

**LAW
OF GAGAUZ AUTONOMOUS TERRITORIAL UNIT ON ELECTION
OF GOVERNOR (BASHKAN) OF GAGAUZIA (GAGAUZ-YERI)**

**TITLE I
GENERAL CONDITIONS
CHAPTER 1
General principles**

Article 1. Election of Governor (Bashkan) of Gagauzia (Gagauz-Yeri)

(1) The Governor (Bashkan) of Gagauzia is elected through a general, equal, direct, secret and free vote for a four-year mandate on alternative basis.

(2) The elections of Governor (Bashkan) of Gagauzia (Gagauz-Yeri) take place in the entire territory of the autonomy at the same time.

Article 2. Principles of participation in elections

(1) Citizens of the Republic of Moldova who reside Gagauzia take part in the elections on basis of universal, equal and direct, secret and free right to vote.

(2) Participation in elections is voluntary. Nobody can press voters to participate or not to participate in elections or to influence the free choice of elector.

Article 3. Universal vote

Citizens of the Republic of Moldova who reside the territory of Gagauzia hold the right to elect and to be elected regardless of their race, nationality, ethnic origin, language, religion, gender, opinion, political membership, estate or social origin.

Article 4. Equal vote

Every elector has only one vote. Every vote has the same legal power.

Article 5. Direct vote

Every elector votes alone. Nobody is allowed to vote instead of another person.

Article 6. Secret vote

The voting is secret, so that the will of elector cannot be influenced.

Article 7. Free Vote

Nobody can force the elector to vote or not to vote or to obstruct the voter to make his choice alone.

Article 8. Election Day

Elections take place in one day, on Sunday or in any other day indicated in documents on setting of elections in the entire territory of Gagauzia.

Article 9. Place of voting

The voter attends the elections in the locality where he has domicile, except for cases stipulated by this law.

Article 10. Election of one electoral candidate

The voter elects only one electoral candidate.

CHAPTER 2**Right to elect and to be elected. Restrictions****Article 11. Right to elect**

Citizens of Moldova over 18 who reside Gagauzia hold the right to vote, except for those deprived of this right under the law.

Article 12. Right to be elected

Citizens of Moldova who reside the territory of Gagauzia and hold the right to vote and meet all requirements of this law can be elected.

Article 13. Restrictions

- (1) Following individuals cannot vote:
- a) who do not correspond to Article 11;
 - b) who are declared incapable under a final decision of law court;
 - c) persons sentenced to detention terms under a final decision of law court.
- (2) Individuals who cannot be elected:
- a) military in service;
 - b) individuals indicated in paragraph (1);
 - c) individuals sentenced to jail terms by law court who expiate their punishments in prisons.
- (3) If the office of candidate unfits the post that he bids for, he must be relieved from this office during electoral campaign.

(Art 13 (2) completed under Law # 43-XLII/1 from June 9, 1992 of Gagauzia).

CHAPTER 3

Scheduling of elections

Article 14. Order of scheduling the elections

The People's Assembly schedules the elections of Governor (Bashkan) of Gagauzia (Gagauz-Yeri) within maximum three months after the mandate of incumbent Governor (Bashkan) of Gagauzia (Gagauz-Yeri) expires or the post of Governor of Gagauzia becomes vacant (if he tenders resignation, becomes incapable to hold this post or dies) within three months after the post becomes vacant.

(2) The People's Assembly of Gagauzia establishes the date of elections of Governor (Bashkan) of Gagauzia (Gagauz-Yeri) not later than with 60 days before the first round of elections.

(3) The central electoral commission establishes the date of the runoff vote, repeat vote in compliance with this law. *(Art 14 (2) modified under Law # 49-XIX/III from 08.08.2006 of Gagauzia.)*

TITLE II

GENERAL CONDITIONS

CHAPTER 4

Electoral constituencies

Article 15. System of electoral bodies

(1) The Central Electoral Commission creates the electoral bodies and electoral councils to organise and conduct the elections with 50 days before the Election Day.

(2) The Central Electoral Commission announces the electoral bodies to citizens within seven days after their creation;

(3) The Central Electoral Commission numbers the electoral bodies within two days after their creation. *(Art 15 (1) modified under Law # 49-XIX/III from 08.08.2006 of Gagauzia.)*

CHAPTER 5

Electoral bodies

Article 16. System of electoral bodies

Following bodies are created to hold the elections:

- a) the Central Electoral Commission;
- b) constituency councils;
- c) electoral offices of polling stations.

Article 17. Representation in electoral bodies

(1) Electoral competitors may nominate representatives with the right to consultative vote to electoral bodies.

(2) Electoral bodies confirm the representatives of electoral contestants within three days, and if they are not accepted, they will be explained the reasons in written form.

Section 1

Central Electoral Commission

Article 18. Creation of the Central Electoral Commission

(1) The Central Electoral Commission is a state body created to organise and conduct the elections.

(2) The Central Electoral Commission is made up of nine members confirmed by the People's Assembly of Gagauzia not later than with 60 days before the Election Day. The People's Assembly, the executive committee of Gagauzia (Gagauz-Yeri) and law courts of Gagauzia propose by three members of the commission.

(3) The activity of the Central Electoral Commission is based on Constitution of the Republic of Moldova, the Electoral Code of Gagauzia and the regulation of the commission approved under its decision.

(4) The Central Electoral Commission is a legal entity, has its own budget, bank account and stamp with the arms of Gagauzia. *(Art 18 (2) was modified under Law #49-XIX/III from 08.08.2006 of Gagauzia.)*

Article 19. Composition and mandate of the Central Electoral Commission

(1) The chairperson, deputy chairperson and secretary of the Central Electoral Commission are elected with a majority of votes by members of the commission, while the results of the voting are included in a report signed by all participants in the voting. The re-election may be initiated by at least one third of members of the commission with deliberative vote. The decision on re-election is made with a majority of votes of the commission members.

(2) If the candidate to the post of chairperson, deputy chairperson or secretary of the Central Electoral Commission does not gather a majority of votes, a repeat voting is organised and candidates who bid for the same office in the first round of the voting may also participate.

(3) If one of the posts mentioned in paragraph (1) is vacant, the vacancy is completed by following the procedure on elections.

(4) The Central Electoral Commission will make public its members, headquarters and contact relations within two days after creation.

(5) The mandate of the Central Electoral Commission is effective throughout electoral campaign.

Article 20. Sitzings and decisions of the Central Electoral Commission

(1) Sitzings of the Central Electoral Commission are deliberative if most of members of the commission with deliberative vote attend them.

(2) The Central Electoral Commission makes decisions with a majority of votes of its members with deliberative vote.

Article 21. Status of the Central Electoral Commission members

(1) Persons who have an irreproachable reputation and skills needed for electoral activities are proposed as members of the Central Electoral Commission.

(2) Members of the Central Electoral Commission with a deliberative vote:

- a) cannot be members of political parties or social-political organisations which nominated candidates to eligible public posts;
- b) cannot make propaganda in favour or against electoral candidates;
- c) cannot contribute to activities held by electoral competitors, except for fulfilling the tasks stipulated by this code.

Article 22. Revocation of members of the Central Electoral Commission

(1) Members of the Central Electoral Commission may be revoked if they violate the conditions of Article 21 (2) or if they take actions that unfit their functions.

(2) The revocation rests with bodies which appointed these persons as members of the Central Electoral Commission, as well as with commission members.

(3) The competent authority nominates a new candidate for the vacancy within 10 days, on basis of the decision of the Central Electoral Commission on revocation.

(Art 22 (2), (3) modified under Law # 49-XIX/III from 08.08.2006 of Gagauzia.)

Article 23. Relief from permanent service. Remuneration

(1) Members of the Central Electoral Commission are relieved from their permanent posts throughout electoral period.

(2) Members of the Central Electoral Commission are paid salaries of at least the medium wage for the last permanent job, taking into account rises, supplements, indemnities and remunerations. Members of the commission are paid a 25-percent rise to the salary for the period when they are relieved from permanent offices.

Article 24. General tasks of the Central Electoral Commission

The Central Electoral Commission:

- a) studies the organisation and conduct of elections with the purpose to improve the electoral legislation and procedures;
- b) raises initiatives on opportunity of modifying the electoral legislation to the People's Assembly and executive committee of Gagauzia;
- c) drafts regulations and instructions aimed to improve the electoral procedures;
- d) holds a list of qualified workers in order to appoint them to constituency councils and electoral offices of polling stations;
- e) cooperates for organisation and conduct of elections with:
 - the Interior Ministry to ensure the security of polling stations and electoral materials;
 - state enterprises and institutions to sign contracts on printing of ballot papers and equipment delivery;

- mass media and public associations to organise manifestations related to civic education of electors and information of population about electoral process;
- f) analyses the structure of electoral constituencies from point of view of administrative territorial organisation of the autonomy;
- g) works out programmes on information of voters in the electoral period;
- h) provides mass media with information about conduct of elections and administrative practice used in this respect;
- i) reports to the People's Assembly, Governor (Bashkan) and executive committee;
- j) offers electoral issues to mass media and population for debates;
- k) establishes contacts with parties, other social-political and nongovernmental organisations which hold the right to appoint candidates to public offices, ensuring their plenary participation in the electoral process;
- l) consults local public associations interested to hold activities related to civic education during elections;
- m) organises seminars for participants in the electoral process as members of constituency councils and electoral offices of polling stations, representative members of political parties and other social-political organisations, electoral blocs or potential candidates, as functionaries of the apparatus of electoral councils, members of initiative groups;
- n) analyses electoral frauds, including those presumed from the former, current or future elections and takes measures to prevent them; informs the public authorities about need to settle some issues in compliance with the electoral legislation.

Article 25. Special functions of the Central Electoral Commission

The Central Electoral Commission organises and conducts the elections of Governor of Gagauzia and People's Assembly, if they take place concomitantly.

Article 26. Apparatus of the Central Electoral Commission

(1) The central electoral commission is assisted by an apparatus whose personnel is confirmed by executive committee and recommended by Central Electoral Commission. Functionaries of the apparatus are employed under a decision of the commission for the electoral period and are relieved from permanent posts.

(2) Salaries of functionaries and other expenses of the apparatus of the Central Electoral Commission are paid from the budget of the commission. Salaries of functionaries of the apparatus are at least equivalent to average wages that they earned at the last place of work, taking into account rises, supplements, indemnities and remuneration. The Central Electoral Commission makes the equalisation with concrete functions. Functionaries of the apparatus are paid a 25-percent salary rise for the period when they are relieved from permanent offices.

Article 27. Financing of activity of the Central Electoral Commission

The activity of the Central Electoral Commission is financed from the regional budget. The commission presents a demand to the executive committee within a term established by the latter regarding the inclusion of expenses related to its functioning and conduct of elections in the budget. The commission indicates the kinds of activities that it intends to hold during the electoral campaign.

Article 28. Sittings and activities of the Central Electoral Commission

(1) Sittings of the Central Electoral Commission are convoked by its chairperson from own initiative or at the request of most of members of the commission. If most of members of the commission demand the convocation of a sitting, the decision on convocation will be made within 48 hours.

(2) All sittings at which the Central Electoral Commission examines electoral problems, including the sittings at which the commission must make decisions on electoral issues are open to journalists and public.

(3) The Central Electoral Commission ensures the transparency of electoral operations, a fact which allows mass media and population to appreciate the activity of the commission.

Article 29. Functions of the Central Electoral Commission in the electoral period

The Central Electoral Commission has the following functions in the electoral period:

- a) coordinates actions of all electoral bodies for preparation and conduct of elections in line with this code;
- b) supervises the execution of provisions of this code and other laws on conduct of elections;
- c) creates electoral constituencies and constituency councils and supervises the activity of these councils;
- d) ensures the registration of candidates to the post of Governor of Gagauzia and their reliable representatives;
- e) disseminates the funds foreseen for conduct of elections; controls the ensuring of electoral councils and offices with headquarters, transportation and telecommunications, examines other issues related to the technical-material ensuring of elections;
- f) establishes the model of ballot paper and lists of voters, reports of sittings of electoral councils and offices, and other acts on conduct of elections, as well as types of ballot boxes and stamps of electoral councils and officers;
- g) examines reports of public authorities on problems related to organisation and conduct of elections;
- h) makes the totals of elections in Gagauzia with the view to report their results to the Court of Appeal;
- i) makes decisions on activity of electoral constituency councils and electoral offices of polling stations, electoral procedures, mode of organisation and conduct of elections and technical-administrative issues;

j) ensures the training of electoral functionaries and provides electoral information to voters;

l) examines appeals and contestations against decisions and actions of electoral constituency councils and electoral offices of polling stations, makes decisions on their execution;

m) decides to relieve members of electoral councils from their permanent posts throughout activity in the councils;

n) ensures the conduct of the runoff vote, repeat vote, early, new and partial elections in line with this code;

o) gathers information about turnout of voters, makes the preliminary totals of elections and releases the final results. *(Art 29 is modified under Law # 43-XLIII/I from 9 June 1999)*

Section II

Electoral constituencies and electoral constituency councils

(the title of Section II was modified under Law § 43-XLIII/I from 09 June 1999.)

Article 30. Creation of electoral constituencies and electoral constituency councils

(1) The Central Electoral Commission creates the electoral constituencies and the electoral constituency councils not later than with 50 days before the elections.

(2) Electoral constituency councils are made up of 7-11 members with deliberative vote.

(3) Electoral constituency councils are created on basis of proposals of local councils or at the initiative of the Central Electoral Commission, if proposals are absent, but persons with higher legal education are included in the measure of possibility.

(4) Members of constituency councils are proposed by local councils or are elected on basis of a list of qualified employees of the Central Electoral Commission. Members of constituency councils cannot be members of local councils, political parties or other social-political organisations participating in elections.

(5) Members of the constituency council elect the chairperson, the deputy chairperson and the secretary of the council within three days after the council was created. The results of the voting are immediately reported to the Central Electoral Commission.

(6) The constituency council makes public its members, headquarters and contact relations within four days after being created.

(7) The constituency council makes decisions with a majority of votes of its members with deliberative vote.

(8) The constituency council is assisted by an apparatus whose staffs are approved by Central Electoral Commission at the initiative of the electoral constituency council.

(title of Art 30 (1) and (6) modified under Law # 43-XLIII/I from 09 June 1999)

(Art 30 (1) modified under Law # 49-XIX/III from 08.08.2006 of Gagauzia)

Article 31. Competences of electoral constituency council

The electoral constituency council has the following tasks:

- a) controls the execution of norms of this code and other laws on elections;
- b) creates electoral offices of polling stations and supervises their activity, instructs their members, spreads the voting procedure and explains the importance of the voting;
- c) disseminates funds to electoral offices of polling stations;
- d) examines reports by local public administration authorities, heads of enterprises, institutions and organisations regarding the conduct of elections;
- e) controls the issuing and verification of lists of voters in the due time;
- f) supplies electoral offices of polling stations with printed forms for electoral lists and reports, ballot papers, etc.;
- g) makes the totals of elections at constituency, delivers the necessary documents to the central electoral commission;
- h) gathers information about turnout of voters from electoral offices of polling stations, makes the totals of preliminary results of elections and delivers them to the Central Electoral Commission;
- i) examines appeals and contestations against decisions and actions of electoral offices of polling stations and makes decision on their execution;
- j) takes other actions related to conduct and organisation of elections.

(Art 31 (6) modified under Law # 43-XLIII/I from 09 June 1999)

Article 32. Special functions of electoral constituency council

The electoral constituency council also plays the role of district electoral office in localities where one polling station only is created for election of Governor (Bashkan) of Gagauzia.

Section III

Polling stations and electoral offices of polling stations

Article 33. Creation of polling stations and electoral offices of polling stations

(1) Electoral constituencies are divided into polling stations in order to hold the voting and to count the ballot papers.

(2) Polling stations are created by electoral constituency councils in localities on basis of proposals of bodies of local public administration not later than with 20 days before the Election Day and they include at least 30 voters and maximum 3,000 voters.

(3) Special polling stations may be created in hospitals, sanatoriums, maternities, asylums and elderly hostels. These polling stations must include at least 30 voters.

(4) Soldiers cast their votes in the locality where the military unit is based.

(5) The electoral constituency council numbers the polling stations in constituency and make public the boundaries of every polling station, address of headquarters of electoral offices of polling stations, address of places where people must vote and contact relations.

(6) Mayoralties provide information and support to electoral offices of polling stations needed to exercise the functions stipulated by this code.

(7) Electoral offices of polling stations are created by electoral constituency councils not later than with 25 days before the Election Day, and they include 5-11 members.

(8) Lists of members of electoral offices of polling stations are presented by local councils.

(9) Members of electoral office of polling station elect the chairperson, deputy chairperson and secretary of the office within two days after the office was created, adopt this decision and takes it to the notice of the electoral constituency council immediately and makes public the information about members and headquarter of the electoral office, contact relations.

(10) The Central Electoral Commission holds the right to create polling stations and electoral offices of polling stations in other cases as well, in order to ensure and guarantee the electoral right.

(11) Members of electoral offices of polling stations cannot be members of local councils, political parties or other social-political organisations participating in elections.

(Paragraph. (7) of this article was modified under Law # 43-XLIII/1 from 9 June 1999, Article 33 (2) was modified under Law # 49-XIX/III from 08.08.2006).

Article 34. Functions of electoral office of polling station

The electoral office of polling station:

a) issues and verifies the lists of voters together with local public administration authorities, ensures their integrity of ballot papers and it is in charge with printing them rightly and completely;

b) examines appeals related to mistakes from lists of voters, modifies them and issues voting certificates to electors who will not be at home on election day;

c) issues supplementary electoral lists including the persons who vote on basis of voting certificates and to persons who were not included in the main electoral lists for certain reasons;

d) informs the population living in the area of polling station about date and place of the voting, ensures the preparation of the building for elections, installs ballot boxes and booths, organises the voting on the scheduled date, takes measures to ensure the order in polling station;

e) examines appeals and contestations against organisation and conduct of elections, adopts related decisions, which are annexed to reports on sitting of the office;

f) delivers data on turnout of voters to the electoral constituency council, as well as the data needed to total the preliminary results of elections;

g) makes the totals of elections at polling station, issues reports and delivers them along with all ballot papers to the electoral constituency council;

h) exercises other functions under this code.

Section IV

Support for electoral councils and offices, organisation of activity, change of members and dissolution

Article 35. Support for electoral councils and offices

(1) Public authorities, enterprises institutions and organisations, high-ranking officials, parties and other social-political organisations, as well as their bodies must support the electoral councils and offices in fulfilling their tasks and deliver the information and materials needed for their activity.

(2) Electoral council and office may appeal to public authorities, enterprises, institutions organisations, high-ranking officials, parties and other social-political organisations, as well as their representative bodies, which must examine their appeals and reply within three days, but not later than on Election Day.

Article 36. Organisation of activity of electoral councils and offices

(1) Sittings of electoral councils and offices are convoked and conducted by chairperson throughout electoral period or by deputy chairperson if the first is absent or asks this. Also, a sitting may be convoked at the request of at least one third of members of councils and offices who hold a deliberative vote.

(2) Sittings of electoral councils and offices are deliberative if more than half of members with deliberative vote attend them. Decisions of electoral councils and offices are adopted openly with the votes of a majority of members with deliberative vote and they are signed by chairperson and secretary of the council or office. The vote of chairperson of the council or office is decisive in case of a parity of votes. Members of councils or offices who disagree with adopted decisions hold the right to express their opinions in written form and they are annexed to the protocol of the sitting.

(3) Decisions of electoral councils or offices adopted in the limits of their competences are executory for public authorities, enterprises, institutions and organisations, high-ranking officials, parties, other social-political organisations and their bodies, as well as for citizens.

(4) Under a decision by the Central Electoral Commission, some members of councils and offices may be relieved from permanent offices throughout elections or for a certain period, being paid salaries by 25 percent higher than the medium wage for the permanent job, taking into account rises, supplements, indemnities and rewards from funds for elections. If unemployed persons are appointed members of electoral councils and offices, they are paid not less than the medium salary on republic.

(5) Members of electoral councils and offices with deliberative vote cannot canvass or call against voting any candidate participating in elections; cannot take part in political activities to support an electoral competitor; cannot affiliate to any of them; cannot provide financial support or any other direct or indirect support to any candidates. Members of electoral councils and offices with deliberative vote cannot be spouses, relatives of 1st and 2nd degrees of candidates participating in elections.

Article 37. Change of members of electoral councils and offices

A member of electoral council or office may be relieved from office:

- a) at demand;
- b) through revocation.

(1) A member of electoral council or office may be revoked by body or electoral candidate that proposed or nominated him to the electoral council or office.

(2) If a member tenders resignation or is revoked from electoral council or office with one day before elections, another member may be appointed or proposed in compliance with this law.

Article 38. Dissolution of electoral councils and offices

(1) Electoral councils and offices created in line with this law stop their activity and are dissolved under a decision of the Central Electoral Commission as soon as possible after the elections for which they were created.

(2) As a rule, electoral constituency councils and offices of polling stations stop their activity once the Central Electoral Commission makes public the final results.

(3) After dissolution of electoral councils and offices in line with this code, the remuneration of their members is stopped and they come back to their permanent offices, if no decision is made to extend the mandates of some of them.

CHAPTER 6

Material insurance for conduct of elections

Article 39. Ensuring the necessary means for conduct of elections

(1) The expense related to organisation and conduct of elections is covered from regional budget of Gagauzia.

(2) The Central Electoral Commission establishes the size of finances in the limits of the law on Gagauzia's budget for the year when the elections take place. The Central Electoral Commission raises the necessary proposals to the executive, which delivers them to the People's Assembly to approve them after examination.

(3) The Central Electoral Commission reports on management of allocated finances to the Central Electoral Commission as soon as possible after elections.

(4) Unused finances are budget incomes.

(5) The Central Electoral Commission establishes the mode of distribution and use of finances and the mode of publishing of the report on administration of allocated funds, in line with this code.

(6) Local public administration authorities, enterprises, institutions and organisations offer headquarters and equipment needed by electoral councils and offices to organise, conduct and make the totals of elections.

(7) The budget-financed mass media publishes for free the declarations and materials presented by electoral councils, pre-electoral programmes of electoral candidates and other materials related to elections, including those on civic education and information of voters about elections.

Article 40. Prohibition of foreign subsidising

(1) Direct and indirect financing, any material support for electoral campaigns of electoral contestants by other states, foreign, international and joint enterprises, institutions and organisations and individuals who are not citizens of Moldova are prohibited. The amounts received this way are seized and transferred to the budget.

(2) If an electoral candidate received undeclared or foreign finances in his account or used such funds intentionally, the Central Electoral Commission asks the Court of Appeal to annul the registration of this competitor. The Court of Appeal examines the appeal and makes a decision within five days, but not later than on Election Day.

Article 41. Pecuniary support of the state for electoral campaigns

(1) The state grants interest-free credits to electoral candidates in the size established by the Central Electoral Commission.

(2) The credits may be received from state budget only via a financial mandatory appointed by electoral competitor. Any individual or legal entity registered with the department of finances of Gagauzia may be financial mandatory; the mandatory is solely responsible with the electoral candidate who appointed him.

(3) The state pays off the credits entirely or partly, depending on the number of valid votes garnered by an electoral candidate. The amount of money established by division of the credit on number of voters who attended the elections and multiplication of the result and number of valid votes garnered by electoral competitor will be paid off by state.

(4) Unelected candidates must reimburse the state credits within two months after elections.

Article 42. Conditions and mode of financing of electoral campaigns

(1) Direct and indirect financing, pecuniary support through other methods for electoral campaigns of electoral competitors by individuals and legal entities from country is based on the following conditions:

a) finances and pecuniary support for activity of electoral competitors at elections must be declared within one month after the start of electoral campaign;

b) electoral candidates must also declare their finances and other forms of pecuniary support received under this article before using them, after the electoral council or office was created.

(2) The electoral candidate opens an account in bank with the mention "Electoral fund" and transfers there his own finances and funds from individuals and legal entities from country. These funds may be transferred to the account of electoral candidate with his beforehand consent only. The Central Electoral Commission establishes the size of the amounts which may be transferred to the electoral fund of electoral competitor.

(3) The bank notifies the Central Electoral Commission and the relevant electoral constituency council about transfer of finances to the account of the electoral candidate within 24 hours. The Central Electoral Commission may ask the tax inspection of Gagauzia to check the origins of incomes, correctness of record and use of money by electoral competitors accordingly to destination.

(4) The Central Electoral Commission keeps a register of all data stipulated by this article and makes it available to public for information. At the same time, the Central Electoral Commission groups up the data every day and reports the amounts received by every electoral candidate and their origins. The Central Electoral Commission issues a final pre-electoral report and a totalising report with two days before the elections, including all information about volume and origins of means received from electoral competitors.

CHAPTER 7

Lists of voters

Article 43. Lists of voters

(1) The lists of voters are issued by mayoralties in two copies for every polling station, are verified at the domicile of electors included in these lists, are signed by mayor of the settlement and are made public not later than with 20 days before elections.

(2) The first name and last name, year of birth, domicile, and identity numbers from identity acts of the elector are registered in the lists of voters. The mayoralty establishes the order of registration.

(3) The elector may be included in one list of voters and at one polling station only on basis of acts certifying his domicile in the area of the polling station.

(4) If the elector moves to another domicile in the period between issuance of lists of voters and election day, the electoral office of the polling station issues a certificate allowing him to vote, at the request of the elector and on basis of passport or any other identity act. The elector who receives a certificate allowing him to cast his ballot confirms its reception by signing in the electoral list in line with his name. *(Art 43 (3) modified under Law # 43-XLIII/I from June 9, 1999)*

Article 44. Verification of lists of voters

(1) The lists of voters are posted in polling stations with 10 days before elections. A copy of the lists is kept at mayoralty. Electors are told with at least 7 days before the elections the headquarters of the polling station where they will cast their ballots.

(2) Electors are provided possibility to take notice of the lists of voters and to verify how right they are. They hold the right to contest their absence in the list or their exclusion from the list, as well as against any other mistakes in his personal data.

(Art 44 (1) modified under Law # 49-XIX/III from 08.08.2006 of Gagauzia).

CHAPTER 8

Nomination and registration of candidates

Article 45. Requirements for candidates

Candidates to the post of Governor (Bashkan) of Gagauzia must be citizens of the Republic of Moldova who turned 35 years and hold the right to vote, who resided or reside the territory of Gagauzia, speak the Gagauz and meet the requirements of this law.

Article 46. Nomination of candidates

(1) The process of nomination of candidates to the post of Governor of Gagauzia starts on the day when elections were set or on the day indicated under a decision by the People's Assembly on date of elections and closes with 30 days before elections.

(2) The right to nominate electoral candidates, if they meet all requirements of this law, belongs to:

a) parties and other social-political organisations registered properly before elections were set, in line with their statutes (regulations) and legislation in effect;

b) electoral blocs created under decisions adopted accordingly to statutes (regulations) of parties and other social-political organisations that created them, which are registered with the Central Electoral Commission within 15 days after their creation or within 15 days after the start of the electoral period, if they were created before this period;

c) citizens of the Republic of Moldova who live or lived in Gagauzia and stand as candidates to the post of Governor (Bashkan) of Gagauzia (independent candidates).

(3) Candidates deliver their statements regarding their consent to bid for the post of Governor of Gagauzia to the Central Electoral Commission of Gagauzia.

Article 47. Initiative groups supporting candidates to the post of Governor of Gagauzia

(1) If citizens propose the appointment of candidates to the post of Governor of Gagauzia, an initiative group is made up of at least 25 persons with deliberative vote to appoint the candidate. The initiative group can nominate only one candidate to the post of Governor of Gagauzia. Members of an initiative group may be members of another initiative group at the same time.

(2) The list of members of the initiative group and its chairperson is delivered by the person appointed as candidate to the post of Governor of Gagauzia to the Central Electoral Commission not later than with 55 days before elections. The list includes the first name and last name, year of birth and domicile of members of the initiative group.

(3) If all these requirements are fulfilled, the Central Electoral Commission registers the initiative group and issues permits to its members within three days after presentation of the list of members of the initiative group.

Article 48. Collection of signatures to support a candidate

Members of the initiative group which appointed and/or supports an electoral candidate and their special representatives hold the right to collect signatures.

(2) The first name and last name, year of birth, profession (occupation), function, job, domicile and political membership of the candidate, as well as the first name and last name of the person who collects the signatures must be indicated in the lists for collection of signatures to support a candidate (subscription lists). The subscription lists will contain only signatures of candidates who reside one locality.

(3) The supporter of the candidate indicates the current number, first name and last name, year of birth, domicile, number of identity act, date when he signs the list and signs it.

(4) One elector can sign to support one candidate at a scrutiny.

(5) The person who collects signatures of electors signs every paper of subscription lists in the presence of head of local public administration authority of the territory where the signatures are collected. The collector mentions in the bottom of every paper that he collected the signatures and he confirms their authenticity and signs there. The stamp of the authority of local public administration is applied on every subscription list.

Article 49. Presentation and verification of subscription lists

(1) With maximum 30 days before elections the Central Electoral Commission starts verifying the authenticity of signatures from the presented subscription lists, the right to vote of persons included on the lists, address of their domicile. The lists are verified within five days.

(2) The Central Electoral Commission notifies the persons who presented the subscription lists about results of the verification, announces the total number of persons included on the subscription lists presented by every electoral candidate and the number of valid signatures.

(3) Persons who collect the signatures for subscription lists are responsible for authenticity of data from lists.

(4) The lists issued before appointment of candidates and the lists unsigned by collector of signatures and lists without the stamp of the local public administration authority are null.

Article 50. Special requirements for subscription lists

(1) For registration with the Central Electoral Commission the candidate to the post of Governor of Gagauzia must present subscription lists containing the signatures of at least 5,000 electors out of at least one third of the mayoralties of Gagauzia and accordingly to other requirements of this law. The subscription lists of mayoralties which collected at least 300 signatures correspond to paragraph 1.

(2) If the Central Electoral Commission discovers fake or repeat signatures in different lists, they are excluded.

(3) If it establishes that the necessary number of signatures was not collected or if the exclusion of invalid signatures reduced the number of necessary signatures stipulated by paragraph (1), the candidate to the post of Governor of Gagauzia is not registered. This decision is taken to the notice of candidate to the post of Governor of Gagauzia within 24 hours.

(4) The Central Electoral Commission does not accept other lists after it verifies the subscription lists.

Article 51. Registration of candidates

(1) The Central Electoral Commission must receive the following documents with 30 days before elections for registration of candidates to the post of Governor of Gagauzia:

- a) report on the sitting of the territorial body of the party, other social-political organisation or electoral bloc on nomination of the candidate;
- b) subscription lists with the necessary number of signatures supporting the candidate;
- c) biography of the candidate;
- d) statement of the candidate regarding his consent to bid for the post of Governor of Gagauzia;
- e) income declaration of candidate for the last two years before the year of elections, as well as on sources of incomes;
- f) medical certificate on health of candidate issued by medical institution where he is registered;

(2) The Central Electoral Commission registers the appointed candidates within seven days after receiving the acts indicated in paragraph (1).

(3) The Central Electoral Commission issues identity papers of candidates to the registered electoral competitors as soon as possible, but not later than within three days after registration.

(4) The Central Electoral Commission publishes its decisions on registration of candidates in the budget-financed mass media.

(5) After expiration of the deadline for registration of candidates, the Central Electoral Commission publishes the list of registered competitors, indicating the first name, last name, year of birth, domicile, political membership, profession (occupation) of candidates, as well as name of party, other social-political organisations or electoral bloc which appointed them.

CHAPTER 9

Electoral campaign

Article 52. Reliable persons of electoral candidates

(1) Electoral candidates may have reliable persons in every electoral constituency. The reliable persons help the electoral candidates to hold their electoral campaigns, canvass and represent their interests in relations with public authorities, voters, electoral councils and offices. The number of reliable persons is established by Central Electoral Commission.

(2) Electoral candidates choose their reliable persons alone, introduce them to the Central Electoral Commission, which registers them and issues identity papers to them.

(3) Electoral candidates may suspend the competences of their reliable persons at any moment and replace them with other persons till the day before elections.

(4) Reliable persons of electoral competitors may be relieved from permanent offices at their request. The reliable persons cannot be dismissed or relieved from their offices without their consent.

(5) Reliable persons of electoral competitors who hold public offices cannot use public means and goods in electoral campaigns.

Article 53. Guaranteed rights of electoral candidates

(1) Electoral candidates participate in electoral campaign under equal conditions, benefit of equal rights to use the mass media, including the budget-financed radio and television channels.

(2) All electoral candidates are provided equal opportunities in technical-material and financing ensuring of the electoral campaign.

(3) Electoral candidates hold the right to be relieved from tasks linked to the permanent office during the electoral campaign and to be paid the medium salary from funds allocated for conduct of elections.

(4) Electoral candidates hold the right to travel for free by any form of public transport (except for taxi) in the entire territory of Gagauzia.

(5) Electoral candidates cannot be dismissed or transferred to another job or post without their consent during the electoral campaign.

(6) Electoral candidates cannot be investigated under Penal Code, arrested, held or receive administrative sanctions without consent of the electoral body which registered them, except for flagrant offences.

(7) Electoral candidate can withdraw from electoral race by addressing a written statement to the Central Electoral Commission, but not later than with five days before elections.

(8) If the candidate withdraws from electoral race after publication of the lists of voters, the electoral office of polling station applies the stamp "Withdrawn" in line with his name.

(9) Electoral candidate who withdrew from electoral race must recover the technical-material and financial means allocated to him from the budget to hold his electoral campaign.

(Art 53 (7) modified under Law # 43-XLIII/I from 9 June 1999)

Article 54. Electoral propaganda

(1) Citizens of the Republic of Moldova who reside Gagauzia, parties and other social-political organisations, electoral blocs, candidates and their reliable persons hold the right to discuss the electoral programmes of electoral competitors, their political, professional and personal skills freely and under all aspects, as well as to canvass or to call against candidates at meetings, gatherings with voters, via mass media or any other forms of communication which exclude the violation of public order and ethic norms.

(2) Electoral candidates may meet with voters. Electoral councils and offices and local public administration authorities must ensure the conduct of such meetings under equal terms and conditions.

(3) Once the Central Electoral Commission registered the electoral candidate, the latter holds the right to display electoral posters. The electoral posters must not contravene to the law and ethic norms.

(4) Authorities of local public administration must establish and guarantee a minimum of special places for electoral publicity within five days after registration of electoral candidate. Places for electoral advertisement must be distributed to electoral candidates under equal conditions.

(5) No propaganda is allowed on Election Day.

CHAPTER 10 Ballot papers

Article 55. Model of ballot paper

(1) The Central Electoral Commission approves the model and contents of ballot paper for elections of Governor of Gagauzia.

(2) The ballot paper is divided into quadrilaterals accordingly to the number of electoral candidates. The dimensions of quadrilaterals must be enough to include the first name and last name, year of birth, profession (occupation), function, place of work of the candidate, the name of the party, other social-political organisation, electoral bloc which appointed the candidate, as well as the electoral symbol of the electoral candidate (by will). The identity of electoral signs or symbols is prohibited.

(3) Electoral candidates are included in ballot paper in the order in which the Central Electoral Commission registered them.

(4) The sign or symbol of electoral candidate is published on the left side of every quadrilateral. The electoral signs and symbols are presented to the Central Electoral Commission not later than on the last day of registration of electoral candidates.

(5) A 15-millimeter circle is published on the right side of every quadrilateral at an equal distance from up to down, in which the voter who elects the electoral candidate crosses two lines.

(6) Ballot papers are issued in line with the law on functioning of languages spoken in Gagauzia.

Article 56. Printing of ballot paper

(1) Ballot papers are printed accordingly to instructions of the Central Electoral Commission. Members of electoral bodies and representatives of electoral candidates may be present when the type mould of ballot paper is made, when it is printed and when the type mould is destroyed.

(2) Ballot papers are printed not later than with seven days before elections, in a necessary number for all electors, with a supplement of one percent of this number.

(3) The printed ballot papers are preserved by the electoral constituency council and they are delivered to the electoral office of polling station with two days before elections on basis of a delivery act.

(4) The police guard the building where the ballot papers are kept. Only the chairperson of the electoral constituency council or the chairperson of the electoral office of polling station accompanied by two members of the council or office has access to ballot papers.

(5) Representative members of electoral candidates and voters hold the right to take notice of models of ballot papers at their electoral office.

(6) The Central Electoral Commission delivers the ballot papers to electoral constituency councils not later than with 5 days before elections.

CHAPTER 11

Voting

Article 57. Time and place of voting

The voting takes place on Election Day from 07:00 to 21:00. Electoral offices of polling stations announce the time and place of the voting to the public not later than with 10 days before elections.

Article 58. Conditions of voting

(1) The place for voting must not be closed during the voting and the voting must not be suspended, except for cases of massive disorder, natural disasters, and other unexpected circumstances that endanger the voters or make the conduct of elections impossible. In these cases, the chairperson of the electoral office of polling station may suspend the voting for maximum two hours in order to prepare the place for elections or to find another place, informing the electors about this fact.

(2) Observers of elections cannot be obliged to leave the polling station during suspension of the voting.

Article 59. Organisation of voting

(1) The voting is organised in places arranged especially for this purpose, with tables where the ballot papers are delivered, secret polling booths or rooms and ballot boxes, which are installed so that the electors cross the secret polling booth or room in order to approach them. The polling station must be endowed with enough booths or rooms in order to prevent crowds.

(2) In order to ensure the normal move in the polling station and to prevent crowds, the electoral office of polling station establishes a route for electors from entrance to tables to receive ballot papers and then to secret vote booths and ballot boxes.

(3) The polling station must be arranged so that to allow members of the electoral office of polling station and observers to supervise permanently all aspects of the voting process, including the identification of voter, delivery of ballot papers and their introduction in ballot boxes, counting of votes and issuance of reports.

(4) Local public administration authorities ensure the polling station with booths, boxes and other necessary materials.

(5) The electoral office of polling station is in charge with organisation of the voting, secret expression of will of voters, arrangement of places for voting and maintenance of order inside of them.

Article 60. Conduct of voting

(1) Every elector casts his vote alone. The voting instead of other persons is prohibited. The electoral office of polling station delivers the ballot paper to voter, accordingly to electoral list, only when he presents the identity act. The elector signs in line with his name in the list of voters when he gets the ballot paper.

(2) Electors from the area of the polling station who are not included in electoral lists are registered in an additional list when they present a document to certify their domicile in the territory of that polling station. The polling station keeps the certificates allowing them to vote and annex them to the report.

(3) The chairperson and members of the electoral office of polling station cast their ballots at the polling station where they work or after their inclusion in the additional list on basis of electoral certificates, if needed be.

(4) The chairperson of electoral office of polling station keeps the record of important developments that take place during voting and counting of votes. At the request of members of the electoral office or persons accredited at polling station or any elector, the chairperson notes down their comments and objections regarding the procedure of voting in a document which is attached to reports by electoral office of the polling station.

Article 61. Procedure of filling up the ballot paper

(1) The elector fills up the ballot paper in the polling booth only. The elector who cannot fill up the ballot paper alone may invite another person in the booth, except for members of the electoral office of polling station, representatives of electoral candidates or persons accredited to take part in electoral operations.

(2) The elector must write down a cross inside the circle of one quadrilateral only and that means that he voted that electoral candidate. Circles from other quadrilaterals must remain clean.

(3) The ballot paper given to an elector to cast his vote cannot be withdrawn from polling station.

(4) One elector can vote for one electoral candidate only.

(5) If the elector commits a mistake in ballot paper, the electoral office of polling station annuls the ballot paper and gives another one immediately at the demand of the voter and one time only. This case is indicated in the report on voting and in the list of voters.

(6) The completed ballot paper is thrown in the polling box.

Article 62. Ensuring security of voting process

(1) On Election Day at 07:00 the chairperson of the electoral office of polling station verifies the ballot boxes, seals them, verifies the existence of the lists of voters, ballot papers, stamps in the presence of at least half of members of the office and then opens the voting process. The chairperson invites other members of the office, observers of elections and voters present at the opening of the polling station at that moment to monitor his actions.

(2) Ballot papers are kept in one place inside of polling station in packages containing 100 pieces each and the chairperson of the electoral office of polling station disseminates them to members of the office to deliver them to electors.

(3) The ballot papers delivered to voters must have the stamp of the polling station. Members of the electoral office apply stamp the ballot papers shortly before delivering them to voters.

(4) Members of the electoral office of polling station, representatives of electoral candidates and observers must wear visible electoral badges. Persons who enter the polling stations must not wear badges or other signs of electoral propaganda.

(5) If the elector cannot show up at the polling station for health-related or other grounded reasons, the electoral office of polling station appoints at least two members of the office at the verbal or written request of the voter to visit the elector at his place and to bring a mobile ballot box and the materials needed for the voting to cast his ballot. It is written in the lists of voters in line with that elector that he "voted at domicile."

(6) Persons held on basis of arrest warrants till the court passes a verdict, detainees whose sentences are not definitive and those who are in custody as a contraventional sanction cast their votes accordingly to paragraph 5.

(7) If the chairperson of the electoral office of polling station allows the withdrawal of mobile ballot box from polling station, this fact is taken to notice of representatives of electoral candidates and observers of elections, proposing them to accompany the mobile ballot box, using the own transport if needed be.

(8) The chairperson of the electoral office of polling station is in charge with ensuring the order in polling station and at 100 metres near the polling station. Decisions made in this respect are executory for all.

(9) Nobody except for members of the electoral office of polling station, electoral candidates and their representatives and observers can stay inside of the polling station more than needed to cast a ballot.

(10) Carrying firearms or cold arms in polling station is prohibited, except for policemen who enter to cast their votes or to help restore the order of law at the request of chairperson of the electoral office of polling station.

CHAPTER 12

Counting of votes and totalising of results of elections

Article 63. Counting of votes and totalising of results by electoral office of polling station

(1) The chairperson of the electoral office of polling station closes the voting process and shuts up the polling station. The electoral office of polling station is starting to count the votes.

(2) Before opening the ballot boxes, the electoral office of polling station counts and annuls all unused ballot papers by applying the stamp "Annulled" on them.

(3) The chairperson of the electoral office of polling station checks the seals of ballot boxes and opens them in presence of members of the office and observers of elections. The mobile ballot boxes are opened first, the ballot papers from them are count and then the other boxes are opened.

(4) The polling station must be endowed with enough tables in order to count all ballot papers from boxes in one place, in presence of all members of the electoral office of polling station and other present persons. Flags with names of electoral contestants are installed on tables for counting of votes. Before counting the votes garnered by electoral candidates, the electoral office of polling station establishes the number of ballot papers withdrawn from ballot box and the number of voters who received ballot papers on basis of the number of voters from electoral lists and additional lists who signed in line with their names.

(5) Ballot papers withdrawn from mobile ballot boxes are count first separately, are compared with the number of ballot papers delivered for this purpose and then are added to other ballot papers to count the votes garnered by electoral candidates.

(6) Under a procedure established by electoral office of polling station or ordered by the Central Electoral Commission, members of the electoral office of polling station open the ballot papers and establish for what candidate that vote was cast. Valid ballot papers for every electoral candidate are count and tied separately, while the results of the counting are written down in a special printed form for counting of votes.

(7) Representatives of electoral competitors and observers of elections are allowed to verify the data from the special printed form for counting of votes before inclusion of the number of votes gathered by electoral candidates in reports.

(8) The electoral office of polling station does not include the invalid ballot papers in the total number of valid votes.

(9) The electoral office of polling station holds a sitting to count the votes and to issue proceedings and a report of the electoral office once the polling station shuts up. All members of the electoral office of polling station stay at polling station and participate in electoral operations, except for cases of physical incapacity or other extraordinary circumstances.

Article 64. Invalid ballot papers

(1) Invalid ballot papers are:

- a) those without control stamp of the electoral office of polling station;
- b) those of other type than that established;
- c) those with crosses in more than one quadrilateral;
- d) those without crosses in any circles of quadrilaterals;
- e) those in which electors wrote more names of electoral candidates;
- f) those destroyed or blotted, so that the option of elector is unclear.

(2) The ballot paper cannot be declared invalid only because the elector did not cross the line inside the circle but the option of voter is clear.

(3) The chairperson of the electoral office of polling station allows all members of the electoral office and observers of elections to examine the ballot paper which will be declared invalid.

(4) If members of the electoral office of polling station doubt over validity of a ballot paper, the problem is voted. The results of the voting are included in the proceedings of the office.

Article 65. Proceedings and report by electoral office of polling station

(1) The electoral office of polling station issues two copies of proceedings, which comprise:

- a) the number of voters included in electoral lists;
- b) the number of voters included in additional lists;
- c) the number of voters who received ballot papers;
- d) the turnout of participants;
- e) the number of invalid ballot papers;

- f) the total number of valid votes;
- g) the number of valid votes for every electoral candidate;
- h) the number of ballot papers received by electoral office of polling station;

(2) The Central Electoral Commission establishes the form of official report. The electoral council supplies the electoral offices of polling stations with the necessary number of printed forms of reports before elections.

(3) The results of the counting of votes are examined at a sitting of the electoral office of polling station and are included in a report signed by chairperson, deputy chairperson, secretary and other members of the office. The absence of signatures of some members of the electoral office of polling station does not invalidate the report. The reasons of absence of signatures are mentioned in the report by office.

(4) The report on results of the voting is issued in two copies and one of them is kept and the second one is delivered to the electoral constituency council. The chairperson of the electoral office of polling station allows representatives of electoral candidates and observers of elections to copy the report on their account, if they want to do this. The copy is certified with the stamp of the electoral office.

(5) The chairperson of the electoral office of polling station issues the report of the office in the electoral period. The report contains a summary of appeals and contestations regarding actions of the electoral office of polling station and related decisions of the electoral office. The chairperson signs the report and allows other members of the office to write down their comments and completions to the report and to sign it. Appeals and contestations are annexed to the report.

(6) The chairperson of the electoral office of polling station delivers the valid ballot papers for every electoral candidate, proceedings, report, invalid, annulled or contested ballot papers, appeals and contestations, all sealed in a box (package), to the electoral constituency council as soon as possible, but not later than with 18 hours after the closure of polling stations. The police, the chairperson and at least two members of the electoral office of polling station accompany the transportation of the sealed box (package).

(7) The stamps of the electoral office of polling station are closed into a box (package). The stamps are delivered to electoral constituency councils after elections.

(Art 65 (1) completed under Law # 43-XLIII/1 from 9 June 1999)

Article 66. Totalising of results of elections by constituency council

(1) Once it receives the proceedings and reports of electoral offices of polling stations concerning the results of the counting of votes at polling stations, the constituency council establishes first the turnout of participants and reports it to the Central Electoral Commission immediately.

(2) The constituency council establishes on basis of reports by electoral offices of polling stations:

- a) the number of voters included in electoral lists;

- b) the number of voters included in additional lists;
- c) the number of voters who received ballot papers;
- d) the turnout of participants;
- e) the number of invalid ballot papers;
- f) the total number of valid ballot papers;
- g) the number of valid votes given to every electoral candidate;
- h) the number of ballot papers received by electoral constituency council;
- i) the number of unused and annulled ballot papers.

(3) The constituency council includes the totals of votes on entire constituency in a report signed by all its members who are allowed to comment the report in written form.

(4) The electoral constituency delivered the report on totalising of results of elections on constituency to the Central Electoral Commission not later than within 48 hours after closure of polling stations.

(Art 66 (2) completed under Law # 43-XLIII/1 from 9 June 1999)

Article 67. Totalising of results of elections by Central Electoral Commission

(1) The Central Electoral Commission issues within 5 days a report on basis of acts delivered by constituency councils concerning:

- a) the number of voters included in electoral lists;
- b) the number of voters included in additional lists;
- c) the number of voters who received ballot papers;
- d) the turnout of participants;
- e) the number of invalid ballot papers;
- f) the total number of valid ballot papers;
- g) the number of valid votes given to every electoral candidate;
- h) the first name and last name of the elected Governor of Gagauzia.

(2) The Central Electoral Commission issues a general report on totals of elections in Gagauzia, which is signed by all its members, and issues a report on results of the scrutiny.

(3) The acts indicated in paragraph (2) will be delivered to the Court of Appeal to confirm the results of elections and to validate the mandate of a candidate.

(Art. 67 (1) completed under Law # 43-XLIII/1 from 9 June 1999)

Article 68. Election of Governor of Gagauzia

A candidate to the post of Governor of Gagauzia is declared winner if he garnered more than half of the valid votes of electors who participated in elections.

Article 69. Runoff vote. Special conditions

(1) If none of candidates to the post of Governor of Gagauzia garnered more than half of the valid votes of electors participating in the first round of elections, a runoff vote is organised for two candidates who gained most of votes in the first round of the scrutiny.

(2) If two candidates garnered the same number of votes in the first round of elections and ranked the second place, they decide who takes part in the runoff vote. If candidates cannot agree, they draw lots.

(3) If candidates participating in the runoff vote gain the same number of votes in the first round of elections, the order of registration of their names in ballot papers is drawn by lots.

(4) The runoff vote takes place two weeks after the first round of elections, in line with this law. The Central Electoral Commission announces the organisation of the runoff vote within 24 hours after scheduling it.

(5) The candidate who garners most of votes in the runoff vote is declared winner.

(6) If both candidates gain the same number of votes in the runoff vote, the candidate who garnered most of votes in the first round is declared winner.

(7) If one of candidates withdraws from electoral race, the other candidate is declared winner if he gained more than half of the votes of electors participating in the scrutiny.

(8) The runoff vote is declared valid if more than 1/3 of voters included in electoral lists attend it.

Article 70. Totalising of results of elections

If the totalising of results of elections finds that one of electoral candidates garnered more than half of the votes of electors participating in the scrutiny, the Central Electoral Commission declares the elections valid and the candidate as winner.

Article 71. Confirmation and publishing of results of elections of Governor of Gagauzia

(1) The Central Electoral Commission reports the results of elections within three days after signing the protocol on totals of elections to the Court of Appeal.

(2) The Court of Appeal examines the documents of the Central electoral commission at an open sitting and makes a decision confirming the results of elections.

(3) The Court of Appeal makes public its decision on results of elections in a special communication within 10 days after receiving the documents of the Central electoral commission.

Article 72. Recognition of mandate of Governor of Gagauzia

The Court of Appeal it passes a decision confirming the election of a candidate. The decision is published immediately.

Article 73. Swearing in

(1) The candidate, whose mandate is validated by Gagauzia's Court of Appeal in the term stipulated by Article 64 (2) of the code, is sworn in front of the People's Assembly and the Court of Appeal of Gagauzia the following: "I am publicly sworn in to serve the people of Gagauzia, to respect and protect the human rights and freedoms of citizens, to respect strictly the Constitution of the Republic of Moldova, the Code and laws of Gagauzia, to fulfil conscientiously the tasks of Governor of Gagauzia."

(2) The Governor of Gagauzia starts exercising his duties after he is sworn in.

Article 74. Announcing of preliminary results

(1) The Central Electoral Commission makes public periodically the preliminary results shortly after receiving them from all lower-ranking electoral councils and offices.

(2) The Central Electoral Commission makes public the general results of elections as soon as possible after receiving the results of the voting from all lower-ranking electoral councils and offices, if it decides that the contestations presented to the commission or the law court do not affect the results of elections.

(3) The Central Electoral Commission of Gagauzia is in charge with totalising the final results.

Article 75. Keeping of electoral documents

(1) The Central Electoral Commission keeps the electoral documents.

(2) The electoral constituency councils dispose of following electoral documents after the electoral period:

a) lists of candidates, annulled, invalid and contested ballot papers, proceedings, reports and contestations delivered by electoral offices of polling stations to constituency councils are transmitted to the Central Electoral Commission.

b) valid ballot papers received from electoral offices of polling stations are delivered to law court in the region of constituency council;

c) stamps of electoral offices of polling stations and constituency councils, as well as other electoral materials are delivered to the Central Electoral Commission.

(3) The Central Electoral Commission drafts a regulation on access to materials indicated in this article for historic researches, investigations on organisation and conduct of elections, studying of electoral practices and other motivated cases.

CHAPTER 13

Monitoring of elections and their coverage by mass media

Article 76. Observers

(1) The constituency council accredits maximum two observers to monitor the elections at every polling station, at the request of electoral competitors. Reliable persons of electoral candidates may also be accredited as observers. If the constituency council rejects the candidate nominated by electoral contestant for accreditation in accordance with this paragraph, it explains the reasons of this decision.

(2) The Central Electoral Commission accredits observers on behalf of qualified public associations to constituency councils. Public association is the one which protects the human rights and democratic values and it is recognised by Central Electoral Commission as capable to exercise civic functions at elections.

(3) Accredited observers hold the right to monitor all electoral operations, including on election day, without intervening in the electoral process or other electoral operations conducted by electoral councils and offices, and to notify the chairperson of the electoral council or office over observed shortcomings. Observers may ask copies from electoral acts, which are issued on their account.

Article 77. Coverage of elections by mass media

(1) Mass media covers the elections in the electoral period accordingly to a regulation approved by the Central Electoral Commission in this respect.

(2) Representatives of mass media enjoy the same rights like electoral observers.

(3) Mass media cannot publish interviews with voters or report the number of votes gathered by electoral competitors and their chances on the Election Day before closure of polling stations.

(4) With two days before elections mass media cannot release the results of social surveys conducted among electors, which may indicate the possible results of the scrutiny.

CHAPTER 14

Judicial procedures

Section 1

Contestations concerning organisation and conduct of elections

Article 78. Contestations

(1) Voters and electoral candidates may contest the actions and decisions of electoral councils and offices in higher electoral bodies and law courts.

(2) The contestation must include the reasons, evidence, signatures and identity data of the person who submits it.

Article 79. Submission of contestations

- (1) The contestation is submitted immediately after the breach was observed.
- (2) Contestations against actions and decisions of electoral offices of polling stations and constituency councils are submitted to law courts in the region of the electoral office or council.
- (3) Contestations against actions and decisions of the Central Electoral Commission are submitted to the Court of Appeal.

Article 80. Examination of contestations

- (1) Contestations against actions and decisions of the Central Electoral Commission taken in the electoral period are examined within five days after submission, but not later than on Election Day.
- (2) Contestations against constituency councils and electoral offices of polling stations are examined within three days after submission, but not later than on Election Day.
- (3) Law courts examine as soon as possible the contestations submitted in the electoral period. Contestations submitted on Election Day are examined immediately.
- (4) The programme of law courts is organised, so that to receive contestations and to examine them without delay.
- (5) Contestations submitted to law courts are examined in line with provisions of the Code of Civil Procedure and law on administrative solicitor's office.

Article 81. Decisions of law courts on contestations

- (1) The law court makes and passes decisions on contestations in line with the Code of Civil Procedure.
- (2) The decision of law court is final and becomes executory immediately after being made.

Section 2**Responsibility for violation of law on elections****Article 82. Legal responsibility**

Individuals who obstruct the free electoral vote of citizens through violence, cheating, threatening, substitution or any other means, persons who deliberately disseminate false data about an electoral candidates, commit any other actions that harm the honour and dignity of candidates, canvass on election day and on the day before elections, halt the activity of electoral councils and offices or the voting at polling stations are responsible in line with legislation in effect.

Article 83. Penal responsibility

- (1) Following actions are considered offences and are punished under the Penal Code:

- a) obstruction through any means of the right to elect and to be elected, the same offence with grave body hurting or dangers for life of people;
- b) falsification of results of elections through any means;
- c) opening of ballot boxes before end of the voting;
- d) storming of polling stations, stealing of ballot boxes or electoral documents.

(2) The prosecutor's office examines the penal cases stipulated by paragraph (1).

(3) Chairpersons of electoral bodies and other high-ranking officials must notify the bodies of the prosecutor's office immediately over actions containing constitutive elements of election-related offences that they were informed about.

Article 84. Administrative responsibility

(1) Administrative contraventions are punished under the Code on Administrative Contraventions if Article 83 of this code does not declare the following actions as offences:

- a) failure of high-ranking officials to provide data and materials demanded by electoral bodies and non-execution of their decisions;
- b) destruction, deterioration of electoral lists or other electoral posters;
- c) organisation of electoral meetings with sale and consumption of spirits by high-ranking persons and failure to take the necessary measures for a normal conduct of such gatherings;
- d) deliberate inclusion of persons who are not allowed to vote by this code, of fictive persons in lists of voters or intentional inclusion of one person in several lists, as well as groundless refusal to receive and settle contestations on electoral operations;
- e) deliberate consent of person to be included in several lists of candidates;
- f) failure of members of electoral bodies to make public proposals on nomination of candidates;
- g) use of foreign or undeclared funds;
- h) obstruction of access to polling station or obstruction of the right to vote of persons who hold this right;
- i) negligence of orders of chairman of the electoral office of polling station regarding ensuring of order in polling station and adjacent territory;
- j) groundless refusal to deliver a ballot paper to a voter included in the electoral list or delivery of more ballot papers than allowed by law to one person;
- k) unmotivated leaving of polling station by members of electoral office before totalising the results of elections and signing the report;
- l) continuation of electoral propaganda on election day and the day before elections;
- m) withdrawal of ballot paper delivered for voting from polling station;
- n) forgery of signatures from subscription lists.

(2) The administrative contraventions stipulated by paragraph (1) are ascertained in reports issued by mayors of localities, chairmen of electoral bodies or police representatives who ensure the security of electoral operations.

(3) Reports ascertaining the administrative contraventions are delivered to law court in the area where the contravention was committed.

CHAPTER 15

Null and invalid elections.

Repeat elections. New elections

Article 85. Null elections

Elections are declared null if the Tribunal of Gagauzia establishes that some violations were committed during the electoral process and/or counting of votes and they influenced the results of elections in general.

Article 86. Invalid elections

The Central Electoral Commission declares the elections invalid if less than half of the persons included in electoral lists participated in the first round and less than one third took part in the runoff vote.

Article 87. Repeat elections

(1) Repeat elections take place if the scrutiny is declared null or invalid.

(2) The Central Electoral Commission organises a repeat vote within one week after elections were declared invalid or null, on basis of the same electoral lists, candidacies and electoral councils and offices.

(3) Electoral candidates who are to blame for frauds are excluded from ballot papers, while electoral councils and offices that committed such frauds are replaced.

(4) The candidate who garnered more than half of the valid votes of electors participating in elections is elected Governor of Gagauzia.

(5) The repeat vote is declared valid if at least one third of the voters included in electoral lists attended it.

(6) Provisions of Article 69 of this law are applied for conduct of the repeat elections after the runoff vote. *(Article 87 (4), (5), (6) completed under Law 43-XLIII/1 from 9 June 1999)*

Article 88. New elections

(1) New elections take place:

a) if the repeat vote is declared invalid or null;

b) if one candidate or two candidates participated in elections and none of them garnered at least half of the votes of people participating in elections;

c) if Governor of Gagauzia was not elected at the runoff vote.

(2) the People's Assembly of Gagauzia schedules the new elections.

(3) New elections take place with at least 60 days after last elections or repeat vote at which Governor of Gagauzia was not elected. *(Art. 88 (3) modified under Law # 49-XIX/III from 08.08.2006 of Gagauzia)*

TITLE III FINAL AND TRANSITORY CONDITIONS

Article 89. Enforcement

This law enters into force on the day when it is published.

Article 90. Transitory orders

After enforcement of this law:

- (1) the executive of Gagauzia must:
 - a) ensure headquarters, necessary financial and technical-material means to the Central Electoral Commission;
 - b) include expenses for activities of the Central Electoral Commission, organisation and conduct of elections in the draft law on budget of Gagauzia for the electoral year.
- (2) All terms related to conduct of elections of Governor (Bashkan) of Gagauzia begin on the day when elections are set.
- (3) The Central Electoral Commission must:
 - a) present the draft expense estimate for its activity and conduct of elections to the executive of Gagauzia;
 - b) start fulfilling the tasks stipulated by this law after creation.
- (4) The creation and functioning of electoral bodies unstipulated by this law are prohibited.

Comrat city, 11 September, 1998
N32-XXXIII/I