

ELECTORAL CODE
(excerpts)

No 1381-XIII of 21.11.97

The will of the people is the foundation of the state's power. This will is expressed by free elections conducted periodically based on an universal, equal, direct, secret and freely expressed vote. The state guarantees the expression of a citizen's free will by defending the democratic principles and the norms of electoral laws. This Code establishes terms and conditions for organizing and conducting elections of the Parliament of the Republic of Moldova, the local public administration authorities, and organizing and conducting referenda.

Article 1. General Definitions Used in this Code

For purposes of this Code, the following terms have the indicated meanings:

"Election", unless specified otherwise, refers to the election of members of Parliament and the local public administration bodies, or conducting a referendum. It also stands for the actions of citizens, parties, other socio-political organisations and electoral blocs, electoral and other state bodies concerning the preparation of voters' lists, the nomination and registration of candidates, pre-electoral campaigning, voting and the tabulation of results, as well as for other election-related actions under current laws.

"Election administration bodies" refers to bodies that organize the election of members of Parliament, the local public administration authorities and referendums.

"Referendum" refers to the vote of the people with respect to major issues of the state and the society as a whole, intended to solve these, as well as to citizen consultation on local issues of special interest.

Article 6. Secret Voting

Voting in elections and (or) referendums is secret. Therefore, any forms of control or influence over a voter's free will shall be excluded.

Article 10. Voting for One Electoral Contestant

A voter votes for one single electoral contestant in an election, and expresses his/her will regarding a single issue in a referendum.

Article 27. Formation of Electoral Districts and District Electoral Councils

(1) At least 55 days before elections, Central Election Commission will create electoral districts that will correspond to the borders of territorial- administrative units of second level of the Republic of Moldova, of the autonomous territorial unit of Gagauzia, Chisinau and Balti municipalities, and, at least 50 days before elections, it creates district electoral councils. In elections at any level and in republican referenda, electoral districts and district electoral councils will be established within the same terms.

(2) District electoral councils will consist of an odd number of members, at least 7 and not more than 11 persons. At least three of them in district electoral councils of the second level

must have completed higher legal education or public administration education. Persons who attended training held by the Centre for Continuous Training on Election and who hold proper qualification certificates may become members of in the electoral council of any level.

(3) In local elections and referenda, the candidatures of 2 members of district electoral councils of the first level are put forward by the local council of first level, and when there are no such candidatures, the members will be nominated by the Central Election Commission out of the persons entered in the Register of Electoral Officials. The candidatures of the other members are nominated by the parties and other socio-political organizations represented in Parliament at the date when the electoral district councils are created, one candidate from each party or social/political organisation, and if is not enough, the rest of the members are nominated by the Central Election Commission out of the Register of Electoral Officials. To the extent possible, individuals having higher legal education are to be appointed to district electoral councils.

(4) In parliamentary elections, republican referenda and general local elections, the candidatures of 2 members of the district electoral councils of the second level are nominated by the law courts, or, if the case may be, by the Court of Appeal, the candidatures of the other two members – by the local council of second level and by the Popular Assembly of Gagauzia. The candidatures of other members are put forward by parties and other social-political organisations represented in the Parliament on the date the district electoral council was created, one candidature from each party or other social-political organisation, and if is not enough, the rest of the members are nominated by the Central Election Commission out of the Register of Electoral Officials.

(5) If parties and other social-political organizations do not nominate their candidatures for the district electoral council at least with 7 days before the deadline of its establishment, the necessary number of candidatures is filled by the local councils and by the People's Assembly of Gagauzia. If neither local councils nor People's Assembly of Gagauzia puts forward its candidatures, the members of the electoral council are nominated from the Register of Electoral Officials. If the district electoral council has the function of the precinct electoral bureau, its members nominated by the parties and other social-political organizations represented in Parliament may not be the members of parties.

(6) Members of the district electoral council nominated by the law courts and by the local councils may not be counsellors within the local councils, deputies in the People's Assembly of Gagauzia and/or party members.

(7) District electoral councils, within three days of their establishment, will elect by secret vote from among their members a chairperson, deputy chairperson and secretary. The district electoral council will promptly notify the Central Election Commission on the results of these elections.

(8) Within four days as of the date of its establishment, district electoral councils will make public the names of their members, the location of their office and contacts details.

(9) District electoral councils pass decisions by a majority vote of its members.

(10) District electoral councils are assisted by an apparatus whose personnel will be approved by the Central Election Commission, at the proposal of the district electoral council. During the period of their suspension from their full time job, employees will receive a 25% salary increase, and not less than an average salary, from the financial means allotted for elections.

Article 29. Establishment of Precincts and Precinct Electoral Bureaus

(1) To conduct voting and count the votes, electoral districts shall be divided into precincts.

(2) Precincts will be established by district electoral councils in localities based on the recommendation of mayors of towns (municipalities), districts and villages (communes), no later than 35 days before elections. Each precinct will have no less than 30 and no more than 3,000 voters. In elections at any level and in republican referenda, precincts will be established in private property premises and will be equipped in such a way so that to facilitate the access of the old and the disabled.

(3) Special precincts may also be established at hospitals, sanatoriums, maternity hospitals, asylums and homes for elderly. Such precincts must have no less than 30 voters.

(4) Military personnel shall vote at precincts of that locality where military units are located.

(5) In new local, partial local elections and local referendum, when the second level district electoral council is not established, it is the district electoral council of the first level that shall establish the precincts and their electoral bureaus.

(6) A district electoral council shall number its precincts and make information available about the boarders of each precinct, the polling station and precinct electoral bureau location, the contact details of bureau.

(7) Precincts shall be ordered alphabetically starting with the locality where the district electoral council is situated, continuing with those in municipalities, towns, town sectors, and after that with those in communes and villages.

(8) Local mayor's office shall provide information and necessary assistance to precinct electoral bureaus to ensure proper responsibilities implementation as stipulated in this Code.

(9) Precinct electoral bureaus will be established by the district electoral councils no later than 25 days before the election, consisting of an odd number of members, not less than 5 and not more than 11 persons. In elections at any level and in republican referenda, precinct electoral bureaus will be established within the same timeframe.

(10) "Members of electoral bureaus could be appointed individuals, who attended training courses within the Centre of Continuous Training on Elections and who hold certificates of corresponding qualification. 3 candidatures of members to the precinct electoral bureau are nominated by the local councils. The other members of the precinct electoral bureau are nominated by parties and other socio-political organizations represented in the Parliament on the date of its establishment, one candidate from each party or social-political organisation, if it is not enough, the rest of the members are nominated by the district electoral council, at the proposal of the Central Election Commission, from the Register of Electoral Officials. Members of the precinct electoral bureau may not be counsellors in the local councils and members of a party. If the parties and other social-political organizations do not nominate their candidatures for the precinct electoral bureau at least with 7 days before the deadline of its establishment, the necessary number of candidatures is filled by the local council. If the local council does not nominate the candidature, the electoral bureau is filled by the district electoral council, upon the proposal of the Central Election Commission, out of the Register of Electoral Officials.

(11) The precinct electoral bureau shall elect, within two days of its establishment, from among its members a chairperson, a vice-chairperson and a secretary of the bureau, shall immediately notify the district electoral council of its decision, and shall make public personal composition of electoral bureau, its location and contact details.

(12) To ensure the enjoyment of right to vote, the Central Election Commission may establish precincts and precinct electoral bureaus in other instances as well.

Article 29¹. Particularities concerning establishment and functioning of polling stations and of the precinct electoral bureaus from abroad.

(1) All polling stations established abroad belong to the electoral district of Chisinau Municipality.

(2) In parliamentary elections and republican referenda, one or more polling stations are established within the diplomatic and consular missions of the Republic of Moldova for the voters who are abroad on the Election Day.

(3) Besides the polling stations mentioned in paragraph (2), polling stations can be also organised in other localities, with the consent of the government of the respective country. The organisation of these polling stations is carried out by the Central Election Commission, at the proposal of the Government, in cooperation with the Ministry of Foreign Affairs and European Integration and with other authorities of central public administration, based on the preliminary registration of the citizens who are abroad. The Regulation on preliminary registration is endorsed by the Central Election Commission.

(4) The electoral bureau of the polling station from abroad is formed of a chairperson, appointed by the head of the diplomatic or consular mission or of the staff of other institutions of the diplomatic service, and of 6-10 representatives of political parties and other socio-political organisation represented in the Parliament, one representative from each party or socio-political organisation. Chisinau district electoral council will supplement the precinct electoral bureaus from abroad with representatives of political parties, and in case the number of persons nominated by the parliamentary political factions is not enough to supplement the precinct electoral bureaus from abroad, they are supplemented with persons from the Register of Electoral Officials, who have good reputation, who are politically non-affiliated, together with the consent of the Ministry of Foreign Affairs and European Integration.

(5) The particularities of organisation and functioning of the polling stations from abroad are regulated by the Central Election Commission, in coordination with the Ministry of Foreign Affairs and European Integration, and the costs related to the organisation and functioning of these bureaus are covered by the budget allocated for elections/referenda. The expenditures for the polling stations established abroad are prior estimated by the Government and by the Central Election Commission, and in case they are not foreseen in the budget allocated for elections/referenda, financial resources are allocated from the Government's Reserve Fund.

(6) The protocols drawn up by the precinct electoral bureaus from abroad, together with all complaints related to the electoral procedures of the precinct electoral bureau, are forwarded, via electronic means, to the district electoral council within maximum 24 hours after the closing of the polling station. The accuracy of the data included in these protocols is confirmed via phone, and in case of some sufficiently proved discrepancies or drawbacks, these may be corrected by Chisinau district electoral council.

Article 53. Voting

(1) Every voter must vote in person. Voting for other individuals is not allowed. The precinct electoral bureau shall hand out ballots to voters based on the voter list, only upon the presentation of an identification document. Voters shall confirm receipt of the ballot by signing the voter list next to his/her name, and a stamp which confirms that he/she voted on the respective day, is applied on the slip of the identity card or on the document based on which the voter votes.

(2) Citizens residing on the territory of the precinct not included in the voter lists shall be entered on a supplementary voter list upon presentation of an identification document confirming their place of residence within the precinct. In the supplementary voters' list, which will include information on the voter's name, surname, date and place of birth, the last domicile in the Republic of Moldova, state identification number (IDNP), are also entered:

a) voters who come to the polling station with the voting certificate. The voting certificate remains at the polling station bureau and it is attached to the supplementary list;

b)) individuals detained based on an arrest order until a court sentence is pronounced, individuals sentenced to prison (deprivation of liberty) whose sentence is not final; individuals under arrest for committing an offence, person sentenced to prison (deprivation of liberty) by a final court decision, located in penitentiaries;

c) voters who do not have a visa of residence or domicile.

(3) The voting is done upon presenting of one of the following identification documents:

a) identity card of a citizen of the Republic of Moldova accompanied by a slip which certifies the domicile or residence on the territory of respective polling station;

b) ex Soviet passport of 1974- type, with inscription on citizenship of the Republic of Moldova, on a state identification number of natural person (IDNP) and mentioning the place of residence;

c) ex Soviet passport of 1974-type without inscription on a state identification number of natural person (IDNP), with inscription "valid with no fixed term" and also with citizenship of the Republic of Moldova and mentioning the place of residence – for persons who refused to have identification document of the Republic of Moldova because of religion;

d) temporary identity paper of F-9 type with inscription on the citizenship of the Republic of Moldova and domicile of holder;

e) passport of a citizen of the Republic of Moldova for passing the border of RM, sailor's card - at the polling stations established abroad, in case of parliamentary elections or national referendum;

f) military ID card for serving military personnel, civil service card issued by Civil Service Center for persons at civil service.

(4) The chairperson and precinct electoral bureau members shall vote at the polling station where they conduct their activity, and, if necessary, shall be entered to supplementary voter lists based on the Absentee Vote Certificate.

(4¹) Voters who have both visas of residence and of domicile are entered in the supplementary list at their place of domicile or residence, being informed by the member of the electoral body about the criminal liability for double voting and signing declaration on his/her own responsibility.

(5) The chairperson of the precinct electoral bureau shall keep a record of the events during voting and vote counting. At the request of bureau members or persons authorized to observe electoral procedures, or of any voter, the chairperson shall note their comments and complaints regarding electoral procedures on a separate act, which shall be attached to the protocol of the precinct electoral bureau. Information on voting on the main and additional voters list is sent every three hours, in electronic form or via phone to the Central Election Commission.

(6) The electoral bureau decides to prolong with no more than 2 hours the period of voting, in order to allow the voters, who queue up in the respective precinct, to exercise their rights, notifying the district electoral bureau and the Central Election Commission about the prolongation.

Article 55. Voting Security

(1) At 07:00 a.m. on Election Day the chairperson of the precinct electoral bureau, in the presence of no less than half of the members of the bureau, shall check the ballot boxes and seal them. The chairperson shall also check the integrity of voter lists, ballots, and stamps, and file a protocol on opening of polling station in two copies. That protocol shall be signed by all present members of the precinct electoral bureau, one of the copy is introduced into the ballots box, after that bureau's chairperson shall announce the voting opening.

(2) Ballots shall be stored in a secure place at the polling station, packed in plies of 100, and shall be issued by the precinct chairperson to members of the bureau for handing out to voters whenever necessary.

(3) Members of the precinct electoral bureau as well as representatives of the electoral contestants and persons authorized to observe the electoral procedures shall be obliged to have and put identification badges so people may recognize them. Persons who enter polling stations shall be prohibited from wearing or displaying any emblems, badges or other symbols related to electoral campaign.

(4) If, for health or other well grounded reasons, the voter is unable to come to the polling station, the precinct electoral bureau, at his/her oral or written request, will delegate no less than two members of the bureau with a mobile ballot box and all electoral materials necessary for voting at the place of voter's residence to conduct the voting. Requests may be submitted in written starting with two weeks prior to the Election Day and not later than 6 p.m. of the day before Election. On the Election Day, the request may be submitted in written until 3 p.m., upon the presentation of a medical certificate. The voting at the place of voter's residence is based on the voter list compiled by the precinct electoral bureau according to voters' requests. The persons who are not entered in such a list will not be able to vote at the place of residence. On the voter list at the polling station next to the name of such persons a note shall be made "Voted at the place of residence" ("Votat la locul aflarii" in the original). The provisions of this paragraph are not applied to the voting abroad.

(5) Individuals detained based on an arrest order until a court sentence is pronounced, individuals sentenced to prison (deprivation of liberty) whose sentence is not final; individuals under arrest for committing an offence, person sentenced to prison (deprivation of liberty) by a final court decision, located in penitentiaries, will vote in compliance with paragraph (4), by transporting the mobile ballot box.

(6) In the event the chairperson of the precinct bureau authorizes a special ballot box to be taken out the polling station, he/she shall announce this fact, as well as the voter list that requested to vote at place of residence beforehand, to the representatives of electoral contestants and the individuals authorized to observe electoral procedures, who are offered the opportunity to accompany the mobile box using their own transportation if necessary.

(7) The responsibility for maintaining order on election day in the polling station and territory adjacent to it within a radius of 100 meters shall be assigned to the chairperson of the precinct electoral bureau. The decisions he/she makes to maintain order shall be mandatory for all.

(8) The following individuals are entitled to be present during the meetings of election administration bodies, votes' counting and tabulation, electoral activities related to voter lists, ballots, Absentee Vote Certificates, and filing the protocols of elections and referendum results and tabulation:

- a) members and representatives of the superior election administration bodies;
- b) representatives of the electoral contestants to respective election administration bodies;
- c) national and international observers accredited by the respective bodies, as well as their interpreters, as the case may be;
- d) mass media representatives.

No other individual may remain in the polling section longer than it takes one to vote.

(9) It shall be strictly prohibited for anyone to enter a polling station with a firearm or bladed weapon. A security officer may enter the premises of the polling station only upon request of the chairperson of the precinct electoral bureau to assist in re-establishing legal order.

Article 60. Tabulation of Results by the Central Election Commission

(1) In the event of parliamentary or local elections, or republican referendums, based on the documents received from district electoral councils the CEC shall prepare within five days a protocol that includes the following:

- a) the number of voters included in the voter lists;
- b) the number of voters included in supplementary voter lists;
- c) the number of ballots issued to voters;
- d) the number of voters who voted;
- e) the number that reflects the difference between the number of ballot issued and the number of people that voted;
- f) the number of ballots declared invalid;
- g) the number of valid votes cast for each electoral contestant (for each question put up for referendum);
- h) the total number of valid votes cast;
- i) the number of printed ballots.

(2) The CEC shall introduce the final voting results on entire country in a protocol, which shall be signed by all members of the Commission, and shall prepare the report on the election results. Copies of the final results protocol shall be handed over to representatives of the electoral contestants and observers upon request.

(2¹) In case of disagreement with preliminary voting results, before validation of the results by the competent bodies, electoral contestants may apply to these bodies a request to recount the votes. The recounting may be ordered by the body entitled to validate the election results based on grounded reasons which affects the results of voting. The distribution of mandates will take place in not more than 7 calendar days as of the adoption of the decision on vote counting. The recounting is carried out by the same electoral bodies; the electoral bodies guilty of fraud are replaced. The general procedure of recounting is approved by a decision of the Central Election Commission.

(3) In parliamentary elections the documents mentioned in paragraph (2) shall be submitted to the Constitutional Court for confirmation of elections' results and validation of mandates for members of Parliament.

Article 64¹. Particularities of media coverage of elections

(1) During electoral period, the program services and written materials referring, in a way or another, to the electoral competitors and/or candidates are broadcasted/published by observing the Regulation on the Media Coverage of the Election Campaign, approved by the Central Election Commission. Mass-media representatives enjoy the same rights as the national observers.

(2) In the first week of electoral period, each broadcaster submits to the Coordinating Council of Audiovisual a statement, containing: the name of the owner/owners of the institution and its editorial policy for the electoral campaign. The statements are posted on the web site of the Coordinating Council of Audiovisual. The control over the observance of this obligation is ex officio conducted by the Coordinating Council of Audiovisual, according to the provision of the Audiovisual Code of Moldova.

(3) During the electoral campaign for parliamentary elections and republican referenda, national broadcasters are obliged, whereas the local/regional ones are entitled, to organise public debates. During the electoral campaign for general local elections and local referenda, local/regional broadcasters are obliged, whereas the national ones are entitled, to organise electoral debates. The format, length and the frequency of electoral debates are established by the broadcasters and are made known to the electoral bodies and to the electoral competitors with at least 3 calendar days before the broadcasting of each program.

(4) During the electoral campaign for parliamentary elections and republican referenda, national broadcasters, whose list is made public by the Coordinating Council of Audiovisual within the first 3 days of the electoral period, freely grants to the electoral competitors 5 minutes of TV airtime and 10 minutes of radio airtime to present their electoral programs and to inform voters. The respective airtime is granted apart from the airspace allotted for electoral advertising and debates. During the electoral campaign for general local elections and regional referenda, broadcaster with region/local-wide coverage, whose list is made public by the Coordinating Council of Audiovisual, within the first 3 days of the electoral period, freely grants to the electoral competitors 5 minutes of TV airtime and 10 minutes of radio airtime to present their electoral programs and to inform voters. The respective airtime is granted apart from the airspace allotted for electoral advertising and debates.

(5) Public broadcasters will allot to electoral competitors one minute per day free airtime to place their electoral advertising. Concerning the paid electoral advertising, each electoral competitor is granted airtime, which shall not exceed 2 minutes per day during the electoral campaign at each broadcaster. The terms for buying airtime and the respective fees are made known 3 calendar days before airing the electoral advertising. The cost of the airtime granted to the electoral competitors will not exceed the usual cost for the commercial advertising. The airtime for paid electoral advertising is granted to all the electoral competitors at the same broadcasting hours.

(6) The electoral competitor is liable for the content of broadcasted or published electoral advertising materials. Each electoral advertising material will include the name of the electoral competitor, the date of its publication, its circulation and the name of the Printing House. Paid electoral advertising will be accompanied by the logo "Election".

(7) Under the current law, the refusal to broadcast or print free or paid electoral advertising may be appealed in court.

(8) Electoral advertising via internet and mobile telephony is perceived as electoral advertising in written media.

(9) On the Election Day, prior to the closing of polling stations, the media shall not make public the results of the voters' surveys on their electoral options.

(10) During the electoral period, any opinion polls on the voters' political preferences shall be conducted providing that the Central Election Commission has been notified about this in advance. The results of these polls shall be made public not later than 5 days before the Election Day. On the Election Day, prior to the closing of all polling stations, the media shall not make public materials, such as interviews with voters, the number of votes received by the electoral competitors during the day and their chances, including the results of exit polls.

(11) Media outlets founded by public authorities will publish free of charge, and the broadcasters will air, at the request of the Central Electoral Commission, social, civic and

electoral education video clips; will carry out information campaigns for voters regarding the voting procedure and other voting particularities.

(12) The Coordinating Council of Audiovisual has to submit, once in two weeks, to the Central Election Commission monitoring reports on the way national broadcasters covered electoral campaign. Monitoring reports must include information on the observance of legal norms while covering elections by broadcaster within all programs. Two days prior to elections, the Coordinating Council of Audiovisual will submit a concluding report to the Central Election Commission.

Chapter 13. Republican Referendum

Article 142. Republican Referendum

(1) Republican referendum is being held to ensure people right to exercise citizens' power and the right to participate directly in the administration of public affairs.

(2) The vote in the referendum is universal, equal, secret and freely expressed, pursuant to the Constitution and this Code.

(3) The decisions adopted based on republican referendum have supreme legal power upon their confirmation by the Constitutional Court, and have binding effect everywhere on the territory of the Republic of Moldova.

Article 143. Types of Republican Referendum

(1) Upon the legal nature of question subject to referenda, republican referenda may be constitutional, legislative and consultative.

(2) The subject of constitutional referendum is the revision of the Constitution.

(3) The subject of legislative referendum are draft laws or some of their provisions of major importance.

(4) The subject of consultative referendum are the issues of national interest that are brought for consultations with public that further require final decisions making by competent public administration bodies. Questions proposed for consultative referendum shall be composed in neutral, unambiguous language, without suggesting the answers.

Article 144. Initiating Republican Referendum

(1) A republican referendum may be initiated by:

a) at least 200,000 citizens of the Republic of Moldova eligible to vote. In case of constitutional referendum, provisions of Article 141 letter a) paragraph (1) of the Constitution shall be applied;

b) no less than 1/3 of the members of Parliament;

c) President of the Republic of Moldova;

d) Government.

(2) Those mentioned in paragraph (1) may initiate any type of referendum provided in Article 143.

(3) If the referendum is initiated by those mentioned in paragraph (1) letter a), signature collecting sheets shall be attached to the proposal on initiating the referendum.

(4) The proposal on initiating the referendum shall include questions subject to referendum stated clearly, avoiding ambiguities, as well as the aim of holding the referendum and its suggested date. Issues running counter to each other shall not be subject to referendum.

Article 145. Restrictions Imposed on Holding a Republican Referendum

(1) A republican referendum may not be held in a country under a state of war, siege or emergency, nor within 120 days after the respective state is ended. If a date for referendum coincides with a day declared later as a date of war, siege or emergency state, then the referendum shall be cancelled *ex lege* or postponed, pursuant to the terms of holding referendum stipulated by this Code. The decision to postpone a republican referendum shall be adopted by the body which issued the decision to hold the referendum.

(2) A republican referendum may also not be held in a period within 60 days before or after the day of parliamentary or local elections, as well as on the day of another republican referendum.

Article 146. Issues which May be Brought to Republican Referendum

(1) The following may be questions for republican referendum:

a) adoption of the Constitution of the Republic of Moldova and the revision of the Constitution of the Republic of Moldova;

b) approval of constitutional laws adopted by the Parliament revising provisions regarding the sovereignty, independence and unity of the state, as well as issues related to the permanent neutrality of the state;

c) other essential issues of public and state interest.

(2) It is binding to organise and hold referenda on the issues indicated in letter b) paragraph (1).

Article 147. Issues Which May not Be Subject to Republican Referendum

The following shall not be submitted to a Republican referendum:

a) issues related to the state budget, taxes;

b) issues regarding amnesty or pardon;

c) extraordinary or emergency measures for ensuring public order, health or security;

d) electing, appointing or dismissing persons for/on/from positions which is the competence of Parliament, Government or President of the Republic of Moldova;

e) issues of judicial and prosecution bodies competence.

Article 148. Initiating Referendum for Constitution Revision

(1) Referendum for Constitution revision is initiated in compliance with Article 141 of the Constitution.

(2) The proposal on conducting a referendum for Constitution revision is submitted to the Constitutional Court, which is obliged within 10 days to review the constitutionality of the issues to be subject to referendum and to present its findings.

(3) After Constitutional Court reviews the constitutionality of the issues to be subject to referendum, the proposal on holding a referendum, together with findings of the Constitutional Court, is submitted for the Parliament examination.

(4) Constitution revision may not be subject to referendum if it will result in violation of fundamental human rights and freedoms.

(5) If both Parliament and citizens at the same time initiate the revision of the same Constitution provisions, the parliamentary procedure to examine the said provisions shall close.

Article 150. Parliament or President Decree on Calling Republican Referendum

(1) Within six months of receiving proposals on initiating a referendum, Parliament shall adopt one of the following decrees:

a) calling the referendum within at least 60 days of decree's adoption;

b) rejecting proposal on holding a referendum, in case the latter is initiated by members of Parliament;

c) on solving the issues proposed for referendum without further conducting it.

(2) In the Parliament or President deliverance decreeing the republican referendum shall be stated the date of holding referendum, name of the draft law or draft decree to be adopted, and questions subject to referendum.

Article 151. Calling the Referendum

(1) The date of republican referendum shall be called by Parliament decree if the initiative to hold the referendum belongs to citizens or members of Parliament or by the President of the Republic of Moldova if the initiative to hold the referendum belongs to him/her and has consultative effect.

(2) The referendum shall be called for no later than 60 days before the date of the referendum.

Article 152. Initiation of Republican Referendum by Citizens

(1) To initiate a republican referendum, citizens shall establish a citizen initiative group at meeting attended by at least 300 citizens eligible to vote. No later than 10 days before the meeting, the initiators shall notify in written form the local public administration authority of the locality where the meeting shall be held, time, place, and purpose of that meeting.

(2) Before the meeting, the participants shall be registered, their last and first names, place of residence shall be entered on a list.

(3) A chairperson and a secretary of the meeting shall be elected. The meeting's agenda shall include discussions whether it is reasonable to hold the referendum and set up questions to be proposed for referendum.

(4) In the event that the majority of participants in the meeting vote for holding a referendum, an initiative group shall be established to administer the signatures' collection. The group shall be composed of at least 100 citizens eligible to vote. The group shall elect from among its members the executive bureau including a chairperson, a vice-chairperson and a secretary who will represent the group and manage its activity.

(5) A protocol of the meeting shall be drawn up containing the results of the vote on the issues included in the agenda. The documents of the meeting - list of participants, protocol, clearly and correctly stated questions proposed for referendum, and list of the citizen initiative group members including their identity data, shall be signed by the chairperson and secretary of the meeting.

Article 153. Registration of Citizen Initiative Group

(1) The citizen initiative group for holding the referendum shall be registered with the Central Election Commission. For registration, the group shall submit the following documents:

a) documents of the citizen meeting which elected the initiative group, attested by the mayor of the locality where the meeting took place;

b) written statement of consent of the members of the initiative group to collect signatures in support of the referendum;

c) written application statement for registration.

(2) The Central Election Commission within 15 days of receiving the documents mentioned in paragraph (1) of this Article shall adopt a decision regarding either the registration of the initiative group or the refusal to register the group. The decision on the registration of the initiative group shall provide the terms for signatures collection, which may be no shorter than two months and no longer than three months.

(3) Upon registration, members of the initiative group shall be issued a special document-card attesting their right to collect signatures according to the design established by the Central Election Commission.

(4) Information concerning registration of the initiative group and the questions subject to referendum shall be made public through mass media.

Article 154. Collecting Signatures

(1) From the registration day, members of the initiative group are entitled to freely collect signatures for holding the referendum (hereinafter referred to as signature collecting sheet).

(2) Signatures shall be collected according to Article 42 hereof, to be correspondingly applied.

Article 155. Special Requirements for Signature Collecting Sheet

Prior to collecting the signatures, the question (questions) proposed for referendum shall be written on each of the signature collecting sheet. Collection of signatures on sheets without the text of questions being written on them is prohibited.

Article 156. Responsibility for Accuracy of Signature Collecting Sheets

(1) A person who collect voters' signatures must sign every sheet of the signature collecting sheet and make a note to the effect that the collector personally collected the signatures and confirmed the identity of the persons whose names appear on that sheet by verifying their ID. Each signature collecting sheet shall be attested by competent local public administration body.

(2) Members of the initiative group must warn the persons that they can sign only one signature collecting sheet.

(3) Signature collecting sheets that have data entered before the initiative group was registered or which have not been signed by the signature collector, or have not been attested by the stamp of the local public administration body, shall be considered null and void.

Article 157. Submission and Verification of Signature Collecting Sheets

(1) No later than on the last day of the signature collection term, the initiative group shall draw up a protocol indicating the number of collected signatures, the date when initiative group was registered, and the date when the collection of signatures was concluded. The protocol signed by the members of the initiative group together with the signature collecting sheets shall be submitted to the Central Election Commission.

(2) Within 15 days of signature collecting sheets submission, the Central Election Commission shall check authenticity of the signatures (all of them or at random) on the submitted sheets. Signatures by persons who have signed twice or more times shall be excluded. Signature collecting sheets found in breach of Article 156, par. (1) thereof shall be considered null and void.. Upon verification of signature collecting sheets, the CEC shall draw up a protocol and adopt a decision on initiating the referendum.

(3) In the event that the required number of signatures was not submitted, the CEC shall adopt a decision rejecting holding the referendum and cancelling registration of the citizen initiative group.

(4) Protocol on the verification of signature collecting sheets, verified signature collecting sheets, and the CEC' decision on referendum initiating shall be submitted to the Permanent Bureau of Parliament within three days.

Article 158. Electoral Districts, Precincts, Electoral Councils and Bureaus

(1) For administration of the republican referendum, the CEC shall establish administrative electoral districts, which shall correspond to the second level territorial-administrative units of the Republic of Moldova, and district electoral councils pursuant to the provisions of the Article 27 hereof, to be correspondingly applied.

(2) The responsibilities of the district electoral councils shall be those provided in Article 28 of this Code, to be correspondingly applied.

(3) Electoral district shall be divided into precincts, pursuant to Articles 29 and 29¹ of this Code, to be correspondingly applied. A precinct electoral bureau shall be established for each precinct and exercise its responsibilities, pursuant to Articles 29, 29¹ and 30 of this Code, to be correspondingly applied.

(4) Powers of district electoral councils and precinct electoral bureaus shall expire upon the confirmation of republican referendum results by the Constitutional Court.

(5) Where the electoral district stands for only one locality and only one precinct, no precinct electoral bureau shall be established, its responsibilities shall be exercised by the district electoral council.

Art.159. excluded

Article 160. Support for Electoral Councils and Bureaus in Holding Republican Referendum, Their Activity Administration, Amendments in Composition and Dissolution

Support for electoral councils and bureaus in holding republican referendum, their activity administration, amendments in composition and dissolution shall be conducted pursuant to Articles 31-34 of this Code, to be correspondingly applied.

Article 161. Lists of Citizens Eligible to Participate in Republican Referendum

The lists of citizens eligible to participate in the republican referendum (voter lists) shall be compiled in accordance with Chapter 5 (Articles 39-40) hereof, to be correspondingly applied.

Article 162. Ballots

(1) Ballots shall set up the question or the draft law brought to republican referendum. To the right of the question or draft law two rectangles with the words "pro" and "contra" shall be horizontally placed, with two circles underneath.

(2) In the event that several questions are brought to republican referendum, each question shall be printed on a different ballot. In case several referendums are held at the same time, the ballots shall be of different color.

(3) Ballot papers shall be drawn up in accordance with the Law on Languages Spoken in the Republic of Moldova.

(4) Ballots shall be printed in a quantity that corresponds to the number of voters in the district.

(5) Ballots setting up the same question shall be printed in the same format, with the same font, on paper of the same color and density.

(6) The design and text of ballots and the exemplar of protocols of electoral councils and bureaus for the republican referendum shall be approved by the Central Election Commission.

(7) Ballots shall be passed over to district electoral councils three days prior to the republican referendum and to the precinct electoral bureaus one day prior to the referendum.

Article 163. Referendum Campaigning

Debates on the questions proposed for referendum shall be conducted pursuant to Article 47 of this Code, to be correspondingly applied.

Article 164. Voting

(1) Voting in the republican referendum shall be held pursuant to Chapter 9 (Articles 50-55) of this Code, to be correspondingly applied.

(2) Voters shall fill out the ballots by applying the "Voted" ("*Votat*" in the original) stamp inside one of the two circles under the rectangles with the words "pro" or "contra", thus expressing their will.

Article 165. Observation of Republican Referendum and Mass Media Coverage

Observation and coverage of the administering and holding the referendum shall be conducted, pursuant to Chapter 11 (Articles 63-64) of this Code, to be correspondingly applied.

Article 166. Counting and Tabulation of Republican Referendum Results

(1) The results of the republican referendum shall be tabulated under Chapter 10 (Articles 56-60) of this Code, to be correspondingly applied.

(2) The number of votes cast for "pro" and "contra" shall be entered into protocol on tabulation of republican referendum results.

(3) The results of republican referendum shall be examined by the CEC, which shall adopt a respective decision on that.

Article 167. Validation of Republican Referendum Results

(1) The CEC decision and the protocol on the results of the referendum shall be submitted to the Constitutional Court.

(2) The Constitutional Court within 10 days shall examine the documents submitted by the CEC and shall either confirm or not the results of the republican referendum.

Article 168. Decision Adoption, Publication and Entrance in Force of Referendum Proposal

(1) A republican referendum proposal shall be considered adopted if it gains the majority of voters who participated in the referendum. In the event that the draft of a constitutional law, which provides the amendment of provisions on the sovereign, independent and unitary character of the state, as well as provisions related to the permanent status of neutrality of the state, is proposed for referendum, it shall be considered adopted if it gains at least half of the voter's votes entered on voter lists.

(2) The adopted referendum proposal shall be published in a special issue of the Official Monitor of the Republic of Moldova. Date of adoption is considered to be the day of holding referendum. The proposal shall come in force upon its publishing in the Official Monitor or on the date specified in its text.

Article 169. Cancellation and Amendment of Decision Adopted by Republican Referendum

A decision adopted by republican referendum shall be cancelled or amended through republican referendum, or through the procedures provided for the Constitution's revision.

Article 170. Documents of Republican Referendum

Referendum documents shall be stored pursuant to Article 62 of this Code to be correspondingly applied.

Article 171. Invalid Republican Referendum

The Central Election Commission shall declare a referendum invalid if less than 1/3 of the citizens entered in voter lists participated in the referendum.

Article 172. Null Referendum

The Constitutional Court shall declare a referendum null throughout the republic or in certain territorial-administrative units, if serious violations of this Code occurred during the voting or vote counting and affected the results of the referendum.

Article 173. Repeat Republican Referendum

(1) In the event that the referendum is declared null, the CEC within one month shall organise a repeat referendum, throughout the entire country or in certain territorial-administrative units.

(2) The electoral councils and bureaus guilty of violations of this Code shall be replaced.

(3) The repeat republican referendum shall be organized and conducted under this Title and Code.

Article 174. New Republican Referendum

A republican referendum for the same proposal may be held in at least two years after the day of the previous referendum.