40 percent of post salary of the Central Electoral Commission Chairman.

In case of national new elections or by-elections, new or by-elections of a National Assembly deputy under the majoritarian electoral system or in case of local self-government elections simultaneously in more than three communities of a region ( if the period between the days of conducting the first and last elections appointed in accordance with the procedure prescribed in this Code is not more than 30 days) or if a community has more than 1000 voters, the deputy chairman and the secretary of the territorial electoral commission shall be compensated in the amount of 1,5-fold of the minimum salary, and the member of the territorial electoral commission in the amount of the minimum salary.

4. If the polling station has less than 1000 voters, the chairman of the precinct electoral commission shall be paid compensation in the amount of 80 percent of the minimum salary, the deputy chairman and the secretary in the amount of 50 percent, and the commission member in the amount of 30 percent.

If the polling station has more than 1000 voters, the chairman of the precinct electoral commission shall be paid compensation in the amount of the minimum salary, the deputy chairman and the secretary in the amount of 60 percent, and the commission member in the amount of 40 percent.

5. Members of precinct electoral commissions save for the case prescribed in the third paragraph of the second part of this Code shall be compensated during a month after summarizing the election results.

6. The electoral commission chairperson, deputy chairman, secretary, or members shall not be paid additional compensation in case of a revote.

The precinct electoral commission chairperson, secretary, or members shall not be remunerated if they have not signed the protocol, or in case of early termination of their powers.

6. In case of national elections, the post salaries of the employees of the headquarters of the Central Electoral Commission save for the chairperson, deputy chairman and commission secretary shall be doubled for each month of the election period. During the period defined by this Part, the difference of the post salaries of employees of the Central Electoral Commission headquarters shall be included in the costs of preparing and conducting elections.

7. In accordance with the approved annual cost estimate of the Central Electoral Commission for each year, up to 15 percent of the funds available in the special account of the Central Electoral Commission for electoral deposits may, upon the decision of the Central Electoral Commission, be used to study the election administration practice, to implement programs geared at improving the quality of the election administration, to carry out technical refurbishment of the electoral commissions, and to prepare and publish materials related to the electoral legislation.

The funds remaining in the special account of the Central Electoral Commission for electoral deposits may, by decree of the Nagorno Karabakh Republic Government, be used for technical refurbishment of electoral commissions and for preparing and publishing materials related to the electoral legislation.

## CHAPTER 9

### FORMATION OF ELECTORAL COMMISSIONS

#### Article 39. Foundations of Forming Electoral Commissions

1. Citizens that have the right of suffrage may be involved in the composition of the electoral commissions.

2. Persons having conviction for the crimes provided by Articles 147 to 158 of the Criminal Code of the Nagorno Karabakh Republic may not be a member of an electoral commission. The National Assembly deputies, judges, prosecutors, ministers and their deputies, mayors of the region administration (Mayor of Stepanakert) and their deputies, mayors of communities and members of municipal councils of aldermen, military servicemen, persons serving in the Bodies of National Security Service, in the Police, servants in the Service for Compulsory Execution of Judicial Acts, military servicemen as well as proxies, authorized representatives, observers, and candidates may not be members of electoral commissions.

3. Citizens having the right of suffrage, save for the precinct electoral commission members forming in the diplomatic or consular representations of the Nagorno Karabakh Republic in foreign countries and who have, in accordance with the procedure prescribed by the Central Electoral Commission, completed professional training courses on the administration of elections and have been awarded qualification certificates, may be involved in the composition of precinct electoral commissions.

4. Training of the territorial electoral commission members shall be carried out after the formation of the commissions.

6. Professional training courses on the administration of elections shall be organized and conducted by the Central Electoral Commission in accordance with the

procedure prescribed by the Commission. The training courses shall be organized in the City of Stepanakert and in regions. Qualification certificates shall be issued based on a test.

7. A citizen may be involved in the composition of only one electoral commission at the same time.

8. Information on the composition of electoral commissions shall be published in accordance with the procedure prescribed by the Central Electoral Commission.

#### **Article 40. Procedure of Forming the Central Electoral Commission**

1. The Central Electoral Commission shall be formed of:

- 1) the three members appointed by the President of the Republic
- 2) one member from each party or alliance with a faction in the National Assembly, appointed by a decision of the permanent body of that party or, in the case of alliances, the joint decision of permanent bodies of parties within the alliances, passed by majority vote.

If there are no more than three parties and party alliances having factions in the National Assembly, each party and alliance nominate two members of the Central Electoral Commission each.

If any party (of alliance) fails to nominate its candidates within time period set by this law for forming the Central Electoral Commission, in accordance with the requirements of subparagraph 2 of this Article, then the vacancy in the Commission shall be filled by the appropriate faction;

2. Information on candidates for membership in the Central Electoral Commission shall be submitted to the Staff to the President of the Republic by 18:00 no earlier than 30 days and no later than 20 days prior to the termination of powers of the member of the Central Electoral Commission. The Central Electoral Commission Chairperson shall, no later than 50 days before termination of powers of the member of the Central Electoral Commission, notify the official entities and bodies mentioned in the first part of this Article on termination of powers of the Central Electoral Commission member.

The new Central Electoral Commission shall be formed on the 60 day from the day opening the regular session which follows the first session of new elected National Assembly.

The new Central Electoral Commission is considered formed, if at least two thirds of its members have been appointed. If the minimum number of Commission members has not been appointed by the deadline for the formation of the Central Electoral Commission, in accordance with the requirements fixed in Part1 of this Article, members are appointed by the NKR President, until the minimum number is reached.

3. In case of early termination or termination of powers of a member of the Central Electoral Commission, the vacant position shall be filled within a 21-day period in accordance with the procedure prescribed by this Article. In case of early termination of powers of a member of the Central Electoral Commission, the new member of the Commission shall be appointed for the remaining period of the term of office of the member whose powers were terminated early.

4. The composition of the Central Electoral Commission is approved by a decree of the NKR President on the basis of nominations made by the entities mentioned in the first Part of this Article responsible for forming the Central Electoral Commission within ten days of submitting the nomination.

5. Members of the Central Electoral Commission shall have the right to nominate candidates for the Chairperson, Deputy Chairperson, and Secretary of the Central Electoral Commission.

6. The Central Electoral Commission Chairperson, Deputy Chairperson, and Secretary of the Commission shall be elected by open vote in the first session of the Central Electoral Commission

The first session of the Central Electoral Commission shall be held at 12:00 p.m. on the following day of publishing the relevant decree the President of the Republic and may last until 12:00 a.m. in the Central Electoral Commission's administrative building. The first session is chaired by the most senior (in terms of age) member of the Central Electoral Commission.

Where one candidate has been voted for the position of the Chairperson, Deputy Chairperson, or Secretary of the Central Electoral Commission, he shall be elected in case of receiving more than half of the votes of the participants of the voting.

Where more than one candidate has been voted for the position of the Chairperson, Deputy Chairperson, or Secretary of the Central Electoral Commission, the candidate who received the largest number of "for" votes shall be elected. In the case of equality of votes, a lot shall be drawn between the candidates that received the largest number of "for" votes.

#### **Article 41. Procedure of Forming a Territorial Electoral Commission**

1. Members of the Central Electoral Commission shall appoint members of the Territorial Electoral Commissions, basing on the principle of 'one member of the Central Electoral Commission per one member of Territorial Electoral Commission'.

Territorial Electoral Commissions shall be formed and assume their powers 15 days after the Central Electoral Commission assumes powers. Territorial Electoral Commission shall be considered formed if at least two thirds of its members have been appointed. If the minimal quantity of the Commission members has not been reached by the deadline for formation of Territorial Electoral Commissions, in accordance with requirements fixed in Item 1 of this Article, the necessary number of members will be appointed by Chair of the Central Electoral Commission, until the minimum number is achieved.

Basing on suggestions by bodies, responsible for formation of the Territorial Electoral Commissions, Chair of the Central Electoral Commission publishes composition of the Territorial Electoral Commission within ten days after receiving the proposals:

2. In case of early termination or termination of the powers of a member of a territorial electoral commission, the Central Electoral Commission shall fill the vacant position in the 21-day period in the procedure stipulated by this Article for forming a territorial electoral commission.
3. Chair of the Territorial Electoral Commission or deputy chair (if assigned by the chair) regulates functioning of the Territorial Electoral Commission
4. The chairperson, deputy chairperson, and secretary of a territorial electoral commission shall be elected by relevant commissions from among their members in accordance with the procedure defined for the election of the Central Electoral Commission chairperson, deputy chairperson, and secretary of the commission in the first session of the Territorial Electoral Commission.  
The first session of the Territorial Electoral Commission shall be held in the period of two days after the formation of the Territorial Electoral Commission in the administrative building of the Territorial Electoral Commission. The Chairperson of the Central Electoral Commission shall convoke the session, and the most senior (in terms of age) member of the Territorial Electoral Commission shall chair it.
5. If a Territorial Electoral Commission fails to elect a Chairperson in accordance

with the prescribed procedures and within the required timeframe, the Government shall appoint Chairperson within three days from among members of that that Territorial Electoral Commission.

#### **Article 42. Procedure of Forming a Precinct Electoral Commission**

1. Members of Precinct Electoral Commissions shall be appointed by members of the relevant Territorial Electoral Commissions, basing on the principle of 'one member of Territorial Electoral Commission per one member of Precinct Electoral Commission'.
2. In order to form Precinct Electoral Commissions in accordance with these procedures, members of Territorial Electoral Commissions shall submit their nominations to the Chairman of their respective Commission by 6:00 p.m., no earlier than 30 days and no later 25 days before the voting day and in case of early elections by 6:00 p.m. no earlier than 20 days and no later than 18 days before the voting day.
3. In case of early termination or termination of powers of a member of a precinct electoral commission, the vacant position shall be filled in accordance with the procedure defined by this Code for the formation of a precinct electoral commission, within a seven-day period, but no later than three days prior to the voting day.
4. If Precinct Electoral Commissions fail to be formed in accordance with the aforementioned procedures, the remaining vacancies in them shall be filled by the Chair of the appropriate Territorial Electoral Commission within three days. If by 8:00 am on the voting day the number of members of a Precinct Electoral Commission is less than two thirds of required, the Chair of that Precinct Electoral Commission shall notify Chair of the appropriate Territorial Electoral Commission, using any available means of communications. Chair of the Territorial Electoral Commission shall appoint members of Precinct Electoral Commission from among persons who have passed training on elections and received certificates for working in Precinct Electoral Commissions, taking into consideration their place of territorial-administrative affiliation.
5. The first session of a Precinct Electoral Commission is called at the precinct center in the period of two days after the commission is formed; The Chairperson of the Territorial Electoral Commission shall convoke the session, and the most senior (in terms of age) member of the Precinct Electoral Commission shall chair it.
6. At the first session Precinct Electoral Commissions shall elect Chair, Deputy Chair and Commission Secretary from among themselves.
7. Chairs, Deputy Chairs and Secretaries of Precinct Electoral Commissions are elected within two days, in accordance with procedures for electing Chair of the Central Electoral Commission.
8. If a Precinct Electoral Commission fails to elect a Chair within the required timeframe, the Chair shall be appointed by the Chair of the appropriate Territorial Electoral Commission from among members of the appropriate commission, no later than two days after the deadline set in Item 6 of this Article.
9. The powers of a precinct electoral commission shall cease five days after the voting day, unless an appeal has been lodged against the election results. In case an appeal has been lodged against the election results, and a revote is conducted, the powers of the precinct electoral commission shall terminate five days after the day of the revote.
10. In case of adopting a decision on declaring as invalid the voting results in specific electoral precincts, or in case of calling a revote in such electoral precincts, the powers of the members of such precinct electoral commissions shall be deemed terminated

early, and they may not be involved in the composition of precinct electoral commissions conducting the revote. In this case, precinct electoral commissions shall be formed within a three-day period following adoption of the decision on calling a revote in specific electoral precincts, in accordance with the procedure prescribed by this Code for forming a precinct electoral commission.

#### **Article 43. Procedure of Dismissing an Electoral Commission Chairperson, Deputy Chairperson, or Secretary; Procedure of Early Termination of the Powers of an Electoral Commission Member**

1. The chairperson, the deputy chairperson, and secretary of the Central Electoral Commission or of a territorial electoral commission may be dismissed from office by a decision adopted by at least two thirds of the total number of votes of the commission members, if they do not properly exercise the powers conferred upon them.

2. The powers of the Chairperson, Deputy Chairperson, or Secretary of the Central Electoral Commission or a territorial electoral commission shall be deemed terminated, if he has filed an application for self-withdrawal from office.

3. The chairperson, the deputy chairman and the commission secretary of a precinct electoral commission may be removed from office by decision adopted by at least two thirds of the total number of votes of the commission members, provided that they manifestly demonstrate inaction on the day preceding the voting day or on the voting day, which may undermine the preparation of the voting, the normal process of the voting, or the summarization of the voting results. In such case, the chairperson, the deputy chairman and the commission secretary of the precinct electoral commission shall be appointed by the chairperson of the territorial electoral commission from among other members of such precinct electoral commission.

4. The powers of a member of an electoral commission shall terminate early if:

(1) He is not eligible for appointment to the commission;

(2) He has been convicted under Articles 147 to 158 of the Criminal Code of the Nagorno Karabakh Republic, or a sentence of detention or imprisonment has been imposed on him;

(3) He has filed an application for self-withdrawal from the office of a commission member: a member of the Central Electoral Commission shall file such application with the President of the Republic, and members of other commissions — with the chairperson of the superior electoral commission;

(4) The chairperson, the deputy chairman and the commission secretary of a precinct electoral commission has filed an application on self-withdrawal from office: such an application may be filed with the chairperson of the territorial electoral commission by 18.00 no later than three days prior to the voting day;

(5) He has been drafted to the army; or

(6) He has died

(7) In other cases provided by this Code.

In the cases stipulated by Paragraphs 1 to 6 of this Part, the fact of early termination of powers shall be recognized by the President of the Republic in case of a member of the

Central Electoral Commission, or by the chairperson of the superior electoral commission in case of members of other commissions.

5. The Administrative Court may terminate the powers of a member of the Central Electoral Commission early, in case of violating the provisions of this Code. The President of the Republic may file to the Administrative Court with such a demand.

The Administrative Court may terminate the powers of a member of a territorial electoral commission early, in case of violating the provisions of this Code. The Central Electoral Commission may file to the Administrative Court with such a demand.

A territorial electoral commission may terminate the powers of a member of a precinct electoral commission early, but no later than five days prior to the voting day, in case of violating the provisions of this Code. Such a demand may be filed with the territorial electoral commission by the chairperson of the territorial electoral commission that appointed him, or the member of the territorial electoral commission that nominated him.

The procedure prescribed by this Part may be enforced on the ground of failing to attend the regular sessions of the Central Electoral Commission or the territorial electoral commission without good cause, if the respective commission member has failed to attend three or more regular sessions without good cause during three calendar months.

The procedure prescribed by this Part shall not be enforced on the ground of failing to attend the regular sessions of a precinct electoral commission.

6. In case of failure to attend three or more regular sessions of the Central Electoral Commission or the territorial electoral commission without good cause during three calendar months, the respective commission shall have the right to terminate the powers of such commission member early by a decision adopted by majority vote of the total number of its members.

#### **Article 44. Organizing the Activities of an Electoral Commission**

1. The activities of an electoral commission shall be managed by the commission chairperson or, upon assignment by or in the absence of the chairperson, by the deputy chairperson of the commission.

2. The chairperson of the Central Electoral Commission and the chairperson of a territorial electoral commission shall define the schedule of regular sessions. Precinct electoral commissions shall convene regular sessions within the time limits prescribed by this Law.

3. Extraordinary sessions of the Central Electoral Commission and a territorial electoral commission shall be convened by the commission chairperson on his own initiative or upon the written demand of at least one third of the commission members, on the date indicated by the latter, by notifying the commission members thereof using the available means of communication. An extraordinary session of a precinct electoral commission shall be convened by the commission chairperson upon the demand of the chairperson of the respective territorial electoral commission.

4. The session of the electoral commission is competent if attended by more than half of the commission members. The session of the electoral commission is valid, if it is attended by more than half of the commission members except for regular sessions that take place from the day of announcing national elections until the decision on summarizing the results of the election.

Regular sessions, which take place from the day of announcing national elections until the day of decision on summarizing the results of the elections, are considered valid regardless of the number of members present at the session, provided that all the possibilities for ensuring the participation of the number of commission members necessary to convene a session have been exhausted.

5. A member of the Electoral Commission shall be obliged to participate in the voting. A decision shall be adopted if more than half of the attending members of the commission vote for such decision, except for the cases prescribed by this Code.

Starting from the day of announcing national elections until the day of taking decision concerning summarizing the elections' results, the decision is considered adopted if the number of commission members who voted for is more than the number of those against.

During the period of national elections the provisions prescribed by the second paragraph of the 4th part of this Article and the second paragraph of this part on the validity of regular sessions shall not be extended to the cases of electing

Chairperson of the commission, Deputy Chairman and Commission Secretary

Besides members of the Commission, the head of the Oversight and Audit Service may place items on the agenda of a session of the Central Electoral Commission within the scope of the competence reserved to the Service.

6. In case of a tie vote when adopting a decision on the election results, the vote of the commission chairperson shall be decisive.

7. Electoral commissions shall receive a journal of records with numbered pages, sealed by the respective superior commission.

The requirements concerning the journal of records, as well as the procedure of keeping records shall be established by the Central Electoral Commission.

8. Information about the participation of commission members in sessions shall be entered into the journal of records. The respective records shall be signed by the commission members attending the session.

9. Members of the electoral commission and persons having the right to participate in sessions of the commission (including on the voting day in the voting room), except for voters and police officers on duty in the polling station, shall visibly carry on their outer clothing the identification badges certifying their right to be present. The commission chairperson shall prohibit the presence in the electoral commission (in the polling station) of persons that have no right to be present in the electoral commissions, and during the voting — also in the voting room, as well as the presence of persons that are without a relevant identification badge on their outer clothing.

10. Members of an electoral commission shall be obliged to participate in the sessions of the commission.

11. Copies of and excerpts from decisions, protocols, and entries of the journal of records (except for excerpts from lists signed by the voters) shall be sealed and signed by the commission chairperson and secretary. The documents received from the precinct electoral commission shall be sealed only on the voting day.

**Article 45. Appealing against Decisions, Actions, and Inaction of Electoral Commissions; Filing an Application on Declaring as Invalid the Voting Results in an Electoral Precinct or the Results of the Election**

1. The decisions and actions (inaction) of an electoral commission may be appealed by:

(1) Everyone who considers that his subjective right of suffrage has been or may be violated;

(2) A proxy who considers that the rights of the proxy or the grantor prescribed by this Code have been violated;

(3) An observer who considers that the rights of an observer prescribed by this Code have been violated; or

(4) A commission member who considers that a lower commission or the commission of which he is a member has violated his or another person's rights prescribed by this Code.

2. An application on declaring as invalid or null and void the registration of a candidate or the registration of the electoral list of a political party (or alliance of political parties), as well as appeals against the results of the elections, may be filed only by the candidate or the political party (alliance of political parties) that submitted the electoral list, respectively. An application on declaring as invalid or null and void the registration of a candidate included in a political party's electoral list may be filed only by the political party (alliance of political parties) that submitted the electoral list.

3. An application on declaring as invalid the voting results in an electoral precinct may be filed by:

(1) A candidate, as well as a political party (alliance of political parties) participating in the elections under the proportional electoral system;

(2) A proxy, if he was present in such electoral precinct;

(3) A member of the relevant precinct electoral commission, if he has recorded a special opinion in the protocol; or

(4) A member of the Central Electoral Commission.

An application on declaring as invalid the election results may be filed by a candidate, or by a political party (alliance of political parties) participating in the elections under the proportional electoral system.

4. Decisions and actions (inaction) of the precinct electoral commission and the results of the voting in an electoral precinct may be appealed in the territorial electoral commission.

5. The decisions and actions (inaction) of a territorial electoral commission (except for decisions on the results of elections of members of the National Assembly under the majoritarian electoral system, and elections of community mayors and members of the council of aldermen) may be appealed in the Central Electoral Commission. Decisions on the results of elections of members of the National Assembly under the majoritarian electoral system may be appealed in the Supreme Court. Decisions of a territorial electoral commission on the results of elections of community mayors and members of the council of aldermen may be appealed in the Administrative Court.

6. Decisions and actions (inaction) of the Central Electoral Commission (except for decisions taken on the results of national elections) may be appealed in the Administrative Court. Decisions of the Central Electoral Commission on the results of national elections may be appealed in the Supreme Court.

7. In case of lodging an appeal against decisions or actions (inaction) of an electoral commission to a superior commission, the party lodging such appeal shall bear the burden of proving the factual circumstances asserted by him, whereas the electoral commission shall bear the burden of proving the factual circumstances underlying the decision taken by such commission. The electoral commission examining the appeal may obtain evidence on an *ex officio* basis. The rules defined by this Part shall also apply to applications on declaring as invalid the results in an electoral precinct or on declaring as invalid the results of the election.

8. Appeals against decisions taken by or actions or inaction of the precinct electoral commission during the voting day may be filed with the relevant territorial electoral commission on the voting day by 18.00 of the day following the voting day.

Appeals against the decisions taken by or actions or inaction of the precinct electoral commission during the days preceding the voting day may be filed with the territorial electoral commission within two days of the day on which the applicant learnt or was reasonably obliged to learn about the violation.

Appeals against the decisions, actions, or inaction of a territorial electoral commission may be filed with the Central Electoral Commission within three days of the day on which the applicant learnt or was reasonably obliged to learn about the violation.

An application for declaring as invalid the voting results in an electoral precinct may be filed with the respective territorial electoral commission only on the day following the voting day, by 18.00 hours.

An application for declaring as invalid the election results may be filed with the respective electoral commission before 18.00 no later than two days prior to the end of the relevant time limit prescribed by this Code for summarizing the election results.

9. If, as a result of reviewing the appeal or application, the territorial electoral commission concludes that, during the voting, there have been such violations of the requirements of this Code, which could have materially affected the voting results, and if it is impossible to determine the real results of the voting, and the violation is not

expressed in the inaccuracies, then the territorial electoral commission shall declare as invalid the voting results in the electoral precinct concerned. In such case, the materials shall be sent to the prosecution office.

10. An application on declaring as null and void the registration of a candidate, the registration of the electoral list of a political party (or alliance of political parties), or the registration of a candidate included in such electoral list may be filed prior to the voting day. The decision of the territorial electoral commission on the registration of a candidate may be appealed in the Central Electoral Commission within three days of the day on which the applicant learnt or was reasonably obliged to learn about the violation, but no later than the day preceding the voting day.

The handling of applications received in electoral commissions after the expiry of such time limits shall be determined after summarizing the election results.

11. After calling elections, prior to summarizing the results of elections, the electoral commissions shall respond to the appeals and applications prescribed by this Article, and, in cases prescribed by this Code, shall take decisions relating to such appeals and applications within a five-day period, but no later than prior to the day preceding the voting or prior to summarizing the results of elections, respectively.

#### **Article 46. Requirements on Applications and Complaints; Procedure of Their Review in Electoral Commissions**

1. Applications and complaints (hereinafter referred to as “applications”) shall be reviewed and responded to within the time limits prescribed by the legislation of the Nagorno Karabakh Republic, except for cases prescribed by this Code.

2. An application shall be signed by the applicant or the person lodging the complaint (hereinafter “the applicant”) and shall contain his first name, surname, postal address, and date of submission. The application may also contain data on the applicant’s means of electronic communication (telephone number, electronic mail, etc.). The applicant shall clearly state his demand, provide substantiations, and attach potential evidence to the application. Applications containing false information or no information about the applicant shall not be considered.

3. If an application contains formal errors that can be corrected, the electoral commission shall provide the applicant an opportunity to correct such mistakes or shall correct them itself and give the applicant prior or posterior notice thereof. If the list of documents attached is incomplete, the electoral commission shall suggest to the applicant completing it within the specified time limit.

4. The applicant shall address the application to the electoral commission that has jurisdiction to resolve the issue raised. If there is a deadline prescribed by this Code for filing the application, the application shall be deemed filed by the due date if it has been delivered to the relevant electoral commission prior to such deadline. The commission chairperson shall forward the application to a member of the commission. The issues raised in the application shall be examined by the commission member who has

the right to submit a draft decision on the application to be reviewed at the commission session. The applicant shall have the right to participate in the review of his application at the commission session, to provide substantiations, to ask questions of the speakers concerning the application, and to make a speech.

5. The response to an application on obtaining information shall be sent with the signature of the commission chairperson, and copies of the response shall be kept at the commission. If the required information or a copy of the required document is posted on the website of the Central Electoral Commission with the possibility to download, the applicant shall be informed thereof and shall not be provided with photocopies or excerpts thereof.

6. Electoral commissions shall take appropriate measures in relation to matters requiring urgent solution.

#### **Article 47. Recount of the Voting Results**

1. A candidate or proxy, who was present in the process of summarizing the voting results in the electoral precinct, or a precinct electoral commission member who recorded his special opinion on the procedure, by which the voting results were summarized in the protocol of the voting results in the electoral precinct, shall have the right, in the procedure and time periods prescribed by this Code, to appeal the voting results in the electoral precinct concerned by means of filing with the territorial electoral commission an application for recounting the voting results in the electoral precinct (hereinafter "a recount").

An application to recount the voting results in the electoral precinct may be filed only with the respective territorial electoral commission by 18.00 on the day following the voting.

2. The application for a recount shall contain the first name, surname, and postal address of the applicant, as well as the number of the electoral precinct where the recount is demanded, as well as the voting (if several votings were conducted concurrently), for which recount of results is demanded. Evidence on erroneous summarization of the voting results may be attached to the application.

3. If several votings were conducted concurrently, a member of the precinct electoral commission may file an application for a recount only with regard to the results of the voting, in the protocol of which he recorded his special opinion.

4. If several votings are conducted concurrently, a separate application for a recount shall be submitted with regard to the results of each voting.

5. The territorial electoral commission shall record the applications filed for a recount in the order of receipt, indicating the time of receipt.

6. The recount process shall start at 9:00 a.m. on the next day following the time limit prescribed for filing recount applications and shall end at 2:00 p.m. on the fifth day following the voting day (hereinafter referred to as "the deadline for the recount"). The electoral commission shall carry out a recount without rest days, from 9:00 a.m. to 6:00 p.m. The electoral commission shall continue the recount after 6:00 p.m., if it has not completed the recount already started for the electoral precinct, as well as in cases when by working till 6:00 p.m., it is not possible to complete the recount of the voting results specified in Part 7 of this Article prior to the deadline for the recount.

7. The territorial electoral commission shall recount all the voting results, concerning which, in the opinion of the territorial electoral commission, substantial proof has been provided on the erroneous summarization of the voting results. The territorial electoral commission shall also recount the results of all the votings, about which the territorial electoral commission developed, based on examining their protocols (including the inaccuracies), suspicion of erroneous summarization of the results.

8. If the recount of the voting results specified in Part 7 of this Article is completed before the deadline for the recount, or none took place, the commission shall, based on the available applications for recount, draw lots to determine the order in which the voting results will be recounted.

9. Withdrawal by an applicant of the application for a recount of the voting results shall not serve a basis for not carrying out the recount.

10. The recount shall be carried out in accordance with the requirements of this Code for summarizing the voting results in an electoral precinct, and a protocol shall be compiled on the recount of voting results in the electoral precinct.

When carrying out the recount, a ballot shall be considered not a defined-specimen ballot, if it obviously differs from the defined specimen and the validity of a ballot shall be determined in accordance with the requirements of Article 67 of this Code.

Persons having the right to attend the session of the commission shall, if they so demand, receive copies of such protocols.

11. Depending on the workload, the territorial electoral commission may carry out the recount of the voting results in an electoral precinct with at least three commission members. When carrying out a recount of the voting results with at least three commission members, the duties of the precinct electoral commission chairperson prescribed by this Code in relation to summarizing the voting results shall be carried out by the secretary or deputy chairperson of the territorial electoral commission, and, where they are not among the three members, then by the member nominated by the chairperson of the territorial electoral commission.

12. The duration of the recount of the voting results in an electoral precinct may not exceed five working hours.

13. Members of the respective precinct electoral commission, persons that have the

right to be present in sessions of the electoral commission, persons that filed the recount application, candidates, and proxies of candidates shall have the right to be present at when carrying out a recount.

14. During the recount of voting results, the applicant shall have the right to become familiar, in addition to other documents, with the lists signed by voters, and independently to take excerpts, without the right to photocopy them or take their photos or videotape them. Proxies, observers, and mass media representatives may photograph and videotape the recount process.

15. The absence of the person that filed the applicant for a recount shall not serve as a basis for not carrying out or terminating the recount.

16. The territorial electoral commission shall reject the application for a recount of the voting results in a precinct, and the recount shall not be carried out, if the recount was demanded in violation of the provisions of this Article.

## CHAPTER 10

### POWERS OF ELECTORAL COMMISSIONS

#### Article 48. Powers of the Central Electoral Commission

1. The Central Electoral Commission is a standing state body responsible for organizing elections and supervising the lawfulness thereof. The Central Electoral Commission:

(1) Shall exercise supervision over the use of state budget funds allocated for preparing and conducting elections;

(2) Shall adopt its and its subordinate electoral commissions' rules of procedure;

(3) Shall organize and conduct professional training courses on conducting elections, and define the procedure of organizing training courses and issuing qualifications;

(4) Shall supervise the consistent application of this Code;

(5) Shall define the forms and specimens of ballots, protocols, and other electoral documents, and the procedure of filling in and keeping them, and provide electoral

commissions with the necessary electoral documents;

(6) Shall define the standard forms of the documents required for the registration of candidates and of electoral lists of political parties (alliances of political parties);

(7) Shall adopt, within the scope of its powers, decisions that are binding throughout the whole territory of the Republic;

(8) Shall abolish, declare as invalid or null and void, and revoke commission decisions that contradict this Code, save for decisions of territorial electoral commissions on the election of the National Assembly deputies under the majoritarian electoral system, and of community mayors and members of the council of aldermen;

(9) Shall hear the communications of electoral commissions and state bodies on preparing and conducting elections;

(10) Shall accredit observers and mass media representatives;

(11) Shall organize the publication of biographical data of the candidates for the President of the Republic;

(12) Shall register the National Assembly deputies elected under the proportional electoral system, and issue identifications of a National Assembly deputy;

(13) Shall call new elections and by-elections of the National Assembly of the Nagorno Karabakh Republic;

(14) Shall adopt decisions provided for by this Code, as well as decisions not contradicting this Code for regulating the electoral processes;

(15) Shall publish a training manual for members of precinct electoral commissions, proxies, and observers at the time of each national election;

(16) Shall define the procedure of drawing lots in electoral commissions;

(17) Shall approve the ballot box sample (dimensions);

(18) May create institutions in accordance with the procedure prescribed by law; and

(19) Shall exercise other powers prescribed by this Code.

2. Within three months of publishing the final results of national elections, the Chairperson of the Central Electoral Commission or, upon his assignment, any member of the Central Electoral Commission shall make a statement to the National Assembly with proposals on the organization and conducting of elections, on the analysis of

violations of the Electoral Code. This statement shall be posted on the website of the Central Electoral Commission.

3. The Central Electoral Commission may propose to the Government of Nagorno Karabakh Republic legislative amendments for improving the administration of the electoral process.

#### **Article 49. Powers of a Territorial Electoral Commission**

1. A territorial electoral commission is a standing state body. The territorial electoral commission shall:

(1) Carry out supervision of the fulfillment of the requirements of this Code in the constituency territory;

(2) Define, in accordance with the procedure prescribed by the Central Electoral Commission, the numbering of electoral precincts and submit this information to the Central Electoral Commission within a two-day period;

(3) Provide information to the Central Electoral Commission on the activities of precinct electoral commissions and on its own activities;

(4) Review the applications (complaints) received with regard to decisions and activities of precinct electoral commissions, and review or abolish decisions of precinct electoral commissions that contradict this Code;

(5) Publish the preliminary results of the voting for each electoral precinct, based on data in protocols of precinct electoral commissions;

(6) Announce the date of local self-government elections;

(7) Monitor how the lists of voters are compiled and posted for public information in electoral precincts;

(8) Supervise the process of furnishing the polling stations in accordance with the requirements of this Code;

(9) Register candidates for the National Assembly deputies under the majoritarian electoral system, and candidates for the community mayor and members of the council of aldermen, and issue to them identifications of the specimen defined by the Central Electoral Commission;

(10) Supervise the compliance of precinct electoral commissions with the requirements of this Code;

(11) Declare as invalid the voting results in an electoral precinct; and

(12) Exercise other powers provided for by this Code.

#### **Article 50. Powers of a Precinct Electoral Commission A**

precinct electoral commission shall:

(1) Organize the voting and summarize the results of the voting in the electoral precinct;

(2) Prepare a protocol on the results of the voting in the electoral precinct and post a copy of the protocol in the polling station;

(3) Submit to the territorial electoral commission its seal, the journal of records, two copies of the protocol on the results of the voting, the whole package of the electoral documents, and the ballot box; and

(4) Exercise other powers provided for by this Code.

#### **Article 51. Submission of Electoral Documents and Their Receipt in Electoral Commissions**

1. Electoral documents shall be delivered at electoral commissions by means of their signature by the delivering and receiving persons and issuing a receipt.

2. For preparing and conducting elections, the electoral commissions shall be provided with ballots, forms, other documents, stationery, and other supplies. The chairpersons of electoral commissions shall be responsible for their safekeeping.

3. After summarizing the results of the voting, the electoral documents of a precinct electoral commission shall be deposited in the State Archive of Nagorno Karabakh for safekeeping in accordance with the established procedure.

#### **Article 52. Cooperation of Electoral Commissions and the Police**

1. The central and regional bodies of the Police of the Nagorno Karabakh Republic, as well as their services and subdivisions shall be obliged to ensure the normal process of elections and the unimpeded work of electoral commissions and their members. The Police of the Nagorno Karabakh Republic shall maintain rule and order during election-related events, support the commissions upon the request of commission chairpersons, and ensure the safe transfer and safekeeping of electoral documents in electoral commissions.

## SECTION 3

### THE VOTING; SUMMARIZATION OF THE VOTING RESULTS

#### CHAPTER 11

#### ORGANIZATION OF THE VOTING

##### **Article 53. Place and Time of the Voting**

1. The voting shall be conducted only in polling stations formed in the territory of the Nagorno Karabakh Republic, between 08:00 and 20:00, except for cases prescribed by this Code. Voters that are present in the voting room at 20:00, but have not cast a vote yet, shall have the right to vote.

2. In national elections, the voting for voters, which are undergoing in-patient treatment in in-patient healthcare facilities and are not capable of personally visiting the polling station on the voting day, shall be conducted through a mobile ballot box taken to the in-patient healthcare facility.

The voting shall be conducted with due respect for confidentiality of the vote, in accordance with the procedure defined by the Central Electoral Commission. Proxies, observers, and mass media representatives may be present during the voting organized in the in-patient healthcare facilities. The voting in the in-patient healthcare facilities shall be organized in such a way as to be completed by 18:00.

##### **Article 54. The Voting Room**

1. The voting shall be conducted in a room specially furnished for that purpose. There shall be one such room in each electoral precinct.

2. The voting room shall, to the maximum extent possible, be spacious and meet the following requirements:

(1) Provide the possibility to ensure, during the entire voting process, the regular concurrent work of the precinct electoral commission members and persons that have the right to be present in the voting process; and

(2) Enable precinct electoral commission members and observers to keep within sight the ballot box, the voting booths (provided that the secrecy of ballot is not violated), and the space between the voting booths and the ballot box.

3. The furnishing of the voting room shall be completed by 24:00 of the day preceding the voting day.

### **Article 55. The Voting Booths**

1. Booths shall be allocated for voting: at least one booth shall be allocated for every 750 voters.

2. The voting booth shall be assembled in such a way that the voter fills in his ballot confidentially from those present in the polling station, and that there is sufficient light and a pen.

3. The voting booths shall be placed at least one meter away from each other, in such a way that the voter, while voting, has his back to the wall and his face to the commission.

### **Article 56. Ballots**

1. Where several votings are conducted concurrently, the ballots shall be made in such a way that they clearly differ from each other.

2. The ballot shall contain the name of the printing house and a note on how to fill in the ballot. Ballots shall be made of opaque paper.

3. The surname, first name, and patronymic of candidates and the names of political parties (alliances of political parties) shall be listed on the left in the alphabetical order, and empty checkboxes shall be placed on the right for the voter to mark.

4. If only one candidate is voted, the words "for" or "against" shall be placed below the line containing the candidate's surname, in the empty checkboxes on the right side of each of such words.

5. The Central Electoral Commission shall ensure the printing of the ballots.

6. Ballots shall be printed no earlier than 10 and no later than three days prior to the voting day, on the basis of information on the number of voters provided by the Authorized Body 10 days prior to the voting day.

7. Ballots shall be provided to the precinct electoral commissions on the day preceding the voting day: the number of such ballots shall be up to three percent higher than the number of voters in each electoral precinct, but no less than two ballots more than the number of voters.

8. In case the registration of a candidate or the registration of the electoral list of a political party (alliance of political parties) is declared as invalid or null and void after the printing of the ballots, the name of the candidate or the political party (alliance of political parties) shall be removed from the ballots in accordance with the procedure prescribed by the Central Electoral Commission.

#### **Article 57. Seals and the Ballot Box**

1. Samples of the seals shall be approved by the Central Electoral Commission. They shall be manufactured by order of the Central Electoral Commission.

2. The seal of a precinct electoral commission shall bear a four-digit number.

3. The Central Electoral Commission shall place the seals of precinct electoral commissions in opaque packages, close them without making any notes thereon, apply the Central Electoral Commission's seal on them, and deliver them to the territorial electoral commissions no earlier than five and no later than three days prior to the voting day, in such a way that each precinct gets one seal; in doing so, the Central Electoral Commission may only track the quantity of seals delivered.

4. In territorial electoral commissions, the packages shall be sealed and delivered to the chairpersons of precinct electoral commissions on the day preceding the voting; each precinct electoral commission chairperson shall receive one packaged seal.

5. The Territorial Electoral Commission shall deliver the precinct electoral commission seals to the Central Electoral Commission, in accordance with the procedure prescribed by the Central Electoral Commission simultaneously with the whole package of the electoral documents after the end of the voting.

6. In case of carrying out a second round of voting, a revote, or new elections, new seals shall be issued to the precinct electoral commissions.

7. More than one ballot box may be used in a polling station in accordance with the procedure prescribed by the Central Electoral Commission.

#### **Article 58. Preparation for the Voting**

1. The voting shall be prepared by the precinct electoral commissions.

2. Ballots and the packaged seal shall be stored in a special fire-proof safe located in the voting room. The procedure for storing them shall be defined by the Central Electoral Commission.

3. During the voting, the precinct electoral commission chairperson shall be obliged to ensure compliance with the requirements of this Code and maintain the necessary rule and order in the polling station.

4. Desks shall be placed in the polling station for registering voters, providing and

sealing ballots to voters.

5. The ballot box and the desks of commission members shall be located in places that are visible for everyone that has the right to be present in the electoral precinct.

6. Ballot specimens, a poster with the biographies and photos of candidates for the President of the Republic, and the electoral lists of political parties (alliances of political parties) shall be posted in the voting room or at the entrance to the voting room.

7. On the day preceding the voting, the precinct electoral commission shall draw lots at its session to select the three commission members that will sign all the ballots by 24:00 of the same day (the signatures shall be put on the back side of the ballots), making relevant entries in the journal of records.

#### **Article 59. Organization of the Voting in Diplomatic and Consular Representations**

1. Citizens of the Nagorno Karabakh Republic who have the right to vote, that live or are in the foreign countries, can participate in the national elections, at the diplomatic and consular representations of the Nagorno Karabakh Republic. Seven days prior to the day of voting, the Central Electoral Commission shall forward through the Ministry of Foreign Affairs to the diplomatic and consular representations of the Nagorno Karabakh Republic, data on the registered candidates for the President of the Republic and electoral lists of the parties registered for the National Assembly proportional elections, the specimens of ballots, electoral and other documents. The head of the diplomatic or consular representation shall:

- 1) Ensure the preparation of ballots, in conformity with the requirements of this code.
- 2) The head of the representation, according to the procedure prescribed by this Code and the Central Electoral Commission, shall prepare, organize and conduct the elections, summarize the voting results, compile a protocol, and forward without delay that information officially to the Central Electoral Commission. The protocol, mentioned in the second part of this Article together with the electoral documentation shall be sealed and forwarded by a special pouch to the Central Electoral Commission.

#### **Article 60. Organization of the Voting for Arrested and Detained Voters**

1. The arrested voters shall participate in elections at the precinct organized at the place of their registration. The procedure for participation in the elections of arrested voters shall be prescribed by the Central Electoral Commission:

2. The voting in places where detained persons are held shall be prepared and organized by the head of the penitentiary institution in accordance with the procedure prescribed by this Code and by the Central Electoral Commission. The voting in places

where detained persons are held shall be organized after 9:00 a.m., depending on the number of persons having the right to vote. The Central Electoral Commission shall set the starting time of the voting for each place where detained persons are held, in such a way that the voting is finished by 8:00 p.m.

## CHAPTER 12

### THE VOTING PROCEDURE

#### Article 62. Actions of the Precinct Electoral Commission prior to the Voting

1. At 7:00 a.m. on the voting day, at the session conducted in the polling station, the precinct electoral commission shall, by drawing lots, decide upon:

(1) The members carrying out the registration of voters, at the rate of at least one member per 750 voters;

(2) The members providing ballots at the rate of at least one member per 750 voters;

(3) At least one member responsible for sealing the ballots

(4) At least one member responsible for the ballot box;

(5) At least one member conducting the voting through a mobile ballot box;

(6) The rotation, every two hours, of functions between the members of the precinct electoral commission.

The commission chairperson and secretary shall not participate in the drawing of lots.

2. The precinct electoral commission chairperson shall, in the presence of commission members and persons entitled to be present in the voting, open the fire-proof safe, take out the ballots, the lists of voters, and the packaged seal, check the entirety of the package of the packaged seal, open the packaged seal, and announce the seal number after seal it in the journal of records. The chairperson shall check whether the ballot box is empty, shall close and seal the box, hand the list of voters to the members responsible for registering voters, hand ballots (in stacks of 100 each) to the members providing ballots, and hand the seal and addresses of residential buildings (houses) included in the electoral precinct to the members responsible for sealing the ballots. The precinct electoral commission chairperson shall make appropriate records of all of the aforementioned actions in the journal of records.

## **Article 62. Commencement and Procedure of Voting**

1. At 08:00 hours on the voting day, the precinct electoral commission chairperson shall declare the commencement of the voting and authorize the entry of voters into the voting room.

2. The commission chairperson shall arrange and supervise the conduct of the voting, if necessary support the members performing certain functions and replace them in case of their absence. Upon the assignment of the commission chairperson, the commission secretary shall make notes in the journal of records, support the members performing certain functions, and replace them in case of their absence.

3. It shall be prohibited to enter a polling station with arms and ammunition.

4. Military servicemen, officers serving in the national security service and the police troops shall enter the polling station not in a marching order and without arms and ammunition. Where the normal process of the voting is undermined, only police officers may enter the polling station with arms with the permission of the precinct electoral commission chairperson.

5. Apart from the electoral commission members and the voters, the following persons may be present in the polling station: proxies, observers, mass media representatives, and members of superior electoral commissions. A candidate may be present in the polling station only for the purpose of participating in the voting.

6. No more than 15 voters may concurrently be present in the voting room. For the purposes of ensuring the normal voting process, the precinct electoral commission chairperson shall be entitled to admit voters to the voting room one by one. In case it is impossible for the electoral commission to secure implementation of this provision, it shall be secured with the support of the Police based on a demand of the precinct electoral commission chairperson.

7. To make the voting accessible for voters with difficulties of participation in the voting process, the Central Electoral Commission shall create additional opportunities and enable the free expression of the voter's will and the confidentiality of the vote.

## **Article 63. Registration of Voters**

1. Voters participate in the voting personally; voting by proxy shall be prohibited. Each voter shall register in the list of voters held by the electoral commission member responsible for registration.

2. The electoral commission member responsible for registration of voters shall check the voter's identification, find his name and surname in the list of voters, and fill in the data of the personal identification document in the empty box next to the name, after which the voter shall sign next to such data in the column designated for the voter's signature. The electoral commission member carrying out the registration of voters shall signal in the relevant column, next to the signature of the voter. If the voter himself

is unable to sign in the list of voters, he shall be entitled to seek the assistance of another citizen, save for members of the electoral commission and the proxies.

3. The following shall be deemed a personal identification document: the national passport, the identification card, the temporary document replacing the national passport or the identification card issued by the Authorized Body; the military certificate or the military record card in the case of military servicemen, if they register (vote) in the list of voters compiled by the military unit. Conscript servicemen that have been granted temporary leave from service in accordance with the procedure prescribed by the legislation shall vote in the places of their permanent residence using the military record cards, presenting also a copy of a document on granting temporary leave from service.

A voter may not be denied access to the voting on the basis that the validity term of his personal identification document has expired.

### **Article 64. The Voting**

1. During the voting, each citizen shall receive one ballot (or ballots, if several votings are conducted concurrently)

2. Immediately after being registered, a voter shall approach the commission member responsible for providing ballots. The commission member shall give the ballot (or ballots, if several elections are conducted simultaneously) to the voter.

3. The voter shall approach the commission member who seals the ballots. The commission member shall verify that the voter is registered in that particular precinct, seal the ballot. The voter shall proceed to voting booth.

4. The voter shall fill in the ballot secretly in the voting booth. It shall be prohibited to enquire, in any manner, about the vote of the voter.

5. A voter who is unable to fill in the ballot on his own shall have the right to invite, after notifying the precinct electoral commission chairperson, another person into the voting booth, who shall not be a member of an electoral commission or a proxy. A person shall have the right to assist only one voter who is unable to fill in the ballot on his own. Except for this case, the presence of another person in the voting booth at the time of filling in the ballot shall be prohibited. The information about the person assisting a voter unable to fill in the ballot on his own shall be recorded in the journal of records of the precinct electoral commission.

6. If a voter considers that he has filled in the ballot incorrectly or has damaged it, he may apply to the commission chairperson to receive a new ballot. Upon assignment of the precinct electoral commission chairperson, a new ballot shall be provided to the voter, and a relevant entry shall be made in the list of voters next to the respective voter's first name and surname. The ballot incorrectly filled in (damaged) shall be cancelled immediately.

7. It shall be prohibited to communicate information about the voting in the polling

station.

After the voting, the voter shall leave the polling station immediately.

During the voting, it shall be prohibited for the candidate to stay in the polling station or within a radius of up to 50 meters from the polling station, except for the case of participation in the voting.

#### **Article 65. Procedure of Filling in the Ballot**

1. A voter shall put a uniform mark, of the form defined by the Central Electoral Commission, in the check box next to the name of the candidate and political party (alliance of political parties) for which he is voting.

2. When one candidate is voted, the voter shall mark next to the word “for” (in case of voting for such candidate) or next to the word “against” (in case of voting against such candidate).

3. After marking the ballot, the voter shall fold the ballot while in the voting booth, and approach the ballot box.

4. The commission member responsible for the ballot box shall open the ballot box slot, and enable the voter to drop the ballot into the ballot box. At his own initiative or at the request of another commission member or proxy, the commission member responsible for the ballot box may check (refer to another commission member or proxy) the personal identification document of the voter.

5. If a commission member or proxy considers that the voting procedure prescribed by this Code has been violated during the voting, he may demand his finding to be recorded in the journal of records.

### **CHAPTER 13**

#### **PROCEDURE OF SUMMARIZING AND TABULATING THE VOTING RESULTS, DETERMINING THE INACCURACIES, AND SUMMARIZING THE ELECTION RESULTS**

#### **Article 66. Procedure of Summarizing the Voting Results in an Electoral Precinct**

1. At 8:00 p.m., the precinct electoral commission chairperson shall declare about the end of the voting and forbid the entry of voters into the voting room. The commission shall allow the voters already present in the voting room to vote, after which the

commission chairperson shall close the ballot box slot.

2. The precinct electoral commission shall start its session of summarizing the voting results in the presence of the persons entitled to be present in the commission session (the candidate may also participate in the session). For this purpose, it shall:

(1) Count the total number of unused ballots, ballots incorrectly filled in (damaged), and returned ballots, and cancel the unused ballots in accordance with the procedure prescribed by the Central Electoral Commission, package them, seal the package, and place it in the total package;

(2) Separately count the number of voters in each supplementary list of voters (including the supplementary list compiled in the electoral precinct on the voting day), and add the number of voters in the list of voters to that of supplementary lists to arrive at the total number of voters in the electoral precinct;

(3) Count the number of voters who participated in the voting (*i.e.* received ballots) based on the voters' signatures in the list of voters (including supplementary lists), package the lists, seal the package, and place it in the total package;

3. The results of the actions defined by Part 2 of this Article shall be published and recorded in the journal of records. The commission chairperson shall immediately communicate the number of the voting participants in the electoral precinct to the territorial electoral commission chairperson through the available means of communication. Upon the request of a proxy, an excerpt from the journal of records concerning the number of participants in the voting shall be provided to such proxy, certified by the signatures of the commission chairperson and secretary and the commission seal.

4. The commission chairperson shall open the ballot box, take one ballot out of the ballot box, loudly announce whether the ballot is valid or invalid or not of the established specimen and, if it is valid, then announce also how it is voted, then demonstrate it visibly to those present. If requested the ballot shall be passed on to the other members of the commission. A commission member who disagrees with the opinion expressed by the commission chairperson shall raise an objection. Based on the results of a vote where an objection is raised (the commission member's proposal is put to a vote, and if the proposal is not adopted by vote, then the commission chairperson's proposal is considered to be adopted), or based on the original announcement of the commission chairperson where no objection is raised, the commission chairperson shall according to the voting mark in the ballot, put the ballot in the package of ballots cast for the respective candidate or political party (alliance of political parties), and where there is only one candidate, in the packages of ballots voted "for" or "against," or in the package of invalid ballots, after which the commission chairperson shall take the next ballot out of the ballot box.

This procedure shall be repeated in relation to all the ballots in the ballot box. During the sorting of ballots commission members shall be prohibited from making any notes and having with them any pens, pencils, or other objects for making notes.

5. After having sorted all the ballots in the ballot box, the commission chairperson shall count, in the presence of the commission members, one by one, the number of ballots recognized as invalid, as well as ballots voted for each candidate or political party (alliance of political parties), or, where only one candidate is voted, the ballots cast for or against such candidate. The counted numbers shall be published and recorded in the journal of records.

6. When summarizing the results, ballots that are not of the established specimen shall be neither considered nor counted.

7. The counted and sorted ballots shall be packaged in accordance with the procedure prescribed by the Central Electoral Commission. The packages shall be sealed and placed in the total package.

The signature of the commission chairperson shall be on the packages. Other members of the commission and proxies shall also be entitled to sign the packages. The first names and surnames of the signatories shall be recorded, and samples of the signature shall be put in the journal of records.

8. Proxies, observers, and mass media representatives may photograph and videotape the process of summarizing the voting results.

9. If several elections are conducted concurrently, the precinct electoral commission shall, first of all, summarize the voting results of the national elections; if an election of the President of the Republic is conducted together with other elections, the precinct electoral commission shall, first of all, summarize the voting results of the election of the President of the Republic; in case of elections of the National Assembly — the voting results of the elections under the proportional electoral system; and in case of local self-government elections — the voting results of the elections of the community council of aldermen.

#### **Article 67. Validity of Ballots**

1. A ballot of the established specimen shall be invalid if:

(1) It contains markings for more than one candidate or political party (or alliance of political parties);

(2) It contains markings next to both the words “for” and “against,” when one candidate is voted upon;

(3) It contains no marking;

(4) It contains a marking, different from the mark established by the Central Electoral Commission for voting or one similar to it, which discloses the identity of the voter;

(5) It is neither signed nor stamped by an electoral commission member

(6) The defined form of marking the ballot is manifestly breached: an insignificant breach of the defined form may not be deemed a ground of invalidity of the ballot, provided that the voter's intention is clear and unequivocal.

2. A ballot shall be valid, unless it is invalid.

#### **Article 68. Ballots not of the Established Specimen**

1. A ballot that differs from the established specimen is not of the established specimen:

#### **Article 69. Precinct Electoral Commission Protocol on the Voting Results**

1. Based on the calculations made in accordance with the procedure prescribed by Article 66 of this Code, the precinct electoral commission shall prepare a protocol on the results of the voting in the electoral precinct, which shall include the following:

- (1) The number of voters, separately, in each supplementary list of voters (including those in the supplementary list compiled in the electoral precinct on the voting day);
- (2) The total number of voters in the electoral precinct, which shall be equal to the number of voters in the supplementary lists of voters plus the number of voters in the main list of voters;
- (3) The number of participants of the voting (the number of signatures of voters that were registered and received ballots);
- (4) The number of ballots provided to the precinct electoral commission
- (5) The total number of cancelled ballots (unused ballots, ballots incorrectly filled in or ballots damaged, and ballots returned by the voters);
- (6) The number of invalid ballots;
- (7) The number of ballots voted for each candidate or political party (alliance of political parties);
- (8) The number of ballots voted against a candidate (this line shall be provided when

one candidate is voted upon); and

(9) The total amount of inaccuracies

2. The protocol shall be signed by the chairperson, the deputy chairman, commission secretary, and the members of the commission, and sealed by the commission chairperson.

3. A commission member shall be obliged to sign the protocol. If a commission member has an objection (special opinion) with regard to the data in the protocol, he shall enter his opinion in writing in the protocol in the special place designated for such objections.

4. The precinct electoral commission session may not be interrupted from the moment the voting is over until the compilation of the protocol on the voting results in the electoral precinct.

5. The commission shall complete the compilation of the protocol at the end of the session, but no later than 10 hours after the end of the voting. The commission chairperson shall publish the protocol on the voting results in the electoral precinct.

6. The protocol shall be compiled in four copies: one copy shall be posted in the polling station next to the list of voters, and another shall be placed in the total package of electoral documents.

7. The total package must bear the signature of the commission chairperson. The other members of the commission and the proxies shall also be entitled to sign on the total package. The first names and surnames of the signatories and samples of the signature shall be recorded in the journal of records.

The total package of electoral documents shall be closed in the precinct electoral commission. The commission chairperson shall be responsible for closing the package in the precinct electoral commission in accordance with the prescribed procedure.

8. An excerpt from the protocol on the results of the voting in the electoral precinct shall be provided to persons entitled to be present in the commission if they so demand. Such excerpts shall be certified by the signatures of the commission chairperson and secretary, as well as the commission seal.

9. No later than within 12 hours of the end of the voting, the precinct electoral commission chairperson and secretary shall submit to the appropriate territorial electoral commission the total package, two copies of the protocol on the voting results, the journal of records, and the seal of the commission, in accordance with the procedure prescribed by the Central Electoral Commission.

## **Article 70. Procedure of Determining the Inaccuracies**

1. In order to calculate the amount of inaccuracies in an electoral precinct:

(1) The number of ballots provided to the precinct electoral commission shall be compared to the sum of the number of cancelled ballots and the numbers of valid and invalid ballots in the ballot box: if the number of ballots provided to the precinct electoral commission is smaller than the sum of the number of cancelled ballots and the numbers of valid and invalid ballots in the ballot box, the difference, in absolute value terms, shall be recorded as the first inaccuracy amount. Otherwise, zero shall be recorded as the first inaccuracy amount;

(2) The number of signatures in the list of voters shall be compared to the sum of the numbers of valid and invalid ballots in the ballot box: if the sum of the numbers of valid and invalid ballots in the ballot box is greater than the number of signatures in the list of voters, the difference, in absolute value terms, shall be recorded as the second inaccuracy amount. Otherwise, zero shall be recorded as the second inaccuracy amount;

(3) The sum of the numbers mentioned in first and second paragraphs of this Part shall be considered the total amount of inaccuracies in a particular electoral precinct.

2. The amount of inaccuracies in an electoral precinct shall be calculated and recorded by the electoral commission summarizing the voting results.

3. In case of declaring as invalid the results of the voting in an electoral precinct, the number of participants of the voting in such precinct shall be recorded as the total amount of inaccuracies in such precinct.

4. When preparing the protocol on the voting results, the number of voters, including those in supplementary lists, the number of participants of the voting, the number of provided ballots and where the results of the voting were declared as invalid shall be added to the respective results of the voting in other precincts. The number of ballots provided to such polling station shall be recorded as the number of cancelled ballots. Zero shall be recorded under the other results of the protocol of the electoral precinct where the voting was declared as invalid, except for the amount of inaccuracies.

## **Article 71. Actions by the Territorial Electoral Commissions after Receiving the Protocols of Precinct Electoral Commissions**

1. The territorial electoral commission shall check the validity of compilation of protocols on the voting results in electoral precincts; if there are arithmetic errors, the chairperson and secretary of the respective precinct electoral commission shall correct them and endorse the corrections with their signatures. The source data shall not be altered. Source data is the data obtained by the precinct electoral commission by means of the unit count.

2. The territorial electoral commission shall regularly, but no less frequently than once every three hours tabulate the data of protocols on the electoral precinct voting results in accordance with the procedure prescribed by the Central Electoral Commission as per electoral precincts. The territorial electoral commission shall complete the tabulating of data from protocols on voting results in electoral precincts no later than within 18 hours of the end of the voting.

3. A copy of the tabulated constituency voting results, endorsed by signatures of the commission chairperson (deputy chairperson) and secretary, as well as by the commission seal, shall immediately be posted in the commission in a place visible for everyone. Upon their request, persons entitled to be present in electoral commission sessions shall be given a copy of the tabulated constituency voting results, endorsed by signatures of the commission chairperson (deputy chairperson) and secretary, as well as by the commission seal.

24 hours after the end of the voting, the territorial electoral commission shall submit to the Central Electoral Commission a copy of the protocol on the voting results in the electoral precinct in national elections.

4. In national elections the territorial electoral commission shall not compile a protocol summarizing the voting results in the constituency. For the purposes of recounting the voting results, the territorial electoral commission shall examine the inaccuracies recorded on the voting day in the journals of records of precinct electoral commissions within the time limits defined by this Code, summarize the results of such examination in its session, and submit to the Central Electoral Commission the decision taken about it.

### **Article 72. Procedure of Summarizing in a Territorial Electoral Commission the Results of Elections of a National Assembly Deputy under the Majoritarian Electoral System and the Results of Local Self-Government Elections**

1. A territorial electoral commission shall, no later than within 18 hours of the end of the voting, in accordance with the requirements of this Article and based on the protocols of the voting results in electoral precincts, summarize the preliminary results in its respective constituency of the elections of a National Assembly deputy under the majoritarian electoral system and of local self-government elections, and shall endorse them in the form of a protocol.

2. Within 48 hours after completing the vote, and in case of a complaint about the voting results on the fifth day after the voting day, the territorial electoral commission shall, based on the protocols on voting results in the electoral precincts, the results of recounts, and the decisions adopted on the voting results, compile a protocol on the voting results in the constituency.

3. The voting results protocols on the results of the elections of a National Assembly deputy under the majoritarian electoral system and of local self-government elections shall include the following:

(1) The total number of voters separately for each supplementary list of voters of the electoral precinct in a constituency (including those in supplementary lists compiled in the electoral precincts on the voting day);

(2) The total number of voters of the constituency (it is equal to the sum of the total number of voters in all the electoral precincts formed in the constituency for the election);

(3) The total number of voting participants (the number of signatures of voters that registered and received ballots);

(4) The number of ballots provided to the precinct electoral commissions;

(5) The total number of ballots cancelled in the precinct electoral commissions;

(6) The number of invalid ballots;

(7) The number of ballots voted for each candidate;

(8) The number of ballots voted against a candidate (this line shall be indicated when one candidate is voted on);

(9) The total amount of inaccuracies.

The total amount of inaccuracies in a constituency (community) shall be equal to the sum of the total amounts of inaccuracy in the electoral precincts included in such constituency (community).

4. The protocol shall be signed by the members of the commission and shall be sealed by the commission chairperson.

5. The chairperson of the territorial electoral commission shall publish the compiled protocol.

6. One copy of the protocol shall be posted in the commission in a visible place immediately after performing the actions stipulated by this Article.

7. A copy of the protocol on the voting results, signed by the commission chairperson and secretary and sealed with the commission seal, shall be provided to persons entitled to be present in the commission session, if they so demand.

8. On the fifth day after the voting day, the territorial electoral commission shall, based on the protocol on constituency voting results, court judgments, decisions made as a result of reviewing applications (complaints) received in the commission, and the

decision adopted on the violations recorded on the voting day in the journals of records of precinct electoral commissions, summarize the constituency voting results and adopt a decision on the election results.

9. The territorial electoral commission shall submit copies of the protocol and the decision to the Central Electoral Commission within a two-day period.

**Article 73. Procedure of Summarizing, in the Central Electoral Commission, the Results of Elections of the President of the Republic and of Elections under the Proportional Electoral System**

1. No later than 24 hours of the end of the voting, in accordance with the requirements of this Article and based on the precinct voting results received from the territorial electoral commissions, the Central Electoral Commission shall summarize the preliminary voting results of national elections, endorse in a protocol, and officially announce them in a live broadcast on the Public Radio and Public Television.

2. Within 72 hours after completing the vote, and in case of a complaint about the voting results on the seventh day after the voting day, the Central Electoral Commission shall, based on the protocols of the voting results in an electoral precinct, the recount results, and the decisions adopted on the voting results, compile a protocol on the voting results.

3. The protocol on the voting results shall contain:

(1) The total number of voters for each supplementary list of voters of electoral precincts (including those in supplementary lists compiled in the electoral precinct on the voting day);

(2) The total number of voters (it is equal to the sum of the total number of voters from all the electoral precincts formed for elections);

(3) The number of voting participants;

(4) The number of ballots provided to the precinct electoral commissions;

(5) The total number of ballots cancelled at the precinct electoral commissions;

(6) The number of invalid ballots;

(7) The number of ballots voted for each candidate, political party (alliance of political parties);

(8) The number of ballots voted against a candidate (this line shall be filled when one candidate is voted on);

(9) The total amount of inaccuracies.

In case of national elections, the total amount of inaccuracies shall be equal to the sum of the total amounts of inaccuracy of all the electoral precincts formed.

4. The protocol shall be signed by the commission members and sealed by the commission chairperson.

5. A copy of the protocol on the voting results, signed by the commission chairperson and secretary and stamped by the commission seal, shall be provided to persons entitled to be present at the commission session, if they so demand.

6. On the seventh day after the voting day, the Central Electoral Commission shall, based on the protocol on the voting results, court judgments, decisions taken as a result of reviewing applications (complaints) received by the commission, decisions adopted by territorial electoral commissions regarding violations recorded on the voting day in the journal of records of precinct electoral commissions, and decisions on the voting results, summarize the election results and adopt a decision on the results of the elections.

## **PART TWO**

### **SECTION 4**

#### **ELECTIONS OF THE PRESIDENT OF THE REPUBLIC**

##### **CHAPTER 14**

###### **GENERAL PROVISIONS**

###### **Article 74. The Electoral System**

1. In the election of the President of the Republic, the whole territory of the Nagorno Karabakh Republic shall be one majoritarian constituency.

2. The President of the Republic shall be elected through a system of absolute majority and, in the second round, through a system of relative majority.

#### **Article 75. Requirements for Candidates for the President of the Republic**

1. Any person who has attained the age of 35, has been a citizen of the Nagorno Karabakh Republic for the last 10 years, has permanently resided in the Republic for the last 10 years, and has the right of suffrage, may be elected as the President of the Republic.

2. The same person may not be elected to the office of the President of the Republic for more than two consecutive terms.

### **CHAPTER 15**

#### **NOMINATION AND REGISTRATION OF CANDIDATES FOR THE PRESIDENT OF THE REPUBLIC**

#### **Article 76. Right to Nominate a Candidate for the President of the Republic**

1. Citizens, through self-nomination, and political parties shall have the right to nominate candidates for the President of the Republic.

#### **Article 77. Nomination of Candidates for the President of the Republic**

1. A political party shall nominate a candidate for the President of the Republic by the decision of its congress. Each political party shall have the right to nominate one candidate for the President of the Republic.

2. In the case of self-nomination, the citizen shall file a notarized application on self-nomination.

3. The decision of the congress of a political party on nominating a candidate for the President of the Republic and the application of a citizen on self-nomination shall contain the following information about the candidate:

(1) Surname, first name, and patronymic;

(2) Date of birth;

(3) Place of residence;

(4) Place of employment and position (occupation); and

(5) Political party affiliation.

4. The following shall be attached to the decision of the congress of a political party and the application of a citizen on self-nomination:

(1) Information about the authorized representative of the candidate (indicating the surname, first name, patronymic, date of birth, personal identification document number, place of employment, and position (occupation));

(2) A receipt on the payment of the electoral deposit;

(3) A statement attesting that the candidate has been a citizen of the Nagorno Karabakh Republic for the last 10 years and has permanently resided in the Nagorno Karabakh Republic for the last 10 years;

(4) The written consent of the candidate to be registered as a candidate for the President of the Republic (only in case of being nominated by a political party);

(5) A copy of the candidate's personal identification document; and

(6) The charter of the party (only in case of being nominated by a political party).

5. The form of the statement prescribed by Paragraph (3) of {art 4 of this Article shall be approved by the Central Electoral Commission. The statement shall be issued by the authorized state body within a three-day period of applying, but no earlier than publishing a statement on the voting day of the President of the Republic.

The authorized state body shall render a decision refusing to provide the statement of the mentioned form to applicants, if the information about such person does not meet the requirements prescribed by Part 1 of Article 75 of this Code.

6. The mentioned documents shall be submitted to the Central Electoral Commission only by the candidate or the authorized representative within the time limit prescribed by Part 1 of Article 95 of this Code.

7. In case of detecting errors, erasures, scratches, or misprints in documents submitted for registration as a candidate for the President of the Republic, the Central

Electoral Commission shall draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, shall itself correct the obvious errors and misprints in the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the Central Electoral Commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies or to complete the documents within such time period, the registration of the candidate shall be denied.

#### **Article 78. Electoral Deposit of a Candidate for the President of the Republic**

1. Candidates for the President of the Republic shall make an electoral deposit in the account of the Central Electoral Commission in any commercial Bank functioning in the Nagorno Karabakh Republic in the amount of 1,000-fold the minimum reference salary defined by the legislation of the Nagorno Karabakh Republic (hereinafter referred to as “the minimum salary”).

#### **Article 79. Registration of a Candidate for the President of the Republic**

1. A candidate for the President of the Republic may be registered only upon nomination by one political party.

2. A candidate for the President of the Republic shall be registered without voting, if the commission members have not raised any objection to such registration.

3. Prior to registration of a candidate for the President of the Republic, the candidate and his authorized representative shall have the right to participate in sessions of the Central Electoral Commission in an advisory capacity.

4. The Central Electoral Commission shall publish the statement on registration of candidates for the President of the Republic within a three-day period.

#### **Article 80. Denying Registration of a Candidate for the President of the Republic**

1. The Central Electoral Commission shall deny registration of a candidate for the President of the Republic if:

- (1) He does not have the right to be elected; or
- (2) The documents submitted for registration are incomplete or falsified.

2. Where a member of the Central Electoral Commission raises an objection to the registration of a candidate for the President of the Republic, the objection shall be put to a vote. The registration may be denied by at least a two-thirds majority vote of the total number of members of the Commission.

#### **Article 81. Declaring as Invalid the Registration of a Candidate for the President of the Republic**

1. The Central Electoral Commission shall declare as invalid the registration of a candidate for the President of the Republic by a decision taken by at least a two-thirds majority vote of the total number of the commission members, if certain facts become known after the registration, by virtue of which the candidate has no right to be elected or the documents submitted for registration were falsified.

#### **Article 82. Procedure of Appeals against Decisions to Deny or to Declare as Invalid the Registration of a Candidate for the President of the Republic**

1. The Central Electoral Commission decision on denying or declaring as invalid the registration of a candidate for the President of the Republic may be appealed in the Administrative Court of the Nagorno Karabakh Republic in the procedure and time defined by the Administrative Procedure Code of the Nagorno Karabakh Republic.

2. The candidate shall be deemed registered or re-registered according to a court judgment on declaring as invalid the Central Electoral Commission decision on denying or declaring as invalid the registration of such candidate.

#### **Article 83. Repealing the Registration of a Candidate for the President of the Republic**

1. The registration of a candidate for the President of the Republic shall be repealed:

- (1) By decision of the Central Electoral Commission, where he has filed an application on self-withdrawal or has passed away; or
- (2) Based on a court judgment, where he has violated the provisions of Part 8 of Article 18 or Article 26 of this Code;

## CHAPTER 16

### STATUS OF CANDIDATES FOR THE PRESIDENT OF THE REPUBLIC

#### Article 84. Legal Equality of Candidates for the President of the Republic

1. Candidates for the President of the Republic shall have equal rights and obligations arising from the status of a candidate for the President of the Republic.

#### Article 85. Rights and Obligations of Candidates for the President of the Republic

1. A candidate for the President of the Republic shall acquire his status upon registration. The rights and obligations defined by this Code shall apply to a candidate for the President of the Republic until the deadline for challenging the Central Electoral Commission decision on the election of the President of the Republic or, in case of challenging such decision, until the Supreme Court adopts a decision.

2. Candidates for the President of the Republic, with the exception of those holding political positions, shall be exempted from the performance of their work duties from the time of their registration as candidates till the summarization of the election results.

Candidates for the President of the Republic shall not have the right to use their official position for gaining an advantage during the pre-election campaign.

3. A candidate for the President of the Republic shall be exempt from army mobilization and training musters.

4. Employers shall be prohibited from dismissing, transferring to another job, or sending on a work-related trip a candidate for the President of the Republic upon the employer's initiative.

5. A candidate for the President of the Republic shall have the right to withdraw his candidacy in case of submitting an application by 6:00 p.m. no later than 10 days prior to the voting day.

An application on self-withdrawal shall be notarized, or the candidate shall confirm his application on self-withdrawal at a session of the Central Electoral Commission.

In case of self-withdrawal, the Central Electoral Commission shall repeal the registration of the candidate, and the candidate shall be obliged to compensate the expenses incurred by the State for his pre-election campaign.

6. A candidate for the President of the Republic, or the President elected (prior to assuming the office of the President of the Republic), may be arrested or detained, or be subject to the initiation of a process to impose a judicial sanction upon him, only with upon the consent of the Central Electoral Commission. The Central Electoral Commission shall adopt a decision on the aforementioned issue by at least a two-thirds majority vote of the total number of its members. The provision of this Part shall not apply to citizens arrested or detained prior to being registered as a candidate, as well as to cases of substituting arrest with detention and extending the detention period of the detained candidate.

## **CHAPTER 17**

### **PRE-ELECTION CAMPAIGN OF A CANDIDATE FOR THE PRESIDENT OF THE REPUBLIC**

#### **Article 86. Election Fund of a Candidate for the President of the Republic**

1. For the purpose of pre-election campaigning, a candidate for the President of the Republic shall open a pre-election fund in any commercial Bank functioning in the Nagorno Karabakh Republic, which shall be supplemented with the voluntary contributions specified in Article 25 of this Code.

2. The amount of a candidate's own contributions to his pre-election fund may not exceed 1,000-fold the minimum salary.

3. The amount of the pre-election fund contributions by the political party that nominated the candidate may not exceed 5,000-fold the minimum salary.

4. Each natural person may make a voluntary contribution to the pre-election fund of a candidate in the amount of up to 100-fold the minimum salary

5. The amount of expenditures incurred by a candidate from his pre-election fund for conducting the pre-election campaign, renting halls and premises, preparing (posting) campaign posters, acquiring print and other campaign materials, and preparing any type of campaign material (including print material) provided to voters shall not exceed 6,000-fold the minimum salary.

#### **Article 87. Pre-Election Campaign of a Candidate for the President of the Republic**

1. Free and paid use of air time on the Public Radio and Public Television for the pre-election campaign of candidates for the President of the Republic shall be carried out in

accordance with the procedure prescribed by the Central Electoral Commission.

2. A candidate for the President of the Republic may use no more than 60 minutes of free air time on the Public Television, and no more than 30 minutes of free air time on the Public Radio.

3. A candidate for the President of the Republic may, paying out of his pre-election fund, use no more than 80 minutes of paid air time on the Public Television and on the Public Radio.

4. In a second round of elections, as well as in early elections of the President of the Republic, a candidate for the President of the Republic may use no more than 15 minutes of free air time on the Public Television on the Public Radio and 30 minutes of paid air time subject to payment out of his pre-election fund.

## CHAPTER 18

### THE BALLOTS; SUMMARIZATION OF THE ELECTION RESULTS

#### **Article 88. The Ballots**

1. The ballot for the elections of the President of the Republic shall contain the surnames of candidates in the alphabetical order, their first names and patronymics, as well as the names of the nominating political parties, or the word "self-nomination" in case of self-nomination.

#### **Article 91. Summarization of the Election Results**

1. The Central Electoral Commission shall summarize the results of the elections and shall adopt one of the following decisions in the procedure and time prescribed by Article 73 of this Code:

- (1) A decision on the election of the President of the Republic;
- (2) A decision on conducting a second round of elections;
- (3) A decision on declaring the election as invalid and non-election of a President of the Republic; or
- (4) A decision on declaring the election as not having taken place and non-election of a President of the Republic.

2. An application challenging the decision adopted on the basis of the results of elections of the President of the Republic may be lodged with the Supreme Court within seven days of the moment of official announcement of the election result.

#### **Article 90. Central Electoral Commission Decision on the Election of the President of the Republic**

1. The Central Electoral Commission shall adopt a decision on the election of a candidate as the President of the Republic, if he was voted for by more than half of the voters voting for all the candidates.

2. Where only one candidate is voted, he shall be elected if voted for by more than half of the participants in the voting.

3. In the second round of elections of the President of the Republic, the candidate voter for by the larger number of voters shall be elected as the President of the Republic.

#### **Article 91. Central Electoral Commission Decision on Conducting a Second Round of Elections of the President of the Republic**

1. Where more than two candidates were voted, and none of them were voted for by the required number of voters, a second round of elections of the President of the Republic shall be conducted on the 14<sup>th</sup> day after the voting. The two candidates voted for by the larger number of voters shall participate in the second round of elections of the President of the Republic.

#### **Article 92. Central Electoral Commission Decision on Declaring as Invalid the Election of the President of the Republic**

1. The election of the President of the Republic shall be declared as invalid in any round, if violations of this Code that could affect the outcome of the election took place in the course of preparing and conducting the election.

#### **Article 93. Central Electoral Commission Decision on Declaring the Election of the President of the Republic as not having Taken Place**

1. The election of the President of the Republic shall be declared as not having taken place if:

(1) The required number of voters have not voted for the only candidate; or

(2) The candidate who received the number of “for” votes required to be elected has died prior to the summarization of the election results.

(3) Voter's turnover did not reach 25 percent

## CHAPTER 19

### CONDUCTING THE ELECTION OF THE PRESIDENT OF THE REPUBLIC

#### **Article 94. Time frame for Conducting the Election of the President of the Republic**

1. The election of the President of the Republic shall be conducted 50 days prior to the end of the term in office of the President of the Republic.

2. No later than 70 days prior to the voting day, the Central Electoral Commission Chairperson shall make a statement on the Public Radio and the Public Television on the date of the election of the President of the Republic.

3. In the election of the President of the Republic, the voting day shall be declared as a non-working day.

#### **Article 95. Time frame for Registering Candidates for the President of the Republic**

1. The documents required for registering a candidate for the President of the Republic shall be submitted to the Central Electoral Commission by 18:00 hours no earlier than 55 and no later than 45 days prior to the voting day.

2. Registration of candidates shall be performed no earlier than 45 and no later than 35 days prior to the voting day.

#### **Article 96. New Election of the President of the Republic**

1. If the President of the Republic is not elected in the cases prescribed by Articles 92 and 93 of this Code, as well as in case of resignation or death of the President elect prior to assuming office after the elections, a new election shall be called, and the voting shall be conducted on the 40<sup>th</sup> day after calling a new election.

2. In case insurmountable obstacles arise for one of the candidates for the President of the Republic, the election of the President of the Republic shall be postponed for a period of two weeks. In case the obstacles declared insurmountable are not eliminated, a new election shall be called, and the voting shall be conducted on the 40<sup>th</sup> day

after the expiration of the aforementioned two-week period.

3. In case of death of one of the candidates prior to the day of the voting, a new election shall be called within the period of three days, and the voting shall be conducted on the 40<sup>th</sup> day after calling a new election.

4. The new election of the President of the Republic shall be conducted by a new nomination of candidates in accordance with the procedure prescribed by this Code for an early election.

#### **Article 97. Early Election of the President of the Republic**

1. In cases of resignation, death, impossibility of exercising his authority, or impeachment of the President of the Republic in accordance with the procedure prescribed by Article 71 of the Constitution, an early election of the President of the Republic shall be called, and the voting shall be conducted on the 40<sup>th</sup> day after the position of the President of the Republic becomes vacant.

2. Election of the President of the Republic may not be conducted during war or state of emergency, and the President of the Republic shall continue to exercise his authority by the time the elected President of the Republic assumes the office after the end of war or state of emergency. In this case, on the 90<sup>th</sup> day after the end of the war or state of emergency, an election of the President of the Republic shall be conducted in accordance with the procedure prescribed by this Code for early elections.

#### **Article 98. Announcement of the Date of New or Early Elections of the President of the Republic**

1. No later than 39 days prior to the voting day, the Central Electoral Commission Chairperson shall make a statement on the Public Radio and Public Television about the new or early election of the President of the Republic.

#### **Article 99. Nomination and Registration of candidates for the President of the Republic, Formation of Electoral Precincts, Designation of Polling Stations, and Publication of Voter Lists in New or Early Elections of the President of the Republic**

1. The documents required for the registration of a candidate for the President of the Republic shall be submitted to the Central Electoral Commission by 18:00 hours no earlier than 30 and no later than 25 days prior to the voting day.

2. Registration of candidates shall be performed no earlier than 25 and no later than 20 days prior to the voting day.

3. Electoral precincts shall be formed and polling stations designated no later than 25 days prior to the voting day. No later than 20 days prior to the voting day, the Authorized

Body shall submit the lists of voters to the entity in charge of the premises of the polling station, which shall post them in the polling station in a place visible for everyone.

## SECTION 5

### ELECTIONS OF THE NATIONAL ASSEMBLY

#### CHAPTER 20

#### GENERAL PROVISIONS

##### **Article 100. Composition of the National Assembly**

1. The number of the National Assembly deputies shall be prescribed by the Nagorno Karabakh Republic Law "On the National Assembly of the Nagorno Karabakh Republic".

##### **Article 101. The Electoral System**

1. Elections of the National Assembly shall be conducted under the proportional and majoritarian electoral systems. 22 deputies shall be elected under the proportional electoral system from one multi-mandate constituency covering the whole territory of the Republic of Armenia, from among candidates for deputies nominated by political parties (alliance of political parties) in the electoral lists. 11 deputies shall be elected under the majoritarian electoral system: one deputy shall be elected per constituency.

##### **Article 102. Right to Vote**

1. Each voter shall have the right to one vote in the election under the proportional electoral system, and the right to one vote in the election under the majoritarian electoral system, save for cases prescribed by this Code.

##### **Article 103. Right to Be Elected**

1. Any person who has who has attained the age of 25, has been a citizen of the Nagorno Karabakh Republic for the last five years, has permanently resided in the Republic for the last five years, and has the right of suffrage, may be elected as a

## CHAPTER 21

### NOMINATION AND REGISTRATION OF CANDIDATES FOR A DEPUTY

#### **Article 104. Right to Nominate a Candidate for a Deputy**

1. Political parties and alliances of political parties shall have the right to nominate candidates for a deputy to the National Assembly under the proportional electoral system.

A candidate for a deputy may be nominated only by the electoral list of one political party and only in one majoritarian constituency.

2. Alliances of political parties may be formed in case of at least two political parties forming a pre-electoral alliance.

3. During elections, political parties included in an alliance of political parties may not be included in another alliance of political parties.

4. The decision to join an alliance of political parties shall be adopted by the permanent functioning leader of a political party.

5. Electoral lists of alliances of political parties shall be compiled from a separate list presented by each political party included in the alliance. The order of candidates for a deputy in the electoral list of an alliance of political parties shall be determined during joint consultations of the political parties included in such alliance and shall be approved by decision of the permanent functioning leader of each political party included in the alliance.

6. Where a political party leaves the alliance of political parties, the names of candidates for a deputy nominated by such political party shall be removed from the electoral list of such alliance of political parties.

#### **Article 105. Nomination Restrictions**

1. Judges, prosecutors, employees of the Police of the Nagorno Karabakh Republic and the National Security Service of the Nagorno Karabakh Republic, servants of the Service for Compulsory Execution of Judicial Acts and the rescue, tax, and customs authorities, as well as military servicemen may not be nominated as a candidate for a deputy to the National Assembly.

2. Employees of state government and local self-government bodies and officials not subject to the restrictions prescribed by this Article shall be temporarily exempted from the performance of their work duties from the time of being registered as a candidate for a National Assembly deputy until the end of the pre-election campaign, with the exception of persons holding political positions.

#### **Article 106. Nomination of Candidates for a Deputy to the National Assembly under the Proportional Electoral System**

1. Political parties shall file with the Central Electoral Commission an application to participate in the National Assembly elections under the proportional electoral system based upon the decision of their permanent functioning leader; such an application shall be signed and sealed by the political party leader. Alliances of political parties shall file an application to participate in the National Assembly elections under the proportional electoral system based upon the decisions of permanent functioning leader bodies of political parties included in such alliance; such applications shall be signed and sealed by the leaders of political parties - members of the alliance.

2. Each political party or alliance of political parties shall have the right to nominate only one electoral list of candidates. A political party included in an alliance of political parties shall have no right to nominate a separate electoral list on its own behalf. The number of persons of each sex shall not exceed 80% of any integer group of five candidates starting from the second number of the electoral list (2-6, 2-11, 2-16, and so on up to the end of the list) of a political party or alliance of political parties and of each party included in an alliance for the National Assembly election under the proportional electoral system. At least 5 candidates shall be included in the electoral list of a political party or alliance of political parties for the proportional-system election of the National Assembly. The number of candidates included in the electoral list of a political party may not exceed thrice the number defined by this Code for the number of mandates of the National Assembly deputies under the proportional electoral system. Persons that are not members of a political party may also be included in the electoral list of such party.

3. The following shall be attached to the application of a political party or alliance of political parties on participating in the National Assembly elections:

(1) The charter of the party (in case of an alliance of political parties, the charters of the parties included in the alliance);

(2) The decision of the permanent functioning leader body of the political party (in case of an alliance of political parties, the decisions of permanent functioning leader bodies of parties that are members of the alliance) on the nomination of an electoral list of candidates for the National Assembly deputies under the proportional electoral system, as well as the electoral list, which shall include, with consecutive numbering, each candidate's surname, first name, patronymic, date of birth, political affiliation, personal identification document number, place of registered residence, work place, and position (occupation);

(3) The written consent of candidates included in the electoral list of the political party to be registered as a candidate for a deputy;

(4) Separate electoral lists of the political parties included in the alliance of political parties;

(5) The receipt on payment of the electoral deposit in the amount of 1,000-fold the minimum salary in case of a political party and in the amount of 1250-fold the minimum salary in case of political party alliance ;

(6) A statement certifying that the candidates included in the electoral list of a political party have been citizens of the Nagorno Karabakh Republic for the last five years and have permanently resided in the Nagorno Karabakh Republic for the last five years; and

(7) Copies of the personal identification documents of the candidates included in the electoral list of a political party.

4. The Central Electoral Commission shall approve the form of the statement defined by Paragraph 6 of Part 3 of this Article. Such statement shall be issued by the Authorized State Body within a three-day period of applying, but no earlier than before calling elections.

The Authorized State Body shall, by its decision, refuse to issue the statement of the aforementioned form to the applicant, where the information concerning the applicant does not meet the requirements of Article 103 of this Code.

5. The application of a political party or alliance of political parties to participate in the elections of the National Assembly shall also contain information on up to two authorized representatives (surname, first name, patronymic, date of birth, personal identification document number, place of employment, and position (occupation)).

6. Registration documents shall be submitted to the Central Electoral Commission only by the authorized representative of the party or alliance of political parties before the deadlines prescribed by this Code.

After the passage of the deadline for the submission of registration documents, the political party or alliance of political parties may not make any changes in the electoral list.

7. In case of detecting inaccuracies, deletions, erasures, or misprints in the documents submitted for registration of the electoral list of a political party or of an alliance of political parties, the Central Electoral Commission shall draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, shall itself correct the obvious errors and misprints in

the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the Central Electoral Commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies detected concerning the electoral list of a party or party alliance or a candidate included in an electoral list or to complete the documents within such time period, registration of the electoral list of the party or party alliance shall be denied, and in case of a candidate included in the electoral list, his name shall be removed from the electoral list of the party.

#### **Article 107. Registration of Electoral Lists of Political Parties for the National Assembly elections under the Proportional Electoral System**

1. If the Central Electoral Commission members raise no objections to the registration of the electoral list of a political party or an alliance of political parties, such list shall be registered without voting.

2. Within three days of the passage of the deadline for registration, the Central Electoral Commission shall publish the electoral lists of political parties and alliances of political parties.

3. An authorized representative may be present in the Commission session reviewing the issue of registering the electoral list of a political party or an alliance of political parties.

#### **Article 108. Denying Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. The Central Electoral Commission shall deny registration of the electoral list of a political party or an alliance of political parties if:

(1) The submitted documents are incomplete or falsified;

(2) The electoral list does not meet the requirements defined by Part 2 of Article 106 of this Code;

(3) The political party has been liquidated;

(4) The number of political parties included in the alliance of political parties has fallen below two; or

(5) The activities of the political party have been suspended or prohibited.

2. In case a Central Electoral Commission member raises an objection with respect to the registration of the electoral list of a political party or an alliance of political parties, the objection shall be put to a vote. The registration of the electoral list shall be denied by a decision adopted by at least a two-thirds majority vote of the total number of members of the Commission.

3. The Central Electoral Commission shall deny the registration of a candidate included in the electoral list of a political party if:

(1) The candidate does not have the right to be elected; or

(2) The documents submitted about such candidate are incomplete or falsified.

4. In case a Central Electoral Commission member raises an objection with respect to the registration of a candidate included in the electoral list of a political party, the objection shall be put to a vote. The registration of a candidate included in the electoral list of a political party shall be denied by a decision adopted by at least a two-thirds majority vote of the total number of members of the Commission.

#### **Article 109. Declaring as Invalid the Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. The Central Electoral Commission shall declare as invalid the registration of an electoral list of a political party or an alliance of political parties, if facts emerge after registration, by virtue of which:

(1) The number of candidates in the electoral list has fallen below 5 as a result of declaring as invalid or repealing the registration of the candidates included therein;  
or

(2) The documents submitted with respect to the political party are falsified.

2. The registration of a candidate included in the electoral list shall be declared as invalid, if facts emerge after registration, by virtue of which:

(1) The candidate does not have the right to be elected; or

(2) The documents submitted about him are falsified.

In such cases, the name of the candidate shall be removed from the list.

3. The registration of an electoral list of a political party or an alliance of political parties or a candidate included therein shall be declared as invalid by a decision adopted by at least a two-thirds majority vote of the total number of members of the Commission.

**Article 110. Procedure of Appeals against Decisions to Deny or to Declare as Invalid the Registration of an Electoral List of a Political Party or a Candidate Included Therein**

1. A Central Electoral Commission decision to deny or to declare as invalid the registration of the electoral list of a political party or alliance of political parties or a candidate included therein may be challenged in the procedure and time prescribed by the Administrative Procedure Code of the Nagorno Karabakh Republic.

2. The electoral list of a political party or an alliance of political parties or a candidate included therein shall be deemed registered or re-registered according to a court judgment on declaring as invalid the Central Electoral Commission decision on denying or declaring as invalid the registration of such electoral list or such candidate.

**Article 111. Repealing the Registration of the Electoral List of a Political Party or a Candidate Included Therein**

1. The registration of the electoral list of a political party or an alliance of political parties shall be repealed by decision of the Central Electoral Commission if:

(1) An application on self-withdrawal has been filed;

(2) The political party has been liquidated;

(3) The activities of the political party have been suspended or prohibited; or

(4) The number of political parties included in the alliance of political parties has fallen below two.

2. The registration of the electoral list of a political party or an alliance of political parties shall be repealed based on a court judgment in case of violation of the provisions of Part 8 of Article 18 or of Article 26 of this Code.

3. The registration of a candidate included in an electoral list shall be repealed by decision of the Central Electoral Commission if the candidate has filed an application on self-withdrawal or has passed away.

4. The registration of a candidate included in an electoral list shall be repealed based on a court judgment if the candidate has violated the provisions of Part 8 of Article 18 or of Article 26 of this Code.

#### **Article 112. Nomination of Candidates for a National Assembly Deputy under the Majoritarian Electoral System**

1. Citizens, through self-nomination, and political parties shall have the right to nominate candidates for a National Assembly deputy under the majoritarian electoral system.

2. A political party shall nominate a candidate for a National Assembly deputy under the majoritarian electoral system by decision of its permanent functioning leader. A political party shall have the right to nominate one candidate for a deputy in each constituency. A political party may also nominate as a candidate for a deputy a person that is not a member of such political party.

3. In case of self-nomination, a citizen shall file a notarized application on self-nomination.

#### **Article 113. Registration of Candidates for a National Assembly Deputy under the Majoritarian Electoral System**

1. The decision of a political party on nomination of a candidate for a National Assembly deputy under the majoritarian electoral system and a citizen's application for self-nomination shall contain the number of the constituency and the following information on the candidate:

(1) Surname, first name, and patronymic;

(2) Date of birth;

(3) Place of registered residence;

(4) Place of employment and position (occupation);

(5) Political affiliation and information on up to two authorized representatives of the candidate (including surname, first name, patronymic, date of birth, personal identification document number, place of employment, and position (occupation)).

2. The decision of a political party on nomination of a candidate for a National Assembly deputy under the majoritarian electoral system and a citizen's application for self-nomination shall be submitted to the territorial electoral commission together with

the following:

(1) The written consent of the candidate to be registered in the given constituency as a candidate for a deputy (only in case of being nominated by a political party);

(2) The receipt on payment of the electoral deposit in the amount of 150-fold the minimum salary;

(3) A statement certifying that the candidate has been a citizen of the Nagorno Karabakh Republic for the last five years and has permanently resided in the Nagorno Karabakh Republic for the last five years; and

(4) A copy of the candidate's personal identification document.

3. The Central Electoral Commission shall approve the form of the statement referred to in Paragraph 3 of Part 2 of this Article. The aforementioned statement shall be issued by the Authorized State Body within three days of applying, but no earlier than before calling elections.

The Authorized State Body shall adopt a decision refusing to provide a statement of the aforementioned form to the applicant, if the information about the applicant does not meet the requirements of Article 103 of this Code.

4. The documents defined by this Article shall be submitted to the territorial electoral commission only by the candidate or his authorized representative within the time limits prescribed by this Code.

5. In case of detecting errors, erasures, scratches, or misprints in documents submitted for registration as a candidate for a National Assembly deputy, the territorial electoral commission shall draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, shall itself correct the obvious errors and misprints in the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the territorial electoral commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies or to complete the documents within such time period, the registration of the candidate shall be denied.

6. Candidates for a National Assembly deputy under the majoritarian electoral system shall be registered by decision of the territorial electoral commission.

If the territorial electoral commission members raise no objections with respect to the registration of a candidate, the latter shall be registered without voting.

7. The nominated candidate and his authorized representative may be present in the territorial electoral commission session reviewing the issue of registering the candidate.

#### **Article 114. Denying Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. The territorial electoral commission shall deny registration of a candidate for a deputy if:

- (1) The candidate does not have the right to be elected; or
- (2) The submitted documents are incomplete or falsified.

2. In case of a territorial electoral commission member raising an objection with respect to the registration of a candidate, the objection shall be put to a vote. Registration shall be denied by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

#### **Article 115. Declaring as Invalid the Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. A territorial electoral commission shall declare as invalid the registration of a candidate for a deputy if facts emerge after registration, by virtue of which:

- (1) The candidate does not have the right to be elected;
- (2) The submitted documents are falsified.

2. The registration of a candidate shall be declared as invalid by a decision adopted by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

#### **Article 116. Procedure of Appeals against Decisions to Deny or to Declare as Invalid the Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. The decision of a territorial electoral commission to deny or to declare as invalid the registration of a candidate for a deputy may be challenged in the procedure and time frames prescribed by the Administrative Procedure Code of the Nagorno Karabakh Republic.

2. The candidate for a deputy shall be deemed registered or re-registered according to a court judgment on declaring as invalid the territorial electoral commission decision on denying or declaring as invalid the registration of such electoral list or such candidate.

#### **Article 117. Repealing the Registration of a Candidate for a National Assembly Deputy under the Majoritarian Electoral System**

1. The registration of a candidate for a National Assembly deputy under the majoritarian electoral system shall be repealed:

(1) By decision of the Central Electoral Commission, if he has filed an application on self-withdrawal or has passed away; or

(2) Based on a court judgment, if he has violated the provisions of Part 8 of Article 18 or Article 26 of this Code.

## **CHAPTER 22**

### **STATUS OF A CANDIDATE FOR A DEPUTY**

#### **Article 118. Legal Equality of Candidates for a National Assembly Deputy**

1. Candidates for a deputy shall have equal rights and obligations arising from the status of a candidate for a deputy.

#### **Article 119. Rights, Obligations, and Safeguards of Activities of Candidates for a National Assembly Deputy**

1. A candidate for a National Assembly deputy shall acquire his status upon registration. The rights and obligations defined by this Code shall apply to a candidate for a National Assembly deputy until the deadline for challenging the electoral commission decision on being elected as a deputy or, in case of challenging such decision, until the Supreme Court adopts a decision.

After the entry into force of the Central Electoral Commission decision on the election of deputies under the proportional electoral system, a person included in the electoral list of the political party, but not elected as a deputy shall acquire the status of a candidate after the relevant mandate under the proportional electoral system becomes vacant.

2. Candidates for a deputy shall be exempt of army mobilization, compulsory military service, and training musters until the official announcement of the election results.

3. Candidates for a deputy shall have the right to withdraw their candidacy by submitting an application no later than by 6:00 p.m. 10 days prior to the voting day, as well as after the voting day. An application on self-withdrawal shall be notarized, or the candidate shall confirm his application on self-withdrawal in a session of the Commission.

The first name and surname of a citizen included in the electoral list of a political party may be removed from the list in accordance with the procedure prescribed by the Central Electoral Commission.

4. No later than by 6:00 p.m. at least 10 days prior to the voting day, political parties and alliances of political parties shall have the right to file an application on self-withdrawal.

5. A candidate for a National Assembly deputy or an elected deputy may, prior to assuming his powers of a deputy, be arrested or detained, or be subject to the initiation of a process to impose a judicial sanction upon him, only with upon the consent of the Central Electoral Commission. The Central Electoral Commission shall adopt a decision on the aforementioned issue by at least a two-thirds majority vote of the total number of its members. The provision of this Part shall not apply to citizens arrested or detained prior to being registered as a candidate, as well as to cases of substituting arrest with detention and extending the detention period of the detained candidate.

## CHAPTER 23

### PRE-ELECTION CAMPAIGN IN ELECTIONS OF THE NATIONAL ASSEMBLY

#### **Article 120. Pre-Election Fund of a Candidate for a Deputy; Pre-Election Fund of a Political Party**

1. For the purpose of pre-election campaigning, a candidate for a deputy, a political party or an alliance of political parties participating in the elections under the proportional electoral system shall open a pre-election fund, which shall be

supplemented with the voluntary contributions specified in Article 25 of this Code.

2. A candidate for a deputy under the majoritarian electoral system may make a contribution to his pre-election fund in the amount of up to 500-fold the minimum salary, the political party that nominated the candidate – up to 2,000-fold the minimum salary. The political party participating in the elections under the proportional electoral system shall have the right to make contributions to his pre-election fund in the amount of up to 500-fold the minimum salary and the political party alliance to the pre-election fund of the alliance in the amount of up to 7,000-fold the minimum salary.

3. Each natural person may make a voluntary contribution to the pre-election fund of a candidate, a political party, or an alliance of political parties in the amount of up to 50-fold the minimum salary.

4. The amount of the expenditures from pre-electoral fund spent by the candidates, political parties, political party alliances participating in the elections under the proportional system shall not exceed 2,000-fold the minimum salary to finance pre-election campaigning via the mass media, to rent halls and premises, to prepare (post) campaign posters, to acquire print campaign and other materials, and to prepare any campaign material (including print materials) to be provided to voters.

#### **Article 121. The Pre-Election Campaign**

1. In elections of the National Assembly, the pre-election campaign shall be conducted in the procedure and time frames defined by this Code.

2. In elections of the National Assembly, political parties and alliances of political parties participating in the elections under the proportional electoral system shall enjoy the rights prescribed by Article 87 of this Code.

### **CHAPTER 24**

#### **THE BALLOTS; SUMMARIZATION OF ELECTION RESULTS**

#### **Article 122. The Ballots**

1. National Assembly elections under the proportional and majoritarian electoral systems shall be conducted using different ballots.

2. The ballot for the National Assembly elections under the proportional electoral

system shall contain the names of parties and party alliances in the alphabetical order, as well as the surnames, names, and patronymics of the first three candidates of the electoral list.

The ballots shall be of the same color.

3. The ballot for the National Assembly elections under the majoritarian electoral system shall contain the surnames of candidates in the alphabetical order, their first names and patronymics, as well as the names of the nominating political parties, or the word "self-nomination" in case of self-nomination.

The ballots shall be of the same color and differ from the color of the ballots mentioned in Part 2 of this Article.

### **Article 123. Summarization of the National Assembly Election Results under the Proportional Electoral System**

1. In the procedure and time frames prescribed by Article 73 of this Code, the Central Electoral Commission shall summarize the election results and shall adopt one of the following decisions:

(1) A decision on the election of National Assembly deputies under the proportional electoral system;

(2) A decision on calling a revote in certain electoral precincts;

(3) A decision on declaring as invalid the National Assembly elections under the proportional electoral system and on calling a revote for the National Assembly elections under the proportional electoral system; or

(4) A decision on declaring as failed the National Assembly elections under the proportional electoral system and on calling a new election.

2. The mandates envisaged for the proportional electoral system of the National Assembly shall be distributed among the electoral lists of those political parties and alliances of political parties, which receive at least five percent of the “for” votes (in case of parties) and seven percent of the “for” votes (in case of alliances of political parties), respectively, of the sum of the total number of “for” votes and the inaccuracy amount. If the electoral list of only one political party or one alliance of political parties has received, respectively, at least five or seven percent of the “for” votes of the sum of the total number of “for” votes and the inaccuracy amount, then the next two political parties (alliances of political parties) that received the highest respective numbers of “for” votes shall participate in the distribution of mandates. If up to three political parties (alliances of political parties) participate in the National Assembly election under the proportional electoral system, all the parties (alliances of political parties) shall participate in the distribution of mandates.

3. The mandates envisaged for the proportional electoral system of the National Assembly shall be distributed among the electoral lists of political parties or alliances of political parties in proportion to the number of “for” votes cast in favor of each of them. The calculation of the number of seats available for the electoral list of each political party or alliance of political parties shall be carried out in the following manner: the number of “for” votes cast in favor of each list shall be multiplied by the number of mandates available for the electoral lists; the product shall be divided by the total number of “for” votes cast in favor of electoral lists participating in the distribution of mandates, then integers shall be distinguished, which shall be the number of mandates available to each electoral list.

4. The remaining mandates shall be distributed among electoral lists in the order of the magnitudes of the remainders, with the principle of one mandate to each. In

case the remainders are equal, the contested mandate shall be given to the list that has received the highest number of “for” votes, and in case of a tie, the matter shall be settled by drawing lots.

5. A candidate shall be elected from the electoral list of a political party or an alliance of political parties, if the sequence number of such candidate in the electoral list is smaller than or equal to the number of mandates to be given to such electoral list.

6. The mandate of a candidate elected to the National Assembly under the proportional electoral system, if he has also been elected under the majoritarian electoral system, shall be given to the candidate who is the next in the electoral list of such political party or alliance of political parties.

7. The distribution of mandates among candidates included in the electoral list of a political party or an alliance of parties shall be carried out by a protocol of the Central Electoral Commission, by means of registering the National Assembly deputies elected from each electoral list.

Where the number of candidates included in the electoral list of a political party or an alliance of political parties is less than the number of mandates available as a result of distribution, such mandates shall be distributed among the electoral lists of the other political parties or alliances of political parties that have obtained the right to participate in the distribution of mandates, in the order of the magnitudes of the remainders, with the principle of one mandate to each.

8. The mandate of a deputy elected to the National Assembly under the proportional electoral system, whose powers have terminated prematurely, shall be given to the next candidate in the electoral list of such political party or alliance of political parties by a protocol of the Central Electoral Commission, within a one-week period of notifying the Commission. If there is no other candidate in the electoral list, the mandate shall be distributed in accordance with the principle laid down by the second paragraph of Part 7 of this Article.

9. Where, in the course of voting, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the National Assembly elections under the proportional electoral system shall be declared as invalid, and a revote for the National Assembly elections under the proportional electoral system shall be called.

10. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on declaring as invalid the National Assembly elections under the proportional electoral system, and shall call a revote for the National Assembly elections under the proportional electoral system.

11. Where the Central Electoral Commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of such decision. In this case, the time limits prescribed by this Code for summarizing the results of the National Assembly elections under the proportional electoral system shall be calculated from the revote day.

12. An application challenging the decision adopted based on the results of National Assembly elections under the proportional electoral system may be lodged with the Supreme Court within seven day-period from the moment of official announcement of the election result.

13. No earlier than 15 and no later than 30 days after the entry into force of the decision on declaring as invalid the National Assembly election under the proportional electoral system, a revote shall be conducted in accordance with the procedure prescribed by this Code, with the same participating political parties or alliances of political parties.

14. In case the results of a revote for the National Assembly elections under the proportional electoral system are declared as invalid, a new election shall be conducted no later than 70 days after the entry into force of such decision. In the event of a new election, the Central Electoral Commission shall adopt a decision on calling the voting day on the seventh day after the adoption of the decision on declaring as invalid the National Assembly election under the proportional electoral system.

15. The elections to the National Assembly under proportional system shall be considered failed in case of less than 25 percent of the voters participated in the elections.

16. Re-elections shall be held no sooner than 30 days and no later than 40 days after the decision on declaration of National Assembly proportional elections invalid comes into force.

17. The new election shall be conducted by a new nomination, in the procedure and time frames prescribed for early elections.

## **Article 124. Summarization of the National Assembly Election Results under the Majoritarian Electoral System**

1. A territorial electoral commission shall summarize the election results in the procedure and time limits prescribed by Article 74 of this Code and shall adopt one of the following decisions:

(1) A decision on the election of a deputy;

(2) A decision on calling a revote in certain electoral precincts;

(3) A decision on declaring the election of a deputy as invalid; and

(4) A decision on declaring the election of deputy as not having taken place.

2. A candidate voted for by the greatest number of voters shall be elected as a deputy.

3. Where only one candidate is vote, he shall be elected if voted for by more than half of the participants in the voting.

4. If two and more candidates have received an equal number of the highest "for" votes, the elected candidate shall be determined by drawing lots between them.

5. Where, in the course of the voting, such violations of this Code have occurred that could have affected the elections results, the territorial electoral commission shall adopt a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the elections shall be declared as invalid, and a revote shall be called.

6. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the Central Electoral Commission shall take a decision on declaring as invalid the elections and shall call a revote.

7. Where the Central Electoral Commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of such decision. In this case, the time limits prescribed by

this Code for summarizing the results of the National Assembly elections under the majoritarian electoral system shall be calculated from the revote day.

8. The election of the deputy shall be considered as not having taken place if:

(1) The required number of voters have not voted for the only candidate;

(2) The candidate that received the highest number of "for" votes has died before the summarization of the election results;

(3) No candidate has been registered in the procedure and time periods prescribed by this Code for the registration of candidates; or

(4) 25 percent of the voters of that constituency has not participated in the elections

9. The territorial electoral commission chairperson shall submit the decision on the summarization of the election results to the Central Electoral Commission within a period of two days.

10. An application challenging the decision adopted based on the results of National Assembly elections under the majoritarian electoral system may be lodged with the Supreme Court within seven day-period from the moment of the official announcement of the election result.

11. In the event the election of a deputy is declared as invalid, no earlier than 10 and no later than 20 days after the entry into force of such decision, a revote with the same candidates shall be conducted in accordance with the procedure prescribed by this Code.

If the results of a revote in the course of the election of a National Assembly deputy under the majoritarian electoral system are declared as invalid, a new election shall be conducted no earlier than 30 and no later than 40 days after the entry into force of such decision.

12. In case the election of a deputy is declared as not having taken place, a new election shall be conducted no earlier than 30 and no later than 40 days after the entry into force of the decision thereon.

13. In case of death of one of the candidates before the end of the voting, a new election shall be called, and the voting shall be conducted no earlier than 30 and no later than 40 days after calling the new election. In case of death of an

elected deputy prior to assuming the powers after the elections, a new election shall be called, and the voting shall be conducted no earlier than 30 and no later than 40 days after calling the new election.

14. The new election shall be conducted by a new nomination of candidates, and within the time periods prescribed for early elections.

## **CHAPTER 25**

### **CALLING AND CONDUCTING THE NATIONAL ASSEMBLY ELECTIONS**

**Article 125. Time Frames for Calling and Conducting Regular Elections of the National Assembly; Time Frames for Nominating and Registering Candidates for a Deputy**

1. Regular elections of the National Assembly shall be conducted no earlier than 40 and no later than 30 days before the cessation of powers thereof.

2. No later than 70 days prior to the voting day, the President of the Republic shall promulgate a decree on calling regular elections.

3. The registration of documents of candidates for a National Assembly deputy under the proportional electoral system shall be submitted to the Central Electoral Commission by 18:00 hours no earlier than 55 and no later than 45 days prior to the voting day.

4. The registration of electoral lists of political parties or alliances of political parties shall be carried out by 18:00 hours no earlier than 45 and no later than 35 days prior to the voting day.

5. The registration documents of candidates for a National Assembly deputy under the majoritarian electoral system shall be submitted to the territorial electoral commission by 18:00 hours no earlier than 55 and no later than 45 days prior to the voting day.

6. The registration of candidates for a National Assembly deputy under the majoritarian electoral system shall be carried out by 18:00 hours no earlier than 45 and no later than 35 days prior to the voting day.

#### **Article 126. Calling and Conducting By-Elections of the National Assembly**

1. In case a National Assembly majoritarian electoral system mandate becomes vacant due to early termination of powers of a deputy, by-elections shall be conducted in the respective constituency.

2. By-elections of the National Assembly under the majoritarian electoral system shall be conducted in accordance with the procedure prescribed for regular elections, and within a period of 70 days after the mandate becomes vacant.

3. Elections under the majoritarian electoral system may not be conducted within the last year of term of powers of the National Assembly.

#### **Article 127. Calling and Conducting Early Elections of the National Assembly**

1. Early elections of the National Assembly shall be conducted no earlier than 30 and no later than 40 days after dissolving of the National Assembly.

2. The President of the Republic shall promulgate a decree on calling early elections of the National Assembly together with the decree on dissolving the National Assembly.

3. Elections to the National Assembly shall not be held during war and state of emergency, and the time frame of the powers of the National Assembly shall be prolonged till the day of the first session of the new-elected National Assembly after the end of war or state of emergency. In such case during no sooner than 70 days and no later than 100 days after the end of war or state of emergency elections to the National Assembly for an early election shall be held in the procedure prescribed by this Code.

4. The documents required for the registration of candidates for a National Assembly deputy under the proportional electoral system shall be submitted to the Central Electoral Commission by 18:00 hours no later than 25 days prior to the voting day.

5. The registration of electoral lists of political parties or alliances of political parties shall be carried out by 18:00 hours no earlier than 25 and no later than 20 days prior to the voting day.

6. Documents required for the registration of candidates for a National Assembly deputy under the majoritarian electoral system shall be submitted to the territorial electoral commission by 18:00 hours no later than 25 days prior to the voting day.

7. The registration of candidates for a National Assembly deputy under the majoritarian electoral system shall be carried out by 18:00 hours no earlier than 25 and no later than 20 days prior to the voting day.

8. Electoral precincts shall be formed and polling stations designated no later than 25 days prior to the voting day. No later than 20 days prior to the voting day, the Authorized Body shall deliver the lists of voters to the entity in charge of the premises of the polling station, who shall post them in the polling station in a place visible for everyone.

## **SECTION 6**

### **LOCAL SELF-GOVERNMENT ELECTIONS**

#### **CHAPTER 26**

#### **GENERAL PROVISIONS**

##### **Article 128. The Electoral System**

1. In the election of a community mayor, a single-mandate majoritarian constituency shall be formed in the territory of the community.

2. In the election of the community council of aldermen, one multi-mandate majoritarian constituency shall be formed in the territory of the community.

3. The community council of aldermen shall consist of:

(1) Seven members if the community has from 1,000 to 3,000 voters;

(2) 11 members if the community has from 3,000 to 20,000 voters; or

(3) 15 members if the community has more than 20,000 voters

#### **Article 129. Right of Suffrage**

1. Each voter shall have the right to one vote:

(1) In the election of a community mayor; and

(2) In the election of a member of the council of aldermen.

#### **Article 130. Requirements for Candidates for the Community Mayor and Members of the Council of Aldermen**

1. A person who has attained the age of 23, has been registered in the given community for at least one year, and has the right to vote in local self-government elections under Article 2 of this Code may be elected as a community mayor.

2. A person who has attained the age of 21, has been registered in the given community for at least one year, and has the right to vote in local self-government elections under Article 2 of this Code may be elected as a member of the community council of aldermen.

3. Judges, prosecutors, employees of the Police of the Republic of Armenia and the National Security Service of the Nagorno Karabakh Republic, servants of the Service for Compulsory Execution of Judicial Acts, servants of rescue, tax, and customs authorities, military servicemen, and members of electoral commissions may not be nominated as candidates for the community mayor and for a member of the community council of aldermen.

### **CHAPTER 27**

## NOMINATION OF CANDIDATES FOR A COMMUNITY MAYOR AND A MEMBER OF THE COUNCIL OF ALDERMEN

### Article 131. Nomination of Candidates for a Community Mayor and a Member of the Council of Aldermen

1. Candidates for a community mayor and for a member of the Council of Aldermen may be nominated by political parties, as well as by citizens with the right to be elected by way of self-nomination by means of filing an application thereon in a form defined by the Central Electoral Commission.

A political party may also nominate a person who is not its member as a candidate for a community mayor and for a member of the community council of aldermen.

2. The decision on nominating a candidate for a community mayor and for a member of the council of aldermen, or the application in case of self-nomination, shall contain the name of the community and the following information about the candidate:

- (1) Surname, first name, and patronymic;
- (2) Date of birth;
- (3) Place of registered residence;
- (4) Place of employment and position (occupation); and
- (5) Party affiliation,

but may contain also information on up two authorized representatives of the candidate (their surname, first name, patronymic, date of birth, the personal identification document number, place of employment, and position (occupation)).

3. Candidates for a community mayor and for a member of the council of aldermen shall submit to the territorial electoral commission the following, together with the decision of the political party or the application on self-nomination:

- (1) The receipt of payment of the electoral deposit;

The amount of the electoral deposit shall be as follows: in a community with up to 1,000 voters, a candidate for the community mayor shall pay 20-fold the minimum salary and a candidate for a member of the council of aldermen the minimum salary; in a community with 1,000 to 3,000 voters, a candidate for the community mayor shall pay 30-fold the minimum salary and a candidate for a member of Council of Aldermen

—double fold the minimum salary; in a community with 3,000 to 20,000 voters, a candidate for the community mayor shall pay 50-fold the minimum salary and a candidate for a member of the council aldermen — 3-fold the minimum salary; in a community with more than 20, 000 voters, a candidate for the community mayor shall pay 200-fold the minimum salary and a candidate for a member of the council of aldermen — 5-fold the minimum salary;

(2) A statement on being registered in the given community for the last one year; and

(3) A copy of the personal identification document.

4. The form of the statement referred to in Paragraph (2) of Part 3 of this Article shall be defined by the Central Electoral Commission. The statement shall be issued by the Authorized State Body within a three-day period of applying, but no earlier than the calling of elections.

The Authorized State Body shall, by its decision, deny issuance to the applicant of the statement of the aforementioned form, if the information on the applicant does not meet the requirements prescribed by Parts 1 and 2 of Article 130 of this Code, respectively.

5. The registration documents shall be submitted only by a candidate or an authorized representative within the time limits established by this Code.

6. In case of detecting errors, erasures, scratches, or misprints in documents submitted for registration as a candidate for a community mayor or a member of the council of aldermen, the territorial electoral commission shall draw the attention of those submitting such documents to them, for the purpose of correcting them, and, in the presence of such persons, shall itself correct the obvious errors and misprints in the submitted documents.

The Commission may not refuse to accept the submitted documents solely for the reason that they contain such errors, erasures, scratches, or misprints. The provisions of this Part shall not apply to the correction of such errors, erasures, scratches, or misprints, as well as to the elimination of other deficiencies, which according to law may be done only by the bodies that adopted or submitted such

documents.

In case the submitted documents contain the inaccuracies referred to in the second paragraph of this Part or in case of incompleteness of the documents attached to the application, the territorial electoral commission shall give 48 hours for the correction of such inaccuracies and completion of the attached documents. In case of failure to eliminate inaccuracies or to complete the documents within such time period, the registration of the candidate shall be denied.

#### **Article 132. Registration of Candidates for a Community Mayor and a Member of the Council of Aldermen**

1. Candidates for a community mayor and a member of the council of aldermen shall be registered by decision of the territorial electoral commission.

The candidate shall be registered unless members of the territorial electoral commission raise an objection with regard to registration.

2. A candidate and his authorized representative may be present in the territorial electoral commission session during the review of the issue of registering the candidate.

#### **Article 133. Denial of Registration of a Candidate for a Community Mayor and a Member of the Council of Aldermen**

1. The territorial electoral commission shall deny the registration of a candidate if:

(1) The candidate has no right to be elected; or

(2) The submitted documents are incomplete or falsified.

2. In case a commission member raises an objection with regard to registration of a candidate for a community mayor and a member of the council of aldermen, the objection shall be put to a vote. Registration may be denied by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

#### **Article 134. Declaring as Invalid the Registration of a Candidate for a Community Mayor and a Member of the Council of Aldermen**

The territorial electoral commission shall declare as invalid the registration of a candidate for a community mayor and a member of the council of aldermen, if facts emerge after registration, by virtue of which:

(1) The candidate has no right to be elected; or

(2) The submitted documents are falsified.

The registration of a candidate shall be declared as invalid by a decision adopted by at least a two-thirds majority vote of the total number of members of the territorial electoral commission.

**Article 135. Procedure of Appeals against Decisions to Deny or Declare as Invalid the Registration of a Candidate for a Community Mayor and a Member of the Council of Aldermen**

1. The territorial electoral commission decision to deny or declare as invalid the registration of a candidate for a community mayor or a member of the council of aldermen may be challenged in the procedure and time limits prescribed by the Administrative Procedure Code of the Nagorno Karabakh Republic.

2. The candidate shall be deemed registered or re-registered according to a court judgment on declaring as invalid the territorial electoral commission decision on denying or declaring as invalid the registration of a candidate for a community mayor or a member of the council of aldermen invalid.

**Article 136. Repealing Registration of a Candidate for a Community Mayor or a Member of the Council of Aldermen**

The registration of a candidate for a community mayor or a member of the council of aldermen shall be repealed:

(1) By decision of the territorial electoral commission, if he has filed an application on self-withdrawal or has passed away:

(2) By a court judgment, if he has violated the provisions of Part 8 of Article 18 or Article 26 of this Code.

## **CHAPTER 28**

### **STATUS OF CANDIDATES FOR A COMMUNITY MAYOR AND A MEMBER OF THE COUNCIL OF ALDERMEN**

#### **Article 137. Status and Legal Equality of Candidates for a community Mayor and a Member of the Council of Aldermen**

1. Candidates for a community mayor or a member of the council of aldermen shall acquire their status upon registration. The rights and obligations defined by this Code shall apply to the candidates for a community mayor and a member of the council of aldermen until the deadline for challenging the territorial electoral Commission decision on the election of a community mayor or members of the council of aldermen, or, in case of challenging such decision, until the adoption of a decision by the Administrative Court.

Candidates shall have equal rights and obligations arising from the status of a candidate for a community mayor and a member of the council of aldermen.

2. A candidate for a community mayor or a member of the council of aldermen may apply for self-withdrawal no later than 10 days prior to the voting day, by 18:00 hours.

## **CHAPTER 29**

### **PRE-ELECTION CAMPAIGN OF CANDIDATES FOR A COMMUNITY MAYOR AND A MEMBER OF THE COUNCIL OF ALDERMEN**

#### **Article 138. Pre-Election Fund of Candidates for a Community Mayor and a Member of the Council of Aldermen**

1. A candidate for a community mayor shall open a pre-election fund for the pre-election campaign.

2. The fund shall be made up of the voluntary contributions referred to in Article 25 of this Code.

The candidate for a community mayor and a member of the council of aldermen may make contribution to his fund in the amount of up to 500-fold the minimum salary, whereas the political party nominating the candidate— in the amount of up to 2000-fold, and any natural person in the amount of 100-fold.

3. The amount of the expenditures from the pre-electoral fund spent by the candidates for a community mayor and a member to the council of aldermen shall not exceed 20.000-fold the minimum salary to finance pre-election campaigning.

### **Article 139. The Pre-Election Campaign**

1. In local self-government elections, the pre-election campaign shall be conducted in the procedure and time frames defined by this Code.

## **CHAPTER 30**

### **BALLOTS; SUMMARIZATION OF THE ELECTION RESULTS**

#### **Article 142. The Ballots**

1. The ballots for the election of a community mayor or a member of the council of aldermen shall contain the candidates' surnames, names, and patronymics (in the alphabetical order of the surnames), the name of the nominating party, and in case of self-nomination also the word "self-nomination." If the surnames, names, and patronymics of candidates coincide, the date of birth shall be specified, as well.
2. The ballots of the community mayor and members of the council of aldermen shall clearly differ from each other by colors.

#### **Article 143. Summarization of the Election Results of a Community Mayor**

1. The territorial electoral commission shall, in the procedure and time period stipulated by Article 72 of this Code, summarize the election results and take one of the following decisions:

(1) A decision on the election of a community mayor;

(2) A decision on calling a revote in certain electoral precincts;

(3) A decision on declaring as invalid the election of the community mayor; or

(4) A decision on declaring the election of a community mayor as not having taken place.

2. The candidate voted for by the highest number of voters shall be elected as a community mayor. If only one candidate is voted, he shall be elected if more than half of the participants of the voting have voted for him.

If two and more candidates have received an equal number of the highest “for” votes, the elected candidate shall be determined by drawing lots between them.

3. Where, in the course of the voting, such violations of this Code have occurred that could have affected the elections results, the territorial electoral commission shall adopt a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the elections shall be declared as invalid, and a revote shall be called.

4. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the territorial electoral commission shall take a decision on declaring as invalid the elections and shall call a revote.

5. Where the territorial electoral commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of this decision. In this case, the time limits prescribed by this Code for summarizing the results of the elections of a community mayor shall be calculated from the revote day.

6. The election of a community mayor shall be declared as not having taken place if:

(1) The required number of voters have not voted for the only candidate; or

(2) No candidate has been registered in the procedure and time period prescribed by this Code for the registration of candidates,

(3) In the cases prescribed by Part 7 of this Article; and

(4) The elections were declared as invalid on the basis of the revote results.

(5) Less than 25 percent of the voters participated in the voting

7. A new election shall be called where one of the candidates dies prior to the end of the voting. A new election shall be called where the candidate that received the highest number of “for” votes dies before the summarization of the election results, or where the elected community mayor dies after the election prior to assuming his powers.

8. The territorial electoral commission chairperson shall, within a two-day period of taking the decision on the election of a community mayor, submit it to the Central Electoral Commission and the Head of the regional administration (the Mayor of Stepanakert).

9. Where the elections of a community mayor are declared as invalid, a revote shall be conducted with the same participating candidates 21 days after the voting day. A revote with the same participating candidates may be conducted only once.

10. An application challenging the decision adopted by the territorial electoral commission on the results of the elections of a community mayor may be lodged with the Administrative Court of the Nagorno Karabakh Republic in the procedure and time prescribed by the Administrative Procedure Code of the Nagorno Karabakh Republic.

#### **Article 144. Summarization of the Election Results of Members of the Council of Aldermen**

1. The territorial electoral commission shall, in the procedure and time period stipulated by Article 72 of this Code, summarize the election results and take one of the following decisions:

- (1) A decision on the election of members of the community council of aldermen;
- (2) A decision on calling a revote in certain electoral precincts;
- (3) A decision on declaring as invalid the election of the community council of aldermen; or
- (4) A decision on declaring the election of the community council of aldermen as not having taken place.

2. The respective number of candidates for members of the council of aldermen, subject to Part 3 of Article 128 of this Code, which receive the highest number of “for” votes, shall be elected in the community. In case of a tie of “for” votes, the elected candidate shall be determined by drawing lots between them in accordance with the procedure prescribed by the Central Electoral Commission.

3. Where, in the course of the voting, such violations of this Code have occurred that could have affected the elections results, the territorial electoral commission shall adopt a decision on conducting a revote in certain electoral precincts, if the consequences of such violations can be remedied in such way. If it is not possible to remedy such violations in such way, the elections shall be declared as invalid, and a revote shall be called.

4. Where, in the course of preparation of elections or in the course of conducting a revote in certain electoral precincts, such violations of this Code have occurred that could have affected the election results, the territorial electoral commission shall take a decision on declaring as invalid the elections and shall call a revote.

5. Where the territorial electoral commission takes a decision on conducting a revote in certain electoral precincts, the revote shall be conducted on the seventh day following the adoption of this decision. In this case, the time limits prescribed by this Code for summarizing the results of the elections of the community council of aldermen shall be calculated from the revote day.

6. Where the elections of members of a community council of aldermen are declared as invalid, a revote with the same participating of candidates shall be conducted 21 days after the voting day.

A revote with the same participating candidates may be conducted only once.

7. The election of members of a community council of aldermen shall be deemed as not having taken place if the number of candidates registered in the procedure and time period prescribed by this Code, after the registration, the number of candidates falls below half of the number of members of the community council of aldermen referred to in Part 3 of Article 128 of this Code, or, based on the results of the revote, the election of the community council of aldermen has been declared as invalid.

8. The territorial electoral commission chairperson shall, within a two-day period of taking the decision on the election of members of the community council of aldermen, submit it to the Central Electoral Commission and the Head of the regional administration (the Mayor of Stepanakert).

9. An application challenging the decision adopted by the territorial electoral commission on the results of the elections of members of the community council of aldermen may be lodged with the Administrative Court of the Nagorno Karabakh Republic in the procedure and time prescribed by the Administrative Procedure Code of the Nagorno Karabakh Republic.

## **CHAPTER 31**

### **TIME PERIODS AND PROCEDURE OF CALLING AND CONDUCTING LOCAL SELF- GOVERNMENT ELECTIONS**

#### **Article 143. Time Periods of Calling and Conducting Regular Elections and Nominating and Registering Candidates**

1. Regular local self-government elections shall be conducted no later than 30 days prior to the end of the powers of local self-government bodies.

2. Local self-government elections in a community shall be called by the Government no later than 70 days before the expiry of the term of powers of a community mayor or of the members of the council of aldermen.

3. The documents necessary for registration of candidates shall be submitted to the territorial electoral commission no earlier than 35 and no later than 30 days prior

to the voting day, by 18:00 hours.

4. Candidates shall be registered no earlier than 30 and no later than 25 days prior to the voting day, by 18:00 hours.

#### **Article 144. Calling and Conducting a New Election**

1. A new election shall be conducted on the last Sunday of the 40-day period following the day of death or resignation of the elected community mayor who did not assume his powers, or following the date of the territorial electoral commission a decision on declaring the elections of a community mayor or members of the council of aldermen as not having taken place, or following the date of entry into legal force of a court judgment. The new election shall be conducted by a new nomination of candidates in accordance with the procedure prescribed by this Code for early election of a community mayor or members of the council of aldermen. The new election shall be called by the Government.

#### **Article 145. Calling and Conducting an Early Election**

1. An early election of a community mayor shall be conducted on the last Sunday of the 40-day period following the entry into force of the Nagorno Karabakh Republic Government decision on removal from office of a community mayor or on early termination of his powers.

2. The Government shall take a decision on calling an early election concurrently with removal from office of a community mayor or early termination of his powers.

3. Where the total number of members of a community council of aldermen reduces by half, an early election of the members of the community council of aldermen shall be conducted on the last Sunday of the 40-day period following the entry into force of the Nagorno Karabakh Republic Government decision on calling an early election.

4. Elections to the local self-government bodies shall not be held during war and state of emergency, and the time frame of the powers of the local self-government bodies shall be prolonged till the day of the first session of the new-elected local self-government bodies after the end of war or state of emergency. In such a case during no sooner than 70 days and no later than 100 days after the end of war or state of emergency elections to the local self-government bodies for an early election shall be held in the procedure prescribed by this Code

5. The documents necessary for the registration of candidates shall be submitted

to the territorial electoral commission no earlier than 25 and no later than 21 days prior to the voting day, by 18:00 hours.

6. Candidates shall be registered no earlier than 21 and no later than 19 days prior to the voting day, by 18:00 hours.

7. Electoral precincts shall be formed and polling stations designated no later than 20 days prior to the voting day. Lists of voters shall be posted in the polling station, in a place visible for everyone no later than 17 days prior to the voting day.

### **PART III**

#### **CHAPTER**

#### **32**

#### **TRANSITIONAL AND FINAL PROVISIONS**

##### **Article 167. Transitional Provisions**

1. The number of members of the community council of aldermen prescribed by Article 128 of this Code shall apply to communities in which elections of the members of the council of aldermen have been called after the entry into force of this Code.

##### **Article 168. Final Provisions**

1. This Code shall enter into force on January 1, 2015.
2. The Electoral Code of the Nagorno Karabakh Republic adopted on 8 December 2004 shall be repealed upon the entry into force of this Code.
3. The Central Electoral Commission in the period of one-month time after the entry into force of this Code shall adopt normative decisions, according to this Code.

