

# Law on the Central Election Commission

[comment](#)

- [Laws](#)
- Law on the Central Election Commission

*Unofficial translation*

The Saeima has adopted and the President of State has proclaimed the following law:

## Law on the Central Election Commission

### Chapter I

#### PROCEDURE FOR THE ESTABLISHMENT OF THE COMMISSION AND ITS MEMBERSHIP

##### Article 1

Not later than six months after its convening, the Saeima shall establish a Central Election Commission as a permanently functioning public institution for the preparation and conducting of Saeima elections or national referendums, including referendums on legislative initiatives, as well as the elections of city, county and *pagasts*\* councils.

*(As amended by the 05.12.1996, 14.05.1998 and 02.11.2000 laws)*

##### Article 2

The Central Election Commission shall consist of nine members who are voters. The Saeima shall elect the Chairperson of the Central Election Commission and seven Commission members, and the Supreme Court, at its plenum, shall elect one Commission member from among the judges.

##### Article 3

(1) The Saeima may recall a Central Election Commission member it has elected:

1) if at least 10 members of the Saeima request it;

2) if the Saeima has received a notice from a Central Election Commission member on his/her resignation from the Commission.

(2) Only the Supreme Court may recall the Central Election Commission member it has elected.

(3) If a Central Election Commission member resigns from the Commission, the Saeima or the Supreme Court shall elect another Commission member as appropriate.

## **Chapter II**

### **OBLIGATIONS AND RIGHTS OF THE COMMISSION**

#### **Article 4**

(1) The Central Election Commission shall ensure that the Saeima Election Law, the Law on the Election of City, County and *Pagasts* Councils and the Law on National Referendums and Legislative Initiatives are uniformly and properly applied and strictly enforced.

(2) In fulfilling its duties and exercising its rights, the Central Election Commission shall comply with the laws and regulations in force.

*(As amended by the 05.12.1996, 14.05.1998 and 02.11.2000 laws)*

#### **Article 5**

According to the powers granted to it by law and within the scope of its authority, the Central Election Commission shall take decisions and shall issue the required orders and instructions, which shall be published in the newspaper "Latvijas Vēstnesis". The decisions, orders and instructions shall take effect on the day of publication, and all election commissions, state and local government institutions and their officials shall abide by them.

*(The version of the 05.12.1996 law)*

#### **Article 6**

The Central Election Commission shall:

- 1) determine the distribution of state-allocated financial resources among other election commissions;
- 2) see to it that state and local government institutions provide the election commissions with premises, transportation, communication facilities and other materials and technical resources;
- 3) determine what the ballot boxes must be like and provide samples of election documents;
- 4) set the procedure by which election commission minutes (vote counting records) and other materials related to elections or national referendums, including referendums on legislative initiatives, are to be sent to election commissions;
- 5) determine the procedure by which the election commissions shall send election minutes (vote counting records) and other materials related to elections or national referendums, including referendums on legislative initiatives, to the Central Election Commission;

6) hear the reports of the district, city, county and *pagasts* election commissions on preparations for elections or national referendums, including referendums on legislative initiatives;

7) give instructions to district, city, county and *pagasts* election commissions on all issues pertaining to ensuring the compliance of the election process with the law;

7.1) check election results in specific constituencies or polling stations on the basis of received complaints or on its own initiative;

7.2) inform voters about the voting procedure at elections or national referendums, including referendums on legislative initiatives;

7.3) compile election or referendum results and publish them in a separate publication;

8) review complaints and proposals regarding the decisions and work of other election commissions and annul their unlawful decisions;

9) be entitled to review any issue related to the preparation and conduct of elections or national referendums, including referendums on legislative initiatives;

10) fulfil other obligations as set by law.

*(As amended by the 05.12.1996, 14.05.1998 and 02.11.2000 laws)*

## **Article 7**

The Central Election Commission is responsible for establishing all election commissions. To this effect the Central Election Commission shall:

1) set deadlines for the establishment of election commissions if the deadlines are not set by law;

2) participate in the establishment of election commissions in accordance with the procedure set by law;

3) appoint election commissions if the commissions have not been established in due time as set by law.

*(As amended by the 05.12.1996 law)*

## **Article 8**

The Central Commission shall exercise its authority in accordance with the provisions of the Saeima Election Law, the Law on the Election of City, Town, and *Pagasts* Councils and the Law on National Referendums and Legislative Initiatives.

*(As amended by the 05.12. 1996, 14.05.1998 and 02.11.2000 laws)*

## **Article 9**

*Deleted by the 05.12.1996 law.*

## **Article 10**

*Deleted by the 05.12.1996 law.*

## **Article 11**

The Central Election Commission shall be entitled to submit proposals to state and local government institutions on issues related to the preparation and conduct of elections or national referendums, including referendums on legislative initiatives. State and local government institutions must review these proposals not later than within three days and give an answer to the Commission in writing. The Commission shall be entitled to invite officials of ministries, departments and other state and local government institutions to its meetings in order to hear their opinions on issues related to the preparation and conduct of elections or national referendums, including referendums on legislative initiatives.

*(The version of the 05.12.1996 law)*

## **Article 12**

If, during Saeima elections or national referendums, including referendums on legislative initiatives, as well as during city, county and *pagasts* council elections, flagrant violations of the law have been committed in some polling stations and if these violations have affected the election results, the Central Election Commission may decide to annul the election results at the respective polling station and propose that the relevant state or local government institutions call to account the persons who have committed such violations.

*(As amended by the 05.12.1996 and 14.05.1998 laws)*

## **Article 13**

The decisions made by the Central Election Commission may be appealed in accordance with the procedure set by law.

## **Article 14**

The Central Election Commission shall inform the public of its work and its adopted decisions by means of press publications and television and radio broadcasts. Representatives of state and local government institutions and media representatives accredited by the Central Election Commission may be present at the meetings of the Central Election Commission.

*(As amended by the 05.12.1996 law)*

## **Article 15**

(1) The Central Election Commission has the rights of a legal entity.

(2) The Secretariat of the Central Election Commission shall ensure the organisational and technical services for the Commission.

(3) *Deleted by the 13.06.2002 law*

*(As amended by the 14.05.1998 law)*

### **Chapter III**

#### **ORGANISATION OF THE COMMISSION'S WORK**

##### **Article 16**

(1) The salary for a member of the Central Election Commission shall be adjusted to the average salary of all employed persons during previous year as published in the official statistical report of the Central Statistical Bureau. The amount of the average salary shall be rounded to a full sum in LVL. The salary for a member of the Central Election Commission shall be determined by applying a coefficient 3.0. The Chairperson, the Deputy Chairperson and the Secretary of the Central Election Commission shall be full-time employees, and they shall receive a bonus in addition to their basic salary. These bonuses shall be calculated according to the official statistical report of the Central Statistical Bureau by applying the following coefficient factors: 1.7 coefficient for the bonus to the Chairperson's salary, 1.5 coefficient for the bonus to the Deputy Chairperson's and the Secretary's salaries.

(2) The Chairperson of the Central Election Commission shall determine the procedures for offering health and life insurance to members of the Central Election Commission, as well as the system for the payment of allowances and compensations to the Commission members, adjusting it to the system of allowances and compensations set for civil servants. Rent for living quarters or hotel expenses for the members of the Central Election Commission who do not reside in Riga and who need to rent an apartment or pay for a hotel room in Riga for the performance of their duties shall be reimbursed from the Central Election Commission's budget. Expenses pertaining to the rental of living quarters or a hotel room shall be compensated commensurate with actual expenses but not exceeding the average salary of all employed persons during previous year as published in the official statistical report of the Central Statistical Bureau. Officials of the Central Election Commission shall receive compensation for representation purposes; the amount shall be calculated according to the official statistical report of the Central Statistical Bureau mentioned in paragraph 1 of this Article and by applying a coefficient of 0.25. Compensations and expenses for representation purposes mentioned in this Article shall not be subject to taxation.

(3) The previous position of employment shall be held for the Chairperson, the Deputy Chairperson and the Secretary of the Central Election Commission while they fulfil their duties in the Commission. Upon the decision of the Commission, Commission members shall be excused from performing their duties in their previous position of employment, but they shall retain their position (place of employment) while they fulfil their duties in the

Commission. The Central Election Commission may engage any state official in the preparation of elections or national referendums.

(4) The provisions forbidding the holding of more than one position simultaneously as set by laws shall not apply to members of the Central Election Commission and the state officials referred to in paragraph 3 of this Article.

*(As amended by the 13.06.2002 and 06.04.2006 laws)*

## **Article 17**

(1) The Chairperson shall convene the meetings of the Central Election Commission and shall notify the Commission members thereof.

(2) If a Commission member cannot attend a meeting, he/she shall inform the Chairperson in advance.

(3) The Central Election Commission shall adopt its decisions by a show of hands. A decision is considered adopted if at least five Commission members have voted for it. A Commission member who does not agree with a decision shall be entitled to attach his/her written opinion to the minutes.

(4) The Chairperson and the Secretary shall sign decisions, orders and instructions issued by the Commission.

(5) The minutes of the Central Election Commission meetings shall be taken, and they shall be signed by the Chairperson and the Secretary.

*(As amended by the 05.12.1996 law)*

## **Article 18**

(1) The Chairperson of the Central Election Commission shall:

1) chair the Commission meetings; provide the Commission members with an opportunity to familiarise themselves in advance with the agenda of the meetings and the materials to be reviewed;

2) assign to commission members tasks related to the preparation and conduct of elections or national referendums, including referendums on legislative initiatives, and shall provide them with documents required for the work of the Commission;

3) invite state and local government representatives, heads of other election commissions, as well as other persons, to the meetings of the Commission;

4) represent the Commission at state institutions, local governments, enterprises, agencies and organisations;

5) follow up on the implementation of adopted decisions;

6) inform the Saeima of the work of the Central Election Commission and the decisions it has adopted;

7) report to the Saeima on the preparation of the elections or national referendums, including referendums on legislative initiatives, if at least 10 Saeima members request a progress report;

8) open and close accounts of the Central Election Commission in credit institutions and manage the financial resources of the Central Election Commission;

9) fulfil other duties related to elections or national referendums, including referendums on legislative initiatives.

(2) During the Chairperson's absence, his/her duties shall be fulfilled by the Deputy Chairperson.

*(As amended by the 05.12.1996 law)*

## **Article 19**

(1) A Central Election Commission member may not simultaneously be a member of another election commission.

(2) If a Central Election Commission member is nominated as a candidate for the Saeima or local government elections, his/her work in the Commission shall be terminated at the moment when the respective list of candidates is submitted to the relevant election commission.

(3) A Central Election Commission member shall:

1) submit proposals and issues to be reviewed at Commission meetings and participate in their review;

2) check the work of other election commissions on his/her personal initiative or at the request of the Chairperson and inform the Central Election Commission of the results of the examination;

3) hear the views of agency and organisation representatives, as well as individual citizens, on issues related to the preparation and conduct of elections or national referendums, including referendums on legislative initiatives.

(4) Central Election Commission members shall be guaranteed the reimbursement of expenses incurred during the fulfilment of duties related to the preparation and conduct of elections or national referendums, including referendums on legislative initiatives.

*(As amended by the 05.12.1996 law)*

## **Article 20**

(1) The Secretary of the Central Election Commission shall:

- 1) organise the review of individual or collective queries, complaints and proposals submitted in writing by natural or legal persons;
- 2) be responsible for compliance with the rules on drafting and processing of documents issued by the Central Election Commission and for the preservation of such documents and then for depositing them with the State Archives;
- 3) keep the minutes of the meetings of the Commission;
- 4) draft decisions of the Commission and other documents and prepare them for review at the meetings of the Commission;
- 5) prepare documents concerning the replacement of a member of the Saeima in case of a vacancy;
- 6) accept candidate lists with attached documents submitted for Saeima elections and check their completeness and conformity to law;
- 7) organise the registration of candidate lists at the meetings of the Commission;
- 8) fulfil other duties related to elections or national referendums, including referendums on legislative initiatives.

(2) During the absence of the Secretary, his/her duties shall be fulfilled by one of the Commission members appointed by the Commission.

*(As amended by the 05.12.2000 and 02.11.2000 laws)*

## **TRANSITIONAL PROVISIONS**

1. *Deleted by the 05.12.1996 law.*

2. On the date that this law takes effect, the Regulations on the Central Election Commission of the Republic of Latvia (Republic of Latvia Supreme Council and Government Reporter, No. 51/52, 1992) approved by the Republic of Latvia Supreme Council Resolution of 2 December 1992 shall be declared null and void.

3. *Deleted by the 13.06.2002 law.*

4. Paragraph 1 of Article 16 (on adjusting the salaries of Central Election Commission members to the salaries recorded in official statistical report of the Central Statistical Bureau); paragraph 2 of Article 16 (on providing to Central Election Commission members insurance, allowances and compensation, as well as reimbursement of expenses pertaining to the rent of living quarters or a hotel room not exceeding the average salary of all employed persons during previous year); and paragraph 3 of Article 16 (on holding the previous



position of employment) shall take effect on

1 November 2002.

*(In the version of the 13.06.2002 law)*

This law takes effect on the day of its proclamation.

This law was adopted by the Saeima on 13 January 1994.

The President of the State: G.ULMANIS

Riga, 20 January 1994

\* the smallest rural administrative unit in Latvia.