

Draft
11 April 2005
*/Unofficial translation
internal use only /*

LAW OF MONGOLIA
... .., 200...

LAW ON THE CENTRAL ELECTION BODY

CHAPTER ONE

General Provisions

Article 1. Purpose of the Law

1.1. The purpose of this Law shall be to regulate the relations concerned with the legal status and activities of the central election body.

Article 2. Purpose of the Law

2.1. The legislation on the central election body shall consist of the Constitution of Mongolia, the Law on Elections to the State Ih Hural of Mongolia, the Law on Presidential Elections of Mongolia, Referendum Law, Law on Elections to the Aimag, Capital city, Soum And District Hurals of Citizens Representatives, this law and other acts of legislation enacted in conformity therewith.

Article 3. Legal status of the central election body

3.1. The General Election Committee shall be the central election body.

3.2. The General Election Committee (hereinafter "Committee") shall be an independent permanent legal person with authority to render expert and methodological assistance for the preparing and holding of elections to the State Ih Hural of Mongolia, elections of the President of Mongolia, referendums, elections to the aimag, Capital city, soum and district Hurals of Citizens Representatives and ensure unified management thereof.

3.3. The Committee shall adhere in its activities to the principles of rule of law, independency, political neutrality, joint decision-making, transparency and fairness.

3.4. The State Ih Hural shall approve the budget of the Committee.

3.5. The Committee shall use a seal, stamp and a printed letterhead made in accordance with the established procedures.

3.6. Any body, official or citizen shall be prohibited from interference with the exercise of their powers by the Committee or its members.

CHAPTER TWO

Appointing, Relieving, Suspending Powers and Removal of a Member of the Committee

Article 4. Requirements For A Member Of the Committee

4.1. A candidate for member of the Committee shall be a Mongolian citizen who has attained the age of 25 years, is highly qualified in law, economics or political science, with no criminal record, with at least three years experience in civil service, management or elections.

4.2. The President of Mongolia, Members of the State Ih Hural of Mongolia, Members of the Constitutional Tsets (Court), judge, prosecutor, representative of any Hural of Citizens Representatives, candidates for the President of Mongolia or Member of the State Ih Hural of Mongolia may not be Member of the Committee.

Article 5. Procedure For Nomination And Appointment of Member of the Committee

5.1. The Committee shall be composed of 9 members, of which 5 shall be permanent and 4- non-staff members.

5.2. The State Ih Hural shall appoint three members of the Committee at the suggestion of the President of Mongolia, other three at the suggestion of the State Ih Hural, and the remaining three at the suggestion of the Supreme Court for the term of 6 years.

5.3. The Chairman, Deputy-Chairman and the Secretary of the Committee shall be elected by nomination of the Committee by secret ballot.

5.4. The Chairman, Secretary and at least three members of the Committee shall have high legal education.

5.5. The Chairman, Deputy- Chairman, the Secretary and the Member of the Committee in charge of financial control and election committees shall be a permanent member.

Article 6. Relieve, Suspension Of Powers And Removal Of A Member of the Committee

6.1. The powers of a Member of the Committee shall commence on the day of his/her appointment and terminate at the end of the term or terminate before the term in cases of relieve or removal on the grounds set by this law.

6.2. In case of termination of powers of a Member of the Committee before the term a new member shall be appointed to fill the vacancy.

6.3. The State Ih Hural shall relieve a Member of the Committee before the term if he/she makes a request to be released for the reason of inability to exercise his/her powers due to the health or other valid reasons. No Member of the Committee may be released from the duties before the term in any ground other than those specified herein.

6.4. If the commission of a criminal offence by a Member of the Committee has been proved, then such Member shall be considered as removed from the post of Member of the Committee from the day the judgment with respect to him/her becomes final.

6.5. A Member of the Committee may make the request of relieve in writing. The State Ih Hural shall pass a decision with respect to such request within 21 days if such request is made during the State Ih Hural session, and within 21 days following the commencement of the State Ih Hural session if the request was made between two sessions.

6.6. If a Member of the Committee has been charged with a criminal offence or was arrested as provided in Article 12.6 of this law, the State Ih Hural shall decide whether to suspend the Member's powers within 14 days from receipt of the respective decision of the relevant authority.

6.7. The State Ih Hural shall restore by a resolution the powers of a Member of the Committee based on the decisions of relevant authorities about his/her non-involvement in or innocence with respect to the charges brought against such Member.

CHAPTER THREE

Committee and its members, power of members and their guarantee.

Article 7. Powers of Committee

7.1. Committee shall exercise the following powers:

- 7.1.1. organize election; plan and organize preparatory work;
- 7.1.2. ensure and exercise control over implementation of the election legislation;
- 7.1.3. direct the activity of election committees;
- 7.1.4. direct the activity of appropriate government body when preparing for elections;
- 7.1.5. register political parties and electoral blocs;
- 7.1.6. resolve appeals made against decisions made by district committee, and other claims about the breach of election legislation, in accordance with the law.
- 7.1.7. prepare and submit proposals to the State Great Hural, Government or other relevant bodies in connection with preparation activities to elections;
- 7.1.8. distribute funds allocated to it for the preparation and conduct of the election and exercise control over their proper use disposition, report to the State Great Hural of such disposition;
- 7.1.9. introduce election legislation to voters, educate voters, ensure their participation in elections, organize training provide voters with information;
- 7.1.10. adopt form of documents to be used in election, and rules, regulations, methodology and recommendations to ensure implementation of election legislation;
- 7.1.11. organize printing of vote ballots and other printed documents to be used in the elections, and organize distribution of such ballots;
- 7.1.12. receive and check documents lodged by political parties, electoral blocs and self-nominated candidates;
- 7.1.13. cancel registration of a candidate who has violated election legislation and exclude such candidate from the list of candidates;
- 7.1.14. establish election results, prepare list of members elected to the State Great Hural and arrange for official publication in press;

- 7.1.15. establish central election archives, and upon agreement with the National Archives of Mongolia work out and implement procedure for transfer, storage of documents;
 - 7.1.16. make proposal to the Supreme Court to issue interpretation on application of the election legislation;
 - 7.1.17. submit proposal to amend and improve election legislation to the State Great Hural;
 - 7.1.18. publicize information about amount of funds spent by a political party, electoral bloc or candidate;
 - 7.1.19. conduct supervision over the amount of donation and disposition of such donation;
 - 7.1.20. publicize income and asset statements of a candidate as well as information about indebtedness situation of a candidate;
 - 7.1.21. discuss the reports of political party, electoral bloc or candidate on disposition of electoral funds;
 - 7.1.22. discuss and adopt the charter of the committee;
 - 7.1.23. discuss budget proposal and performance of budget;
 - 7.1.24. other powers granted by law.
- 7.2. The Committee shall cooperate with state, regional organizations as well as international organizations within its powers.
- 7.3. The Committee shall be entitled, within the scope of its powers, to demand required documents and other information from central state, local as well as self-governing and other bodies in charge of helping in the organization of elections; hear the briefing of the relevant officials and give instructions concerning the enforcement of the law.
- 7.4. State bodies and relevant officials are obligated to fulfill decisions made by the committee within the scope of its powers.

Article 8. Powers of the Chairman of the Committee

- 8.1. The Chairman of the Committee shall exercise, in addition to the powers of a Member of the Committee the following powers:
- 8.1.1. to represent the Committee in domestic and foreign relations;
 - 8.1.2. to define the agenda of the Committee meetings;
 - 8.1.3. to oversee the implementation of the Committee meeting decisions, convene meetings, ensure the fulfillment of the meeting decisions; and
 - 8.1.4. other powers afforded by the legislation.

Article 9. Powers of the Deputy Chairman of the Committee

- 9.1. The Deputy Chairman of the Committee shall, in addition to the powers afforded to him/her by the Committee Regulations, shall oversee the fulfillment of their responsibilities by the Committee members and exercise the powers of the Chairman of the Committee in his/her temporary absence.

Article 10. Powers of the Secretary of the Committee

10.1. The Secretary of the Committee, in addition to the powers afforded to him/her by the Committee Regulations, shall exercise efficient management of the office of the Committee, ensure preparations of the Committee meetings, organise keeping of and examine minutes of meetings.

Article 11. Powers of the Member of the Committee

11.1. A Member of the Committee shall exercise the following powers:

- 11.1.1. to have particular matters considered by the Committee meetings;
- 11.1.2. to participate in the Committee meetings with voting rights;
- 11.1.3. to perform responsibilities specified in the Committee job description; and
- 11.1.4. other powers afforded by the legislation.

Article 12. Guarantees Of the Powers of the Member of the Committee

12.1. Political activities in the Committee and its Office shall be prohibited.

12.2. Members of the Committee shall suspend their membership in the political parties during the term of their post.

12.3. The Chairman, Deputy- Chairman, the Secretary and Members of the Committee shall receive salary corresponding to the ranks of the high state officials and of those to similar to such officials.

12.4. In the case of expiration of the term, relieve for the health or other valid reasons, the Chairman, Deputy- Chairman, the Secretary and Members of the Committee shall be re-appointed to their previous or another job according to their qualification, and if there is no such job, shall be paid for a period of six months an allowance in the amount at least equal to that they received as Member of the Committee; in case of employment with lower salary shall be paid an allowance equal to the balance between the salaries for the same period.

12.5. Unless otherwise provided in law, it shall be prohibited to arrest, apprehend or detain Members of the Committee, conduct search of their home, office, means of transportation and body.

12.6. In the case a Member of the Committee is arrested while committing a criminal offence or at the crime scene thereof with evidences, a respective official shall immediately inform the Chairman of the State Ih Hural within 24 hours.

12.7. Except for the cases provided in law, it shall be prohibited to release, remove or transfer to another job or position a Member of the Committee.

12.8. Disclosure of the confidential correspondence related to the exercise of their powers by Members of the Committee shall be prohibited.

CHAPTER FOUR

Miscellaneous

Article 13. Organisation Of the Committee's Work

13.1. Meeting shall be the primary form of organisation of the Committee's work. Meetings of the Committee shall be valid with the presence at least of two thirds of its members. The Committee shall approve the rules of procedure of meetings.

13.2. The Committee shall consider and decide by majority of votes of the members present the matters that fall within its competence and pass resolutions. The Chairman and the Secretary shall sign the resolutions.

13.3. The Deputy shall replace the Chairman during temporary absence of the Chairman and the Secretary in case of temporary absence of both the Chairman and the Deputy.

13.4. Non-staff members shall be paid remuneration as provided in the Committee Regulations.

13.5. There shall be a register of the election documents. The General Election Committee shall establish the rules for registration of the election documents.

13.6. The Committee may enter into civil law contracts with individuals and legal persons for the purpose of performing works related to the preparation to and holding of elections.

Article 14. Financial Monitoring

14.1. The committee shall establish an Election Fund Monitoring Office), headed by one of the member of the Committee, in order to exercise monitoring over election funding and financing of political parties, income and expenditures of such political parties.

14.2. The Election Fund Monitoring office shall consist of three permanent staff members. Members must be specialized in economics, finance and accounting fields, and have at least 10 years of professional experience.

14.3. The Election Fund Monitoring office shall exercise all powers of state financial auditing bodies and conduct monitoring and record check, as required.

14.4. The Election Fund Monitoring office may use help of specialized organizations and individuals in its monitoring activities.

14.5. The Committee shall determine the composition and procedure of operation of the Election fund monitoring office.

14.6. The Election Fund monitoring office may establish non-staff offices under subordinate committees during the elections.

Article 15. Media Council

15.1. The Committee shall establish non-staff media council during the elections.

15.2. Professional media institutions non-governmental organizations as well as political parties, electoral blocs participating in the election shall have equal representation in independent Media council.

15.3. The committee shall determine the composition and procedure for operation of an independent media council.

Article 16. Office Of the Committee

16.1. The Committee shall have an Office to assist the Committee in the exercise of its powers. The Committee shall approve the structure and regulations of the Office.

16.2. Employees of the Office of the Committee shall be administrative civil servants and shall enjoy the terms and guarantees of service established by the Civil Service Law.

Signature