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CENTRAL ELECTORAL COMMISSION OF THE REPUBLIC OF ARMENIA

3 August 2005
Yerevan

No. 37-N

D E C I S I O N

**ON DEFINING THE PROCEDURE ON VOLUNTARY CONTRIBUTIONS TO ELECTION FUNDS,
SUBMISSION OF DECLARATION ON CONTRIBUTIONS TO ELECTION FUNDS AND THEIR USE,
RECORD-KEEPING RELATING TO ELECTION FUNDS AND ELECTORAL DEPOSITS, FORM OF
DECLARATION ON CONTRIBUTIONS TO ELECTION FUND AND THEIR USE AND THE FORM OF
STATEMENT ATTESTING THE FACT OF NOMINATING CANDIDATES, POLITICAL PARTIES,
ALLIANCES OF PARTIES NOMINATED FOR FORMING AN ELECTION FUND**

Being guided by Article 25(3) and (11), Article 41(1)(6)(7) and (29), Articles 79, 112, 128 and 138.16 of the Electoral Code of the Republic of Armenia, the Central Electoral Commission of the Republic of Armenia *decides*:

(Preamble amended by Decision No 9-N of 24 February 2009)

1. To define the procedure on voluntary contributions to election funds, submission of declaration on contributions to election funds and their use, record-keeping relating to election funds and electoral deposits (Annex 1).
2. To define the form of declaration on contributions to election funds and their use and the form of statement attesting the fact of nominating candidates, political parties, alliances of parties nominated for forming an election fund (Annex 2,3).
3. To repeal Decision of the Central Electoral Commission of the Republic of Armenia No 12/1-N of 11 September 2002 “On defining the form and procedure for submission of declaration on use of means in election fund of candidates nominated as head of community and member of the council of elders”, Decision of the Central Electoral Commission of the Republic of Armenia No 15/2-N of 9 October 2002 “On defining the procedure of voluntary contributions to election funds”, Decision of the Central Electoral Commission of the Republic of Armenia No 25/3-N of 4 December 2002 “On defining the form and procedure for submission of declaration on use of means in election funds of candidates nominated for the President of the Republic”, Decision of the Central Electoral Commission of the Republic of Armenia No 25/4 of 4 December 2002 "On defining the procedure for registration of voluntary contributions to and expenditures from election funds of candidates for the President of the Republic”, Decision of the Central Electoral Commission of the Republic of Armenia No 41-N of 12 March 2003 “On defining the procedures for registration of contributions to and expenditures from election funds of candidates for a deputy of the National Assembly under the majoritarian electoral system at

elections to the National Assembly of the Republic of Armenia and of political parties (alliances of parties) of the National Assembly of the Republic of Armenia recommending an electoral list under the proportional electoral system, Decision of the Central Electoral Commission of the Republic of Armenia No 43-N of 14 March 2003 “On defining the forms and procedure for submission of declarations on use of financial means of their election funds of deputy candidates and political parties (alliances of parties).

Chairperson of the Central Electoral Commission
of the Republic of Armenia

G. Azaryan

Annex 1

to the Decision of the Central Electoral Commission of the Republic of Armenia No 37-N of 3 August 2005

PROCEDURE

ON VOLUNTARY CONTRIBUTIONS TO ELECTION FUNDS, SUBMISSION OF DECLARATION ON CONTRIBUTIONS TO ELECTION FUNDS AND THEIR USE, RECORD-KEEPING RELATING TO ELECTION FUNDS AND ELECTORAL DEPOSITS

1. With the purpose of financing their election campaign as well as paying electoral deposit defined by the Electoral Code of the Republic of Armenia, candidates, political parties, alliances of parties shall be entitled to form an election fund.

2. Candidates nominated through an electoral list of a party, alliance of parties may not form an election fund.

(point 2 amended by Decision No 9-N of 24 February 2009)

3. Financial means of election funds of candidates for the President of the Republic, political parties and alliances of parties shall be accumulated in the Central Bank of the Republic of Armenia, whereas those of other candidates – in any of commercial banks of "Ardshinvestbank" CJSC or "VTB-Armenia Bank" CJSC or "ACBA-Credit-Agricole Bank" CJSC with branches in all the marzes of the Republic of Armenia.

(point 3 amended by Decision No 9-N of 1 February 2007)

With the purpose of forming an election fund, candidates, except for candidates for the head of community and member of the council of elders, political parties, alliances of parties, shall, within one-day period upon submission of documents required for nomination, be furnished by relevant electoral commissions with a statement attesting the fact of nomination, based on which and according to written applications of candidates or their authorised representatives, political parties, alliances of parties, and only written applications for registered candidates, political parties, alliances of parties, banks shall open a special temporary deposit account in the name of candidates or their authorised representatives, and in case of political parties or alliances of parties – in the name of authorised representatives.

Revenues shall not be calculated and paid from those accounts.

5. With the purpose of financing an election campaign as well as for paying an electoral deposit defined by the Electoral Code of the Republic of Armenia, every candidate, political party, alliance of parties may form one election fund.

6. For opening a temporary special deposit account with the purpose of forming an election fund a bank account contract shall be concluded between an applicant and a relevant bank in the manner prescribed by the legislation of the Republic of Armenia.

7. The amount of personal contributions by a candidate for the President of the Republic to the election fund shall not exceed 10 000-fold of the minimum salary.

8. The amount of contributions to the election fund by the political party, which has nominated the candidate for the President of the Republic, shall not exceed 30 000-fold of the minimum salary.

9. Every natural person may make voluntary contribution in the amount of up to 200-fold of the minimum salary, whereas every legal person – in the amount of up to 500-fold of the minimum salary to the election fund of a candidate for the President of the Republic.

10. The amount of expenditures made by the candidate for the President of the Republic from election fund may not exceed 70 000-fold of the minimum salary, the amount of non-calculated electoral deposit, where it has been paid from financial means of an election fund.

11. A candidate for a deputy of the National Assembly shall have the right to make a contribution to his or her election fund in the amount of up to 1 000-fold of the minimum salary, whereas political party which have recommended an electoral list under the proportional electoral system or each political party involved in an alliance of parties shall have the right to make a contribution to the election fund of the political party or an alliance of parties, respectively, in the amount of 2 000-fold of the minimum salary.

12. Each natural person may make contribution in the amount of up to 50-fold of the minimum salary to the election fund of a candidate for a deputy, a political party or an alliance of parties which has recommended an electoral list under the proportional system, whereas each legal person may make a voluntary contribution in the amount of up to 150-fold of the minimum salary.

13. During the election campaign a candidate for the deputy of the National Assembly shall have the right to spend an amount not exceeding 5 000-fold of the minimum salary, whereas a political party or alliance of parties which has recommended an electoral list under the proportional system – an amount not exceeding 60 000-fold of the minimum salary.

13.1. The amount of contributions made to respectively an election fund of a political party or alliance of parties by a political party, alliance of parties which have recommended an electoral list of candidates for a member of Yerevan Council of Elders may not exceed 2000-fold of the minimum salary.

(point 13.1. supplemented by Decision No 9-N of 24 February 2009)

13.2 Every natural person may make a voluntary contribution in the amount of up to 50-fold of the minimum salary, whereas a legal person – in the amount of up to 150-fold of the minimum salary to an election fund of a political party or alliance of parties which has recommended an electoral list of candidates for a member of Yerevan Council of Elders.

(point 13.2. supplemented by Decision No 9-N of 24 February 2009)

13.3. During an election campaign a political party or alliance of parties which have recommended an electoral list of candidates for a member of Yerevan Council of Elders shall have the right to spend an amount of up to 60.000 of the minimum salary.

(point 13.3. supplemented by Decision No 9-N of 24 February 2009)

14. Banks shall return the amounts received upon reaching the maximum amount of election funds as defined by the Electoral Code of the Republic of Armenia to persons entitled to make contributions to an election fund.

15. Every natural person may make a voluntary contribution to the election fund of a candidate for a head of community and member of the council of elders in the amount of up to 25-fold of the minimum salary, and each legal person – in the amount of up to 150-fold of the minimum salary.

16. The amounts exceeding the maximum amounts of contributions to election funds defined by the Electoral Code of the Republic of Armenia shall be transferred to the State Budget.

17. Contributions to the account of an election fund shall be made solely in the national currency of the Republic of Armenia in the form of cash or transfer.

18. The following details shall be mentioned under “Payer” of the order for cash payment made to the account of an election fund, whereas in case of transfer – of payment instructions:

(a) for legal persons – full name of a legal person, date of state registration, bank requisites, rate of foreign means in the statutory or share capital;

(b) for natural persons – name, surname, date of birth, serial number of the passport of a citizen.

In case the payer fails to fulfil the abovementioned requirements, the amount shall be returned, and should the payer fail to do that - it shall be transferred to the State Budget.

19. In case of paying the amount of electoral deposit from election fund and being elected as a result of elections or receiving ballot papers with affirmative votes making five or more than five per cent of the number of valid ballot papers, as well as in case of receiving ballot papers with affirmative votes making at least five per cent in case of political party, and at least seven per cent in case of alliance of parties of the amount of total number of valid ballot papers and inaccuracies in case of elections to the National Assembly under the proportional electoral system, the amount of electoral deposit of a candidate, political party, alliances of parties shall be returned to a relevant election fund.

In case of elections for Yerevan Council of Elders, the amount of electoral deposit of a political party, alliance of parties which have participated in the distribution of seats among political parties shall be returned to a relevant election fund upon summarisation of results of elections not later than within 30 days.

In case of declaring the elections of Yerevan Council of Elders invalid, the amount of electoral deposit shall be returned. In all other cases the amount of electoral deposit shall be transferred to the State Budget.

(point 19 edited by Decision No 9-N of 1 February 2007, supplemented by Decision No 9-N of 24 February 2009)

20. The remaining means of election funds shall within a three-month period upon official publication of the results of elections be used at the discretion of a candidate, political party, alliance of parties. After the expiry of a period of three months, the remaining means of election fund shall be transferred to the State Budget.

21. In case of receiving ballot papers with affirmative votes making less than five per cent of valid ballot papers in the elections of a deputy, head of community, head of the council of elders under the majoritarian electoral system of the President of the Republic, National Assembly, as well as in case of receiving ballot papers with affirmative votes making at least five per cent in case of political party, and at least seven per cent in case of alliance of parties of the amount of total number of valid ballot papers and inaccuracies in case of elections to the National Assembly under the proportional electoral system, the remaining means of election fund of a candidate, political party, alliance of parties as well as the amount of electoral deposit shall be transferred to the State Budget.

(point 9 edited by Decision No 9-N of 1 February 2007)

22. In case of declaring elections invalid, the remaining means of election fund shall be blocked till a candidate for a new election is registered. A candidate registered during a new election may use the means remained in the fund created in the previous election. The means remained in the election fund of a candidate who has not participated in the new election shall be transferred to the State Budget.

23. The following shall have no right to make contributions to election funds:

- (a) state and local self-government bodies;
- (b) budgetary institutions (organisations);
- (c) foreign natural and legal persons;
- (d) stateless persons;
- (e) economic organisations in the statutory or share capital of which the Republic of Armenia or communities hold shares;
- (f) organisations with more than 30 per cent of foreign participation in the share capital;
- (g) charitable and religious organisations, international organisations and international non-governmental movements;
- (h) state non-commercial organisations.

The amounts paid to the account of election funds by natural and legal persons specified in this point, shall be transferred to the State Budget.

(point 23 supplemented by Decision No 9-N of 1 February 2007)

24. Those banks, where special accounts have been opened, shall submit once in three days a statement to a relevant electoral commission on financial contributions to and expenditures from

the election funds of candidates, political parties, alliances of parties. In case of national elections constituency electoral commissions shall within a three-day period submit those statements with an accompanying letter to the Oversight and Audit Service of the Central Electoral Commission.

(point 24 amended by Decision No 184-N of 24 November 2007)

25. All current account transactions of election funds of candidates, political parties, and alliances of parties shall be terminated from the voting day on.

26. Central Electoral Commission may permit candidates, political parties, alliances of parties to make payments from the fund also after the voting day for transactions made till the voting day.

27. Candidates and political parties participating in elections, alliances of parties shall, on the tenth day upon commencement of election campaigns as well as no later than six days upon completion of elections, submit a declaration to a relevant electoral commission which has registered them as a candidate on contributions to election funds and use of those amounts.

(Article 27 supplemented by Decision No 184-N of 24 November 2007, Decision No 9-N of 24 February 2009)

28. The following details shall be mentioned in the declaration:

(a) chronology of all contributions to an election fund, first and last names as well as the registration address of payers, and the amount of contribution;

(b) expenditures, the time limits of performing thereof, and the data on documents attesting such expenditures;

(c) the amount of remaining means of election fund (if any).

Declaration shall be signed by candidates or authorised representatives of candidates, political parties, alliances of parties which have opened accounts in the manner prescribed by point 4 of this Procedure. Declarations with an accompanying letter shall be served to a relevant electoral commission.

29. In case of national elections, electoral commissions shall within a three-day period upon receiving declarations with an accompanying letter submit to the Oversight and Audit Service of the Central Electoral Commission. Declarations of political parties and alliances of parties participating in elections of the President of the Republic and elections to the National Assembly shall within a three day period be posted on the internet website of the Central Electoral Commission, whereas the copies of declarations of other candidates may be furnished to proxies, Mass Media representatives, observers.

30. Where an election fund is not set up, a candidate, political party, alliance of parties shall -- within the time limits prescribed in point 27 of this Procedure -- inform thereof to a relevant electoral commission.

31. During national elections record-keeping relating to election funds and electoral deposits shall be performed by the Oversight and Audit Service of the Central Electoral Commission.

32. Record-keeping relating to election funds and electoral deposits during by-elections of deputies of the National Assembly under the majoritarian electoral system, head of community or members of the council of elders, except for the members of Yerevan Council of Elders, shall be performed by a relevant constituency electoral commission in accordance with a defined record-keeping procedure, mentioning in the record book of the commission the current number of document, year, month, day, name of the bank, summary of the document. Other records may also be made in the record book.

(point 32 supplemented by Decision No 9-N of 24 February 2009)

33. Documents relating to election funds and electoral deposits, as well as declarations submitted by candidates, political parties, alliances of parties on contributions to election funds and their use shall within the time limits prescribed by the Electoral Code of the Republic of Armenia deposited to the National Archive of Armenia.

Total amount of contributions (total)			Electoral deposit amount (mentioned in case of being spent from the fund)	
			Expenditures (total)	
			The amount of the balance in election fund (if any)	

(first name, last name and patronymic name of the candidate or

(signature)

authorised representative of a candidate)

(signature)

(Annex supplemented by Decision No 9-N of 24 February 2009)

Annex 3

**to the Decision of the Central Electoral
Commission of the Republic of Armenia of
N 37-N of 3 August 2005**

S T A T E M E N T

ON NOMINATION OF A CANDIDATE IN AN ELECTORAL COMMISSION

(first name, last name and patronymic name of the citizen nominated as a candidate,
whereas in case of elections to the National Assembly under the proportional
electoral system - the name of the political party, alliance of parties which has put
forward an electoral list)

has been nominated as a candidate for _____

Issued on ____ _____ 200

Chairperson of the electoral commission (secretary) _____

(surname)

(signature)

Seal