

LAW OF MONGOLIA
12 January, 2006

LAW ON THE CENTRAL ELECTION BODY

CHAPTER ONE

General Provisions

Article 1. Purpose of the Law

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

Article 2. Legislations on the Central Election Body

2.1. The legislation on the central election body shall consist of the Constitution of Mongolia, the Law on Elections to the State Great Hural of Mongolia, the Law on Presidential Elections of Mongolia, Referendum Law, Law on Elections to the Aimag, the Capital city, Soum and District Hurals of Citizen's 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 Commission shall be the central election body.

3.2. The General Election Commission (hereinafter referred to as "Commission") shall be a plenipotentiary State authority provided with power to organize elections of the State Great Hural of Mongolia, elections of the President of Mongolia and referendums.

3.3. The Commission shall provide methodological and professional management to the preparation and organization of Elections to the Aimag, the Capital city, Soum and District Hurals of Citizen's Representatives.

3.4. The Commission shall exercise its activities independently.

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

3.6. The expenditures pertaining to the exercise of the Commission's authority shall be financed from the State budget and the State Great Hural shall approve the budget of the Commission.

3.7. The Commission shall use a seal, a stamp and a printed letterhead made in accordance with established procedures.

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

CHAPTER TWO

Appointment, relief, suspension of powers and dismissal of a member of the Commission

Article 4. Procedure for Nomination and appointment of member of the Commission

- 4.1. The Commission shall be composed of 9 members, of which 2 shall be permanent and 7 impermanent members.
- 4.2. The State Great Hural shall appoint five members of the Commission at the suggestion of the Standing Committee on State Structure, two by the President of Mongolia, other two at the suggestion of the Supreme Court from genuine civil servants for the term of 6 years.
- 4.3. The Chairman and the Secretary of the Commission shall be appointed from Commission members by the SGH at the suggestion of the Chairman of the SGH.
- 4.4. The Chairman and Secretary of the Commission shall work full time.
- 4.5. The mandate of the Commission member shall come in force when the SGH decision is made and end when the next member is appointed.
- 4.6. The President of Mongolia, members of the State Great Hural of Mongolia, Prime Minister of Mongolia, Cabinet members, members of the Constitutional Court, judge, prosecutor, representative of any Citizen's Representative Hural, candidates for the President of Mongolia or member of the State Great Hural of Mongolia and members of the Aimag, the Capital city, Soum and District Hurals of Citizen's Representatives may not be member of the Commission.
- 4.7. If a Commission member is to be appointed or nominated to positions mentioned in 4.6 of this Law, he/she shall submit his resignation request to the SGH through the Commission.

Article 5. Oath of the Commission member

- 5.1. Within 21 days after the appointment, a member of the Commission shall take his oath to the Constitution of Mongolia, by saying: "I will uphold the Constitution of Mongolia, election laws and pledge that I will carry out my duties honestly as a GEC member".
- 5.2. Commission member's oath taking procedure shall be adopted by the SGH.

Article 6. Suspension of Powers of a member of the Commission before its official term expiring

- 6.1. The powers of a member of the Commission shall be terminated before the date stipulated in 4.2 of this Law in cases of relief or dismissal on the grounds set by this Law.
- 6.2. If a member's position becomes vacant as stated in 6.1 of this Law, a new member shall be appointed in accordance with procedure set forth in article four to fill the vacancy.

6.3. The State Great Hural shall relieve a member of the Commission before the term set forth in 4.2 of this Law, 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.

6.4. No member of the Commission may be released from the duties before the term set forth in 6.3 of this Law in any ground other than those specified herein.

6.5. If the Commission of a criminal offence by a member of the Commission has been proved, then such member shall be considered as dismissed from the post of member of the Commission from the day the judgment with respect to him/her becomes final.

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

6.7. If a member of the Commission has been charged with a criminal offence or was arrested as provided in article 11.7 of this Law, the State Great Hural shall decide whether to suspend the member's mandates within 14 days from receipt of the respective decision of the relevant authority.

6.8. The State Great Hural shall restore the powers of a member of the Commission based on the decisions of relevant authorities about his/her non-involvement in or innocence with respect to the charges brought against such member by a resolution of it.

CHAPTER THREE

Commission and its members, Power of members and their guarantee.

Article 7. Powers of Commission

7.1. Commission shall exercise the following powers:

- 7.1.1. to plan and organize preparatory activities of referendums and elections;
- 7.1.2. to monitor implementation of the election and referendum legislation;
- 7.1.3. to unify and manage the activities of election committees of all levels;
- 7.1.4. to coordinate appropriate government body activities when conducting preparatory and planning activities for referendums and elections;
- 7.1.5. to allocate and monitor budget allocated for referendums and elections within the set amount;
- 7.1.6. to introduce legislations on referendums and election to the public, improve voter education, conduct trainings and research in this field and provide information to the public on election process and dates.
- 7.1.7. to approve official forms of rules, procedure, instructions and documents stipulated in referendum and election legislations
- 7.1.8. to establish central election archives, and upon agreement with the state authority responsible for archives develop, approve and implement procedure for transfer, storage of documents;

7.1.9. to make official proposal to the Supreme Court to issue interpretation on application of the election legislation;

7.1.10. to submit proposal to improve election legislation to the State Great Hural;

7.1.11. if considered necessary, submit proposals to the SGH and Government on organizing and preparing for elections and referendums;

7.1.12. to discuss and adopt committee rules;

7.1.13. to discuss committee budget proposals and expenditure reports;

7.1.14. the Commission shall be entitled, within the scope of its powers, to demand required documents and other information from central, 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.

7.1.15. to approve ethics code for Commission members;

7.1.16. other powers granted by Law.

7.2. Commission shall exercise the following powers when organizing and preparing for referendums:

7.2.1. to establish territorial committees and approve their composition;

7.2.2. to finalize activities of territorial committees;

7.2.3. to resolve complaints and applications regarding referendums and elections based on jurisdiction;

7.2.4. to print and allocate referendum and election ballot papers;

7.2.5. to compile referendum and election results and introduce to the SGH;

7.2.6. other powers stipulated in the Law on Referendum.

7.3. Commission shall exercise the following powers when organizing and preparing for SGH elections:

7.3.1. to submit proposals to the SGH on establishing and amending SGH election constituencies;

7.3.2. to establish election district committees and approve their composition;

7.3.3. to finalize activities of district committees;

7.3.4. to resolve complaints and applications regarding district committee decisions and other complaints based on jurisdiction and invalidate district committee decisions, which contradict with the Law;

7.3.5. to register political parties and electoral coalitions of political parties (hereinafter referred as parties and coalitions), which will participate in the election;

7.3.6. to communicate with party or coalition election organizations on election related issues;

7.3.7. to invalidate registration of SGH election candidates based on grounds set forth in the Law;

7.3.8. to approve, print and allocate SGH election ballot papers;

7.3.9. to compile election results, prepare list of members elected to the State Great Hural and submit the list to the President, prepare issue of acceding of their potential powers of the State Great Hural members and submit the issue to the State Great Hural and arrange for its official publication in mass media;

7.3.10. conduct supervision over the amount of donation and spending of such donation received by political party, coalition, and election candidate;

7.3.11. discuss the reports of political party, electoral coalition or candidate on disposition of electoral funds and publicize them;

7.3.12. other powers stipulated in the SGH Election Law.

7.4. Commission shall exercise the following powers when organizing and preparing for the Presidential elections:

7.4.1. to establish territorial committees and approve their composition;

7.4.2. to finalize activities of territorial committees;

7.4.3. to resolve complaints and applications regarding decisions of the territorial committees and other complaints based on jurisdiction and invalidate territorial committee decision, which contradict with Laws;

7.4.4. to register candidates to the Presidential election and issue identity card;

7.4.5. to communicate with party or coalition election organizations on election related issues;

7.4.6. to approve, print and allocate Presidential election ballot papers;

7.4.7. to compile primary election results and considering the candidate who received the majority of votes as the elected President and prepare issue of acceding of his/her potential powers of the President and submit the issue to the State Great Hural;

7.4.8. to conduct supervision over the amount of donation and spending of such donation received by political party and coalition who nominated their candidates;

7.4.9. to discuss and publicize expenditure report of the representative organs of the party or parties which nominated a candidate to the Presidential election;

7.4.10. other powers stipulated in the Presidential Election Law.

7.5. Commission shall exercise the following powers when providing professional and methodological management for the Aimag, the Capital city, Soum and District Hurals of Citizen's Representatives elections:

7.5.1. to make recommendation to the Aimag and the Capital city Hurals on composition for the aimag and the capital city election committees;

7.5.2. to conduct training for the Aimag, the Capital city, Soum and District Citizen's Representative Council election committee members;

7.5.3. to approve form of ballot papers for the Aimag, the Capital city, Soum and District Hurals of Citizen's Representatives election;

7.5.4. within committee powers, to provide necessary assistance, based on the requests of aimag and the capital city election committees;

7.5.5. to check and instruct the Aimag, the Capital city, Soum and District election committees;

7.5.6. to establish unified database on the Aimag, the Capital city, Soum and District Hurals of Citizen's Representatives elections;

7.5.7. other powers stipulated in the Law on the Aimag, the Capital city, Soum and District Citizen's Representative Hural elections.

7.6. Within its powers, the Commission has the right to cooperate with international, regional and electoral organizations of other countries.

7.7 Decision of the Commission issued within its powers shall be followed by relevant individuals.

Article 8. Powers of the member of the Commission

8.1 The Commission member shall exercise the following powers:

- 8.1.1. to have particular matters considered by the Commission sessions;
- 8.1.2. to participate in the Commission sessions with right to decide;
- 8.1.3. to perform responsibilities specified in the Commission job description and report to the Commission session about their work and;
- 8.1.4. other powers afforded by the legislation.

Article 9. Powers of the Chairman of the Commission

9.1. The Chairman of the Commission shall exercise, in addition to the powers of a member of the Commission the following powers:

- 9.1.1. to represent the Commission in domestic and foreign relations;
- 9.1.2. to define the agenda, set dates and chair Commission sessions;
- 9.1.3. to ensure the fulfillment of the Commission decisions;
- 9.1.4. to oversee the performance of Commission member duties,
- 9.1.5. other powers afforded by the legislation.

9.2. Commission Chairman may issue decrees within its power.

Article 10. Powers of the Secretary of the Commission

10.1. The Secretary of the Commission, in addition to the powers of a member, in accordance with the Commission regulations, shall ensure preparations of the Commission sessions, formulate the resolutions issued by the session, arrange informing to the public by media and keep minutes of sessions.

Article 11. Guarantees of the Powers of the member of the Commission

11.1. Political activities in the Commission and its Office shall be prohibited.

11.2. Members of the Commission shall suspend their membership in the political parties during the term of their post.

11.3. Member of the Commission shall not hold any other official position or perform any other job except being lecturer as teacher or performing of research work within duration of their official membership in the Commission.

11.4. The Chairman and the Secretary of the Commission shall receive salary corresponding to the ranks of the high state officials and of those to similar to such officials.

11.5. In the case of expiration of the term, relieve for the health or other valid reasons, the Chairman, the Secretary and members of the Commission 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 Commission; in case of employment with lower salary shall be paid an allowance equal to the balance between the salaries for the same period.

11.6. Unless otherwise provided in law, it shall be prohibited to arrest, apprehend or detain members of the Commission, conduct search of their home, office, means of transportation and body with regard to his/her duty.

11.7. In the case a member of the Commission 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 Great Hural within 24 hours.

11.8. Except for the cases provided in law, it shall be prohibited to release, dismiss or transfer to another job or position a member of the Commission without his/her permission.

11.9. Disclosure of the confidential correspondence related to the exercise of their powers by members of the Commission shall be prohibited.

11.10. It is prohibited for the member of the Commission to engage in any political campaign designated to advertise and advocate any political party, coalition or the election candidate.

11.11. Member of the Commission while enjoying his/her legal right to express his/her view by public media, worship or abstain from any religious adherence shall honor his/her holding high position in the State authority.

CHAPTER FOUR

Miscellaneous

Article 12. Organization of the Commission

12.1. Session shall be the primary form of organization of the Commission.

12.2 Sessions of the Commission shall be valid with the presence at least of two thirds of its members. The Commission shall approve the rules of procedure of sessions.

12.3. The Commission 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.

12.4. During Chairperson's absence, any member of the Commission may act as the Chairman as appointed by him/her.

12.5. Non-permanent members shall be paid remuneration as provided in the Commission regulations.

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

12.7. The Commission 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 13. Financial Monitoring on Election

13.1. The Commission shall exercise the following powers in terms of election financial monitoring:

13.1.1. to oversee election financing and expenditure of political parties, coalitions and candidates;

13.1.2. to review financial reports of election committees;

13.1.3. to obtain information from parties, coalition, candidates and election committees within its powers;

13.1.4. to obtain information on election financing from state, and other organs, officials and individuals;

13.1.5. to conclude and compile documents on election financing and expenditure irregularities.

13.2. Relevant individual shall supply within requested date, documents mentioned in 13.1.4 of this Law within three days, on election day or if not less than three days left until such day.

13.3. If considers necessary, the Commission investigative activities can be executed by relevant investigative authorities including the State Audit Organs.

Article 14. Media Council

14.1. The Commission shall establish non-staff independent media council during the elections.

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

14.3. The Media council shall monitor equality in advertisements and information run by political party, coalition and candidates, review complaints and applications filed by political party, coalition, candidates, legal entities and citizens on such issue and introduce conclusion and motions to the Commission.

14.4. The Commission shall determine the composition and procedure for operation of an independent Media council.

Article 15. Administration Office of the Commission

15.1. The Commission shall have an Administration Office to assist the Commission in the exercise of its powers. The Commission shall approve the structure and regulations of the working unit.

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

Chairman of the State Great Hural of Mongolia

Ts. Nyamdorj