

**ELECTORAL CODE**  
**No. 1381-XIII of 21.11.97**

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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.

Parliament adopts this Code.

**Title I.**  
**General Definitions and Principles**  
**Chapter 1. General Definitions And Principles**

Article 1. General Definitions Used in this Code

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

"Electoral poster" refers to the appeals, statements, photographs and other materials used by electoral contestants for purposes of pre-election campaigning.

"Pre-election Campaigning" refers to the preparation and distribution of information seeking to persuade the voters to vote for one or another electoral contestant.

"Voter" refers to a citizen of the Republic of Moldova eligible to vote.

"State Register of Voters" – a unique integrated informational system of registration of voters of the Republic of Moldova, created on the basis of the State Register of Population, designed to collect, stock, update and analyze information on the citizens of the Republic of Moldova who have turned 18 and who are not legally limited to elect;

"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.

"General elections" refers to any type of elections conducted within one day - Sunday, or any other day - indicated in the decree establishing the date of elections, throughout the entire territory of the republic.

"Early elections" refers to the elections of the elective body in the event of mandate's ending before term, dissolution or territorial-administrative reorganisation.

"Electoral bloc" – a voluntary union of two or more parties and/or social-political organizations, which was created for joint participation in elections, being respectively registered with the Central Election Commission – in case of parliamentary elections and local general elections, or with the district electoral councils – in case of new local elections.

"Electoral campaign" refers to the time period allowed for activities aimed at persuading the voters to cast their votes for one or another candidate, commencing for each electoral contestant on the day he/she is registered with the Central Election Commission or district electoral council, and ending on the day of his/her exclusion from election process or on the election day.

"Candidate" refers to an individual who runs for an elective public position on behalf of parties, other socio-political organisations and electoral blocs.

"Independent candidate" refers to an individual who runs for an elective public position, independently of parties, other socio-political organisations and electoral blocs.

"Centre for Continuous Training on Elections" – specialized subdivision, created within the CEC to increase the qualifications of electoral officials and to ensure continuous professional training of electoral officials as well as of other actors involved in electoral process."

"Electoral district" refers to an administrative electoral unit where elections and referendums are organized and conducted.

"Code of Conduct" refers to a convention concluded between electoral competitors and representatives of mass-media regarding the modality of unfolding and coverage of the electoral campaign in a way that excludes the harming of dignity and reputation of electoral competitors.

"Electoral competitor" refers:

in a parliamentary election, to independent candidates, registered with the Central Election Commission, as well as to parties, other socio-political organisations and electoral blocs whose lists of candidates have been registered with the Central Election Commission;

in local elections, to parties, other socio-political organisations and electoral blocs, and individuals running for the position of mayor or councillor to the local council, registered by competent district electoral councils.

"Complaint" refers to a request to cancel or revise an act, a decision or an action.

"Central Election Commission" refers to the commission appointed to ensure election policies implementation, proper election administration, and which operates permanently under this Code.

"Nomination of Candidates" refers to a procedure of adoption by parties, socio-political organizations and electoral blocs of decisions regarding candidatures for elective positions, unfolded during the sessions of governing bodies of the parties, other social-political organizations and electoral blocs, in accordance with their statutes, after the announcement of the elections date.

"Domicile" refers to a person's permanent place of residence, confirmed in the Identity Card with the "domicile" stamp.

"Statement of residence" refers to a procedure through which the citizens with a right to vote declare their place of residence as on the day of election.

"Voting rights" refers to a citizen's constitutional right to elect, be elected and to vote on the most important issues of the state and the society on the whole and/or issues of special local interest.

"Electoral education" – an educational and non-political activity, carried out by civil society organizations and groups, educational institutions, mass-media and other interested parties, which aims at increasing the citizens' level of knowledge of political and electoral processes, to allow them to cast their vote consciously and freely. Electoral education may be freely conducted by the interested actors, by organising seminars, trainings, round tables, informational campaigns, public electoral debates and other education activities, which are not regulated by the Central Election Commission or other authorities;

"Electoral official" – an individual who acts or who acted under the current Code, as a member of the district electoral council or the precinct electoral bureau;

"List of candidates" refers to the list of candidates nominated by parties, other socio-political organisations and electoral blocs for participation in elections.

"Voter lists" refers to the lists of citizens with the right to vote who have the domicile or are residing within a precinct.

"Additional voters' list – a voters' list drawn up by the electoral body, where the persons who were not entered in the main voters' lists;

"Signature collecting sheets" refers to the list of voters signatures collected in support of candidates or to initiate a referendum.

"Locality" herein refers to a territorial-administrative unit, organized according to current laws (rayon, municipality, town, town sector, village (commune) and territorial-administrative unit with a special status).

"The minimum of special places for electoral posters" refers to specially arranged places for electoral posters, placed in one locality. The panels for electoral posters are placed uniformly in the radius of the whole locality. The minimum area provided for a candidate on a panel is 1 square meter. The space for electoral publicity allocated to the candidates should be equal for everybody.

"National observers" – representatives of qualified public associations of the Republic of Moldova or representatives of electoral competitors, accredited by the electoral bodies, under this Code;

"International observers" – representatives of international organizations, of governments of other states and of non-governmental organizations from abroad, as well as international election experts, accredited by the Central Election Commission;

"Protocol Office of Accredited International Observers" – a body created within the Central Election Commission during the electoral period to render necessary assistance to international observers for a good conducting of election observation.

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

"Socio-political organizations" refers to parties, fronts, leagues, political people's movements, registered according to the Law on Parties and Other Socio-Political Organisations.

"Parties" refers to voluntary citizens' associations, organized and registered according to the Law on Parties and Other Socio-Political Organisations.

"Electoral period" refers to the time period commencing on the day when the date of elections is officially announced and ending on the day when the final election results are confirmed by the competent bodies.

"Persons authorized to observe the electoral procedures" refers to representatives and observers of the electoral contestants at election administration bodies, observers accredited by the district electoral councils, observers accredited by the Central Election Commission, as well as representatives of mass media.

"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.

"Register of Electoral Officials" – a system of registration (personal data base) at the national level of the electoral officials, drawn up by Central Election Commission, which includes information on the officials' name, surname, year of birth, profession (occupation), function, employer, contact telephone number, domicile, the person/body who appointed them, and in case they participate in elections, the date of elections and their position within the electoral bodies.

"Residence" refers to a person's temporary place of residence, confirmed in the ID with the "residence" stamp.

"Revocation" refers to withdrawal of the mandate of an individual holding an elective public position by a court's decision and of the mandate of the mayor by local referendum.

## Article 2. Principles of Participation in Elections

(1) Citizens of the Republic of Moldova participate in elections on the basis of universal, equal and direct suffrage, with free and secret voting.

(2) Participation in elections is based on the citizen's free will. No one may exercise pressure on a voter to force him/her to participate or not in the elections, nor on the expression of a voter's free will.

(3) Citizens of the Republic of Moldova residing out of the country shall enjoy full voting rights under this Code. Representatives of diplomatic and consular missions are obliged to provide conditions for free enjoyment of voting rights by these citizens..

## Article 3. Universal Suffrage

Citizens of the Republic of Moldova have the right to elect and be elected regardless of race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, property or social origin.

## Article 4. Equal Suffrage

Every voter is entitled to one vote in one election. All votes have equal legal effect.

#### Article 5. Direct Suffrage

Every voter votes in elections personally. Voting on behalf of other individuals is prohibited.

#### 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 7. Free Voting

No one has the right to exert any pressure on a voter to make him/her vote or not, nor to prevent him/her from expressing his/her will independently.

#### Article 8. Election Day

Elections shall be held within one day, on a Sunday, or any other day as indicated in the decree establishing the date of the election, throughout the entire territory of the country or throughout respective area.

#### Article 9. Place to Exercise the Voting Right

(1) The voting right shall be exercised in the locality where the voter has a permanent place of residence (domicile), unless otherwise stipulated in this Code.

(2) In the case when the voter has a domicile and a residence at the same time, in the period of the residence's term validity, the voter votes in the locality in which he/she has his/her residence.

#### 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.

## **Chapter 2. The Right To Elect And Be Elected. Restrictions**

#### Article 11. The Right to Elect

Citizens of the Republic of Moldova, who by the day of the elections have reached the age of 18, have the right to vote, except for those legally deprived of this right.

#### Article 12. The Right to Be Elected

Citizens of the Republic of Moldova eligible to vote and meeting the requirements set forth in this Code have the right to be elected.

#### Article 13. Restrictions

(1) The following individuals cannot vote:

- a) those who do not meet the requirements specified in Article 11;
- b) those declared incapacitated by a final decision of a court of law;

c) individuals who have been deprived of the right to vote by a final court decision. The electoral bodies are informed about the existence of such restrictions by the Ministry of Interiors, Ministry of Justice, local public administration authorities and other relevant institutions, which hold the respective information;

(2) The following individuals cannot be elected:

- a) active duty military personnel;
- b) persons mentioned in paragraph 1;
- c) individuals who are sentenced to prison (deprivation of liberty) by a final court decision and who serve their sentence in penitentiary institutions, as well as individuals who have pending criminal records for deliberately committing crimes. The electoral bodies are informed about the existence of criminal records by the Ministry of Interiors;
- d) persons deprived of the right to take high-ranking positions by a final decision of a court of law.

(3) Citizens of the Republic of Moldova who ex officio are not entitled to be members of a political party or other socio-political organisation as well as high-ranking officials, whose appointment or election is stipulated by the Constitution of Republic of Moldova and / or organic laws shall suspend their position in office upon their registration as electoral contestants. These provisions concern:

- a) deputy prime-ministers, ministers and deputy ministers, ex officio members of the Government;
- b) heads of central public authority organs;
- c) chairperson of rayons and their deputy chairpersons;
- d) mayors and vice-mayors;
- e) praetor and vice praetor.

## **Title II.**

### **Common Provisions**

#### **Chapter 3. Election Administration Bodies**

Article 14. The System of Election Administration Bodies

(1) In order to organize and conduct elections, the following shall be established:

- a) Central Election Commission;
- b) District Electoral Councils;
- c) Precinct Electoral Bureaus.

Article 15. Representation in Election Administration Bodies

(1) Electoral contestants may appoint for the duration of the electoral campaign to election administration bodies which registered them, as well as to lower level election administration bodies one member-representative entitled to a consultative vote. Parties, other socio-political organizations and electoral blocs running in elections may appoint for the duration of the electoral campaign to the Central Election Commission one member-representative entitled to consultative vote.

(2) Representatives of the electoral contestants shall be confirmed by competent election administration bodies within three days. To be nominated as a representative, the person should have the right to elect and to be elected.

(3) General rights and obligations of the representatives of the electoral competitors are set by the decision of the Central Election Commission, as well as by the electoral competitors who appoint them.

## Section I. Central Election Commission

### Article 16. Formation of the Central Election Commission

- (1) The Central Election Commission is a state body established to implement election policy, to organize and conduct elections.
- (2) The Central Election Commission consists of 9 members: 1 member is appointed by the President of Republic of Moldova, the rest 8 members are appointed by the Parliament, by observing the proportional representation of the majority and of the opposition. The nominal composition of the Commission is approved by the Decision of Parliament with the vote of the majority of elected MPs.
- (3) After their confirmation by the Parliament, members of the Central Election Commission take the following oath during the parliamentary plenary session: “I swear to observe the Constitution and the laws of the Republic of Moldova, to protect citizens’ rights and fundamental freedoms, to fulfil with honour, consciousness and in an impartial way the duties assigned according to my position, not to make any political statements during the validity of my mandate.”
- (4) The Central Election Commission will conduct its activity in compliance with the Constitution, this Code, current legislation and the Commission's regulation, approved by its decision.
- (5) The Central Election Commission is a legal entity, has its own budget, bank account, and a seal representing the state coat of arms.”

### Article 17. Composition and Term of Office of the Central Election Commission

- (1) Chairperson, vice-chairperson and secretary of the Central Election Commission (CEC) are elected among CEC members with a majority of votes of the total number of its members. The sitting for the election of CEC chairperson, vice-chairperson or secretary will be chaired by two CEC members chosen with a simple majority of votes of CEC members, who are in charge with supervision of the procedure of debating on candidacies and electing of chairperson, vice-chairperson and secretary of CEC, with recording the results in a report. The sitting for election of chairperson, vice-chairperson and secretary of CEC shall take place not later than within 15 days since the decision on approval of the new CEC members came into force. Recalling from these positions takes place in cases stipulated by Articles 16, 19 and 20 of this Code.
- (2) If the candidate for the position of Chairperson, Vice-Chairperson or Secretary of the Commission does not receive a majority of votes, another round of elections shall be organized in which the candidates nominated for the same position in the previous round may participate.
- (3) The Chairperson, Vice-Chairperson and Secretary of the Commission shall work on a permanent basis. Other members of the Commission are convened by the Chairperson upon request. Position of Chairperson of the Commission is equal to Minister position, whereas positions of Vice-Chairperson and Secretary are equal to the one of deputy-minister.
- (4) Should any one of the positions mentioned in paragraph (1) become vacant, it shall be filled pursuant to the same election procedures described in this article.
- (5) Within two days of the date of its establishment, the Central Election Commission shall make public its composition, location of its office and its contact details.
- (6) The mandate of the CEC is five years. Upon expiration of the mandate, the composition of the Commission may be changed. If the mandate of the Central Election Commission expires during the electoral period, the mandate is automatically extended until this period ends and until new members occupy their positions, but it must not be extended for more than 90 days.

## Article 18. Meetings and Decisions of the Central Election Commission

- (1) The meetings of the CEC are deliberative provided that the majority of its members participate in them.
- (2) The Central Election Commission adopts decisions by a vote of the majority of its members. The decisions modifying, amending or abrogating acts, adopted by the CEC earlier, are adopted in the same conditions.
- (2<sup>1</sup>) Members of the Central Election Commission dissenting with adopted decisions have the right to submit special opinion in written, which is attached to CEC decisions.
- (3) Decisions of the Central Election Commission, passed within its competence, are administrative acts of individual or normative nature, to be fulfilled by the inferior electoral bodies, by public authorities, enterprises, institutions and organisations, by high officials, parties and other socio-political organisations and their bodies, as well as by all the citizens.
- (4) Decisions of the Central Election Commission are placed, within 24 hours after adoption on the Central Election Commission's official website and are published within 3 days in the Official Monitor of the Republic of Moldova.

## Article 19. Status of the Central Election Commission's Members

- (1) In composition of the CEC shall be nominated the persons who have citizenship of the Republic of Moldova and place of residence in the country, exceptionally high reputation for personal integrity and professional competence to carry out electoral activities.
- (2) During their mandate, the members of Central Election Commission:
  - a) may not be members of any political party or other socio-political organization that have nominated candidates for elective public positions;
  - b) may not engage in political activities;
  - c) cannot make statements for or against electoral contestants;
  - d) cannot contribute in any way to the activities unfolded by electoral contestants, except when under competence as provided in this Code.

## Article 20. End of Mandate of the Central Election Commission Member

- (1) The mandate of a Commission member shall be ended in the following circumstances:
  - a) mandate expiration;
  - b) resignation;
  - c) dismissal;
  - d) incapacity to exercise the mandate;
  - e) decease.
- (2) Member of the Central Election Commission is dismissed by the authority that appointed him/her in the following cases:
  - a) conviction of crime by the final decision of the court of law;
  - b) loss of citizenship of the Republic of Moldova;
  - c) declaration as a person with limited legal capacity or or incapacitated by a final decision of the court of law;
  - d) serious violation of the Republic of Moldova's Constitution and of the present Code.



(3). In case of violation of the conditions mentioned in Article 19 paragraph (2), and also in case of committing acts incompatible with their position, the members of the Central Elections Commission can be dismissed.

(4) Documents on dismissal shall be submitted to the Supreme Court of Justice by the authority that nominated the respective member to the CEC, and also by the Commission's members.

(5) Based on the Supreme Court of Justice ruling on dismissal of a member of the CEC and/or cease of CEC membership prior to mandate expiration, within ten days thereof, the competent body shall nominate and the Parliament shall approve a new member to serve until the expiration of his/her predecessor's mandate.

#### Article 21. Suspension of Professional Duties at the Place of Full Time Job of Non-permanent CEC's Members. Payment Conditions

(1) Members of the CEC, working on a non-permanent basis in its composition, are suspended from their professional duties at the place of full time job for the duration of the electoral period by a CEC decision.

(2) The positions of Chairperson, Vice-Chairperson and Secretary of the CEC shall be regarded as state position of first rank, whereas members of the Commission suspended from their professional duties at the place of full time job, as state position of second rank.

(3) During the electoral campaign (parliamentary elections, general local elections and republican referenda), the permanent members of the Central Election Commission are given an average salary rise of 25%. During the electoral period, the part-time members of the Commission will receive a salary 25% higher than the average salary from their permanent job, but not less than an average salary in the economy, from the financial means allotted for elections. In-between the electoral periods, the part-time members of the Commission receive an allowance of 15% of the average salary in the economy for one session held by the Commission.

#### Article 22. General Responsibilities of the Central Election Commission

The Central Election Commission shall:

- a) study the procedure of organizing and holding elections in order to improve electoral legislation and procedures;
- b) submit proposals to Government and Parliament concerning the expediency of operating changes to electoral legislation;
- c) develop regulations and instructions for improvement of the electoral procedures;
- d) provide the compilation and verification of voters' lists by co-operating in this regard with central and local public authorities, with the Ministry of Foreign Affairs and European Integration, with diplomatic missions and consular offices;
- e) keep and manages the Register of Electoral Officials who may be appointed to district electoral councils and precinct electoral bureaus, including those from abroad;
- f) set up District Electoral Councils and Precinct Electoral Bureaus for the partial elections to the local councils or for mayor;
- g) cooperate during the organisation and holding of elections with:
  - Ministry of Informational Technologies and Communications in respect to ensuring voters record including those who are out of the country according to State Register of Voters elaborated on the basis of State Population Register;
  - Local public authorities concerning the selection of competent personnel engaged in election administration bodies activity, the ensuring the polling stations with ballot boxes, voting booths, computers and other technical-material equipment;
  - Ministry of Interior in ensuring polls' and electoral documents' security;

- State enterprises and institutions during contracting for services as ballot printing and equipment supply;
- Mass media and public associations in conducting civic and voter education activities and raising public awareness about electoral procedures;
- Ministry of Foreign Affairs and European Integration, diplomatic missions and consular offices, in creating polling stations for the citizens from abroad;
- h) analyze the structure of electoral districts, in terms of existing territorial- administrative units of the republic;
- i) implement programmes of civic education;
- j) develop programmes on raising voter awareness during electoral periods;
- k) provide mass media with data on the unfolding of elections and the election administration practices employed;
- l) annually report to the Parliament and, upon request, to the President of the Republic of Moldova, Government or Parliament;
- m) bring to discussion electoral issues by mass media and public at large;
- n) establish contacts with political parties, other socio-political and non-governmental organisations entitled to nominate candidates for public positions, providing for their full participation in the electoral process;
- o) provide consultations to public associations interested to conduct civic education campaigns during elections;
- p) organize training courses and seminars for individuals selected to participate in the electoral process as members of district electoral councils or precinct electoral bureaus, as representatives of political parties, of other socio-political organisations and of electoral blocs within the electoral bodies;
- q) analyze electoral frauds, including allegations of frauds, presumed in past, current or future elections and take preventive measures; notify public authorities on the need to consider some issues in accordance with current laws;
- r) organize preliminary consultations with parties, other socio-political organizations, electoral blocs and representatives of mass-media, and ensure the signing by these the Code of Conduct before commencing of electoral campaign.
- s) keeps the State Register of Voters and is responsible for its updating;
  - t) initiates the validation procedure of the MP's mandate of the Republic of Moldova, in case a mandate of a deputy becomes vacant, in compliance with the procedure set forth in article 87 and 88 of this Code.

#### Article 23. Apparatus of the Central Election Commission

(1) The Central Election Commission is assisted by an apparatus whose personnel is approved by the Commission. During the electoral campaign (parliamentary elections, general local elections and republican referenda), the Central Election Commission may hire, if the case may be, personnel within the apparatus of the Commission, based on an individual labour contract, suspending the respective persons from the professional duties at their full time job for the duration of the electoral period.

(2) The remuneration of the permanent members of the apparatus of the Central Election Commission is done in compliance with the current legislation, for the electoral period (parliamentary elections, general local elections and republican referenda), having a salary rise of 25% of the average salary.”

#### Article 24. Funding of the Central Election Commission's Activity

Funds for the CEC activity shall be provided from the state budget. The Commission annually submits to the Parliament, by October 1, the proposal on including in the state budget the expenditures related to its functioning and holding of elections, including for the activities planned by the Commission for the next budgetary year, together with the approval of the Ministry of Finance.

## Article 25. Meetings and Activity of the Central Election Commission

(1) Meetings of the Commission may be called by the Chairperson or upon the request of 3 Commission members. When a meeting is requested by the Commission members, the decision to convene the meeting shall be made within 48 hours of submission of the request.

(2) All meetings in which the Commission discusses electoral issues, including meetings when the Commission is called upon to make a decision about them, shall be open to mass media, and also to the public. Meetings of the Commission shall be held only after 48 hours of public notice has been given, except for meetings during electoral periods, in which case shorter notice may be given if the matter to be discussed needs urgent consideration.

(3) The Central Election Commission shall ensure that electoral operations are carried out in a transparent manner enabling mass media and public to follow and evaluate the Commission's activity.

## Article 26. Responsibilities of the Central Election Commission during the Electoral Period

(1) During an electoral period, the CEC shall have the following responsibilities:

- a) coordinates the activity of all election administration bodies to prepare and conduct elections, according to this Code;
- b) oversees the implementation of this Code's provisions and other laws that affect the conduct of elections;
- c) establishes electoral districts and district electoral councils and supervise their activity;
- d) based on the data provided by the Ministry of Justice, publish the list of parties and other socio-political organisations entitled to run in elections, register electoral contestants and their authorized representatives in the event of parliamentary elections;
- e) distributes funds allotted for conducting elections; oversee the provision of district electoral councils and precinct electoral bureaus with offices, transportation and communication; and examine other issues of technical and material support for elections;
- f) establishes the form of ballots and of the main voter lists, of the supplementary list and of the list for voting at the place of residence, of the records of meetings of district electoral councils and precinct electoral bureaus and of other documents for conducting elections; and the design of ballot boxes and stamps for the electoral councils and bureaus;
- g) considers communications from public authority bodies on issues concerning the preparation and conduct of elections;
- h) resolves issues regarding participation in elections of those citizens who are out of the country at the time of voting;
- i) sums up the results of the elections in the entire country and, if necessary, submit a report on the elections results to the Constitutional Court;
- j) adopts decisions regarding activities of district electoral councils and precinct electoral bureaus, election procedures, elections organization and conduct, and technical and administrative issues;
- k) provides training for members of election administration bodies and employees of their apparatus as well as election information for voters through mass-media and any time upon request;
- l) considers statements and complaints regarding decisions and actions of district electoral councils and precinct electoral bureaus and adopt mandatory decisions thereupon;
- m) adopts decisions regarding the paid leave of electoral council members at their place of full time job for the time period of working with the electoral council and determines the number of precinct electoral bureau members who may get the paid leave at their place of full time job and the term of that leave;
- n) ensures conduct of the second round of elections, repeat elections, early, new or partial elections, pursuant to the provisions of this Code;

o) collects information about citizen's participation in elections, sum up preliminary results and make final results public;

p) in cases provided by article 69, paragraph (4), takes a decision in this respect and submits a request to cancel the registration of the respective electoral competitor to: Chisinau Court of Appeal – in case of parliamentary elections; – to the law court within whose area of jurisdiction the respective electoral council is situated – in case of general local elections or new local elections. The respective law court will examine the request and will issue a decision within 5 days, but not later than the day before the elections.

Article 26<sup>1</sup>. Centre for Continuous Training on Elections

(1) Centre for Continuous Training on Elections is a subdivision of the Central Election Commission, which conducts specialised training for electoral officials. Upon request, training may also be provided to other actors involved in the electoral process (political parties, observers, mass-media, local public administration, etc.). The Central Election Commission may decide on the suspension of the persons to attend training on election from their duties from the permanent job.

(2) The Centre for Continuous Training on Elections is financed by the means foreseen in the budget of the Central Election Commission, as well as by the means granted by international organisations, external and internal donors as technical/financial assistance.

(3) The Regulation of the Centre for Continuous Training on Elections is approved by a decision of the Central Election Commission.

## **Section II. Electoral Districts and District Electoral Councils**

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 will create 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 rest of the members are nominated by the parties and other socio-political organizations represented in Parliament on 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 their candidatures, the members of the electoral council are nominated by the Central Election out of 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 as of the date 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 their 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 salary 25% higher than the average salary from their permanent job, and not less than an average salary in the, from the financial means allotted for elections

*The provisions of art.27 and 29 concerning the acceptance in the electoral bodies only of the persons which posses the certificates issued by the Centre for Continuous Instruction in the electoral domain, provisions that will be enforced starting with 2013 (art.II, Law No. 216 of 17.09.2010);*

## Article 28. Responsibilities of District Electoral Council

District electoral councils shall have the following responsibilities:

- a) supervise the implementation of this Code and other laws affecting the elections administration;
- b) establish electoral bureaus and supervise the activity of precinct electoral bureaus; train their members, promote voting procedures and the importance of the vote;
- c) distribute allotted financial funds among precinct electoral bureaus;
- d) examine communications of local public administration bodies, directors of state entities, institutions and organizations regarding administration and holding elections;
- e) provide precinct electoral bureaus with forms of voters lists, protocols and ballots, etc.;
- f) register independent candidates and lists of candidates from political parties, socio-political organizations and electoral blocs and make public that information;
- g) ensure public access to the candidates' declarations of income and property during local elections;

- h) decide on the suspension from the permanent job of the members of electoral councils of first level and those of electoral bureaus during their activity within these councils and bureaus; proposes the suspension from permanent job of the members of electoral councils of second level;
- i) carry out tabulation of the results' process for the district, submit related documents to the Central Election Commission and ensure tabulation of the results' publication in the local press;
- j) collect information from the precinct electoral bureaus about citizen participation in elections and elections' preliminary results and submit them to the CEC;
- k) consider statements and complaints about decisions and actions taken by precinct electoral bureaus, and adopt mandatory decisions regarding them;
- l) take other actions related to the organization and conduct of elections.

### **Section III. Precincts and Precinct Electoral Bureaus**

#### 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), not later than 35 days before elections. Each precinct will have not 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 borders 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 elections, 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) "Individuals, who attended training courses within the Centre of Continuous Training on Elections and who hold certificates of corresponding qualification may be appointed as members of electoral bureaus. 3 candidatures of members to the precinct electoral bureau are nominated

by the local councils. The candidatures of other members of the precinct electoral bureau are nominated by parties and other socio-political organizations represented in the Parliament, 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, upon the proposal of the Central Election Commission, out of 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.

*The provisions of art.27 and 29 concerning the acceptance in the electoral bodies only of the persons which posses the certificates issued by the Centre for Continuous Instruction in the electoral domain, provisions that will be enforced starting with 2013 (art.II, Law No. 216 of 17.09.2010).*

Article 29<sup>1</sup>. Particularities of 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 relevant authorities 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 form 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 approval 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 recourses 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 as of 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 30. Responsibilities of Precinct Electoral Bureaus

Precinct electoral bureaus shall have the following responsibilities:

- a) keeps the voters' lists, ensures the integrity of the voters' lists and of the ballot papers;
- b) examines requests related to the mistakes in voters' lists, makes necessary changes in them, and issues voting certificates to voters who will be away from their place of domicile on election day;
- c) draws up supplementary voters' lists based on the State Register of Voters, by including also persons who vote on the basis of voting certificates, as well as voters who, for various reasons, were not entered in the main voters' lists;
- d) notifies the public residing within the precinct about the election day and the location of the polling station, prepare the polling station premises for voting and install ballot boxes and voting booths; organize voting on the elections day, ensure public order in the premises of the polling station;
- e) tabulates election results in the precinct, complete the protocols and reports, and submit them along with all ballots to the district electoral council;
- f) considers statements and complaints regarding elections administration and voting organisation, and adopt decisions in that regard, copies of which shall be attached to the report of the electoral bureau;
- g) provides the district electoral council with data regarding citizens participation in elections, as well as the data required for tabulation of the preliminary results of the elections;
- h) exercises other responsibilities according to this Code.
- i) ensures the access of voters, observers and electoral competitors to the information from the Register of Voters and the voters' lists.

### **Section IV. Support for and Activity of District Electoral Councils and Precinct Electoral Bureaus, Modification of Their Composition and Their Dissolution**

#### Article 31. Assistance to District Electoral Councils and Precinct Electoral Bureaus

(1) Public administration authorities, enterprises, organizations and institutions, officials, parties and other socio-political organizations and their bodies shall be obliged to provide support to electoral councils and bureaus in fulfilling their duties and supply information and materials necessary for their activity. Public administration authorities and their representatives shall provide support only upon request. Their support shall correspond to the needs and may not represent the actions evidently not meeting the needs.

(2) In matters relating to the organisation and holding elections, electoral councils and bureaus may address requests to public administration authorities, enterprises, organizations and institutions, officials, parties and other socio-political organizations and their bodies which shall consider those matters and respond within three days of receiving the request, but no later than the election day.

#### Article 32. Organization of the Activity of Electoral Councils and Bureaus



(1) Meetings of electoral councils and bureaus during electoral period shall be called and held by the chairperson, and, in case of his/her absence or at his/her request, by the vice-chairperson. In addition, a meeting may be called at the request of at least one-third of electoral council/bureau members.

(2) A quorum for holding a meeting of an electoral council/bureau shall be more than half of its members. All decisions of electoral councils and bureaus shall be taken by an open vote of the majority of its voting members, signed by the chairperson and the secretary. Upon a tie vote, the decision is not adopted and the examining issue is transferred to the next meeting. Members of the council or bureau who dissenting with adopted decisions have the right to submit in writing their special opinion, which shall be attached to the record of the meeting.

(3) The decisions of electoral councils or bureaus adopted within the scope of their authority must be complied with by all public administration bodies, enterprises, institutions and organizations, parties, other socio-political organizations and their bodies, and all citizens.

(4) The Central Election Commission shall establish the number of election administration body members who shall get the paid leave from the place of their full time job and the time period of that leave. Such individuals shall receive a payment from the fund allocated for the elections that consists of 25% increase to the average monthly wage at their place of full time job, plus raises, supplements, allowances and remuneration, but not less than an average country wage per current year, or per previous year if elections are conducted in January or February. If retired or temporarily unemployed persons are engaged, they shall receive an average country salary per current year, or per previous year if elections are conducted in January or February. Members of election administration bodies who continued to work at the place of their full time job shall receive a payment of 15 % increase to the average wage per economy for activity during the election period, including the Election Day.

(5). Civil servants who are members of election administration bodies or employees of their apparatus and who got the paid leave from their place of full time job shall keep their statute of civil servants in the election period.

(6) If necessary it is allowed to sign the individual work contracts for the determined time period. Inquired expenses shall be covered from the funds allotted for elections.

(7) Members of electoral councils or bureaus shall not campaign for or against candidates running for elective public position; shall not engage in any political activity of support of any electoral contestant; shall not be affiliated with any of them; shall not provide any financial support or other contribution, directly or indirectly, to any electoral contestant. In local elections members of electoral councils and bureaus with deliberative vote shall not be spouse, relatives by blood or by marriage of the first and second degree with a candidate running in elections. Judges appointed in the district electoral councils shall not examine the electoral cases in respective electoral district starting the date of electoral council establishment.

(8). Chairpersons of the electoral councils and bureaus shall be responsible for ensuring the maintenance and return of the goods received from the Central Elections Commission, being liable in accordance with the current legislation.

### Article 33. Changes in Composition of Electoral Councils and Bureaus

(1) The member of the electoral council or bureau shall be excluded from its composition:  
upon personal request;  
upon recall.

(2) The member of the electoral bureau or of the electoral council is recalled by the body (authority) or by the electoral competitor who appointed him/her, for the violation of the interdictions set forth in article 32, paragraph (7) of the present Code, for the infringement of voters' electoral rights, for the groundless absence at two consecutive sessions of the electoral body or for the refusal to implement decisions of the electoral body they are party to; ascertained through a decision of the electoral body he/she is a party to. In case it was challenged – after its confirmation by the hierarchically superior electoral body.

(3) If a member resigns or is recalled from the electoral council or bureau before the day that precedes elections day, a vacant member's position may be replaced as established by this Code.

#### Article 34. Dissolution of Electoral Councils and Bureaus

(1) Electoral councils and bureaus established under this Code shall close their activities and be dissolved by a decision of the election administration body that has established them, as soon as final results of the elections are made public by the Central Election Commission (respective district electoral council).

(2) As a rule, district electoral councils and precinct electoral bureaus shall close their activity as soon as they submit all necessary documents to the Central Election Commission and, if needed, to the court of law.

(3) After dissolution of electoral councils or bureaus in compliance with this Code, the payment of the members, that got the paid leave from their place of full time job, is closed and these members return to the places of their full time job.

### **Chapter 4. Material Support of Elections**

#### Article 35. Supply of Materials Necessary for Conducting Elections

(1) Expenses for the administration and holding elections shall be born by the State.

(2) The amount of these expenses shall be established by Parliament within the limits of the provisions of the law on the state budget for the year when the elections are conducted. The respective proposals shall be submitted by the Central Election Commission to the Government. The Government shall examine the proposals and then present them to Parliament for approval. In the event that the expenses are not foreseen in the ongoing year budget, their amount shall be established by Parliament, at the proposal of the CEC.

(3). The amount of financial funds, as established by the Parliament, is monthly transferred to the account of the Central Election Commission in limits of approved budget. After elections, the Central Elections Commission shall submit to the Parliament, within the shortest term possible, a report on the administration of the allocated financial funds along with the assessment statement undertaken by the Court of Accounts.

(4) Unused funds shall be transferred back to the state budget.

(5) Terms and conditions of funds distribution and expenditures and also of final expenses report publication shall be established by the Central Election Commission under the conditions provided for by this Code.

(6) Local public administration authorities, enterprises, institutions and organizations shall provide electoral councils and bureaus with the office space and equipment necessary for elections' administration and results' tabulation

## Article 36. Prohibition of Foreign Support to Electoral Campaign

(1) Direct or indirect funding or material support of any kind for the electoral campaign of candidates in an election and of electoral contestants by foreign countries, foreign, international or joint enterprises, institutions, organisations, as well as by individuals who are not citizens of the Republic of Moldova is prohibited. Such funds are confiscated to the state budget through a court decision. The given provisions cannot be interpreted and applied for the funds allotted to support the efforts to promote democratic values, international standards for free and fair elections.

(2) In the event that a contestant has consciously used funds from abroad, the Central Election Commission asks Chisinau Court of Appeal to cancel the registration of the contestant.

## Article 37. State Support for Electoral Campaigns

(1) The electoral contestants receive loans without interest rates from the state.

(2) State budget loans may be received only by a person, responsible for finance, appointed for this purpose by the electoral contestant. Financially responsible persons shall be natural or legal entities, registered with the Ministry of Finance. They shall all share responsibilities with the electoral contestants who appointed them.

(3) State loans received shall be cleared off fully or partially by the state depending on the overall number of votes received by the electoral contestant in the respective district. The sum to be cleared off by the state shall be established by dividing the sum of loan received by the number of voters who participated in the elections, and then multiplying it by the number of valid votes cast for the electoral contestant.

(4) Electoral contestants who fail to receive at least three percent of the valid votes cast in the election throughout the republic, or in respective district, including the independent candidates who were not elected, shall pay back state loans received within two months of the voting closer. Other electoral contestants shall pay back the state loans within four months.

(5) In the event that the elected and validated mayor refuses to exercise his/her mandate, he/she shall pay back the expenditure related to the organisation and holding of elections.

## Article 38. Terms and Conditions of Financial Support for Electoral Campaigns

(1) Direct or indirect financing and material support in any form for the electoral campaign of a contestant in an election by national natural and legal entities may be used only under the following conditions:

a) as of the start of election campaign, financial or other material support for the candidates in elections will be declared in the press on a weekly basis: in a publication of Republic-wide circulation - in parliamentary elections; or in a publication with regional circulation in respective district - in local elections;

b) after establishment of electoral council or bureau, electoral contestants shall also report any funds or other support they obtain from the sources described in this Article, prior to making use of them.

c) information on the income and the expenditures of the electoral competitors is posted on the web site of the Central Election Commission within 24 hours as of its reception, and it will include data on the identification of the individual or legal entity who donated/spent the financial means, their sum and the numbers of financial records documents.

- (2) Electoral contestants shall open a bank account, specified as an "Electoral Account", to which the participants shall transfer their own money, funds granted by natural and legal entities of the country. These funds may only be transferred into the account with the candidate's prior consent. The ceiling of funds to be transferred to the electoral accounts shall be established by the CEC.
- (3) Electoral contestants shall confirm with the Central Election Commission the person responsible for the finances (treasurer). Electoral contestant who fails to open a bank account, specified as "Electoral Fund" shall communicate the fact to the Central Election Commission.
- (4) Legal entities may wire money to the "Electoral Fund" only through bank transfer, which is to be accompanied by a note on the existence or non-existence of a foreign share in the statutory capital.
- (5) The following may not, under any circumstances, fund or support electoral campaigns:
- a) citizens of the Republic of Moldova under the age of 18 years;
  - b) state budget organizations;
  - c) anonymous persons;
  - d) charity or religious organizations.
- (6) Legal and natural entities may not order electoral advertising materials for the electoral contestants and cover the expenses related to their production without electoral contestants' consent, and may not use the funds that are not wired to "Electoral Fund" of respective contestant.
- (7) Funds wired to the "Electoral Fund" may not be used for personal interests. Electoral contestants are prohibited to offer voters money or gifts, to distribute goods free of charge, including humanitarian aid or other charity.
- (8) Electoral contestants shall submit once a fortnight financial reports to the competent election administration bodies, which will include data on the income and expenses to destinations.
- (9) The bank shall notify the Central Election Commission and the respective district electoral council of the funds transferred to a contestant's account within 24 hours of the day of the transfer. The CEC or the district electoral council may request the Court of Accounts or the State Tax Agency along the Ministry of Finances to verify the sources of income, the accuracy of financial report and expenditure to destination by electoral contestants.
- (10) The Central Election Commission or district electoral councils shall maintain a file including all the data referred to in this Article, and shall make the file available to the public for information purposes. In addition, a competent election administration body shall summarize this information on a weekly basis and issue a weekly report on the amount of contributions received by each electoral contestant, and the sources from which it has been received. The respective election administration body shall release its final pre-election report two days prior to election day, and shall also prepare a final report summarizing all the information it has received concerning the amount and sources of contributions to the electoral contestants.

#### Article 38<sup>1</sup>. State Register of Voters

- (1) State Register of Voter is a unique integrated informational system of the registration of voters of the Republic of Moldova, designed to collect, stock, update and analyse information on citizens of the Republic of Moldova, who have turned 18 and who are not legally restricted to elect. The procedure of institution, administration, correction and updating of the State Register of Voters is set by the decision of the Central Election Commission.

(2) The voters' lists are created by the Central Election Commission, on the basis of the State Register of Population. The body holding the Register provides free of charge data and information necessary to draw up and to update the State Register of Voters, to the Commission, each year, not later than 31 January, as well as periodically, and in case elections – immediately as the date of election is announced.

(3) The following data about every voter are entered in the State Register of Voters:

- a) name and last name;
- b) date, month and year of birth;
- c) personal numeric number – IDNP;
- d) domicile address (country, locality, street, block, apartment);
- e) residence address (country, locality, street, block, apartment);
- f) series and number of the ID (identity card, passport, military service record, etc.)

(4) Voters residing or domiciled abroad, as well as voters who are temporarily abroad, upon their request, are entered in the State Register of Voters, with the data corresponding to their last domicile or residence address.

(5) Deceased persons and persons who lost the citizenship of the Republic of Moldova are excluded from the State Register of Voters, according to the information submitted by the authority holding the State Register of Population. The persons who lost their electoral rights are kept in the State Register of Voters with the mention “lost the electoral right” and are not entered in the voters' lists.

(6) Data and information entered in the State Register of Voters are designed exclusively for electoral processes and are available on the Central Election web site. Any entered person may request information only on his/her own entered data.

*The new provisions of art.38<sup>1</sup> and 39, as well as other new provisions referring to the State Registry of the Voters and to the voters' rolls will enter into force starting with the general local elections of 2011. (art.II, Law No. 216 of 17.09.2010).*

## **Chapter 5. Voter Lists**

### **Article 39. Voter Lists**

(1) Voters' lists, which are drawn up based on the State Register of Voters, are the lists which include all citizens entitled to vote, who have their domicile or residence on the territory of a polling station. A voter may be included only in one voters' list and only in one electoral precinct. The voter who has both domicile and residence, during the validity of his/her residence, is included in the voters' list of the electoral precinct in the territorial area of his/her residence. The Regulation on drawing up, management, circulation and updating the voters' lists is approved by the Central Election Commission.

(2) The following information is included in the voters' list:

- a) locality and the number of the polling station;
- b) voter's name and last name, year of birth;
- c) voter's domicile / residence;
- d) personal numeric code – IDNP;
- e) series and number of the identity act.

(3) In case of communes, the voters' lists are compiled per villages and, if the case may be, per streets, but in case of cities and municipalities – per streets and blocks, the distribution of voters being made on the basis of data submitted by the respective local public administration authority.

(4) Voters' lists including military personnel located in military units, their family members, other voters domiciling in military units, are compiled on the basis of data submitted by the respective military unit commanders. Military personnel domiciling outside military units, as well as their family members, shall be included in the voters' list at their place of their domicile.

(5) Voters' lists for electoral precincts set up in sanatoriums and rest houses, in hospitals and other curative institutions will be compiled on the basis of the persons' own declaration about their location place or of the data presented by the heads of the above-mentioned institutions.

(6) Voters' lists for electoral precincts constituted outside the Republic of Moldova will be compiled on the basis of data collected by heads of diplomatic missions and consular offices acting on the territory of the respective countries. At the beginning of electoral campaign, diplomatic missions and consular offices inform the public about voters' list and update them. 25 days before elections, the procedure of updating the voters' list ceases. The updated voters' lists are immediately sent to the Central Election Commission.

(7) If the voter changes his/her domicile in the period between the day of drawing up the voters' lists and the Election Day, the precinct electoral bureau corresponding to the previous domicile, upon voter's request and upon the presentation of his/her identity act accepted for the participation in elections, will issue the voter a voting certificate. The voter who receives the voting certificate will confirm its reception by signing the voters' list next to his/her name, or next to the heading "Note", which includes number and the issuing date of the voting certificate, as well as the name of the electoral bureau who issued it.

(8) The persons entitled to vote who, after their last participation in elections, changed their place of domicile, are entitled, not later than 30 days before next elections, to declare their new place of domicile to the local public administration body, in order to be included in the voters' list of the polling station corresponding to their place of domicile. The respective local public administration bodies shall immediately send this information to the Central Election Commission.

(9) The Central Election Commission sends voters' lists to the local public administration authorities/diplomatic or consular missions at least 22 days prior to the Election Day, in 3 official copies, stamped and with other protection signs on each page. Two copies of the voters' lists are immediately sent to the precinct electoral bureau, and a copy is kept with the Mayor's Office/diplomatic or consular mission.

(10) Voters may request the Central Election Commission or the electoral bureau to introduce modifications to the voters' lists not later than 5 days before the elections, this information being immediately communicated to the Central Election Commission, together with the proving documents: voter's request and declaration, copy of the identity acts.

*The new provisions of art.38<sup>1</sup> and 39, as well as other new provisions referring to the State Registry of the Voters and to the voters' rolls will enter into force starting with the general local elections of 2011. (art.II, Law No. 216 of 17.09.2010).*

#### Article 40. Voter Lists Revisions and Updates

(1) Voters' lists will be made available in the premises of the polling stations, and shall be posted on the official web site of the Central Election Commission 20 days before the election day. A copy of the list shall be kept at the mayoralty. Voters shall be notified, via all the available communication means (mass media, phone, posters, internet), not later than twenty days prior to elections, about the location of the polling station where they can vote.

(2) Citizens shall be provided with an opportunity to become familiar with the voter lists and to scrutinize the accuracy of their compilation. They have the right to submit a complain against their names being omitted or excluded from the list, as well as errors in personal data introduced in the list. The complaints are examined by respective election administration bodies within 24 hours. In case of refusal to amend the voter list or introduce a person the decisions of election administration bodies may be appealed in the court of law by parties involved according to established procedure.

(3) The Central Election Commission elaborates and adopts the Regulation on the procedure of drawing up, verification and updating the voters' lists, clearly regulating the issues on: sending voters' lists to electoral bureaus; including/excluding voters by the members of the precinct electoral bureaus; further presentation of the final voters' lists and other necessary issues.

## Chapter 6. Nomination and Registration of Candidates

### Article 41. Candidates Nomination

(1) In the case of parliamentary elections, the process of candidates nomination starts 60 days before the elections date and ends 30 days before the elections date. In case of local elections, the process of candidates nomination starts after the establishment in accordance with Article 120 the electoral districts and district electoral councils.

(2) The following have the right to nominate a candidate for election, provided they meet all applicable requirements set forth in this Code:

- a) Parties and other socio-political organizations legally registered prior to the announcement of elections, in accordance with their statutes and current legislation;
- b) electoral blocs, formed based on the decisions taken according to the Statutes (regulations) of political parties and other social-political organisations which formed them, which are registered: with the Central Election Commission – in parliamentary elections and in local general elections or, respectively, with the precinct electoral councils – in case of new elections. The candidates shall be nominated within 15 days as of the date of setting up the electoral blocs, and in case the electoral blocs were formed before the start of electoral period – within 15 days as of the start of this period;
- c) Citizens of the Republic of Moldova who nominate themselves for elections (independent candidates).

(3) Candidate statements of agreement to run in elections shall be submitted as follows:

- a) Statements by candidates for the office of members of Parliament shall be submitted to the Central Election Commission;

Statements by candidates for positions of mayor and councillor to local council at local elections shall be submitted to district electoral councils.

### Article 42. Collection of Signatures in Support of a Candidate

(1) Signatures are collected only in support of an independent candidate or for initiating a referendum. In local election signatures are collected only in the districts where independent candidates are running for elections.

(2) Only independent candidates and members of a citizen initiative group, who nominate and/or support independent candidates, and persons authorized by independent candidates, as well as members of initiative group for holding a referendum, have the right to collect signatures.

(3) Lists for collecting signatures in support of an independent candidate, as well as for holding a referendum (hereinafter signature collecting sheets) shall include the last and first name, year of birth, profession, position, place of work, place of residence and party membership of the candidate, as well as the last and first name of the person who collects the signatures. Signature collecting sheets shall contain only signatures of voters who live in one locality.

(4) A voter who supports the candidate, as well as a person who supports holding a referendum, shall indicate on the signature collecting sheet his/her first and last names, year of birth, place of residence, series and number of identification document, date of signing the list, and signature.

(5) Each voter may sign the signature collecting sheet in support for only one candidate in any elections.

(6) The individual who collects voters' signatures must sign every sheet of the signature list in the presence of the head of local public administration authority where signatures were collected. Signature collectors shall write at the end of each sheet an attestation to the effect that the

collector personally collected the signatures and confirmed the identity of the persons whose names appear on that sheet, and sign the sheet. The signature list shall be certified on each sheet with the official stamp of the respective local public administration authority.

#### Article 43. Submission and Verification of Signature Collecting Sheets

(1) After the signature collecting sheets have been submitted, the competent election administration body shall start verification of the authenticity of the signatures on sheets, whether the persons whose names appear on the lists have the right to vote, and their residence. The signature collecting sheets shall be checked within five days of the day of submission.

(2) The electoral council shall inform submitters of signature collecting sheets about the results of verification and shall announce the total number of names included on the sheets submitted by each candidate in elections, as well as the number of signatures found valid.

(3) Persons collecting signatures in signature collecting sheets shall be held responsible for the authenticity of the data included in sheets.

(4) The following shall be considered null and void:

- a) signature collecting sheets in which names have been entered prior to the official start of the nomination period,
- b) signatures on the signature collecting sheets that are considered to be counterfeited;
- c) signature collecting sheets that are filled in by failing to meet the requirements of Article 42, paragraph (6).

#### Article 44. Registration of Candidates

(1) To register a candidate for an election, the following documents must be submitted to the Central Election Commission or district electoral councils no later than 30 days before the election day:

- a) an official record of the meeting of the supreme or territorial body of the party, other socio-political organisation and electoral bloc regarding the nomination of the candidate (list of candidates);
- b) signature collecting sheets with the required number of signatures in support of independent candidates;
- c) candidate's background (curriculum vitae);
- d) candidate's statement of agreement to run for the office for which his/her candidacy has been nominated, including also the statement, on his/her own responsibility, on the absence of legal and judicial interdictions to run for the office;
- e) candidate's declaration stating his/her real estate, bank deposits, stocks, inherited income, income over the two years preceding the election year, and the sources of that income, including income derived from investment funds as interests, lease of property, etc.
- f) candidate's declaration for mayor's position to recall from any activity incompatible with that position for the duration of the mayor's mandate, in the event of his/her election and mandat's validation.
- g) declaration on suspension from previously held position, for the time period of electoral campaign - for the persons who fall under the provisions of paragraph (3) of Article 13.

(2) Representatives of parties and other socio-political organisations, electoral blocs and independent candidates shall submit the documents for registration only after the Central Election Commission, respective district electoral councils make public the place (office) and



time of receiving those documents. This information shall be made public within two days of the launch of candidate's nomination period. Period of time between adoption of a decision concerning the place and time of receiving documents and the established in decision the time itself shall be not less than 24 hours. If representatives of several political parties, other socio-political organisations, political blocs, several independent candidates simultaneously submit all the necessary documents for registration, the order or receiving them shall be established by lots in accordance with the regulations drawn up by the Central Election Commission and published in the Official Monitor of the Republic of Moldova.

(3) Respective election administration body shall register candidates for elections within seven days of the date of submission of the documents indicated in paragraph (1).

(3<sup>1</sup>) Within the same elections, a person can run for several eligible positions only on the behalf of one political party or one electoral bloc.

(4) Nominated for elections candidates may not be engaged in neither composition no activities of any district electoral council or precinct electoral bureau during the period of that elections.

(5) Respective election administration body shall issue a certificate of candidacy to registered candidates in shortest term but no later than three days of the day of registration.

(6) Respective election administration body shall make public in budget funded mass media its decisions on registration of independent candidates or lists of candidates.

(7) Upon expiration of the term for candidates' registration respective election administration body shall publish the integral list of registered candidates, providing the name, surname, year of birth, place of residence, political affiliation, profession (occupation), and the name of the party, socio-political organisation, electoral bloc, that has nominated them. Lists of candidates shall be available for public awareness at any polling station.

## **Chapter 7. Electoral Campaign**

### **Article 45. Authorized Representatives of Electoral Contestants**

(1) Contestants in an election may have authorized representatives in every district. Authorized representatives assist the contestants in conducting their electoral campaign, campaign for them and represent their interests in relations with public administration authorities, voters and electoral councils and bureaus. The number of authorized representatives for each electoral contestant shall be determined by the CEC or the respective district electoral council.

(2) Electoral contestants shall independently choose their authorized representatives and notify the respective election administration bodies, which shall register and certify them.

(3) Authorized representatives of contestants in parliamentary elections shall be registered by the Central Election Commission. In elections for mayors and councillors in local councils, authorized representatives of candidates shall be registered by the respective district electoral council.

(4) Electoral contestants may, at any time before the day preceding elections, suspend the representatives' authority, and replace him/her with other persons.

(5) Authorized representatives of electoral contestants, upon request, shall be granted unpaid leave from the place of full time employment. They may not get paid from funds allotted for the

conduct of elections. For the electoral period authorized representatives may not be fired or dismissed from their responsibilities at the place of full time employment without their consent.

(6) Authorized representatives of electoral contestants holding public offices shall not use public funds and property for electoral campaigns.

#### Article 46. Guaranteed Rights of Electoral Contestants

(1) The electoral contestants shall participate in the electoral campaign on an equal basis and shall have equal access to mass media, including radio and television, financed by the state budget.

(2) All electoral contestants shall be guaranteed equal opportunities for technical and material support and funding of the electoral campaign.

(3) Candidates are entitled for temporary unpaid leave from the place of their full time employment for the period of holding the electoral campaign.

(4) In parliamentary elections candidates may use all state-owned means of transportation (except taxi) within the country borders free of charge. In local elections candidates shall exercise this right within the borders of respective electoral district only.

(5) During the electoral period, candidates may not be fired or transferred to another place of work or position without their consent. Also they may not be held criminally liable, arrested, detained or subjected to any administrative sanctions without the consent of the election administration body which registered them, with exception of arrest in flagrant delict.

(6) Electoral contestant may, no latter than seven days prior to election, withdraw his candidacy by addressing in writing a declaration to this effect to the election administration body which registered his candidacy. Parties, socio-political organizations and electoral blocs may introduce any amendments in registered lists of candidates subject to specified term and provision of Articles 79 and 126. Upon expiration of the above mentioned term, the registration of electoral contestant can be cancelled only by the election administration body that registered him on the basis of the court of law decision, and also in case of electoral contestant's death or emergence of conditions of Article 13, paragraph (2).

(6<sup>1</sup>) Candidate's application to be withdrawn from the list of electoral contestant submitted during the term established by paragraph (6) shall be examined by respective competent party' body within 3 days.

(7) If an electoral contestant withdraws his/her candidacy or his/her registration is cancelled after ballot papers have already been printed, the precinct electoral bureau shall stamp "withdrawn" ("Retras" in the original) next to his/her name, on the ballot.

(8) Electoral contestant who has withdrawn his/her candidacy is obliged to return the material and financial assistance which he/she has been allotted from the state budget to conduct the electoral campaign.

#### Article 47. Pre-election Campaigning

(1) Citizens of the Republic of Moldova, parties and other socio-political organizations, electoral blocs, candidates and trustees of the candidates have the right to put forward for free discussion and under all aspects the candidates' electoral programs, their political, professional and personal skills; as well as to organize electoral campaigning during the meetings, reunions

with the electorate, through mass media, through electoral banners and other forms of communication.

(2) The exercise of this right may be subject to a series of formalities, conditions, restrictions or sanctions regulated by the law, which represent necessary measures in a democratic society, for national security, territorial integrity or public safety, protection of order and prevention of crimes, protection of health or morals, protection of reputation, protection of the rights of others, for hindering the disclosure of confidential information or for guaranteeing the authority and impartiality of the judicial power.

(3) Electoral propaganda is allowed only after the electoral competitor's registration with the electoral body.

(4) The procedure of posting, under equal terms, of the electoral advertising on advertising boards, including the private ones, is approved by the Central Election Commission and is made public as soon as the electoral period starts.

(5) Electoral competitors may organize meetings with the electorate. Local public administration authorities are obliged to ensure the possibility of organising such meetings on equal terms and conditions. Electoral bodies shall be informed in case of some irregularities identified in relation to the organisation and holding of meetings.

(6) Candidates may not use public means and goods (administrative resources) during the electoral campaigns, and public authorities/institutions and other related institutions may not send/grant to the electoral competitors public goods or other benefits unless on a contract basis, providing equal terms to all electoral competitors.

(7) Local public administration authorities are obliged, within 3 days as of the registration of the electoral competitor, to establish and guarantee the minimum of special places for electoral advertising, as well as to establish a minimum of premises for organizing meetings with the voters. The respective decisions (orders) are immediately displayed at the premises of these authorities and are made public to the interested subjects via mass media and other available means of communication.

(8) Electoral propaganda on Election Day and the day preceding the elections is prohibited. This prohibition does not refer to the information which has been already posed on internet and to the posters previously displayed.

## **Chapter 8. Ballot Preparation**

### **Article 48. Form of Ballot-Papers**

(1) The design and the text of the electoral ballot for the election of Parliament shall be approved by a vote of the Central Election Commission. In local elections, the design of ballots shall be approved by the CEC whereas their text shall be approved by a decision of the respective district electoral council.

(2) The ballot shall be divided into as many rectangles as there are electoral contestants. The size of the rectangle must be large enough to include the first and last name, the date of birth, profession (occupation), position and place of employment of the candidate, the name of the party, socio-political organisation an electoral bloc that nominated the respective candidate or a list or candidates, and, upon request, the contestant's electoral symbol or signs. Identical contestant's electoral symbols or signs shall be prohibited.

(3) Electoral contestants are listed on a ballot in the order determined by lots' results daily drawn by competent election administration body.

(4) In the left side of each rectangle shall be printed the electoral sign or the symbol of the electoral contestant that nominated the list of candidates or respective candidate, or, optionally, the electoral symbol of the independent candidate. The contestant's electoral sign and symbol

shall be presented to competent election administration body together with other documents for registration of electoral contestant.

(5) In the right side of every rectangle, and at an equal distance from the top and bottom margins, a 15 mm diameter circle shall be printed in which the voter applies the stamp with the inscription "Voted" ("Votat" in the original) on it next to chosen candidate.

(6) Ballots shall be drawn up in accordance with the Law of the Republic of Moldova "On the Functioning of Languages Spoken in the Republic of Moldova".

(7) In the event that several types of elections are held simultaneously, the ballots shall be of different colors.

#### Article 49. Preparation of Ballot-Papers

(1) Ballots shall be printed according to instructions of respective election administration bodies. The members of Central Election Commission are bound to assist, and representatives of electoral contestants may assist, at the development of the ballot matrix, at the printing of the ballots, as well as at the matrix destruction.

(2) Ballots shall be printed no later than three days prior to elections, in a quantity not exceeding the number of voters, on opaque paper. Each ballot shall bear both the serial number of respective district and polling station. Printed ballots are folded to conceal the ballots' face which the voter stamps "Voted".

(3) Printed ballots shall be stored by the responsible district electoral council and delivered to precinct electoral bureaus on the eve of elections based on an act of delivery. Central Election Commission sends the ballots papers to the electoral bureaus of the polling stations set up abroad at least 3 days before the election day, on the basis of the estimate number of voters established according to the information submitted by the Ministry of Foreign Affairs and European Integration and that collected by the Central Election Commission, but not more than 3000 ballot papers for each polling station.

(4) The premises where ballots are stored shall be guarded by the police. Only the chairperson of respective district electoral council or precinct electoral bureau, accompanied by at least two other members of the council or bureau, shall have access to them during this period.

(5) Representatives of electoral contestants, as well as any voter, shall have the right to familiarize with ballots' samples at the precinct electoral bureau.

(6) The ballots for parliamentary elections shall be passed over to district electoral councils by the Central Election Commission not later than two days before the election.

### **Chapter 9. Voting**

#### Article 50. Time and Place of Voting

Voting is carried out on Election Day between 7:00 and 21:00. The precinct electoral bureau shall publicly announce the time and place of voting no later than 10 days before the election day.

#### Article 51. Voting Conditions

(1) During the time allotted for voting neither the polling station place nor the voting process may be closed, with the exception of cases of mass disorders, natural disasters, or other unforeseen circumstances which make conducting the elections impossible or dangerous for the

voters. In such cases the chairperson of the precinct electoral bureau may suspend voting for no more than two hours to bring the polling station place to its proper state or move it to other place, having notified the voters of this fact.

(1<sup>1</sup>) While holding local elections, when it is impossible to reopen the voting that has been suspended according to paragraph (1), after 2 hours, the voting is considered suspended for a period of no more than 2 weeks and the Central Election Commission within 3 days shall adopt a decision on the day of reopening the suspended voting. The voting shall reopen under the same legal conditions.

(2) Individuals entitled to observe the voting may not be compelled to leave the polling station during a time when the voting has been suspended.

#### Article 52. Organization of Voting

(1) Voting shall be carried out at specially equipped places with desks for ballot issuing, voting booths or rooms for secret voting and ballot boxes. Boxes must be placed in such a way that to approach them the voters first shall enter voting booths to vote in secret. The premises shall have a sufficient number of voting booths or rooms so as to avoid large crowds of voters.

(2) For purposes of maintaining order at the polling station and avoiding a crowd of voters, the precinct electoral bureau shall establish a path for the movement of voters, beginning with the entry to the tables where the ballots are handed out, then to the secret voting booths, and on to the ballot boxes.

(3) The polling station shall be furnished in a way to allow the members of the precinct electoral bureau and other persons authorized to observe the electoral procedures to continuously monitor all aspects of the voting process, including voter identification, issuance of ballots and voters' casting ballots into ballot boxes, as well as ballots counting and filling in the results' protocols.

(4) The provision of the polling station with voting booths, ballot boxes, and other necessary materials shall be the responsibility of local public administration authority.

(5) Precinct electoral bureau shall be liable for voting administration, ensuring the secrecy of voters' will, equipping the premises and maintaining order at polling stations.

#### 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) Voters 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 given 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) service certificate 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.

(4<sup>1</sup>) 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 54. Balloting Procedure

(1) The ballot shall be filled out by the voter in a secret voting booth or room. A voter who is unable to fill out the ballot him/herself has the right to invite another individual into the voting booth, with the exception of members of the electoral bureau, representatives of electoral contestants, and persons authorized to observe electoral procedures. Such cases of assistance to unable person shall be mentioned in the report of precinct electoral bureau.

(2) The voter shall apply the stamp with the inscription "Voted" (“Votat” in the original) in the circle of only one of the rectangles on the ballot, which shall signify that he/she has voted for the respective electoral contestant. The circles in the rest of the rectangles should be left blank.

(3) It shall be prohibited for any person to take an issued ballot out of the polling station.

(4) Each voter shall vote only for one electoral contestant.

(5) *Excluded*

(6) If a voter has spoiled a ballot by mistake, at his/her request the precinct electoral bureau shall cancel it and issue a new ballot but only once. In this event, a note later shall be made in the result protocol and in the voter list.

(7) The voter shall place the ballot stamped "Voted" into the ballot box.

#### 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. In the voter list, 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 station 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.

## **Chapter 10. Vote Counting**

### **Article 56. Votes Counting by Precinct Electoral Bureau**

(1) Upon expiration of time provided for voting, the chairperson of the precinct electoral bureau shall announce the closing of voting and give instructions to close the premises of polling station. Precinct electoral bureau then begins counting procedure.

(2) Before opening the ballot box, all unused ballots shall be counted, and cancelled by the precinct electoral bureau by applying the stamp "cancelled" thereupon ("Anulat" in the original), after that tied apart and sealed.

(3). Before counting the votes obtained by electoral contestants, the precinct electoral bureau shall establish the number of voters that were issued ballots by counting the number of voters' signatures included in the voter lists and supplementary voter lists.

(4) After checking the seals on the ballot boxes, the chairperson of the precinct electoral bureau in the presence of the members of bureau and persons authorized to observe electoral procedures shall open the ballot boxes. Mobile ballot boxes shall be opened first, the ballots from mobile ballot box are counted, and then the stationary ballot boxes shall be opened.

(5) The precinct must be provided with a sufficient number of tables so that all ballots taken from the ballot boxes may be counted in one place visible to all members of the precinct bureau and others in attendance. Badges with the names of the electoral contestants shall be placed on the tables for vote counting.

(6) The number of ballots taken out of mobile ballot boxes shall first be counted separately, and reconciled with the number of ballots issued for mobile voting, and only after that the obtained number shall be sum up with other ballots in order to count votes obtained by the electoral contestants.

(7) According to a procedure determined by the precinct electoral bureau, or upon instructions provided by the Central Election Commission or competent district electoral council, members of the precinct electoral bureau shall unfold the ballots and determine for which electoral contestant the ballot was cast. The ballots for each electoral contestant shall be counted and



packed separately, and the results of the counting shall be entered on a special counting sheet as they are determined and are communicated to superior election administration body.

(8) Before the number of votes obtained by each electoral contestant is entered on the results protocol, representatives of electoral contestants and other persons authorized to observe the electoral procedures shall be provided an opportunity to recheck the figures entered on a special counting sheet.

(9) The precinct electoral bureau shall not include invalid ballots in total number of counted valid votes.

(10) After closing the polling station, the precinct electoral bureau is considered to be in a meeting to count the votes and to file bureau's protocols and report. All members of the precinct electoral bureau shall remain at the polling station and participate in the operations of the bureau during this entire period, unless prevented from doing so by a physical disability or other extraordinary circumstances.

#### Article 57. Invalid Ballots

(1) The following types of ballots shall be considered invalid:

- a) ballots with the identity numbers of district and precinct which do not correspond to respective numbers of district and polling station where the ballot was cast in a ballot box;
- b) ballots of other than the legally approved form;
- c) ballots on which the stamp "Voted" ("Votat" in the original) has been applied in more than one rectangle;
- d) ballots on which the stamp "Voted" has not been applied in any rectangle;
- e) ballots in which the voter has added the name of other additional electoral contestants;
- f) torn ballot with a mark indicating a choice for one candidate has been altered, erased or crossed out and as a result the voter's option is not clear.

(2) As long as the intention of the voter is clear, the ballot may not be declared invalid simply because the voter applied several times the "Voted" stamp in a single rectangle, or applied it outside the circle of the rectangle or on the electoral contestant's symbol or sign.

(3) Prior to declaring a ballot invalid, the chairperson of the precinct electoral bureau shall provide all members of the bureau and persons authorized to observe electoral procedures with an opportunity to scrutinize it.

(4) If members of the precinct electoral bureau have doubts about the validity of a ballot, the question shall be decided by a vote, and the results of the vote shall be entered in the protocol of bureau's meeting.

#### Article 58. Protocol and Report of the Precinct Electoral Bureau

(1) The precinct electoral bureau shall draw up a protocol, in two copies, that includes:

- a) the number of voters included in the voter list;
- b) the number of voters included in supplementary voter lists;
- c) the number of ballots issued to voters;
- d) the number of voters that voted;
- e) the number that reflects the difference between the number of ballot issued and the number of people who voted;
- f) the number of invalid ballots;

- g) the number of valid votes cast for each electoral contestant (for each issue put up for referendum);
- h) the total number of valid votes cast;
- i) the number of ballots received by precinct electoral bureau;
- j) the number of unused and cancelled ballots.

(2) The sample of the protocol on the results of vote counting, drawn up by the precinct electoral bureau, is set by the Central Election Commission for any type of elections. Prior to election day the respective electoral council shall provide precinct electoral bureaus with the necessary number of protocol forms.

(3) The results of the vote counting shall be examined at a meeting of the precinct electoral bureau and entered into the protocol, which shall be signed by the chairperson, deputy chairperson, secretary, as well as by the rest of bureau's members. The absence of signatures of certain members of the precinct electoral bureau shall not make the protocol invalid. However, the reasons for the absence of these signatures shall be indicated in the report of the precinct electoral bureau.

(4) The protocol on the voting results shall be prepared in several copies in the presence of precinct electoral bureau members, representatives of electoral contestants and other authorized persons. A copy of the protocol shall be kept at the polling station, a copy shall be submitted to district electoral council, a copy shall be immediately posted at the entrance into the polling station, whereas the others shall be obligatorily handed out to representatives of electoral contestants and observers.

(5) The chairperson of the precinct electoral bureau shall also prepare the bureau's report based on the written record of the bureau's activities during the electoral period. The report shall include a summary of statements and complaints on precinct electoral bureaus activity as well as decisions concerning those complaints adopted by the bureau. The chairperson shall sign the report and shall give the other members an opportunity to provide written comments and additions to it and after that shall ask the rest members of the bureau to put their signature on the document. Complaints and statements shall be attached to the report.

(6) The chairperson of the precinct electoral bureau shall hand over as soon as possible, but in no event later than 18 hours after the announcement of the closing of the polling stations, to the district electoral council the valid ballots sealed separately for each electoral contestant, results protocol, report, invalid, unused, or contested ballots as well as statements and complaints in a sealed box. The sealed box shall be transported under police guard, with the chairperson and at least two members of the precinct bureau in attendance at all times. The precinct electoral bureau established outside the Republic of Moldova shall submit, apart from the listed documents, the supplementary voter lists as well.

(7) Precinct electoral bureau stamps shall be kept in a sealed box at the polling station. After closing elections stamps shall be handed over to district electoral councils.

#### Article 59. Tabulation of Votes by the District Electoral Council

(1) After receiving from the precinct electoral bureaus the protocols and reports presenting the results of voting in the precincts, the district electoral council shall first establish the number of voters participated in the election. The district electoral council shall promptly report this figure to the Central Election Commission. In the event the voters' turnout throughout the entire electoral district is less than required for valid elections in that district, the district council should also indicate that fact to the Central Election Commission. Either the Central Election Commission or the district electoral council should announce publicly that the election in the entire country or that district is considered invalid.

(2) On the basis of the protocols of precinct electoral bureaus, the district electoral council shall establish, with respect to the entire district:

- 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 that 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 invalid ballots;
- 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 ballots received by district electoral council;
- j) the number of unused and cancelled ballots.

(3) The district electoral council shall then draw up a record (protocol) on vote tabulation throughout the entire electoral district. This record shall be signed by all members of the district electoral council, who shall also have the opportunity to have whatever comments they wish to make attached in writing to the record. Copies of the record on vote tabulation shall be handed over to the representatives of electoral contestants and observers upon request.

(4) The district electoral council shall submit the record of its vote tabulation in the district to the Central Election Commission within 48 hours of the closing of the polling stations. When submitting the protocol to the Central Election Commission, the district electoral council posts at the entrance of its office the table with the detailed information concerning the district elections results.

#### 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.

(2<sup>1</sup>) 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 61. Announcement of Preliminary Results

(1) Prior to receiving voting results from all subordinate electoral councils and bureaus, the election administration body responsible for tabulation shall periodically announce partial results upon their reception as soon as possible. In parliamentary and general local elections, preliminary results, divided per precinct, will be posted on the official site of the CEC, as soon as they are processed.

(2) The election administration body responsible for tabulation shall publicly announce the overall results of the election as soon as possible once all the voting results have been received from the subordinate electoral councils and bureaus, in case when the complains submitted to election administration body or to competent court of law are not affecting the election's results.

(3) Responsible for tabulation shall be:

- a) the Central Election Commission with respect to parliamentary elections, general local elections and republican referendum; or
- b) competent district electoral council, in case of local elections and local referendums.

#### Article 62. Storage of Election Documents

(1) The Central Election Commission shall keep the electoral records and materials in accordance with the Law on State Archive Fund of the Republic of Moldova and with the Regulation on the organisation and functioning of the Archive of the Central Election Commission, approved by the decision of the Central Election Commission.

(2) Upon expiration of the electoral period, district electoral councils shall dispose of the electoral documents and materials as follows:

- a) lists of candidates, one copy of protocols and reports prepared by district electoral councils and by precinct electoral bureaus, copy of special counting sheet, stamps of district electoral councils and of precinct electoral, signature collecting sheets of independent candidates, and also other electoral materials, financial report and delivery act of financial documentation to rayon (municipality) council (local public administration authority of second level) are submitted to the Central Election Commission. In case of general local elections, lists of councilors elected in local councils, lists of candidates in reserve and lists of electoral contestant presented in decreased order for each district shall also be submitted to the Central Election Commission;
- b) valid, invalid and cancelled ballots, voters' lists and voting certificates, one copy of protocols and reports prepared by district electoral councils and by precinct electoral bureaus, copy of special counting sheet, all complaints together with decisions adopted on them, and in case of general local elections lists of councilors elected in local councils, lists of candidates in reserve and lists of electoral contestant presented in decreased order for each district shall be submitted to the court of law according to territorial competence of district electoral council;
- c) one copy of protocols and reports prepared by district electoral councils and by precinct electoral bureaus, ballot boxes, copies of Election Code, Regulations of election administration bodies activity and other electoral materials are submitted to local mayor's office in district where the district electoral council operated.

„(2<sup>1</sup>) Upon the expiration of a 6-month term, the valid ballot papers, invalid ballots and annulled ballots, as well as voting certificates sent back to the law court will be destroyed, but the voters' lists shall be forwarded to the Central Election Commission within 10 days as of the validation of elections.

(3) The Central Election Commission shall provide access to documents mentioned in this article under provisions of Law on Access to Information.

## **Chapter 11. Elections Observation and Mass Media Coverage**

### **Article 63. Observers**

(1) At the request of any electoral contestant, the district electoral council shall accredit an observer for each polling station to monitor the elections. The authorized representatives of candidates may also be accredited as an observer. In the event the district council finds that an individual proposed for accreditation under this paragraph is unacceptable, it shall inform the electoral contestant who proposed that person of its reasons. The refusal to register observers must be justified and can be appealed according to hierarchical competence, and later – in the law court.

(2) At the request of electoral contestants, the Central Election Commission shall accredit an observer for monitoring the elections in polling stations established outside the Republic of Moldova. As observers can be accredited the citizens of the Republic of Moldova that are out of the country, and also the representatives of international and foreign nongovernmental organizations from abroad.

(3) Upon request, the Central Election Commission will accredit the representatives of international organizations, foreign governments and non-governmental organizations as election observers, as well as their interpreters.

(4) By decision of the Central Election Commission or the district electoral councils shall be accredited representatives of competent public associations from the Republic of Moldova to observe the elections. For purposes of this paragraph, a "competent" public association is one which is committed under its statute to promote human rights and democratic values.

(5) Observers accredited by the Central Election Commission shall have the right to monitor election process on the territory of entire country and at all polling stations but observers accredited by district electoral councils shall have that right only on the territory of respective district. Accredited observers are entitled to attend any electoral procedures and meetings of electoral administration bodies, including on the election day, without interfering with the voting process or other election procedures, and to report any irregularities observed to the chairperson of an electoral bureau. Observers have access to all electoral information, to voters' lists, to the protocols drawn up by the electoral bodies, they may take photos and video by notifying the chairperson of the electoral body, without jeopardising voting secrecy and security. National observers may submit notifications on the revealed irregularities, which are to be examined by the chairperson of the electoral body, by informing the author of the notification on the taken decision. The accredited observers may continue their activity in the second round of elections, as well as during the repeated elections/referendum.

(6) The observers can be accredited before the commencing of electoral period and can perform their activity on elections day and also in the periods before, during and after the elections. Regulation of Observers Accreditation shall be adopted by the decision of the Central Election Commission.

(7) To ensure the efficient activity of international observers during the electoral period, the Central Election Commission creates the Protocol Office of Accredited International Observers. The numeric composition and principles of activity of this Office are set up by the decision of the Central Election Commission.

#### Article 64. General principles of media coverage of elections

(1) Public broadcasters, within all program services, and written media founded by public authorities are obliged to observe the principles of fairness, balance and impartiality while covering elections.

(2) Broadcasters and written media are obliged to provide equal, non-discriminatory conditions while granting airtime or advertisement space for paid electoral advertising.

(3) Public broadcasters will allocate free airtime to the electoral competitors in a fair and non-discriminatory manner, based on objective and transparent criteria.

(4) Media outlets will not adopt privileged treatment towards electoral competitors due to their social status and/or the positions held by its candidates.

(5) During the electoral period, public broadcasters and written media founded by public authorities will make a clear distinction, in their journalistic materials, between fulfilling the official duties and the electoral activity carried out by persons who do not fall under the incidence of article 13, paragraph (3).

(6) Electoral competitors and/or candidates who consider that their rights have been violated have the right to reply. The written request on granting the right to reply is submitted to the media outlet within 2 calendar days as of the broadcasting/publication of the information. In case of broadcasters, the refusal to grant the right to reply may be challenged at the Audiovisual Coordinating Council, and in case of written media – at the law court. The right to reply is granted within 3 calendar days as of the submission of the request/appeal, but not later than the day prior to the Election Day, under the same conditions their legitimate rights have been infringed.

(7) Media outlets are entitled to cover elections and to inform the public about all electoral issues, free from any interference from public authorities, electoral competitors/candidates or other entities.

#### Article 64<sup>1</sup>. 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 electoral 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 12. Judicial Proceedings**

### **Section I. Complaints Concerning Organization and Conduct of Elections**

#### **Article 65. Complaints**

(1) Voters and electoral competitors may challenge the actions/inactions and the decisions taken by the electoral councils and bureaus, as well as the actions/inactions of the electoral competitors. A complaint may be lodged to the court, only after prior addressing the electoral body hierarchically superior to the body whose decision is challenged.

(2) The complaints on the organization and holding of elections are examined by the electoral bodies, by observing their hierarchy. The detailed procedure for the examination of complaints during the electoral period is approved by a decision of the Central Election Commission.

(3) Complaints on the coverage of the electoral campaign by the broadcasters, which are under the jurisdiction of the Republic of Moldova, are examined by the Audiovisual Coordinating Council, in accordance with the provisions of the Audiovisual Code, and the complaints related to written media are examined by the court.

(4) The decisions on the complaints adopted by the electoral bodies and the Audiovisual Coordinating Council may be appealed in court.

(5) The complaint shall contain the description of the alleged violations, proofs, legal ground, the claimant's requirements, signature and identity data of the person who submits it. In case of complaints concerning the decisions issued by the electoral bodies, the burden of proving their legality rests with the respective bodies.

#### Article 66. Submission of Complaints

(1) Actions/inactions and the decisions of electoral bodies, as well as actions/inactions of the electoral competitors, may be challenged at the electoral body within 3 calendar days as of date of committing the action or adopting the decision. The term for submitting the complaint is calculated starting with the next day of the date when the action/inaction was committed or identified or when the decision was adopted.

(2) In local elections, the decisions on the complaints related to the actions/inactions of the electoral competitors taken by the electoral councils may be appealed in the court within whose territorial jurisdiction the respective electoral council or situated.

(3) Complaints against the actions and decisions of the Central Election Commission will be submitted to the Chisinau Court of Appeal.

(4) Complaint of the electoral competitor cannot be submitted by the member of the respective electoral council, but it may be submitted by the representative of the electoral competitors in the respective electoral body or by a person empowered by the electoral competitor by proxy.

(5) If the examination of the complaint is not under the competence of the respective electoral body, the complaint, together with all attached materials shall be urgently sent for the examination of the competent authority, within maximum 2 calendar days as of its reception.

#### Article 67. Consideration of Complaints

(1) Complaints against actions and decisions of the CEC filed during an electoral period shall be considered and adjudicated within five calendar days of their filling.

(2) Complaints against actions and decisions of district electoral councils or precinct electoral bureaus are examined within 3 calendar days as of their submission, but not later than the Election Day. While examining the complaints and disputes, electoral bodies/courts will give priority to those that refer to the registration of electoral competitors and to the accuracy of compiling the voters' lists

(3) Complaints filed to court on the day of elections shall be considered and adjudicated on the same day, whereas complaints against decisions of election administration body on results tabulation and mandates' award shall be adjudicated by court in the same time with confirmation of the elections'' legality and the validation of mandates.

(4) The activity of the courts shall be organized in such a way that statements, complaints and appeals are adjudicated without delays.

(5) Complaints filed to courts shall be considered and adjudicated pursuant to the Code of Civil Procedure and the Law on Administrative Jurisdiction..

#### Article 68. Courts Rulings on Complaints



- (1) A court of law shall rule under the Code of Civil Procedure and Law on Administrative Jurisdiction.
- (2) After examining the materials regarding confirmation of elections' legality and validation of mandates, a court shall rule on confirming legality of elections in respective district, validate mandates of the elected councilors and mayors, as well as the list of candidates for councilors' position.
- (3) In the event that a court has confirmed legality of elections, but tabulation errors are found in protocols, the court shall, on its own initiative, or at the request of contesting part, annul, totally or partially, the protocol and shall exclude the electoral contestant with a smaller number of valid votes, replacing him/her with the electoral contestant with a greater number of valid votes according to decreasing order of numbers after votes are divided by a number of mandates .
- (4) A court of law shall not validate results of local elections in respective electoral district if frauds committed during elections or during tabulation of results have affected the elections' results.
- (5) Court rulings shall be final and binding for execution upon its adjudication.
- (6) Court rulings may be appealed within three days of their adoption.
- (7) Such appeals shall be examined within three days of submission.

## **Section II. Penalties for Electoral Law Violation**

### **Article 69. Legal Liability**

(1) Individuals and legal entities who violate the provisions of the electoral legislation, hinder the free exercise of citizens' electoral rights, hinder the activity of the electoral bodies, are liable in compliance with the current legislation.

(2) For violation of the electoral legislation, the Central Election Commission or the district electoral council may sanction the electoral competitors by warning or by requesting the cancellation of the registration.

(3) The warning is applied by a decision of the Central Election Commission in case of any elections, as well as by a decision of the district electoral council – in case of local elections.

(4) The cancellation of the registration is applied upon the request of the Central Election Commission, and in case of local election – upon the request of the district electoral bureau, by a final court decision which stipulates:

a) deliberate usage of undeclared financial and material funds by the electoral competitor or exceeding the threshold of financial means from the electoral fund, in all cases in considerable proportion (more than 5% of the allowed sum);

b) deliberate usage of undeclared financial means or financial means from abroad;

c) non-suspension of the candidate from the position he/she holds, when he/she is obliged to do so, leads to the annulment of the registration of the independent candidate or to the exclusion of the respective candidate from the list.

### **Article 70. Criminal Penalties**

(1) The following acts shall constitute crimes and be punished in keeping with the Criminal Code:

- a) preventing eligible voters to vote and to be elected and if the same actions are accompanied by causing serious injuries or a threat to life;
  - b) falsifying elections' results by different techniques;
  - c) opening ballot boxes before the term established by law for voting closing;
  - d) attacking the premises of the polling station, or stealing ballot boxes or electoral documents.
  - e) deliberative voting of a person: without having this right, either twice or more times, either by introducing more ballot papers in the ballot box than he/she has the right to, or by using a fake identity act or a false ballot paper;
- (2) Criminal cases for crimes described in paragraph (1) shall be pursued by prosecution bodies.
- (3) The chairpersons of election administration bodies and other officials are obliged to inform the prosecution bodies immediately whenever they become aware of evidence that an action, which in their opinion includes elements of a crime, related to conducting elections has been committed.
- (4) Criminal cases regarding the actions listed in paragraph (1) committed during the electoral campaign are examined by the prosecutor's office in a period of 5 days.

#### Article 71. Penalties for Offences

- (1) Unlawful actions stipulated in articles 47 – 53 of the Code on Offences of the Republic of Moldova shall constitute offences and shall be subject to liability for the offences.
- (2) The administrative offences are ascertained and examined by the bodies of the Ministry of Interiors, according to the Administrative Code.
- (3) The chairpersons of electoral bodies and other public officials, who have conclusive information on committing administrative offences, are obliged to immediately inform the bodies of the Ministry of Interiors about the actions, which, in their opinion, contain constitutive elements of administrative offences related to holding elections, and which became known to them.

### **Title III. Parliamentary Elections**

#### Article 72. Applicability of this Title

This Title (Articles 72-94) shall be applicable only to elections for mandates to serve in the Parliament of the Republic of Moldova.

#### Article 73. Parliamentary Elections

(1) Parliament of the Republic of Moldova shall be elected by an universal, equal, direct, secret and freely expressed vote, for a four-year term..

(2) Elections to Parliament shall be conducted based on one national electoral district in which 101 deputies shall be elected.

#### Article 74. Administrative Electoral Districts and Precincts. District Electoral Councils and Precinct Electoral Bureaus

(1) For administrative purposes, the Central Election Commission shall establish, at least 55 days prior to election day, administrative electoral districts corresponding to the territorial-administrative units of the second level of the Republic of Moldova, and at least 50 days prior to elections, electoral councils, pursuant to the provisions of Article 27 of this Code, to be correspondingly applied. The responsibilities of the district electoral councils shall include those put forth in Article 28 of this Code, to be applied correspondingly, except for letter (g).

(2) Electoral districts shall be divided into precincts, pursuant to Articles 29 and 29<sup>1</sup> of this Code, to be applied correspondingly.

(3) The precinct electoral bureaus shall be established and shall exercise their responsibilities, pursuant to Article 29, 29<sup>1</sup> and 30 of this Code, to be applied correspondingly.

#### Article 75. Candidates for Parliamentary Elections

(1) Citizens of the Republic of Moldova, eligible to vote, who have reached the age of 18 years by and on election day, have permanent residence in the country and meet the requirements provided herein may be candidates for deputy mandates.

(2)-(4) *excluded*

#### Article 76. Calling the Date of Elections

(1) The election of members of Parliament shall be held within three months as of the expiration of Parliament's mandate, or as of the dissolution of the Parliament.

(2) The day of Parliamentary elections is being called by a Parliament's decision no later than 60 days before the election day.

(3) In the event of Parliament dissolution by the President of the Republic of Moldova, elections of the new Parliament shall be called by the same decree of the President. Early elections shall be conducted after at least 60 days, but not later than 3 months as of the dissolution of the Parliament.

## Article 77. Registration of Electoral Contestants

In order to be registered electoral contestants shall submit to the Central Election Commission the documents stipulated in Article 44 of this Code.

## Article 78. Special Requirements for Signature Collecting Sheets

(1) Signature collecting sheets in support of an independent candidate are drawn up and verified pursuant to Articles 42-43 of this Code, to be correspondingly applied.

(2) To be registered by the Central Election Commission, independent candidates shall submit signature collecting sheets with signatures of at least 2,000 and at most 2,500 supporters eligible to vote.

(3) Upon verification the signature collecting sheets, the Central Election Commission shall nullify false signatures and signatures that were applied to several signature collecting sheets. .

(4) If upon scrutiny the submitted number of signatures is found insufficient or if in the result of invalid signatures exclusion the overall number of signatures decreases under the minimum threshold provided for in paragraph (2) of this Article, the independent candidate shall not be registered and the decision to that effect shall be conveyed to him/her within 24 hours of adoption.

(5) Upon receiving and registration of necessary documents stipulated in Article 44 by the Central Election Commission it shall not be allowed to submit supplementary signature collecting sheets.

## Article 79. Special Requirements for Candidates List Registration

The number of candidates included in the lists on the date of registration shall not be fewer than 51 persons and not greater than the number of seats in the Parliament, stipulated in the Constitution, with two reserve candidates. If after the registration the number of persons listed in the list of candidates is reduced under the established minimum, the registration is not cancelled, the electoral contestant being warned by the Central Electoral Commission.

## Article 80. Amendments to Lists of Candidates

(1) Electoral competitors have the right to recall their candidacy, their entire list of candidates, to substitute a candidate, or cancel their decision to include any particular candidate in the list not later than 7 days prior to Election Day.

(2) The decision to recall the candidacy, to recall or amend the list of candidates is adopted by the nominated person or organization, or by the person and organisation who presented the list of candidates, which is submitted to the Central Election Commission, which immediately makes it public.

## Article 81. Voter Lists

Voter lists for elections of members of Parliament shall be compiled pursuant to Chapter 5 (Articles 39-40) of this Code, to be correspondingly applied.

## Article 82. Electoral Campaign during Parliamentary Elections

Electoral campaign during parliamentary elections shall be carried out pursuant to Chapter 7 (Articles 45-47) of this Code, to be correspondingly applied.

### Article 83. Ballots

(1) Ballots shall be drawn up pursuant to Chapter 8 (Articles 48-49) of this Code, to be correspondingly applied.

(2) On the ballot an independent candidate shall be listed in a separate rectangle where his/her first and last name shall be written, mentioning "independent candidate."

### Article 84. Voting

(1) Voting during the parliamentary elections shall be carried out pursuant to Chapter 9 (Articles 50-55) of this Code, to be correspondingly applied.

(2) Students and pupils with the right to vote matriculated in an educational institution located in a locality where they do not have a domicile or residence visa, may vote at any polling station open in that locality, being bound to observe the following requirements:

- a) to present the ID card and ID slip;
- b) to present the student card, which mentions the educational institution of the given locality where the respective student is matriculated;
- c) to fill in and to sign a statement on student's own responsibility.

(3) Voters specified in paragraph (2) are included in the additional list, mentioning the educational institution where they are matriculated, under the heading "Note".

### Article 85. Vote Counting and Tabulation of Results

Vote counting and tabulation of Results are pursuant to Chapter 10 (Articles 56-60) of this Code, to be correspondingly applied.

### Article 86. Threshold for Winning Parliamentary Seats

(1) Upon receiving records of results tabulation in all districts from all district electoral councils, the Central Election Commission shall tabulate the number of valid votes cast for each party, other socio-political organization, every electoral bloc and independent candidate, in order to establish whether or not they have reached the minimal threshold to be represented in Parliament.

(2) The threshold for winning parliamentary seats is as follows:

- a) for a party or socio-political organisation - 4% of the valid votes cast in entire country;
- b) for an electoral bloc formed of 2 parties and/or social-political organisations – 7 per cent;
- c) for an electoral bloc formed of 3 and more parties and/or socio-political organisations – 9 per cent;
- d) for an independent candidate – 2 per cent.

(3) Parties, other socio-political organizations, electoral blocs and independent candidates who gained less votes than the percentage provided in paragraph (2) are excluded from the procedure of mandates' allocation by a decision of the Central Election Commission.

### Article 87. Number of Mandates Obtained by the Electoral Contestants

- (1) The mandates of a member of the Parliament of the Republic of Moldova are distributed only to the electoral competitors who gained the necessary minimum of votes to pass the representation threshold set in article 86.

- (2) The allocation of parliamentary mandates to the parties, other socio-political organisations and electoral blocs is done only after establishing the number of the independent candidates who gained at least 2 per cent of the valid votes cast. The respective number of independent candidates is subtracted from the total number of MP mandates in the Parliament.
- (3) The number of votes for independent candidates who gained at least 2 per cent of the valid votes cast is subtracted from the total number of valid votes cast in the respective parliamentary elections. The number of votes gained is divided to the number of MP mandates left after the subtraction of the mandates gained by independent candidates, thus obtaining the electoral coefficient of the respective parliamentary elections.

The number of valid votes cast gained by each party, other socio-political organisation or each electoral bloc, which passed the representation threshold set in article 86, is divided to the electoral coefficient, thus obtaining the number of mandates for each electoral competitor. The fraction number greater than 5 are round up, and those less than 5 are round down.

- (5) The undistributed MP mandates are successively distributed, each party, social-political organisation and electoral bloc receives one, starting from the one who received most mandates, in decreasing order.

#### Article 88. Mandates' Allocation

- (1) The Central Election Commission shall allocate mandates to electoral contestants in the order of their inclusion in the candidate lists.

(2) Candidates included in lists of electoral contestants who cleared the threshold established under art 86, but not elected will be declared candidates on reserve list. Candidate on reserve list shall be declared elected by the Constitutional Court, upon the request of the Central Election Commission, in the event that, for certain reasons, a parliamentary mandate owned by a party, socio-political organization or by an electoral bloc becomes vacant. Candidate on reserve list may refuse the parliamentary mandate by submitting a written statement to that effect to the Central Election Commission.

- (3) If a party, other socio-political organisation or electoral bloc gets more mandates than the number of candidates entered in the list of this party, socio-political organisation or electoral bloc, a number of mandates equal to the number of candidates in the list will be allotted.

(4) The remained MP mandates are allocated to other parties, socio-political organisations or electoral blocs according to the procedure set in article 87, paragraph (5). The same procedure will be followed in case of vacant mandates, if the electoral competitor does not have reserve candidates or if the mandate obtained by the independent candidate becomes vacant.

#### Article 89. Confirmation of Results and Mandate Validation by the Constitutional Court

- (1) The Central Election Commission shall, within 48 hours of the election results tabulation, submit to the Constitutional Court the documents mentioned in Article 60 and the lists of elected members of Parliament and candidates on reserve lists.

(2) Within 10 days of the date of receiving documents from the Central Election Commission, but not earlier than courts have finally ruled the complaints submitted according to legal procedures, the Constitutional Court shall either confirm or not, through a decision, the legality of the elections. At the same time the Constitutional Court shall validate the mandates of the elected members of Parliament.

- (3) If the elections are validated, the Central Election Commission shall issue certifying document of Member of Parliament to elected candidates.

#### Article 90. Validation of Election Results by the Central Election Commission

(1) The protocol on final results of elections, along with the decision of the Constitutional Court on elections' compliance to legislation and validating at least two-thirds of the number of mandates, shall be submitted, within two days, to Parliament. A copy of these documents and lists of candidates in reserve confirmed by the Constitutional Court shall be submitted to the Central Election Commission.

(2) The Central Election Commission shall make public the final election results within 24 hours of receiving them from the Constitutional Court.

#### Article 91. Invalid Elections

Elections shall be declared invalid if less than one third of the voters included in the voter lists have participated.

#### Article 92. Null Elections

Should the Constitutional Court establish that during the voting and counting procedures the provisions of this Code were violated that affected the voting results and mandates' allocation, the elections shall be declared null.

#### Article 93. Repeat Elections

(1) If elections are declared null or invalid, the Central Election Commission shall within two weeks organize repeat elections of the same electoral candidates and based on the same voter lists and the same electoral councils and bureaus.

(2) Electoral contestants violated the provisions of the Election Code shall bear penalties or be excluded from ballots based on final court of law decision, and electoral councils and bureaus which allowed commitment of such violation shall be replaced.

(3) The repeat election shall be considered valid regardless of voters' turnout.

#### Article 94. New Elections

(1) In the event that the repeat elections are declared null or invalid, the Central Election Commission shall call the date of new elections within 60 days of the day last elections were declared null and invalid.

(2) In the event of early elections, if even the repeat elections are declared invalid or null, President of the Republic of Moldova shall call new elections by his decree observing the term indicated in Article 76 paragraph (3) of this Code.

(3) New elections shall be conducted pursuant to this Code.

### **Title IV.**

#### **Election of the President of the Republic of Moldova**

*Articles 95-117 are excluded*

### **Title V.**

#### **Local Elections**

Article 118. Applicability of this Title

Provisions of this Title (Articles 118-140) shall be applicable only to elections of mayors and councilors in local councils.

#### Article 119. Local Elections

(1) Mayors of towns (municipalities), villages (communes) and councillors in rayon, town (municipal) and village (commune) councils shall be elected by a universal, equal, direct, secret and freely expressed vote, for a four-year term, which begins from the date of when the local elections' results are confirmed.

(2) The number of councillors shall be established by the Law on Local Public Administration.

(3) In special status territorial-administrative units, local elections shall be conducted under provisions of this Code and acts adopted by the representative authorities of respective territorial-administrative units.

#### Article 120. Electoral Districts and Precincts. District Electoral Councils and Precinct Electoral Bureaus

(1) For conducting elections of local councils and mayors, each rayon, special status territorial-administrative unit, town (municipality), town sector, village (commune) shall constitute one electoral district. Town (municipality), sector, village (communal) electoral districts shall be established by the district electoral councils of the second level territorial-administrative units of the Republic of Moldova at least 55 days prior to election day.

(2) Town (municipality), sector, village (communal) district electoral councils shall be established by the second level territorial-administrative units' district electoral councils of the Republic of Moldova at least 50 days prior to election day. District electoral councils are established and exercise their responsibilities, pursuant to Articles 27 and 28 of this Code, to be correspondingly applied. In the event of new or partial elections, district electoral councils shall be established by the Central Election Commission.

(3) Electoral districts for the election of members in local councils and mayors shall be divided into precincts for which electoral bureaus shall be set up. Precinct electoral bureaus are established and exercise their responsibilities, pursuant to Articles 29 and 30, to be correspondingly applied.

#### Article 121. Special Responsibilities of the Electoral Councils

In localities where only one electoral precinct is established for local elections, district electoral council shall exercise the responsibilities of precinct electoral bureau as well.

#### Article 122. Calling the Day of Election

(1) The date of the general local elections or early local elections shall be established by a Parliament's decision no later than 60 days before the Election Day.

(2) The date of the repeat, new and partial elections shall be called by the Central Election Commission under this Code.

#### Article 123. Special Restrictions on Voting Right

(1) The active-duty military shall not participate in local elections.



(2) Voters who are not resident in respective territorial-administrative unit may not participate in the elections of the local council and mayor.

#### Article 124. Special Qualifications for Being Elected

(1) The citizens of the Republic of Moldova who are eligible to vote, and have reached 18 years of age by and including on election day shall enjoy the right to be elected as councillors to local councils. .

(2) The citizens of the Republic of Moldova who are eligible to vote, and have reached 25 years of age by and including on election day shall enjoy the right to be elected mayor.

#### Article 125. Nomination, Submission of Candidacy and Registration of Candidates

Nomination, submission of candidacy and registration of candidates shall be conducted according to Chapter 6 (Articles 41-44), to be applied correspondingly.

#### Article 126. Special Requirements for Nomination of Candidates by Parties, other Socio-political Organisations and Electoral Blocs

(1) Number of candidates for councillors in lists should contain at least 1/2 of the number of mandates available for the respective electoral district and at most two candidates in reserve. If after the registration the number of persons entered in the list of candidates is reduced to the set minimum, the registration is not cancelled. The respective electoral competitor is warned by the electoral body who registered him/her.

(2) Parties, other socio-political organisations and electoral blocs may nominate only one candidate for mayor position per electoral district. One person may not run in several electoral districts of the same level.

(3) An individual may run for councillor position in councils of first level territorial-administrative units of the Republic of Moldova, as well as in that of the second level territorial-administrative unit. An individual may run for both mayor and local councilor, but not in more than one electoral district of the same level.

#### Article 127. Special Requirements for Nomination of Independent Candidates

(1) Citizens of the Republic of Moldova may nominate themselves as independent candidates for election in local council, provided they are supported by two percent of the district voters, divided by the number of councillor positions available to be filled through the election, but not less than 50 persons, and for mayor - if they are supported by five percent of the district voters, but not less than 150 voters and not more than 10,000 voters.

(2) If, following the verification, the district electoral councils reveals fake signatures in the subscription lists or repeated signatures in more lists, the respective lists are excluded.

(3) If, following the verification, it is revealed that the necessary number of signatures was not presented, or following the exclusion of invalid signatures, their number was reduced to the minimum ceiling set in paragraph (1), the independent candidate is not registered and he/she is informed on the given decision within 24 hours as of its adoption.

(4) The submission of additional subscription lists is not admitted after the district electoral council received and registered the set of documents provided in article 44.

#### Article 128. Voter lists

Voter lists for local elections shall be compiled pursuant to Chapter 5 (Articles 39-40), to be applied correspondingly.

#### Article 129. Electoral Campaign

Electoral campaign shall be carried on during local elections pursuant to Chapter 7 (Articles 45-47), to be applied correspondingly.

#### Article 130. Ballots

For election to councils of rayons, towns (municipalities), sector, villages (communes), and mayors of towns (municipalities), sectors, villages (communes) separate ballots shall be drawn up pursuant to Chapter 8 of (Articles 48-49), to be applied correspondingly.

#### Article 131. Voting

Voting in local elections shall be conducted pursuant to Chapter 9 (Articles 50-55), to be applied correspondingly.

#### Article 132. Counting and Tabulation of Election Results

(1) Votes shall be counted and local elections results shall be tabulated pursuant to Chapter 10 (Articles 56-62), to be applied correspondingly.

(2) Number of votes cast for each candidate running for mayor and councillor positions; name and surname of the elected mayors and councillors; name of party, other socio-political organisation and electoral bloc, which nominated them; and/or "independent candidate", shall be entered into the protocol drawn up by the electoral councils and bureaus.

#### Article 133. Allocation of Councillor Mandate in Council

(1) The mandate of councillor for rayon, town (municipality), sector or village (commune) councils shall be allocated by respective district electoral councils.

(2) Seats in council shall be allocated to parties, other socio-political organisations and electoral blocs by dividing the number of valid votes cast for each party, other socio-political organisation and electoral bloc by 1,2,3,4... etc., up to the figure that corresponds to the number of seats established for the respective electoral district.

(3) From the results of all the divisions and the number of valid votes cast for independent candidates they shall select in descending order as many numbers as there are mandates to be allocated in the electoral district. The quantity of numbers chosen in descending order at the disposal of party, other socio-political organisation, and electoral bloc shall correspond to the number of seats due to them.

(4) An independent candidate shall be considered elected provided the number of votes cast for him/her frames into the numbers selected in descending order.

(5) Council seats shall be allocated to candidates running for council in the order of their registration on the lists, beginning with the list which received the most votes.

(6) If there is more than one candidate with the same number of votes for the last non-allocated seat, district electoral council shall allocate the mandate by drawing of lots, fact that shall be recorded in a protocol.

(7) If a party, other socio-political organisation, electoral bloc is allocated a number of mandates higher than the number of candidates on its list, the extra number selected in descending order of respective organisation shall be eliminated and replaced by a number selected in descending order of the other electoral contestants.

(8) If only independent candidates run for councils, district electoral council shall draw up a list with the number of votes cast for them in descending order and allocate every candidate one mandate.

(9) Candidates included in the lists but not elected shall be declared candidates on reserve list. In the event a council mandate belonging to a party, other socio-political organisation, electoral bloc becomes vacant before the end of term, it will be allocated to one of the candidates on reserve list of the respective party, socio-political organisation or electoral bloc, in the order of their entry in the list. In the event that the list of candidates in reserve is exhausted, the replacement of vacant mandate is done by restoring the descending order excluding the number of the respective candidate and including the following one.

(10) In the event that the mandate allocated to an independent candidate becomes vacant, the vacancy shall be completed by restoring the descending order, excluding number belonging to the respective candidate and including the number following in the range.

(11) If only independent candidates are included on the ballots, in the event of a vacant mandate, the candidate on reserve list is allocated the mandate under paragraph (10) of present article.

(12) Mandates to candidates on reserve lists shall be allocated by the Central Election Commission, pursuant to this Article and based on the documents stored by CEC.

#### Article 134. Election of Mayor

(1) Candidate running for mayor shall be considered elected provided that the/she obtained more than half of the valid votes cast by all the voters who attended voting.

(2) If neither candidate running for the mayor gathered more than half of the valid votes cast, in two weeks a second-round election shall be conducted between the two candidates who gathered the greatest number of votes. These two candidates are listed in ballot in descending order of accumulated number of votes in the first round. If several contestants in the first round obtained an equal number of votes, district electoral council shall draw lots and record it in a protocol.

(3) In the second-round election the candidate who gains the greatest number of votes shall be considered elected, regardless of the number of voters' turnout. Upon tie vote the candidate who gained the highest number of votes in the first round shall be considered elected.

#### Article 135. Confirmation of Elections' Legality and Mandates' Validation

(1) District electoral councils of the first level territorial-administrative units submit protocols on elections' results to respective sector or municipality courts, whereas those of the second level territorial-administrative units to the courts where the electoral councils of the second level territorial-administrative units are based. Chisinau municipality district electoral council shall submit respective documents to the sector court where the Chisinau municipality district electoral council is situated.

(2) The courts, within 10 days of receiving the district electoral councils' reports, shall either confirm or not the legality of elections in every district by a decision which they, within 24 hours of adoption, shall submit to the Central Election Commission and the respective district electoral councils, which shall publish the final results.

(3) At the same time the courts shall validate the mandates of elected councillors and mayors and mention this in the decision. Courts shall also confirm the list of candidates on reserve list.

(4) The council shall be considered legally constituted when mandates of at least 2/3 of the total number of councillors are validated.

(5) The district electoral council shall issue a certifying document of Member of Council and of Mayor to the elected councillors and mayors according to the design approved by the Central Election Commission.

#### Article 136. Invalid Elections

The election shall be considered invalid in certain districts if less than 1/4 of the number of voters included in voter lists has participated in elections. The decision to declare the election invalid shall be adopted by the Central Election Commission based on the decisions and documents submitted by the district electoral councils.

#### Article 137. Null Elections

The election shall be declared null if violations of this Code have been committed during the electoral procedures and affected the results of voting and mandates' allocation. The decision concerning the declaration of elections null shall be adopted by the CEC based on the decisions by the respective courts.

#### Article 138. Repeat Elections

(1) If in certain districts or precincts, elections have been declared null or invalid, the Central Election Commission within two weeks shall organize repeat elections with the same candidates and electoral councils and bureaus and using the same voter lists.

(2) Electoral contestants found guilty of committing violation of the Election Code shall be excluded (deleted) from the ballots based on the final court of law decision. The electoral councils and bureaus, which allowed commitment of such violation, shall be replaced.

(3) Repeat voting shall be conducted in strict accordance with provisions of Chapters 9 and 10 and shall be considered valid regardless the number of voters' turnout.

#### Article 139. New Elections

(1) New elections shall be declared if:

a) the local council has resigned, has been dissolved, or has become less than 1/3 in the number established by the Law on Local Public Administration;

b) the mayor has resigned, was recalled or is not able to exercise his/her mandate any longer, as well as due to the deprivation of the right to hold some positions, based on a final court decision;

c) after the repeat election the council and/or mayor has not been elected;

d) *excluded*

e) if upon territorial-administrative reorganisation, local public administration bodies (councils, mayors) have to be elected in the newly established territorial-administrative units.

(2) If a mayor's position is vacant in the last year before the end of mandate's term the new elections are not conducted.

2<sup>1</sup>) If one of the circumstances set forth in paragraph (1) arises, the local public administration authority is bound to inform in written about it the Central Election Commission within 10 days as of the said circumstance arose.

(3) The date of new elections is set by the Central Election Commission in a period not longer than 30 days as of revealing the circumstances set forth in paragraph (1), with at least 60 days before the Election Day, provided that new elections will take place simultaneously, not more than twice a year, in spring and in autumn.

(4) The new elections shall be conducted in compliance with the provisions of this Code.

#### Article 140. Partial Elections

(1) The Central Election Commission within two weeks shall call partial elections in one or several districts if after the elections the required by law number of councillors have not been elected.

(2) Partial elections for the vacant mandates shall be conducted pursuant to the provisions of the Titles I, II and V.

(3) The partial elections shall be called by the decision of the Central Election Commission no later than 60 days before the election day.

### **Title VI. Referendum**

#### Article 141. Applicability of this Chapter

The provisions of this Title (Articles 141 - 202) shall be applicable only to the organization and conduct of republican and local referenda.

### **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 29<sup>1</sup> 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, 29<sup>1</sup> 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.

### **Chapter 14. Local Referendum**

#### Article 175. Local Referendum

Local referendum is the vote of the people on issues of special interest for the village (commune), sector, town (municipality), rayon, special status territorial-administrative unit. Mayors of villages (communes) and towns (municipalities) are recalled through local referendum.

#### Article 176. Restrictions on Holding Local Referendum

(1) A local referendum may not be held in territories under a state of war, siege or emergency. If the local referendum date is called for the day, on which later the state of war, siege or emergency is declared, then the referendum shall be cancelled *ex lege* or postponed, pursuant to the terms of holding referendum stipulated by this Code.

(2) Local referendum may not be conducted 120 days prior or after the day of conducting any type of elections or referendum in the same territory, unless conducted on the same day.

(3) The decision to postpone local referendum shall be adopted by the Central Election Commission at the proposal of the local council or the representative authority of the special status territorial-administrative unit, which issued the decision to hold the referendum.

(4) Local referendums on recalling a mayor may be initiated one year after the respective mayor has been in office or one year after the last referendum to call his/her mandate was held. Referendums to recall a mayor may not be initiated six months before the end of term of his/her mandate.

#### Article 177. Issues that May be Brought to Local Referendum

(1) Issues that are of special importance for the respective locality and that fall in the competence of local public administration bodies may be brought to local referendum.

(2) A referendum to recall a mayor may be initiated when a mayor does not act in the interests of the local community, does not properly exercise his/her responsibilities of elective official and in accordance with current laws or breaches moral and ethical norms, which facts need to be confirmed in the established manner.

#### Article 178. Issues which May not be Subject to Local Referendum

The following issues may not be submitted to referendum:

- a) taxes and budget;
- b) extraordinary or emergency measures for ensuring public order, health or security;
- c) electing, appointing or dismissing persons for/on/from positions which are the competence of Parliament, Government or President of the Republic of Moldova;
- d) recalling a mayor who has been dismissed by a final decision of the court;
- e) issues in the competence of courts of law and Prosecutor's office;
- f) amendments to territorial-administrative subordination of localities, except for the cases provided in the Law on Special Legal Status of Gagauzia (Gagauz-Yeri).

#### Article 179. Calling the Date of Local Referendum

The date of local referendum is called by the Central Election Commission at the proposal of village (commune), sector, town (municipality), or rayon council or representative authority bodies of special status territorial-administrative unit.

#### Article 180. Initiating Local Referendum

A local referendum may be initiated by:

- a) half of the elected councillors but in case of recalling a mayor - by secret voting of two thirds of elected councillors;
- b) mayor of the village (commune), town (municipality), except where a referendum to recall a mayor is being initiated;
- c) representative bodies of special status territorial-administrative unit;
- d) 10% of the citizens eligible to vote, residents of the respective territorial-administrative unit.

#### Article 181. Registration of Citizen Initiative Group

(1) In the event that the initiative to hold a referendum comes from citizens, a citizen initiative group shall be established, including no less than 20 citizens eligible to vote and residing in the respective territorial-administrative unit. At least 30 citizens should participate at the founding meeting of the initiative group. At least three days before the meeting, the initiators shall notify the mayor in written form about the time, place and purpose of the meeting.

(2) A citizen initiative group is registered by the local public administration bodies, within five days of the date of submitting the written statement requesting registration, the protocol of

establishment, and the questions proposed for the referendum. Where a referendum on recalling the mayor is being initiated, the initiative group is to be registered by the sector (rayon) or municipal court where the respective locality is situated.

(3) In the decision of registration the term for signature collection, no less than 30 days and no more than 60 days, as well as the questions subject to local referendum shall be stated.

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

(5) The information regarding the registration of the citizen initiative group shall be published in the local press.

#### Article 182. Collecting Signatures

(1) Members of the citizen initiative group registered in keeping with Article 181 shall have the right to collect signatures in support for holding local referendum.

(2) Signatures shall be collected according to Article 42 of this Code, to be correspondingly applied.

(3) For holding a local referendum, at least 10% of voters' signatures entitled to vote and residing in respective territorial-administrative unit are necessary.

#### Article 183. Special Requirements for Signature Collecting Sheet

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 184. Responsibility for Accuracy of Signature Collecting Sheet

(1) The person collecting the signatures shall 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 petition shall be authenticated by applying the stamp of the local public authorities.

(2) Persons collecting signatures on the signature collecting sheets shall bear responsibility for the authenticity of the data on the signature collecting sheets, and shall warn the person who signs that he/she may sign only one signature collecting sheet.

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

#### Article 185. Submission and Verification of Signature Collecting Sheets

(1) Signature collecting sheets shall be submitted, after authentication, to the local council or to the representative bodies of the special status territorial-administrative unit. Where a referendum to recall the mayor is being initiated, signature collecting sheets are submitted to the sector (rayon) or municipal court where the respective locality is situated.

(2) Signature collecting sheets submitted by citizen initiative group shall be verified within 15 days. Signatures by persons who have signed the signature collecting sheets twice or more times,

shall be excluded. If upon the verification it is found out that the required number of signatures has not been collected, then the procedure shall be suspended and the registration of the citizen initiative group shall be cancelled.

#### Article 186. Adoption and Publication of the Decision on Holding Local Referendum

(1) Within 15 days after submitting the signature collecting sheets or after the adoption of the decision by the local council, by the representative authority of the territorial-administrative unit or by the mayor, the respective local council or the representative authorities of special status territorial-administrative unit shall either approve or reject the proposal to hold the local referendum.

(2) The decision on holding the referendum shall contain:

- a) proposal on the date of the referendum (no sooner than one month and no latter than 45 days of the day the decision was adopted);
- b) questions proposed for referendum;
- c) the reasons for recalling the mayor, where a referendum to that effect is proposed.

(3) Questions subject to referendum shall be stated clearly to avoid ambiguities. Conflicting issues may not be proposed for the referendum.

(4) The decision to conduct local referendum shall be made public within three days of the day of its adoption.

#### Article 187. Electoral Districts and Precincts

(1) For holding local referendum, the following electoral districts shall be established (according to the case): villages (communes), sector, towns (municipalities), rayon or special status territorial-administrative unit.

(2) Electoral districts shall be established by the Central Election Commission at the proposal of local public administration authorities, at least 30 days prior to local referendum.

(3) Precincts shall be established by respective district electoral councils at least 20 days prior to local referendum.

(4) Precincts shall be established pursuant to territorial-administrative principles, by dividing localities into precincts including at least 30 and at most 3,000 voters. Precincts shall be numbered.

(5) Where the electoral district includes only one locality and only one precinct has been established, the district electoral council shall exercise the responsibilities of the precinct electoral bureau.

#### Article 188. Establishment of Electoral Councils and Bureaus for Local Referendum

(1) District electoral councils for local referendum shall be established by the Central Election Commission, at the proposal of local councils or representative authorities of special status territorial-administrative unit, parties, other socio-political organizations represented in the Parliament, including 5-11 members, no later than 25 days prior to the date of local referendum. Conditions of district electoral councils' formation and their responsibilities are stipulated by the Article 27 and 28.

(2) Precinct electoral bureaus established for the local referendum shall be formed by district electoral councils established for the local referendum, at the proposal of local public administration bodies, parties, other socio-political organizations represented in the Parliament, including 5-11 members, no later than 20 days prior to the date of local referendum. Conditions of precinct electoral bureaus' formation and their responsibilities are stipulated by the Article 29 and 30.

(3) Chairpersons of rayon electoral councils, Chisinau municipality electoral council and special status territorial-administrative unit electoral council established for the holding local referendum shall be elected by respective local councils.

(4) Electoral councils and bureaus established to conduct local referendum may not include councillors of local councils, members of the initiative group, members of parties or other socio-political organizations running in elections.

(5) During the first session of the second level territorial-administrative unit district electoral council established for the conduct of local referendum, the deputy-chairperson and the secretary of the council shall be elected by a vote of the majority of its members. During the first session of the village (communal), town (municipal) electoral council and precinct electoral bureau the chairperson, deputy-chairperson, and the secretary of the bureau shall be elected.

(6) Within two days of the date of establishment, electoral councils and bureaus shall make public their personal composition, address, and contact details.

(7) The authority of the electoral councils and bureaus shall expire after validation of the referendum results.

#### Article 189. Additional Responsibilities of Electoral Councils and Bureaus

In the event that the local referendum is held at the same time with elections (local, parliamentary) or republican referendum, electoral councils and bureaus established and functioning pursuant to Chapter 3 of this Code to administer the conduct of elections, shall exercise the functions and responsibilities of the councils and bureaus for holding the referendum.

#### Article 190. Support for Electoral Councils and Bureaus in Holding Local Referendum, Their Activity Administration, Amendments in Composition and Dissolution

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

#### Article 191. Responsibilities of Electoral Councils and Bureaus for Holding Local Referendum

Electoral councils and bureaus established for the conduct of local referendum shall exercise the responsibilities provided in Articles 28, 30 of this Code, to be correspondingly applied.

#### Article 192. Lists of Citizens Eligible to Participate in Local Referendum

The lists of citizens eligible to participate in the local referendum (voter lists) shall be compiled pursuant to Chapter 5, (Article 39-40) of this Code, to be correspondingly applied.



#### Article 193. Ballots

- (1) The ballots shall set up the question brought to referendum, to the right of the text two rectangles shall be placed horizontally with the words "pro" and "contra", with two circles underneath.
- (2) In the event that several questions are brought to local referendum, each question shall be printed on a different ballot. In the event that several referendums are held at the same time or the referendum is held at the same time with elections, the ballots shall be of different colour.
- (3) Ballots shall be drawn up pursuant to the Law on Languages Spoken on the Territory of the Republic of Moldova.
- (4) Ballots shall be printed in a quantity that corresponds to the number of voters in the voter lists.
- (5) Ballots setting up the same question shall be printed in the same format, with the same font, on paper of the same colour and density.
- (6) Design of the ballots and the protocol forms of electoral councils and the protocol forms of electoral bureaus for holding local referendum shall be approved by the Central Election Commission, whereas the text of the ballots shall be approved by the district electoral councils.
- (7) Ballots shall be passed over to precinct electoral bureaus two days prior to the date of local referendum.

#### Article 194. Referendum Campaigning

Free and thorough discussions upon the issues proposed for local referendum shall be conducted pursuant to Article 47 of this Code, to be correspondingly applied.

#### Article 195. Voting

- (1) Voting in local referendum shall be held pursuant to Chapter 9, (Articles 50-55) of this Code, to be correspondingly applied.
- (2) Voters shall fill out the ballot by applying "Voted" (*"Votat" in the original*) stamp inside one of the two circles under the rectangles with the words "pro" and "contra", thus expressing their will.

#### Article 196. Counting and Tabulation of Local Referendum Results

- (1) Local referendum results shall be tabulated pursuant to Chapter 10 (Articles 56-60) of this Code, to be correspondingly applied.
- (2) The number of the votes cast for "pro" and "contra" shall be entered separately on a protocol on tabulation of results.
- (3) The results of the referendum shall be examined by the district electoral council which shall adopt a decision in this respect.

#### Article 197. Validation of the Local Referendum Results

- (1) The district electoral council, within two days after tabulation of results, shall submit to the court of the respective territory the report on the conduct of local referendum, to which the

protocols of district electoral council and precinct electoral bureaus as well as the complaints with results of their examination, shall be attached. Chisinau municipality council shall submit the respective documents to the Court of Appeal of Chisinau..

(2) The court, within ten days of receiving the documents mentioned in paragraph (1) of this Article, shall confirm or not the legality of the conduct of local referendum and its results.

(3) Within 24 hours of adoption, the court rulings shall be transmitted to the Central Election Commission and district electoral council established for holding a local referendum, which shall publish the final results of the local referendum.

#### Article 198. Decision Adoption by Local Referendum, Cancellation or Amendment

(1) A local referendum proposal shall be considered adopted by local referendum if it gains the majority of voters' votes who participated in the referendum. The decision on the revocation of mayor is considered adopted through a local referendum, if it received the same number of votes or a bigger number of votes than the votes received by the mayor when he/she was elected, but not less than half of votes of persons who participated in the referendum. A referendum proposal is referred to as being adopted on the day upon which the referendum was conducted.

(2) When a mayor is recalled through referendum, the Central Election Commission calls the date of new elections for mayor, pursuant to Title V (Articles 118-140) thereof, which is to be applied correspondingly.

(3) Adopted referendum proposal may be cancelled or amended by local referendum, or by the decision of respective local council, adopted by the vote of 2/3 of the councillors, pursuant to the Law on Local Public Administration.

#### Article 199. Invalid Local Referendum

The referendum shall be declared invalid, if less than 1/3 of voters included in the voter lists have voted. The Central Election Commission shall adopt a decision declaring a referendum invalid based on the documents submitted by the district electoral councils.

#### Article 200. Null Local Referendum

The court of law shall declare local referendum null throughout the entire district or only in some precincts, if serious violations of this Code occurred during the voting or vote counting and affected the results of the referendum.

#### Article 201. Repeat Local Referendum

If local referendum is declared null, bodies which adopted the decision to hold the referendum shall organise, within two weeks, a repeat referendum subject to provisions of this Title and this Code. The councils and bureaus established for conduct of local referendum, held responsible for violations of provisions of this Code, shall be replaced.

#### Article 202. New Local Referendum

New local referendum on the same issues may be held no sooner than a year of the previous referendum.

**Title VII.**  
**Final and Transition Provisions**

Article 203. Entrance into Force

This Code shall enter into effect on the day of its publication.

Article 204. Transition Provisions

After the Electoral Code is enforced:

1. Parliament, within ten days, shall adopt a decree on setting up the Central Election Commission (permanent), pursuant to the provisions of Section I, Chapter 3 (Articles 16-22) of this Code.
2. Bodies mentioned in Article 16, paragraph (2), shall submit to the Parliament, within five days, candidates for the Central Election Commission.
3. The Government, -
  - a) within a month:
    - shall submit proposals to Parliament on bringing the legislation in line with the Election Code provisions;
    - shall provide headquarter, financial-material support and necessary equipment to the Central Election Commission.
  - b) shall include in the draft of the state budget for the 1998 fiscal year, funds necessary for the activity of the Central Election Commission and for the organization and conduct of elections.
4. Elections to Parliament of the XIVth legislature, shall be conducted on March 22, 1998, pursuant to the President's decree No. 371-II, of November 18, 1997. All the terms related to elections to Parliament of the XIVth legislature shall commence at the date of the Code' s publication.
5. Central Election Commission, -
  - a) shall draft and adopt its Regulation within ten days;
  - b) shall submit to the Government an estimation of expenses necessary for the Commission's activity and for holding elections;
  - c) after establishment, shall start exercise the responsibilities provided in Article 22.
6. Establishment and functioning of electoral administration bodies not provided under this Code shall be prohibited.

Article 205. Final Provisions

On the date of coming into force of this Code, the Law No. 1040-XII, enacted on 26.05.92 on Referendum, the Law No. 1609-XII, enacted on 14.10.93 on Elections to the Parliament, the Law No. 308-XIII, enacted on 07.12.94 on Local Elections, the Law No. 833-XIII, enacted on 16.05.96 on the Election of the President of the Republic of Moldova, the Law No. 1133-XIII, enacted on 02.04.97 on the Recall of the Mayor of the Village (commune), Towns, shall be abrogated and considered to have lost force.

Chairman Of The Parliament Of Republic Of Moldova  
Dumitru Motpan

Chisinau, November 21, 1997

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