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FORTY FIFTH PLENARY SESSION OF THE PABSEC GENERAL ASSEMBLY
LEGAL AND POLITICAL AFFAIRS COMMITTEE

REPORT^{*}

Basic Principles of Election Legislation in the BSEC Member States: Similarities and Differences

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I. INTRODUCTION

1. The Legal and Political Affairs Committee at its Forty Fourth meeting in Batumi on 29 September 2014 decided to study the question of the election legislation and to conduct a comparative analysis of the election legislation and election practices in the BSEC Member States.
2. The idea to include this issue in the agenda of the Committee was generated during the PABSEC monitoring mission to the early presidential elections in Ukraine on 25 May 2014 (the PABSEC monitoring delegation was composed of Mr. Namik Dokle, Head of the Albanian PABSEC delegation; Mr. Petar Kanev, Head of the Bulgarian PABSEC delegation, PABSEC Vice-President; Mr. David Saganelidze, Head of the Georgian PABSEC delegation, PABSEC Vice-President; and Mr. Ihsan Sener, Head of the Turkish PABSEC delegation).
3. To this end, the Forty Fifth Meeting of the Committee in Baku on 5-6 May 2015 is devoted to the topic “Basic Principles of Election Legislation in the BSEC Member States: Similarities and Differences” in order to elaborate the Report and the Recommendation to be submitted to the Forty Fifth Plenary Session of the General Assembly meeting in Chisinau in June 2015.
4. The present Report focuses not only on the certain aspects of the election legislation of the individual states but also on some common topics of the organization and conduction of the elections as a form of direct expression of popular will and the most important manifestation of democracy. Through elections the citizens influence upon the formation of state bodies and thereby exercise their right to participate in the management of public affairs.
5. It should be noted that it is very difficult to produce an exhaustive analysis of the process of the organization of the elections in the BSEC Member States within a single document. Therefore, this paper focuses primarily on the preparation and conduct of the parliamentary elections, comparing the practices of their conduct. In recent years the PABSEC has intensified its monitoring missions to the presidential and parliamentary elections in the BSEC Member States. The experience of the PABSEC representatives in taking part in the international monitoring missions becomes an important direction in the activities of the Assembly.
6. The Report benefited from the contribution by the national delegations of Bulgaria, Georgia, Greece, Romania, Russia and Turkey. In addition, the reference material has been obtained by the PABSEC International Secretariat through other related sources and publications.

II. BASIC PRINCIPLES OF ELECTION LEGISLATION IN THE BSEC MEMBER STATES: SIMILARITIES AND DIFFERENCES

7. Free and fair elections are undoubtedly one of the essential pillars of a democratic society. Elections directly reflect the political system and affect it. Through elections will of the majority of the population is revealed, which is the basis for the formation of the democratic government. That is why elections are most important component of contemporary politics as a means for formation of the governing bodies in accordance with the election system.
8. Election legislation is different in different countries. Election systems mainly depend on the specific historical, cultural, political and social factors within particular

countries. In addition, the election laws are designed to ensure the functioning of national systems, taking into account national concerns and experiences.

9. The principles of electoral law imply the mandatory requirements and conditions without which the elections are not recognized as legitimate. These principles are determined by the international instruments, constitutions and laws. The universal suffrage gives equal voting rights to all adult citizens - both men and women. There are also some special conditions that restrict these rights. The electoral rights of the citizens have to be protected by law against any form of discrimination.
10. The legal framework regulating the parliamentary elections in the **Republic of Albania** generally provides a sound basis for conduct of democratic elections. The Electoral Code was amended in July 2012 supported by the major political parties. The 140-member unicameral parliament (The Assembly of Albania) is elected for a four-year term under a proportional system within 12 multi-member electoral districts that correspond to the country's administrative regions. Political parties, coalitions and independent candidates can participate in the elections with closed candidate lists submitted by parties for each district. Parties that receive at least 3 % and coalitions that receive at least 5 % of valid votes in a district qualify for seat allocation. The right to elect and to be elected as a member of parliament is granted to the citizens who are over 18 years of age meeting the legislative requirements. During the election campaign, every electoral subject has the right to make electoral propaganda in every lawful manner. Political parties participating in the elections, which have received not less than 0.5 % of votes nationwide, are entitled to receive state budget funds. This fund is determined through a decision of the Assembly and comprises a separate item in the state budget for the respective electoral year. A government can be formed if a party or a coalition of parties secures at least 71 seats in the parliament. The President of the Republic is elected every five years by the parliament. No other European country has experienced such an extreme change of electoral patterns as in Albania since 1990; the country has gone from a pure majority system in 1990, to a mixed system with majority tendencies from 1992 to 2005, to a proportional representation system in 2009. The 23 June 2013 parliamentary elections resulted in 60 % for the Socialist Party led coalition, and 40 % for the Democratic Party led coalition, which translates to 66 seats for the "Socialist Party", 16 seats for its ally the "Socialist Movement for Integration" and 49 seats for the "Democratic Party". *PABSEC has never been at monitoring mission at the elections in Albania due to the absence of the invitations.*
11. The Electoral Code of the **Republic of Armenia** adopted in 2011 provides a sound framework for the conduct of democratic elections at all levels. The electoral rights of the citizens are regulated by the Constitution of the Republic of Armenia and the Electoral Code. In accordance with Article 3 of the Constitution the elections are held through universal, equal, direct suffrage by secret ballot. Since 1995 in Armenia elections are held under a mixed electoral system. The 131-member unicameral parliament (the National Assembly of the Republic of Armenia) is elected for a five-year term (90 MPs are elected under a proportional system in a nationwide constituency and 41 MPs are elected by majoritarian system in single-mandate constituencies). To qualify for the allocation of mandates in the National Assembly the parties must receive at least 5 % of valid votes cast and the party blocs must receive at least 7 %. In accordance with Article 64 of the Constitution anyone who has attained the age of 25 years, has been a citizen of the Republic of Armenia for the

last five years, has been permanently residing in the Republic of Armenia for the last five years and has the right to vote, can be elected an MP. The citizens having the right to vote participate in elections on voluntary basis. The citizens of the Republic of Armenia who have attained the age of 18 years have the right to vote. During elections Central Electoral Commission, Regional and Precinct Electoral Commissions are formed in the Republic. The electoral commissions ensure the realization and the protection of citizens' electoral rights. The Central Electoral Commission is composed of: three persons appointed by the Government; one member of each of the parties having factions in the current or dissolved National Assembly; one member of each of the first five parties not having parliamentary factions in the current or dissolved parliament. According the results of the parliamentary elections on 6 May 2012 the parliament is composed of: the political bloc "Armenian National Congress", which passed the 7 % threshold and five political parties – "The Republican Party of Armenia" with 44.05 % of the votes, "Prosperous Armenia" - with 30.2 %, "Heritage" – with 5.79 %, "Armenian Revolutionary Federation" – with 5.73 % and the "Rule of Law"- with 5.49 %. *The PABSEC monitored the parliamentary elections in Armenia in 2003.*

12. In the ***Republic of Azerbaijan*** the elections of the President of Azerbaijan, the Milli Mejlis and local representative bodies are held. The Milli Mejlis is a unicameral parliament, whose members are elected on the basis of majoritarian system through general, equal and direct elections by secret ballot. The Milli Mejlis consists of 125 MPs elected for five years. The right to vote of citizens are governed by the Constitution of the Republic of Azerbaijan and the Electoral Code. Electoral Code of Azerbaijan meets all the requirements of the international standards. Persons having dual citizenship; persons having obligations to other states; persons serving in the executive or judiciary; persons engaged in other paid activity, with the exception of scientific, pedagogical and creative activity; religious officials; persons whose incapacity has been determined by a court of law; persons convicted of serious crimes; and persons serving their sentences in places of imprisonment pursuant to a court judgement that has become effective, may not be elected as the members of the Milli Mejlis. Every citizen of the Republic of Azerbaijan not younger than 25 years of age may be elected, as provided by law, as a member of the Milli Mejlis. The candidate who obtains the highest number of votes is considered elected. Political party taking part in the parliamentary elections has the right to participate in the distribution of 10 % of votes. During the elections Central Electoral Commission, Constituency and Precinct Election Commissions are formed in the Republic. The Central Election Commission consists of 18 members elected by the Milli Mejlis. 6 members of the Central Election Commission representing political parties forming majority in the parliament, 6 members representing MPs who do not belong to any political party (independent), 6 members representing political parties having minority in the parliament. The CEC is active in making preparations for the elections within the legal deadlines and elaborates necessary regulations. During the elections on 7 November 2010 the turnout was 50.14 % of the total number of voters. The 125 seats were contested by 690 candidates. The ruling party "New Azerbaijan" has the majority in parliament - 66 seats. In parliament also are the representatives of 11 parties and 42 independent MPs. The next parliamentary elections will be held in autumn 2015. *The PABSEC monitored the presidential elections in Azerbaijan in 2003 and 2013.*

13. The citizens' right to vote in the **Republic of Bulgaria** is ensured by the Constitution and the Electoral Code. In addition the legislative framework includes the Law on Political Parties, the Law on Supreme Administrative Court, and the Civil Registration Act. The National Assembly is a unicameral body consisting of 240 members elected under a proportional list system. During the elections Central Electoral Commission, as well as the Constituency and Precinct Election Commissions are formed in the Republic. The CEC is a permanent body and consists of twenty members elected for 5 years. All electoral bodies are formed upon the proposals of the political parties and the coalitions. The lists of candidates proposed by political parties and coalitions are registered with the CEC and must be supported by the signatures of 2,500 voters. The Initiative Committees may nominate independent candidates who need to be supported by the signatures of 1 % of the voters in the constituency where they run. The country is divided into 31 multi-seat electoral constituencies. The number of mandates in each constituency is determined by the CEC taken into consideration the population of the constituencies, at least - 4 mandates. Political parties and coalitions that receive a minimum of 4 % of valid votes at the national level and independent candidates who receive valid votes not less than the constituency electoral quota can participate in the allocation of mandates. The new Electoral Code adopted in March 2014 introduced a possibility of preferential vote when voter votes for a party list or for a candidate of his/her preference on the candidate list. In order for a candidate to get a mandate in a "preferential" system an individual candidates has to get not less than 7 % of the votes placed for that candidate list in the constituency. All citizens aged 18 and over have the right to vote at all types of elections, except those in prison regardless of the severity of the crime. Every citizen not younger than 21 years may be elected a member of parliament in accordance with the legal norms. According to the results of early parliamentary elections on 5 October 2014 the Parliament is composed of: "GERB" (Citizens for the Democratic Development of Bulgaria) with 32.67 % of the vote; "BSP Leftist Bulgaria" - 15.4 % of the vote; "Movement for Rights and Freedoms" - 14.84 %; "Reformist Bloc" - 8.89 %; "Patriotic Front" - 7.28 %; "Bulgaria without Censorship" - 5.69 %; "Attack" - 4.52 %; and a coalition of "Alternative for Bulgarian Revival" - 4.15 %. According to the CEC at three hundred polling stations the automatic system of vote count was tested in parallel with the customary vote count but the results of the automatic vote count was not official. *The PABSEC monitored the parliamentary elections in Bulgaria in 2013 and 2014.*
14. Election Code of **Georgia** establishes the legal framework for preparation and conduct of the elections of the President of Georgia, the Parliament of Georgia, as well as the representative body of the local authorities. The electoral rights are regulated by the Constitution, the Electoral Code, the generally recognized principles and norms of international law, other legislative acts and regulations of the election administration. Any citizen of Georgia who by the elections has attained or is on the day of election attaining the age of 18 years and who meets the legal requirements enjoys the active electoral right. Each citizen at the age of 21 may be elected as a member of the parliament. The Central Election Commission consists of a Chairman and 12 members. The chairman is elected by procedures prescribed by the law, 5 members of the CEC are appointed by the Georgian Parliament upon the submission of the President of Georgia and 7 other members are appointed by parties according to the procedure prescribed by the law. The ballot papers and special envelopes are printed by order of the CEC according to the approved pattern. At all polling stations

voters pass the marking procedure. Representatives of electoral subjects, domestic and foreign observer organizations, of press and other sources of mass media, have the right to be present in polling places on Election Day and to observe election and voting process. Printed agitation materials may be displayed on buildings and premises and other objects with the consent of the owners or possessors. The Parliament of Georgia composed of 150 members is elected for a four-year term under a mixed system. 77 members of the Parliament of Georgia are elected on the basis of a proportional election system, while 73 are elected through the majoritarian election system. The right to represent the party lists have the parties participating in elections and electoral blocs. The right to nominate a candidate for parliamentary elections in a majoritarian election district have the parties participating in elections and electoral bloc. In majoritarian system a candidate has to obtain at least 30 per cent of the valid votes to be elected. Allocation of seats within the proportional system is granted to parties and blocs that pass a 5 % threshold of the valid votes. According to the results of the parliamentary elections on 1 October 2012 the parliament is composed of the representatives of only two political forces, “Georgian Dream - Democratic Georgia” - 85 seats and the “United National Movement”- 65 seats. *The PABSEC monitored the presidential and parliamentary elections in Georgia in 2003, 2012 and 2013.*

15. The current electoral system of the *Hellenic Republic* is regulated by the Constitution, the Law No 3636/2008 and the Presidential Decrees No 96/2007 and No 26/2012. The Hellenic Parliament is composed of 300 members elected for a four-year term by a system of “reinforced” proportional representation in 56 constituencies, 48 of which are multi-seat and 8 single-seat. The number of Members of Parliament for each electoral district is determined by presidential decree on the basis of the number of the legal population of the district as a result of the last census. 250 out of the 300 seats in the parliament are distributed proportionally between all the parties that reach the 3% nationwide electoral threshold. The party receiving the largest number of votes receives additional 50 seats that are filled by candidates of that party standing at lower parts in the party and did not pass in the elections. Places are defined according to the constituency votes and the voters may select a candidate or the candidates of their choice. There is also a possibility for the preferential vote when voter votes for a party list or for a candidate of his/her preference on the candidate list by marking the name. In conformity with the Article 54.3 of the Constitution “part of the Parliament, comprising not more than the one twentieth of the total number of its members, may be elected throughout the country at large in proportion to the total electoral strength of each party throughout the country, as specified by law”. All citizens aged at least 25 years of age may be elected to the Hellenic Parliament. The right to vote is granted to all citizens of Greece at the age of 18 years and older who are on the list of voters, except those who are serving sentences in prison and were deprived of the right to vote on the basis of the court decision. The peculiarity of the Greek electoral law is in providing voting rights to the Greek citizens permanently living abroad (about 7 million). The early elections to the Hellenic Parliament took place on 25 January 2015. The elections brought victory to the “Coalition of the Radical Left” (SYRIZA), which received 36.34 % of the votes cast (149 seats). The Parliament includes also the following parties: “New Democracy” - 27.81 % (76 seats), “Golden Dawn” - 6.3 % (17 seats), “The River” (To Potami) - 6.05 % (17 seats), the “Communist Party of Greece” - 5.47 % (15 seats), “Independent Greeks” (ANEL) - 4.75 % (13 seats),

“Panhellenic Socialist Movement (PASOK) - 4.68 % (13 seats). *PABSEC has never been at monitoring mission at the elections in Greece due to the absence of the invitations.*

16. The Electoral Code of the **Republic of Moldova** establishes the method of organizing and conducting elections of the parliament and the local public administration authorities. The citizens of the Republic of Moldova, who by the day of the elections have reached the age of 18, have the right to vote and the right to be elected in the elections in the Republic of Moldova, except for those deprived of this right according to legal requirements. During elections Central Electoral Commission, Regional and Precinct Electoral Commissions are formed in the Republic. The Central Electoral Commission consists of 9 members out of which 1 member is appointed by the President of Republic of Moldova, 8 - by the Parliament with due account of the proportion of the mandates of the ruling and the opposition parties and are approved by the majority vote of the Parliament. The right to nominate a candidate for election is granted to: parties and other socio-political organizations; electoral blocs and citizens who nominate independent candidates. Citizens of the Republic of Moldova, parties and other socio-political organizations, electoral blocs, candidates and trustees of candidates have the right to put forward for free discussion all aspects of candidates' electoral programs, and the political, professional and personal qualities of the candidates as well as to campaign at meetings, reunions, meetings with the electorate, using means of mass media and other forms of communication. On the Election Day and the day preceding the elections the campaign activity is prohibited. The Parliament is composed of 101 members elected for four years. Elections to Parliament are conducted based on one national electoral district and the minimal threshold for attaining seats in the parliament is as follows: for an independent candidate – 2 %; for a party or socio-political organization – 6 %; for electoral blocs comprising 2 parties – 9 %; for electoral blocs comprising 3 or more parties – 11 %. The Central Electoral Commission shall award mandates to electoral contestants in the order of their inclusion on the candidate lists. Individuals included on candidate lists who are not elected shall be declared reserve candidates. A reserve candidate shall be declared elected by the Constitutional Court in case when for some reasons, a seat owned by the party, socio-political organization or electoral bloc he/she represents becomes vacant. In the event a party or an electoral bloc is awarded a number of mandates higher than the number of candidates on the list, the party or bloc is granted the number equal to the candidates in the list. The remaining mandates are redistributed among the other parties, socio-political organizations and electoral blocs. The same procedure is applied in the case of a subsequent release of the mandates in the elections if the participant in the election does not have a reserve candidate or if the seat belonging to the independent candidate is released. According to the results of the parliamentary elections on 30 November 2014 the following parties are represented in the Parliament: “Socialist Party” - 25 seats, “Liberal Democratic Party” - 23 seats, “Communist Party” - 21 seats, “Democratic Party” - 19 seats, “Liberal Party” - 13 seats. *The PABSEC monitored the parliamentary elections in Moldova in 2014.*
17. According to the Constitution **Romania** is a sovereign, independent, unitary and indivisible national state, democratic and social state governed by the rule of law. The form of government is a Republic. Parliament is the supreme representative body of the Romanian people and the sole legislative authority of the country. Parliament consists of the Chamber of Deputies and the Senate. The Chamber of Deputies and

the Senate are elected by universal, equal, direct, secret and free suffrage, in accordance with the electoral law. The number of Deputies and Senators is established by the electoral law, in proportion to the population of Romania. The Chamber of Deputies and the Senate are elected for a term of office of 4 years, which may be extended *de jure* in the event of a mobilization, war, siege, or emergency, until such event has ceased to exist. Elections to the Chamber of Deputies and the Senate are held within three months at the most of the expiry of the term of office or the Parliament dissolution. The Chamber of Deputies consists of 412 MPs and the Senate – 176 Senators. Such a differentiation is a result of the different norms of representation for the two chambers. The norm of representation for the election to the Chamber of Deputies is one Deputy for 70000 inhabitants, while for the Senate - one Senator for 160000 inhabitants. In order to be represented in Parliament, a political party must reach a 5% electoral threshold; for two-party alliances, 3% of the valid votes at country level is added to the 5% threshold; for alliances of three or more parties, 1% of the validly expressed votes at country level is added for each member of the alliance, starting with the third one, but only up to a maximum of 10% of the total validly expressed votes at country level. Elections are held in 43 multi-seat constituencies. Special rules are introduced for the organizations representing national minorities. In case these organisations do not obtain in elections at least one mandate of Deputy or Senator, they are entitled to a mandate of Deputy if they have obtained at country level a number of votes equal to at least 5% of the average number of votes validly expressed throughout the country for the election of one Deputy. The mandates assigned to organisations representing national minorities are added to the Deputy mandates resulted from the representation norm. Elections are conducted by the Permanent Electoral Authority and the three-stage structure of electoral bureaux that is formed for each election and is led by the Central Electoral Bureau. The second level consists of 43 constituency electoral bureaux. At the third level there are 18,456 electoral bureaux at polling station. Permanent Electoral Authority is led by the Chairman, who is appointed by the joint session of the two chambers of the parliament. This body is responsible for detailing the legal framework for conducting elections, overseeing the logistics for the conduct of the elections, reviewing the boundaries of the electoral constituencies according to the changes in number of population, and monitoring the implementation of the rules on financing political parties. The Central Electoral Bureau is formed of 5 judges of the High Court selected among all judges through lot. Also this commission is composed of Chairman and 2 Vice-Chairmen of the Permanent Electoral Authority, up to 12 representatives of the political parties, political alliances and electoral alliances participating in the elections, and a representative of the parliamentary group of national minorities in the Chamber of Deputies. Priority in appointing the members of the electoral commissions at all levels belongs to the parliamentary, as well as organizations of the national minorities who are represented in the parliament. The remaining seats in the commissions are distributed among the non-parliamentary parties and coalitions depending on the number of candidates submitted in single-seat constituencies. The age limit for the citizens to be elected in the Chamber of Deputies is 23 years and to be elected in the Senate - 33 years. Every citizen who has reached 18 years of age has the right to vote, with the exception of the mentally deficient or alienated persons, laid under interdiction, and the persons disenfranchised by a final decision of the court. Following the 2012 parliamentary elections 4 parties/political alliances/coalitions took seats in both chambers of the Parliament. The political

structure of the Romanian Parliament, as resulted from 2012 elections was the following: Chamber of Deputies - “Social-Liberal Union” - 273 seats, “Right Romania Alliance” - 56 seats, “People’s Party - Dan Diaconescu” - 47 seats; “Democratic Union of Hungarians in Romania” - 18 seats and representatives of other national minorities – 18 seats. Senate - “Social-Liberal Union” - 122 seats, “Right Romania alliance” - 24 seats, “People’s Party - Dan Diaconescu” - 21 seats and the “Democratic Union of Hungarians in Romania” - 9 seats. *PABSEC has never been at monitoring mission at the elections in Romania due to the absence of the invitations.*

18. In the ***Russian Federation*** at the federal level only one chamber of the Federal Assembly - the State Duma and the Head of State - the President of the Russian Federation are elected directly. The bodies of the state power in the federation entities as well as the local authorities are also formed through the elections. The election legislation includes the following legal instruments: the Constitution of the Russian Federation securing the basic principles of electoral law and procedure for electing the President of the Russian Federation and the members of the State Duma; the Federal Law “On Basic Guarantees of Electoral Rights and the Right of Citizens of the Russian Federation to Participate in a Referendum”, which includes common procedural requirements for the federation entities for the organization of the elections, constituting the basic guarantees of electoral rights of the citizens; the Federal Law “On the Election of the President of the Russian Federation”, the Federal Law “On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation” and the Federal Law “On the State Automated System of the Russian Federation “VYBORY”; Other federal election legislation including the Federal Law No 149-FZ “On Information, Information Technologies and Information Protection”; Decrees of the President of the Russian Federation, which focus on the organization and conduct of elections, timeframes of the elections to the State Duma and the public authorities in the entities of the federation where there are no local legal framework, etc.; Legal documents of the Central Election Commission including regulations, instructions and clarifications that provide details for the organization of the elections (for example, on the setting up of the precinct election commission; on the procedure for directing money to the election funds; etc.); the constitutions of the republics, statutes of regions, territories, cities of federal importance, autonomous regions, autonomous districts and their respective laws, acts of the heads of administrations and election commissions regulating the organization of the elections of the heads of administration (presidents) and members of the legislative bodies in the entities of the Russian Federation, as well as the local authorities. The norms of the election law in Russia include two types of restrictions: the age limit and the length of the residency requirement (residence in the certain territory for a certain period of time). The Federal Assembly consists of two chambers - the Council of the Federation and the State Duma. The Council of the Federation is composed by two representatives from each entity of the Russian Federation - one from each legislative (representative) and executive bodies of state power; representatives of the Russian Federation, appointed by the President of the Russian Federation the number of which is not more than ten percent of the members of the Federation Council - representatives of legislative (representative) and executive bodies of entities of the Russian Federation. Representatives from the legislative power of the subjects are elected from among its members, i.e. the members Council of the Federation member are first elected to the legislative body of

the respective entity of the federation. In accordance with the latest changes the representatives of the executive authorities are also passing through the election procedure: each candidate for the post of Head of the Federation in case of election, unless otherwise provided by the laws of the entity of the federation, presents three candidates for the post of its representative to the Council of the Federation. The elected head appoints one of its representatives from the list. The State Duma is composed of 450 MPs and is elected for a term of five years. A citizen of the Russian Federation over 21 years of age and with the right to participate in elections may be elected deputy of the State Duma. One and the same person may not be simultaneously a member of the Council of the Federation and a member of the State Duma. A member of the State Duma may not be a member of other representative bodies of state authority and local self-government. According to the new legislation 225 deputies of the State Duma are elected in single-mandate constituencies (one constituency - one MP). Another 225 members of the State Duma are elected in the federal electoral district in proportion to the number of votes cast for the federal lists of the candidates for the State Duma. The distribution of seats are allowed for the federal lists of candidates that obtained more than 5 percent of the vote (*according to this new law the next parliamentary elections will be held*). Participation of a citizen of the Russian Federation in the elections is free and voluntary. All citizens who have reached 18 years of age are eligible to vote. Following the elections in 2011 the following parties passed in the State Duma (on the basis of proportional representation): “United Russia” - 238 seats, “Communist Party of the Russian Federation” - 64 seats, “A Just Russia” - 64 seats and the “Liberal Democratic Party of Russia” - 56 seats. *The PABSEC monitored the presidential and parliamentary elections in Russia in 1999 and 2000.*

19. The election rights of the citizens in the **Republic of Serbia** are regulated by the Constitution, the Law on the Election of the Members of the Parliament and the Law on the Changes and Additions to the Law on the Election of the Members of the Parliament. According to the Constitution of the country sovereignty is vested in the citizens who exercise it through referendums, people’s initiative and freely elected representatives. The Parliament of Serbia (National Assembly) is the supreme representative body and holder of constitutional and legislative power. The National Assembly of Republic of Serbia consists of 250 MPs elected for a period of four years. The entire country is a single whole electoral unit with mandates apportioned in accordance with the number of votes obtained. The electoral threshold for the political parties is set at 5 %. The exception are the electoral lists of the officially registered national minorities that need to win 0.4 % of the total votes in order to secure one seat in the parliament. The right to elect and to be elected has every citizen of 18 years of age meeting the legislative requirements. Candidates can be submitted by registered political parties, coalitions of parties and other political organizations, as well as by groups of citizens. The Election Commission of the Republic is appointed for a term of four years. Chairman and sixteen of its members are nominated by the Parliament of the Republic of Serbia. As a result of the early parliamentary elections in Serbia on 16 March 2014 the seven political parties, blocs and coalitions have passed to the parliament: “Serbian Progressive Party” got 158 seats, the bloc “Socialist Party of Serbia - Party of United Pensioners of Serbia - United Serbia” - 44 seats, “Democratic Party” - 19 seats, “Coalition of the New Democratic Party” - 18 seats, “Alliance of Vojvodina Hungarians” - 6 seats, “Party of Democratic Action of Sandzak” - 3 seats, “Party for Democratic Action” - 2 seats.

PABSEC has never been at monitoring mission at the elections in Serbia due to the absence of the invitations.

20. The legal framework that regulates the organization of parliamentary elections in the **Republic of Turkey** represents a solid basis for holding democratic elections. The legislative framework includes the Constitution, the Law No 298 “On Basic Provisions on Elections and Voter Registers”; the Law No 2839 “On the Parliamentary Elections”, the Law No 2820 “On Political Parties”, the Law No 6271 “On presidential elections”, the Law No 2972 “On Local Administration Elections”, the Law No 3376 “On Submitting to a Referendum the Amendments to the Constitution”. In conformity with the Constitution the Legislative power is vested in the Grand National Assembly of Turkey (GNAT) on behalf of Turkish nation, which is the supreme unicameral legislative body. Great National Assembly is composed of 550 MPs elected for a four-year term by universal suffrage on the basis of proportional party lists in 85 multi-seat constituencies. Only the parties that pass 10 % threshold are represented in the parliament. Every Turkish citizen who attained 18 years of age is eligible to vote and take part in the referendum. Every Turkish citizen over the age of 25 is eligible to become a member of parliament. The Supreme Board of Election executes all the functions to ensure the fair and orderly conduct of elections from the beginning to the end, carry out investigations and take final decisions, during and after the elections, on all irregularities, complaints and objections concerning the electoral matters. The Supreme Board of Election is composed of seven regular members and four substitutes. Six of the members are elected by the General Board of High Court of Appeals, and five of the members shall be elected by the General Board of Council of State from amongst their own members, by the vote of the absolute majority of the total number of members through secret ballot. The chair and a vice-chair of the Board are elected amongst its members by absolute majority and secret ballot. The two substitute members of the Supreme Board of Election from the High Court of Appeals and the Council of State are designated by lot. The ballot papers and the special envelopes are printed upon the decision of the Supreme Board of Election. At all polling stations the voters are passing the marking procedure. According to the results of the parliamentary elections on 12 June 2011 the ruling Justice and Development Party attained 49.83 % of the vote and won the elections and Recep Tayyip Erdogan became the first prime minister in the history of Turkey to win three consecutive parliamentary elections. The composition of the Great National Assembly of Turkey also includes: “Republican People’s Party” (CHP) - 25.98 %; “Nationalist Movement Party” (MHP) - 13.01 %; and independents - 6.57 %. The next parliamentary elections in Turkey will be held on 7 June 2015. *PABSEC has never been at monitoring mission at the elections in Turkey due to the absence of the invitations.*
21. The election rights of the citizens of **Ukraine** is regulated by the Constitution and the Laws of Ukraine “On the Election of People’s Deputies of Ukraine”, “On the Central Election Commission”, “On the State Register of Voters”, “On the Election of the President of Ukraine”, “On elections of local self-government” and other legislative acts of Ukraine concerning the organization of the elections. Verkhovna Rada of Ukraine composed of 450 members of parliament is a unicameral parliament elected for a five-year term on the basis of universal, direct and equal suffrage by secret ballot. The elections of MPs are conducted on the basis of a mixed electoral system: 225 MPs are elected on the basis of a proportional system in a nationwide multi-mandate election district under electoral lists of candidates from political parties; and

225 MPs are elected on the basis of a simple majority system in single-mandate election districts. The right to vote in an election and referendum may be exercised by Ukrainian citizens who are 18 years old on the day of voting. A citizen of Ukraine who has reached the age of 21 and has the right to vote and has been residing in Ukraine for the previous five years may be elected an MP. A person who has been convicted of committing a deliberate crime cannot be elected as an MP, unless this criminal record has been cleared or cancelled pursuant to the procedure established by law. During elections Central Electoral Commission, District and Precinct Electoral Commissions are formed in the country. The nomination of MP candidates by parties begins ninety days prior to the day of voting and ends seventy-nine days prior to the day of vote. The right to nominate MP candidates in a nationwide election district is exercised by the voters through the parties in accordance with the established procedures. The right to nominate MP candidates in the single-mandate election districts is exercised by the voters through the parties or through self-nomination in accordance with the established procedures. Election campaigning may be performed by any means that do not contradict the Constitution of Ukraine and the Laws of Ukraine. Voting in the election of MPs is performed using ballot papers. The form, colour, and text of the ballot papers for voting in the nationwide election district and in the single-mandate election districts is approved by the Central Election Commission no later than fifty-three days prior to the day of voting. According to the results of early parliamentary elections on 26 October 2014 the Parliament is composed by: according to the elections in the nation-wide multi-mandate constituency: “People’s Front” - 64 seats, “Petro Poroshenko Bloc” - 63 seats, “Self Reliance Party” - 32 seats, “Opposition Bloc” - 27 seats, “Radical Party” - 22 seats, “Fatherland” - 17 seats; according to the elections in single-mandate constituencies: “Petro Poroshenko Bloc” - 69 seats, “People’s Front” - 18 seats, “Freedom” - 6 seats, “Opposition Bloc” - 2 seats, “Fatherland” - 2 places, “Self Reliance Party” - 1 place, “Strong Ukraine” - 1 place, “Zastup” - 1 place, “Right Sector” - 1 place, “Volia” - 1 place, non-party representatives - 96 seats. *The PABSEC monitored the presidential and parliamentary elections in Ukraine in 2002, 2004, 2006, 2012 and 2014.*

Similarities and Differences

22. Despite the diversity in the organization of elections in the BSEC member states there are many things in common. The suffrage constitutes a combination of norms, principles, provisions, according to which the elections are held, the actions are carried out and the decisions are taken by the citizens, political parties, electoral commissions and other authority bodies in the process of preparing and conducting the elections at various stages of the election campaign. In general, the suffrage in the region corresponds to the international legal norms and meet the requirements of the provisions of the international instruments.
23. The normative legal acts in many countries enshrine a number of universally recognized principles of electoral law based in the framework of the international instruments and the experience of development of representative democracy. These are the universal, equal and direct suffrage, periodic elections, the free expression of will of the voters through secret ballot, openness and transparency of elections, independence of the bodies responsible for preparation and conduct of election campaigns, the provision of equal opportunities for candidates in leading campaigns, competition among candidates, etc. The electoral rights also imply the provisions regulating the stages, procedures and rules for the implementation of electoral actions

and decision-making by the competent authorities on: registration of the voters, drawing the voter lists, formation of electoral districts, polling stations, the nomination and registration of candidates, campaigning, conduct of voting and summing up the results, etc.

24. The suffrage also implies the right of citizens to participate in the election of public authorities (members of parliament, the head of state), local governments (municipalities, etc.), or to participate in elections when they reach the age determined by law. In all the BSEC member states the right to vote (active suffrage) is granted to the citizens when they reach 18 years of age. However, to reach the legal age does not automatically mean to get the right to be elected to public authorities and elected bodies of local authorities. In various states additional age limits are introduced. The members of the parliament can become the citizens of different age in different countries – at 18 years in Albania, Moldova and Serbia; at 21 years in Bulgaria, Georgia, Russia and Ukraine; and at 25 years in Armenia, Azerbaijan, Greece and Turkey. In Romania the age limit for the citizens to be elected in the Chamber of Deputies is 23 years and to be elected in the Senate - 33 years. In Russia citizens of 30 years or more can become a member of the Council of the Federation Council, while for the membership in the State Duma the age limit is 21 years.
25. The principle of universality i.e. absence of any discrimination implies that the citizens can elect and be elected after reaching a certain age regardless of their gender, race, nationality, religion or belief, as well as the property and employment status. However, the right to be elected is restricted by a number of additional conditions and limits related not only with age but also with the citizenship, birth, duration of residence and other factors.
26. In most of the countries the principle of free elections is applied that means voluntary participation of the citizens without any state coercion measures. Citizens are given the opportunity to make their own decision to use or not to use their active or passive suffrage during the elections. Within the legislation of each particular country these issues are addressed in different ways depending on the existing traditions and the character of election campaign: elections can be recognized as valid regardless of the number of citizens who have taken part in them, or only when the minimum of voters fixed by the law took part in it. In some countries the use of vote is mandatory (Greece, Turkey) and participation in elections for the citizens is an obligation.
27. In democratic electoral system voting is a secret procedure. The principle of the secret ballot implies exclusion of any control of voters' preference providing conditions for freedom of choice. This is achieved by applying a number of organisational guarantees and norms established by the election legislation. As a rule specially equipped booths or rooms are provided for voters enabling them to fill in the ballot papers without any presence of other people. After the ballot papers are filled in they are dropped (in envelopes or without envelopes) in the ballot box thus ensuring that there is no possibility of access to ballot papers before the end of vote and the beginning of the vote count.
28. The constitutions of the Member States fix the requirement for periodic nature of the elections determining the terms of functioning of the legislative bodies. In most of the member states legislative bodies are elected for four (Albania, Bulgaria, Georgia, Greece, Moldova, Romania, Serbia, Turkey) or five years (Armenia, Azerbaijan, Russia, Ukraine).

29. The electoral process is carried out in conformity with certain legal norms and regulations contained in the Constitution and the electoral code. The main regulator of the elections is the electoral system, which determines the general principles of the organization of elections, as well as ways of transforming the votes into mandates and posts. Depending on the timeframe and peculiarities of the tasks the electoral process is divided into several stages: the preparatory stage characterized by the social and political environment; nomination of candidates and afterwards their registration; awareness-raising campaign; and voting and election results.
30. Following the preparatory activities and official announcement of the election dates the election campaign begins. This notion itself is applied to the entire state, as well as to the individual candidates or parties. In the first case, the campaign constitutes a set of organizational, political, information and campaigning activities to ensure the smooth election process within the state, while in the second case - a set of measures aimed at the success of a particular candidate or party.
31. Elections require considerable material, time and human resources. Legal approach of the member states to campaign and political party finance varies. Many states imposed some restrictions on contributions and expenditures, including the prohibition of funding from certain sources and limits on private funding. The most common problems in practice related to a lack of reporting and accountability on campaign finances.
32. As for the procedures on Election Day, most Member States have enshrined in their legislation the principles of universality, equality and secrecy of the vote in line with the international standards. Also laws of the states usually provide for detailed procedures for voting, counting, and tabulation of the vote.
33. Electoral systems in BSEC states are different: majoritarian, proportional and mixed. Some states elect their parliaments on the basis of proportional representation (Albania, Bulgaria, Greece, Moldova, Romania, Serbia, and Turkey), while others use majoritarian systems (Azerbaijan). Some states implement mixed systems comprising proportional and majoritarian components (Armenia, Georgia, Russia and Ukraine). With the majoritarian system in order to be elected a candidate or a party has to receive a majority of votes in the constituency. With the proportional system in order to overcome the excessive party-based fragmentation of the parliament the thresholds are used establishing necessary amount of votes to obtain seats in the parliament. This barrier in the BSEC countries varies from 3 (Greece) to 10 (Turkey) percent of the votes cast. The parties that are not able to collect the necessary minimum of votes do not receive any seats. In some countries the thresholds are different for political parties and party blocs. For example in Moldova this threshold for an independent candidate is 2 %; for a party or socio-political organization – 6 %; for electoral blocs comprising 2 parties – 9 %; for electoral blocs comprising 3 or more parties – 11 %. It should be noted that there is a very peculiar system in Greece - 250 out of the 300 seats in the parliament are distributed proportionally between all the parties that reach the 3 % nationwide electoral threshold and the party receiving the largest number of votes gets additional 50 seats.
34. In some states there are also legal measures to release the political parties representing national minorities from the obligatory threshold requirements and to ensure effective political participation of these minorities. For example, in Romania special rules are introduced for the organizations representing the national minorities and 18 seats in the parliament are reserved for these minorities. Also in Serbia the

electoral lists of the officially registered national minorities need to win only 0.4 % of the total votes in order to secure one seat in the parliament.

35. Administration of elections at both central and local levels is crucial for the implementation of election-related rights. Key principles of election administration that impact on the fair and effective conduct of elections are related with composition and operation of election administration bodies particularly aiming at their impartiality, independence and transparency. Ensuring independence of these structures from the influence from those holding power or those with a political interest in the outcome of the elections is the most important safeguard for achieving the objective of holding free and fair elections. Although there is no uniform formulae for formation of the election administration bodies, still there are similar methods of appointing and electing the members of election commissions. Most of the member states form the central election commissions based on a mixed system with both public servants and party nominees involved at different levels; in other countries the option is for party-based formulae in which the composition of the commission reflects the representation of political parties in the parliament (Azerbaijan, Moldova); in Turkey and Romania, for example, the system of appointing representatives of the judiciary is exercised.
36. Transparency of voter lists and the voter registration process is important to ensure that eligible voters are not disenfranchised and there is a safeguard against potential attempts to manipulate the voter lists.
37. In a number of BSEC member states participation of international and civil observers in elections are envisaged in compliance with the international commitments. Most of the states have identified legal means to provide for international election observation and in practice provided unimpeded access of observers to all stages of the election process. Election observation plays an important role in ensuring transparency and accountability, as well as to enhance public confidence in the electoral process.

III. CONCLUDING REMARKS

38. International declarations, agreements and norms clearly place the democratic elections in the foundation of legitimate power. The Universal Declaration of Human Rights states that “the will of people shall be the basis of the authority of government” and this will is “expressed in periodic and genuine elections”. International Covenant on Civil and Political Rights provides that “every citizen shall have the right and opportunity to vote and to be elected at genuine periodic elections”.
39. Election is a regular periodic process of forming the bodies of national authority enshrined in the constitutions and other laws. In the context of modern democracies the elections is the main form of manifestation of the sovereignty of the people, its political role as a source of power. Elections also serve as an important channel for submission to the authorities the interests of different social groups. General elections imply the right for participation of every citizen. Elections are common for different institutions and levels of authority: parliament, the president, representative and also the executive bodies and local authorities.
40. The variety of electoral forms opens up quite wide opportunities for the citizens to add political voice and impact to state and public affairs. Through the elections majority of citizens are united around specific political platforms and their leaders thus shaping the dominating political will within the state.

41. In the course of the electoral process the citizens rather intensively apprehend political values and norms and acquire political skills and experience. At this time the flow of political information dramatically increases and the attention is becoming rather concentrated. Elections are meant to serve democracy and are inextricably linked with its overall concept and values. Their main social purpose is to adequately reflect the opinion and will of the citizens and to ensure representation of the main social groups in the authority bodies, as well as to form an effective government.
42. Countries throughout the world reach success at a different extent in meeting the international standards for democratic elections. The BSEC countries hold elections with the aim to achieve the goal of free and democratic elections. However, it is important to do more to ensure that all people have the access to democratic rights and a key step in this process is to further improve the electoral systems.