

GAGAUZIYANIN HALK TOPLUSU PEOPLE'S ASSEMBLY OF GAGAUZIA

LOCAL LAW

**on elections to the People's Assembly (Halk Toplusu)
of Gagauzia (Gagauz Yeri)**

**TITLE I
GENERAL PROVISIONS**

**CHAPTER 1
GENERAL PRINCIPLES**

Article 1. Elections to the People's Assembly of Gagauzia

The elections of deputies to the People's Assembly of Gagauzia (Gagauzianin Halk Toplusu) are held in uninominal electoral districts for 4-year mandate.

Article 2. Principles of participation in elections

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

(2) Participation in elections shall be based on the citizen's free will. No one has the right to exert any 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.

Article 3. Universality of Voting

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

Article 4. Equality of voting

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

Article 5. Direct vote

Every voter must vote in person. Voting for other individuals is not allowed.

Article 6. Secret vote

Voting in elections is secret. Therefore, any possibility to control a voter's 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.

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 Gagauzia.

Article 9. Place to vote

The voter shall cast his vote in the locality he resides.

Article. 10 Voting for One Electoral Contestant

In an election a voter votes for one single electoral contestant.

CHAPTER 2

THE RIGHT TO ELECT AND TO 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, live permanently in Gagauzia, have the right to vote in elections, except for those deprived of this right.

Article 12. The right to be elected

Citizens of the Republic of Moldova, eligible to vote, who have reached the age of 21 years by and on Election Day, live permanently in Gagauzia and meet the requirements provided herein, may be candidates for deputy mandates.

Article 13. Restrictions

(1) The following individuals cannot vote:

- a) those who do not meet the requirements specified in Article 11;
- b) those declared incapable under a final decision by a court of law;
- c) those sentenced to imprisonment by a final decision of a court of law.

(2) The following individuals cannot be elected:

- a) military personnel in active service;
- b) individuals whose service unfits the electoral responsibility before the non-conformity terminates;
- b) individuals indicated in paragraph (1);
- c) persons convicted to deprivation of liberty by a final court decision serving their sentence in detention centers.

(3) If the office of candidate unfits the post that he bids for, he/her shall suspend the position in office during electoral campaign.

(Art 13 (2) added via Law # 44-XLIII/ I from June 9, 1999).

CHAPTER 3

SCHEDULING OF ELECTIONS

Article 14. Order of scheduling the elections

(1) The People's Assembly of Gagauzia shall be elected within maximum three months after the mandate of the acting Assembly expires.

(2) The People's Assembly of Gagauzia shall establish the date of parliamentary elections not later than with 60 days before the Election Day.

(3) If the People's Assembly is dissolved, the election shall be scheduled within one month after the dissolution. Elections shall take place not later than three months after the dismissal of the People's

Assembly.

(4) The People's Assembly schedules the new or partial elections in one or more districts.

(5) The central electoral commission shall establish the date of the runoff vote, repeat vote in compliance with this law.

(Article 14 (3), (4) and (5) amended and completed via Law # 30-XXXII/I from 09.07.1998.)

(Article 14 (2) modified via Law # 50-XIX/III from 08.06.2006)

TITLE II COMMON PROVISIONS

CHAPTER 4

ELECTORAL DISTRICTS AND PRECINCTS

Article 15. Electoral Districts

(1) For organizing and conducting the election of the People's Assembly of Gagauzia, the administrative electoral districts at least 5,000 voters are formed. One mayorality corresponds with at least one electoral constituency.

(2) Citizens shall be informed about boundaries of electoral districts within five days after their formation.

(3) The Central Electoral Commission shall number the electoral districts for the election of the People's Assembly within two days after their formation and shall inform the people in this respect.

(Article 15 (1) modified via Article # 30-XXXII/I from 09.07.1998)

Article 16. Electoral Precincts

(1) The electoral districts shall be divided into electoral precincts to hold the elections and count their results.

(2) Local Electoral Councils shall form the electoral precincts for at least 30 and maximum 3,000 electors within 30 days after the scheduling of elections on the basis of the evidence provided by local public authorities.

(3) The Central Electoral Commission shall number the electoral precincts within the electoral district and make information available about the borders of each electoral precinct, the address of the precincts bureaus and the precinct's location.

(Article 16 (2) modified via Article # 67-XXVIII/III from 10.07.2007)

CHAPTER 5

ELECTORAL BODIES

Article 17. The system of Electoral Bodies

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

- a) Central Electoral Commission of Gagauzia;
- b) District electoral councils;
- c) Precinct electoral bureaus.

Article 18. Representation in Electoral Bodies

(1) Electoral contestants may nominate to electoral bodies one member representative entitled to a consultative vote.

(2) Within three days members representing electoral contestants shall be confirmed by the corresponding electoral bodies, and in case they are not accepted they will receive a written answer

indicating the grounds for their rejection.

(3) In the event that electoral contestants join into a bloc after they have nominated their representatives to the corresponding electoral bodies, the member-representatives shall be recalled from the electoral bodies, except for one member, appointed by a decision of the bloc leaders. If the leaders of an electoral bloc fail to do so within three days of the day of forming the bloc, the electoral bodies shall expel the representatives subject to withdrawal. Electoral contestant adhering to an already existing electoral bloc shall recall the representative member from the electoral bodies.

Part I

Central Electoral Commission

Article 19. Formation of the Central Electoral Commission

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

(2) The Central Electoral Commission shall consist of nine members nominated by the People's Assembly of Gagauzia decision not later than 65 days before the Election Day. The People's Assembly, the Executive Committee of Gagauzia (Gagauz-Yeri) and the law courts of Gagauzia shall propose by three members of the commission.

(3) The Central Electoral Commission shall respect the Constitution of the Republic of Moldova, the Electoral Code of Gagauzia, this law and the regulation of commission approved under its decision.

(4) The Central Electoral Commission is a legal entity, has its own budget, bank account and seal representing Gagauzia's coat of arms. *(Art 19 (2) was modified via Law #49-XIX/III from 11.12.2007)*

Article 20. Composition and mandate of the Central Electoral Commission

(1) The Central Electoral Commission members shall elect by a majority vote of its members, from among themselves their Chairperson, Deputy-Chairperson and Secretary. The results of the vote shall be entered in a report signed by all participants in the vote. The re-election shall be initiated by at least one third of members of the commission entitled to deliberative vote. The decision on re-election shall be made with a majority of votes of the commission members.

(2) If the candidate for the position of Chairman, Deputy Chairperson or Secretary of the commission does not receive a majority of votes, another round of elections shall be organised in which the candidates nominated for the same position in the previous round may participate.

(3) Should any one of the positions mentioned in paragraph (1) become vacant, it shall be filled pursuant to the same procedures as in the case of elections.

(5) The mandate of the CEC is five years. Upon expiration of the mandate, the composition of the Commission may be changed. The same individuals may serve for another term, but for no more than two consecutive terms;

(6) The Chairperson and Secretary of the commission shall work on a permanent basis. Other members of the commission shall be summoned by the Chairperson on a case-by-case basis. The Chairman of the Commission is equal to the office of the head of the Gagauz Executive, whereas the Secretary is equal to the office of Deputy Head of the Executive.

(Article 20 modified and completed via Law # 30-XXXII/I from 09.07.1998 and # 67-XXVIII/III from 10.07.2007)

Article 21. Meetings and Resolutions of the Central Electoral Commission

(1) The meetings of the CEC shall be deliberative provided that the majority of its members entitled to deliberative vote participate.

(2) The Central Electoral Commission shall adopt resolutions by a vote of the majority of its

members entitled to deliberative vote.

Article 22. Status of CEC members

(1) Members of the CEC shall be of outstanding character and have an exceptionally high reputation for personal integrity and professional skills to exercise electoral activities.

(2) Members of the Commission entitled to a deliberative vote:

- a) may not be members of any political party or other socio-political organisation that have nominated candidates for the People's Assembly;
- 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 exercising their competence as provided in present Law.

Article 23. Revocation of CEC Membership

(1) The members of the Central Electoral Commission will be revoked if they violate the Article 22, paragraph (2), as well as when their actions unfit their status.

(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 23 (2), (3) modified via Law # 50-XIX/III from 08.06.2006)

Article 24. Reliese from permanent service. Remuneration

(1) Members of the CEC not working on a permanent basis shall be released from their professional duties for the duration of the electoral period by a CEC Resolution.

(2) The responsibility of the CEC chairperson and secretary is equivalent to the office of 2nd state rank.

(3) Members of the commission shall be paid according to the rank of their position, but not less than the average of their payment at their last permanent workplace plus raises, supplements, allowances and remuneration. Members not working on a permanent basis shall receive a 25% salary raise, for the period they are released from their permanent workplace.

(Art 24 modified via Law # 30-XXXIII/III from 10.07.2007)

Article 25. General Responsibilities of the Central Electoral Commission

The Central Electoral Commission shall:

- a) study the method of organizing and holding elections in order to improve the electoral law and procedures;
- b) make recommendations to the Executive Committee and People's Assembly concerning the necessity of operating changes to the electoral law;
- c) develop regulations and instructions intended to improve the electoral procedures;
- d) keep a roster of the personnel who participated in organising and holding the elections, inclusively of the qualified workers, which can be appointed to District Electoral Councils and to the Precinct Electoral Bureaus;
- e) set up District Electoral Councils and Precinct Electoral Bureaus for the partial elections;
- f) cooperate with the following during the organisation and holding of elections:
 - the Department of Interior with respect to establishing security procedures to protect voting sites and materials;
 - state enterprises and institutions whom it shall contract for services such as ballot printing and equipment supply;
 - media outlets and public associations in conducting civic and voter education activities and informing citizens about the electoral process;

- g) analyse the structure of electoral districts, in terms of the existing organisation of administrative-territorial units of the republic;
- h) develop voter information programs during electoral period;
- i) provide the media information on the unfolding of elections and the election administration practices employed;
- j) report to the People's Assembly, Governor (Bashkan) and Executive Committee;
- k) communicate election issues to the press and the public at large;
- l) establish contacts with political parties, other socio-political and non-governmental organisations entitled to put forward candidates for public offices, and see to their unhindered participation in the electoral process;
- m) consult indigenous non-governmental organisations interested to conduct civic education campaigns during elections;
- n) organise training courses and seminars for individuals qualified to participate in the electoral process as members of district electoral councils or precinct electoral bureaus, as representatives of political parties or other socio-political organisations, electoral blocs or potential candidates, as officers in the apparatus of electoral councils or as members of support groups;
- o) analyse electoral frauds, including allegations of fraud, committed past or current elections as well as likely to be committed in future elections and take preventive measures; notify public authorities about issues needing consideration according to current laws.

Article 26. Special functions of the Central Electoral Commission

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

(Article 26 completed via Law # 30-XXXII/I from 09.07.1998)

Article 27. Apparatus of the Central Electoral Commission

(1) The CEC may be assisted by an apparatus confirmed by the Executive Committee and recommended by the Central Electoral Commission. Some officers of the apparatus, nominated by the commission, shall work on a permanent basis, whereas the rest of the officers shall be summoned for the electoral period, and shall be released from their professional duties at their basic workplace for the duration of the electoral period.

(2) The salaries and expenses of the CEC apparatus shall be paid by the Commission from its budget. The salary of an apparatus officer shall be equal to one of a second rank public officer, but not lower than the average salary paid at the previous permanent workplace, plus raises, supplements, allowances and remuneration. Equivalence with definite positions shall be determined by the CEC. Members not working on a permanent basis shall receive a 25% salary raise for the period they are released from their basic place of work.

(Article 27 modified and completed via Law # 67-XXVIII/III from 10.07.2007)

Article 28. Funding of Central Electoral Commission's Activity

Funds for CEC operations shall be provided from the regional budget. The Commission presents to the Executive Committee, on a date fixed by this, a proposal regarding the inclusion in the budget of the expenditures related to its functioning and to organisation of elections, inclusively for the activities which the Commission intends to undertake in the period of the next budgetary year.

Article 29. Meetings and operations of the Central Electoral Commission

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

(2) All meetings at which the Commission discusses electoral matters, including those when the

Commission is called upon to make a decision about election issues shall be open to the press, 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 Electoral Commission shall ensure that election operations are conducted in an open manner enabling the press and public to follow the commission's activity.

Article 30. Responsibilities of the Central Electoral Commission during the Electoral Period

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

- a) Coordinate the activity of all electoral bodies to prepare and conduct elections, according to present Law;
- b) Oversee the implementation of present Law's provisions and other laws that affect the conduct of elections;
- c) Establish electoral districts and district electoral councils and supervise their activity;
- d) Register electoral contestants and their trustees in the event of elections for the People's Assembly;
- e) Distribute funds allotted for conducting elections; oversee the provision of electoral councils and bureaus with offices, transportation and telecommunication; and deal with other issues of technical and material support for elections;
- f) Establish the form of ballots and voter rolls, the records of meetings of electoral councils and bureaus, and other documents for conducting elections; and design of voting boxes and stamps for the electoral councils and bureaus;
- g) Consider communications from public bodies on issues concerning the preparation and conduct of elections;
- h) Sum up the results of the elections in Gagauzia with the view to report their results to the Court of Appeal;
- i) Issue resolutions with regard to the operations of district electoral councils and precinct electoral bureaus, election procedures, the method of organizing and conducting the elections and technical and administrative issues
- j) Provide training for poll workers and election information for voters;
- l) Consider statements and complaints regarding decisions and actions of district electoral councils and precinct electoral bureaus and adopt mandatory resolutions thereupon;
- m) Issue resolutions regarding the release of electoral council members from their basic workplace for the time period of working with the electoral council;
- n) Organise the conduct of the runoff vote, repeat, early, new or partial elections, pursuant to the provisions of present Law;
- o) Collect information about citizen' participation in elections, sum up preliminary results and make final results public.

(2) During the electoral campaign, the CEC may exercise full authority even if the member-representatives entitled to a consultative vote have not been appointed to the Commission yet.

(b) Article 30 modified via Law # 44-XLIII/I from 09.06.1999)

Section II

Electoral Districts and District Electoral Councils

(the title of Section II was modified via Law # 44-XLIII/I from 09June 1999)

Article 31. Formation of Electoral Districts and District Electoral Councils

(1) At least 50 days before elections, the Central Electoral Commission shall establish electoral districts and district electoral councils.

(2) District electoral councils shall consist of 7-11 members entitled to deliberative vote.

(3) The district electoral councils shall be formed on the basis of proposals submitted by local councils, and when there is a lack of such proposals, the Central Election Commission shall appoint them from the pool of electoral functionaries. To the extent possible, individuals having higher legal education shall be appointed to district electoral councils.

(4) Candidate-ship for members of the electoral councils shall be proposed by local councils or are elected on basis of a list of qualified employees delivered by the Central Electoral Commission. The members of district electoral councils shall not be members of local councils, political parties or other social-political organisations participating in elections.

(5) District electoral councils, within three days of their formation, shall elect a chairperson, a deputy chairperson and a secretary. The district electoral council shall promptly notify the Central Electoral Commission of the results of these elections.

(6) Within four days of the date of its formation, district electoral councils shall make public the names of their members, the location of their office and the means of contacting them.

(7) District electoral councils may adopt decisions by a majority vote of its members entitled to deliberative vote.

(8) District electoral councils shall be assisted by an apparatus whose personnel shall be approved by the Central Electoral Commission, at the recommendation of the district electoral council.
(Title of Art 31 (1) and (6) modified via Law # 44-XLIII/I from 09 June 1999)
(Art 31 (1) modified via Law # 50-XIX/III from 08.06.2006)

Article 32. Responsibilities of District Electoral Council

District electoral councils shall have the following responsibilities:

- a) Oversee the execution of present Law and other laws affecting the conduct of elections;
- b) Form electoral bureaus and supervise the activity of precinct electoral bureaus; train their members, promote the technique of voting and the importance of the vote;
- c) Distribute allotted financial funds among precinct electoral bureaus;
- d) Receive and examine communications of local public administration bodies, directors of state entities, institutions and organisations regarding the preparation and conduct of elections;
- e) Exercise control over the timely elaboration and review of the voter rolls;
- f) Ensure precinct electoral bureaus with a supply of forms for voters rolls, protocols and ballots, etc.;
- g) sum up election results in the district, submit related documents to the Central Electoral Commission;
- h) Collect information from the precinct electoral bureaus about citizen participation in elections, sum up preliminary results of the election and submit them to the CEC;
- i) Consider statements and complaints about decisions and actions taken by precinct electoral bureaus, and adopt mandatory decisions regarding them;
- j) Take other actions connected with the organization and conduct of elections.

(Art 33 (b) modified via Law # 44-XLIII/I from 09 June 1999)

Article 33. Special Responsibilities of the Electoral Councils

In localities where only one electoral precinct is formed to elect the People's Assembly of Gagauzia, district electoral council shall exercise the responsibilities of precinct electoral bureau as well.

(Article 33 completed via Law # 30-XXXII/I from 09.07.1998)

Section III

Precincts and Precinct Electoral Bureaus

Article 34. Formation of Precincts and Precinct Electoral Bureaus

- (1) To conduct voting and count the votes, electoral districts shall be divided into precincts.
 - (2) Precincts shall be established by district electoral councils in localities based on the recommendation local public administration not later than 20 days before elections and they shall have at least 30 voters and no more than 3,000 voters each.
 - (3) Special precincts may also be established at hospitals, sanatoriums, maternity wards, asylums and homes for elderly. Such precincts must have no less than 30 voters.
 - (4) Military personnel shall vote at general precincts where military units are located.
 - (5) A district electoral council shall number its precincts and make information available about the size of each precinct bureau, its polling station location, its telephone number, and means of contacting it.
 - (6) Mayoralties shall provide information and necessary assistance to precinct bureaus to ensure proper fulfillment of their duties as stipulated in present Law.
 - (7) Precinct electoral bureaus shall be formed by the district councils no later than 25 days before the election and shall consist of 5 -11 members.
 - (8) Lists of members of electoral bureaus of polling stations shall be presented by local councils. If such lists are not delivered, members of electoral offices shall be appointed at the initiative of the Central Electoral Commission within five days after the polling station was created.
 - (9) The precinct electoral bureau shall elect, within two days of its formation a Chairperson, a Deputy Chairperson and a Secretary of the bureau, immediately notify the district electoral council of its decision, and make public membership and location of electoral bureau and means of contacting it.
 - (10) To ensure the exercise of the constitutional right to vote, the Central Electoral Commission may form precincts and precinct electoral bureaus in other instances as well.
 - (11) Members of the polling stations can not be members of local councils, parties and other social-political organisation participating in elections.
- (Article 34 (2) and (7) modified via Law # 44-XLIII/I from 09.06.1999)*
(Article 34 (2) modified via Law # 50-XIX/III from 08.06.2006)

Article 35. Responsibilities of Precinct Electoral Bureaus

Precinct electoral bureaus shall have the following responsibilities:

- a) Together with public administration bodies provide for the review of voter rolls, ensure integrity of the lists and ballot papers, and be responsible for their correct and complete development;
- b) Consider statements about mistakes in voter rolls, modify them, and issue certificates of the right to vote to voters who, on Election Day, will be away from their place of residence;
- c) Issue supplementary voter rolls on which persons who cast their ballots on the basis of certificates are entered, as well as voters who, for various reasons, were not included on the main voter rolls;
- d) Notify the public residing within the precinct district about the election day and the location of the polling station, prepare the polling station premises for voting and install ballot boxes and booths; organise the voting on the scheduled day, ensure public order in the premises of the polling station;
- e) Tabulate election results in the precinct, complete the protocols and reports, and convey them along with all ballots to the district electoral council;
- f) Consider requests and complaints regarding preparation for elections and organisation of the voting, and make decisions regarding them which shall be attached to the bureau's protocols;
- g) Convey to the district electoral council data regarding citizens participation in elections, as well as the data required for tabulation of the preliminary results of the elections;

h) Exercise other responsibilities in keeping with this law.

Section IV

Support for Electoral Councils and Bureaus, organisation of their activities, change of their composition and their termination

Article 36. Assistance to Electoral Councils and Bureaus

(1) Public bodies, enterprises, institutions and organisations, official persons, parties and other socio-political organisations 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.

(2) In matters relating the preparation and conduct of elections, electoral councils and bureaus may address requests to public bodies, enterprises, institutions, organisations, official persons, parties and other socio-political organisations and their bodies which shall consider the matter and respond within three days of receiving the request, but no later than Election Day.

Article 37. Organisation of the activity of Electoral Councils and Bureaus

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

(2) A quorum for conducting a meeting of an electoral council/bureau shall be more than half of its voting 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. In the event of a parity of votes a decision is not adopted, whereas the examination of the case is postponed to the subsequent next sitting. Members of the council or bureau who do not agree with the adopted decisions have the right to put down in written form their own opinion, which shall be attached to the report of the sitting.

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

(4) The Central Electoral Commission shall establish by a resolution the number of electoral body members who shall be released from their basic professional duties and the term of release. Such individuals shall receive from the electoral fund a 25% salary rise to the average monthly wage at their normal workplace, plus raises, supplements, allowances and remuneration, but not less than an average wage per current year, or per previous year if elections are conducted in January or February. If retirees or temporary job seekers are summoned, they shall be paid an average country salary per current year or per previous year if elections are conducted in January or February. Persons who are not temporarily relieved of their functions – members with a deliberative voting right of the electoral bodies, for their activity in the framework of the poll, including on the day of elections, shall receive a remuneration in the amount of 15% of the average salary in the economy of the autonomy

(5) Public servants, members of electoral bodies including the apparatus' members of these bodies, permanently relieved of their work functions for the electoral period shall preserve their status of public servants.

(6) If needed, it is allowed to conclude individual work contracts for the determined term. Inquired expenses shall be covered from the funds allotted for elections.

(7) Members of electoral councils or bureaus entitled to deliberative vote shall not campaign for or against candidates running for eligible public offices; engage in any other political activity on behalf of any electoral contestant; be affiliated with any of them; make any financial or other contribution, directly or indirectly, to any electoral contestant. Members of electoral councils and bureaus entitled to deliberative vote may not be relatives by blood or by law with a candidate running in elections.

(Article 37 modified and completed via Law # 67-XXVIII/III from 10.07.2007)

Article 38. Order of changing the composition of Electoral Councils and Bureaus

- (1) The membership of the electoral council or bureau shall cease:
 - a) Upon a request;
 - b) Upon recall.
- (2) The institution or electoral contestant that nominated or appointed a member to the electoral council or bureau have the right to recall that member.
- (3) If a member resigns or is recalled from the electoral council or bureau before election day, a replacement can be nominated or appointed as established by present Law.

Article 39. Termination of Electoral Councils and Bureaus

- (1) Electoral councils and bureaus established under present Law shall terminate their activities and be dissolved under the decision of the Central Electoral Commission shortly after the elections for which they were formed were concluded.
- (2) As a rule, district electoral councils and precinct electoral bureaus shall cease to work as soon as the Central Electoral Commission has made public the final results.
- (3) After dissolution of electoral councils or bureaus in compliance with present Law, their members shall cease to be remunerated and return to their normal employment, if a decision on the activity's continuation of some of them in the council or bureau is not made.

**CHAPTER 6
MATERIAL SUPPORT OF ELECTIONS**

Article 40. Supply of materials necessary for conducting elections

- (1) Expenses related to the preparation and conduct of elections shall be covered from the regional budget of Gagauzia.
- (2) The amount of funds shall be established by the People's Assembly within the limits stipulated by the Budget Law of Gagauzia for the year when the elections take place. The Central Electoral Commission shall submit relevant proposals to the Executive, which shall consider them and further deliver them to the People's Assembly in order to be confirmed. If the expenses are not foreseen in the ongoing year budget, the People's Assembly shall establish their amount at the proposal of the Central Electoral Commission.
- (3) The Central Electoral Commission shall submit to the People's Assembly a report on the management of the allotted amount after the elections, in compliance with present Law;
- (4) Unused funds shall be transferred back to the budget.
- (5) The Central Electoral Commission shall establish the method of distribution and spending of funds, as well as the method of publication of the final expense report, under the conditions provided by present Law.
- (6) Public authorities, enterprises, institutions, organisations shall make available office space and equipment necessary for preparation and conduct of elections and for results tabulation, for use by electoral councils and bureaus.
- (7) State-funded mass media shall, free of charge, publish statements and materials presented by the electoral councils, electoral programmes of electoral contestants, and other election-related materials, including materials designed for civic education or voter information purposes.

Article 41. Prohibition of Foreign Subsidising

- (1) Any direct or indirect funding or material support for the electoral campaign of candidates in an election and electoral contestants by other 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 shall be confiscated to the budget.

(2) In the event that a contestant in an election receives on his/her account undeclared funds from abroad or has consciously used such funds, the Central Electoral Commission shall ask the Court of Appeals to nullify the registration of the contestant; the Court of Appeals shall examine the complaint and render its judgment within five days, but no later than the election day.

Article 42. State material support for Electoral campaigns

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

(2) Loans from the state budget may be received by the agency or a financial agent only, appointed for this purpose by the contestant. Financial agents shall be individuals or legal entities, registered with the Ministry of Finance; they shall share all responsibilities with the contestants who appointed them.

(3) Loans received from the state shall be paid 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 paid by the state shall be established by dividing the sum of the credit by the number of voters who participated in the elections, and then multiplying it by the number of valid votes cast for the contestant.

(4) Unelected candidates shall reimburse the state credits within two months after elections. Other contestants shall reimburse the loans within four months.

Article 43. Conditions and Method of Support for Electoral Campaigns

(1) Direct and indirect financing, material support in any other form for electoral campaigns of contestants by individuals and legal entities is based on the following conditions:

a) Financial or other material support for the candidates in elections shall be declared in the media within one month after announcement of the campaign;

b) After the appropriate electoral council or bureau is formed, electoral contestants shall also report any funds or other support they obtain from the sources described in this Article, prior to using them.

(2) The contestant shall open an account in a bank by specifying an "Electoral Fund" and transfer there his own finances and funds from individuals and legal entities. These funds may only be transferred into the account with the candidate's prior consent. The ceiling of funds to be wired to the electoral accounts shall be established by the CEC.

(3) The bank shall notify the Central Electoral Commission and the relevant local electoral council about the 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 appropriate use of money by competitors.

(4) The district electoral council shall keep 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, the respective electoral body shall compile 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 electoral body shall release its final pre-election report two days prior to Election Day, and shall also prepare a final report compiling all the information it has received concerning the amount and sources of contributions to the contestants in an election.

CHAPTER 7 VOTER ROLLS

Article 44. Voter rolls

(1) Voter rolls shall be issued by the mayoralty and precinct electoral bureaus in two copies for

every polling station; the rolls shall be checked with voters who are on the lists, at their residence and shall be signed by the mayor and made public no later than 20 days before Election Day.

(2) The voter rolls shall include the voter's last name and first name, year of birth, place of residence, type and number of the voter's identification document. The order on the lists shall be established by the mayoralties.

(3) A voter may be included on only one voter roll and at only one electoral precinct, based on acts attesting their domicile within the perimeter of the respective electoral precinct.

(4) In the event that the voter changes his/her residence in the period between the day of determining the rolls and election day, the precinct bureaus, at the voter's request and upon presentation of his/her identity card, passport or some other form of identification, shall issue the voter a voting right certificate. The voter who receives such a certificate shall confirm it by signing the voter list next to his/her name.

(Article 44 (3) modified via Law # 44-XLIII/I from 09.06.1999)

(Article 44 (2) modified via Law # 82-XXXII/III from 11.12.2007)

Article 45. Review of voter rolls

(1) Ten days before the elections the voter roll shall be made available for inspection in a public place within the precinct. The mayoralty shall keep a copy of the list. Not later than seven days prior to elections, voters shall be notified of the location of the precinct at which they shall vote.

(2) Citizens shall be provided with an opportunity to become familiar with the voter rolls and to verify the accuracy of their compilation. They have the right to appeal against their names being incorrectly omitted or excluded from the list, as well as mistaken personal data introduced in the list.

(Article 45 (1) modified via Law # 30-XXXII/I from 09.07.1998)

(Article 44 (1) modified via Law # 50-XIX/III from 08.06.2006)

CHAPTER 8

NOMINATION AND REGISTRATION OF CANDIDATES

Article 46. Nomination of candidates

(1) The number of members of the People's Assembly of Gagauzia shall not exceed one per 5,000 electors, but each local public administration shall have at least one member.

(2) Citizens of the Republic of Moldova over 21 years old who resided at least three years the area of the electoral district and meet the requirements of present Law may be candidates to the People's Assembly of Gagauzia.

(3) The process of nominating the candidates begins immediately after the date of elections was set or on the day indicated in the decision by the People's Assembly of Gagauzia concerning the scheduling of elections, and ends 30 days before the elections.

(4) The following have the right to nominate a candidate for election, provided they meet all requirements of present Law:

- a) Parties and other socio-political organisations registered prior to the announcement of elections, in accordance with their statutes and current legislation;
- b) Electoral blocs formed under decisions adopted according to the statutes of parties and other socio-political organisations, registered respectively with the CEC within 15 days of their formation - or, if they were formed prior to the electoral period, within 15 days of the commencement of that period;
- c) Citizens of the Republic of Moldova who reside the Gagauz autonomy and nominate themselves (independent candidates), submit to the CEC lists with the signatures of at least 300 electors each supporting their candidacies in the electoral district where he/she wants to candidate;

d) In the event that less than 500 electors reside a local district concerned, the independent candidate shall submit to the CEC of Gagauzia a list with signatures of at least half of the voters of the district concerned, in order to prove that they support him/her.

(5) Candidate statements of agreement to run in the election for the People's Assembly shall be submitted to the Central Electoral Commission

(Article 46 (3) modified via Law # 41-XLI/I from 30.04.1999)

(Article 46 (2) modified via Law 11-IV/III from 23.03.2004)

Article 47. Special requirements for nominating candidates by parties, other socio-political organisations and electoral blocs

Parties, other socio-political organizations and electoral blocs may nominate only one candidate each in every electoral district. The same person cannot bid in different electoral districts.

(Article 47 completed via Law # 30-XXXII/I from 09.07.1998)

Article 48. Collection of signatures in support of an independent candidate

(1) Signatures shall be collected to support an independent candidate only.

(2) Only members of an initiative group who appoint ant/or support independent candidates, as well as their trustees have the right to collect signatures.

(3) Lists for collecting signatures in support of an independent candidate (hereinafter petitions) shall contain the last and the first names, year of birth, profession, position (occupation), place of work, place of residence and political membership of the candidate, as well as the last and the first names of the voter who collects the signatures. Individual sheets of the petitions shall contain only signatures of voters who live in a single locality.

(4) Voters who support the candidate shall indicate on the petition their first and last names, year of birth, place of residence, type and number of identity document, date of signing, and signature.

(5) Each voter may sign the petition for only one candidate in any particular election.

(6) The individual who gathers voters' signatures shall sign every sheet of the petition in the presence of the head of local public administration authority where signatures were collected. Signature collectors shall introduce at the end of each sheet of names 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. The petition shall be certified on each page with the official stamp of the respective local public administration.

(Article 48 (3) modified via Law # 44-XLIII/I from 09.06.1999)

Article 49. Submission and review of nominating petitions

(1) The CEC shall start reviewing the accuracy of the lists in terms of the eligibility of the persons who signed them, their residence, no later than 30 days before the elections. The CEC shall review the lists within five days after receiving them.

(2) The CEC shall inform submitters of such lists about the results of the reviewing and shall report the total number of valid signatures.

(3) Collectors of signatures are responsible for the authenticity of the data.

(4) The signatures collected before the nomination of candidates and lists unsigned by collectors or without the stamp of the local public authority are invalid.

Article 50. Special requirements for nomination petitions

(1) Lists with signatures supporting an independent candidate are issued and reviewed in line with Articles 48 and 49.

(2) In the event that the CEC discovers fake or repeated signatures, they are invalidated.

(3) In the event that the CEC establishes insufficient signatures or discovers after excluding the invalid signatures that their number is lower than stipulated by Article 46 (4) b) and d), the independent candidates shall not be registered and he/she shall be notified within 24 hours.

(4) Once the CEC reviews the lists of signatures, other signatures shall not be accepted.
(Article 50 completed via Law 30-XXXII/I from 09.07.1998)

Article 51. Registration of candidates

(1) In order to register a candidate, the following documents shall be submitted to the CEC no later than 30 days before the Election Day:

- a) An official record of the meeting of the central or territorial body of the party, other socio-political organisation or electoral bloc regarding the nomination of the candidate (list of candidates);
- b) Nominating petitions containing the required number of signatures in support of independent candidates;
- c) Biographical data of the candidate;
- d) A statement proving the agreement of the candidate to run for the office for which his/her candidacy has been proposed;
- e) A declaration by the candidate stating his/her income over the two years preceding the election year, and the sources of that income;
- f) A health certificate of the candidate issued by the medical institution which he/she is registered with.

(2) The CEC shall register candidates for elections within seven days of the date of submission of the documents enumerated in paragraph (1).

(3) Candidates in the election shall not serve in any electoral council or bureau during the period of that scrutiny.

(4) The CEC shall issue a certificate of candidacy to the registered candidates as soon as possible but no later than three days of the day of registration.

(5) The CEC shall publish in the state mass media its decisions on registration of independent candidates or lists of candidates.

(6) Upon expiration of the registration term for candidates, the CEC shall publish the integral list of candidates that it has registered, providing their first and second names, year of birth, locality of residence, political affiliation, professions (occupations), and the name of the party, socio-political organisation or electoral bloc that has nominated them.

CHAPTER 9

ELECTORAL CAMPAIGN

Article 52. Trustees of electoral candidates

(1) Electoral candidates may designate trustees in every district to assist them in conducting their electoral campaign, campaign for them and represent their interests in relations with public bodies, voters and electoral councils and bureaus. The number of trustees for each electoral contestant shall be determined by the CEC or the relevant district electoral council.

(2) The electoral candidates shall independently choose their trustees and introduce them to the CEC in order to be registered and certified.

(3) The contestants may, at any time before the day preceding the Election Day, suspend their trustees' authority and replace them with other persons.

(4) Trustees of candidates shall upon request be relieved from their normal place of employment. They may not be dismissed or transferred from their usual job responsibilities without their consent during the electoral period.

(5) Trustees of candidates who run public offices shall not use public means and goods for the electoral campaign.

Article 53. Guaranteed rights of electoral candidates

- (1) The electoral competitors shall participate in the electoral campaign on an equal basis and 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-material support and funding of the electoral campaign.
 - (3) Candidates may be relieved from their job duties at their normal place of employment throughout the electoral campaign without being paid their salaries.
 - (4) Candidates may use free of charge all state-owned means of transportation (except taxi) in Gagauzia.
 - (5) During the electoral period, candidates may not be fired or transferred to another place of work or position without their consent.
 - (6) Electoral candidates shall not be investigated under the Penal Code, arrested, held or reprimanded without the consent of the electoral body which registered them, except for flagrant offences.
 - (7) Electoral candidates may withdraw from the electoral race by addressing a written statement to the Central Electoral Commission, but no later than five days before elections.
 - (8) If a candidate in an election withdraws his/her candidacy after the ballot papers have already been printed, the precinct electoral bureau shall stamp "withdrawn" next to his/her name, on the ballot.
 - (9) Electoral candidate who withdrew from the electoral race shall return the technical-material and financial means allocated to him from the budget to hold his/her electoral campaign.
- (Article 53 (7) modified via Law # 44-XLIII/I from 09.06.1999)*
(Article 53 (3) modified via Law # 67-XXVIII/III from 10.07.2007)

Article 54. Modification of lists of candidates

- (1) Electoral candidates may withdraw the lists of candidates with the view to cancel a decision on nomination of a candidate, and parties and other socio-political organisations have the right to withdraw from the electoral bloc, withdrawing their candidacies from the list of the bloc concerned *within five days before the elections*.
 - (2) Decision on withdrawal of a candidate or list of candidates shall be made by the bloc which nominated it shall be passed to the CEC in order to make it public.
 - (3) Candidates may be changed throughout the registration term for candidates. The Central Electoral Commission shall be in charge with registering a new candidate instead of the recalled candidate.
 - (4) In the event a party and/or other socio-political organisation withdraws from the electoral bloc and recalls its candidates after the registration term, the candidates of this party and/or socio-political organisation are excluded from the bloc. The same procedure shall be respected when candidates are recalled by parties and/or other socio-political organisations.
- (Article 54 completed via Law # 30-XXXII/I from 09.07.1998)*

Article 55. Pre-electoral campaigning

- (1) Citizens of the Republic of Moldova who reside Gagauzia, parties and other socio-political organisations, electoral blocs, candidates and trustees of candidates have the right to put forward for free discussion all aspects of candidates' electoral programs, and the political, professional and personal qualities of the candidates; and to campaign for or against candidates in elections at reunions, meetings with the electorate, using the media and other forms of communication except for those that disturb public order or are unethical.
- (2) Electoral candidates may hold meetings with electors. Electoral councils and bureaus and local public administration authorities shall ensure that opportunity to organise such meetings is provided on equal terms and conditions to all contestants.
- (3) After registration of electoral contestants by the CEC, they shall have the right to post their electoral posters, which shall not contravene the law or ethics.

(4) Within three days after registering the electoral candidate, the local public administrative authorities shall establish and guarantee a minimum of special places for electoral posters. The distribution of place to electoral candidates shall be equal.

(5) The campaigning on the Election Day is prohibited.

CHAPTER 10

BALLOT PAPERS

Article 56. Form of Ballot Papers

The Central Electoral Commission establishes the design and the text of the ballot paper for the election of the People's Assembly of Gagauzia.

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

(3) Electoral contestants shall be entered on the ballot in the order of their registration with the CEC.

(4) In the left side of the rectangle shall be printed the electoral sign or the symbol of the electoral candidate or the electoral sign of the independent candidate. The electoral signs and symbols shall be presented to the CEC by the candidates no later than on the last day of registration of electoral contestants.

(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 to select a candidate.

(6) Electoral ballots shall be drawn up in accordance with the law on the functioning of languages spoken in Gagauzia.

(Article 56 (5) modified via Law # 67-XXVIII/III from 10.07.2007)

Article 57. Preparation of ballot papers

(1) Ballot papers shall be printed accordingly to instructions of the Central Electoral Commission. Members of electoral bodies and member representatives of electoral candidates may assist at the drafting of ballot papers, at the printing of sample ballot papers and at the destruction of the sample ballots papers.

(2) Ballot papers shall be printed no later than three days prior to elections, in a quantity not to exceed the number of voters, with a one-percent reserve.

(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.

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

(5) Member representatives of electoral contestants, as well as any voter, shall have the right to inspect sample ballots at the precinct electoral bureau.

(6) The Central Electoral Commission shall deliver the ballot papers to local electoral councils not later than 2 days before the elections.

(Article 57 modified via Law # 67-XXVIII/III from 10.07.2007)

CHAPTER 11

VOTING

Article 58. Time and place of voting

The voting shall be held on Election Day between 7:00 and 21:00. The precinct electoral bureau shall publicly announce the time and place of the voting no later than 10 days before the Election Day.

Article 59. Voting conditions

(1) During the time allotted for the voting the polling station shall not be closed nor may voting be terminated, with the exception of cases of mass disorders, natural disasters, or other unforeseen circumstances which make the conducting the elections impossible or dangerous for the voters. In such cases the chairperson of the precinct electoral bureau may suspend the voting for no more than two hours to put the electoral precinct into its proper condition or move it to other place, having notified the voters of this fact.

(2) Individuals with the right to be in attendance at the voting may not be compelled to leave the polling place during a time when the voting has been suspended.

Article 60. Organisation of voting

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

(2) In order to maintain the order in the electoral precinct and avoid crowds, the precinct electoral bureau shall establish a path for the movement of voters, beginning with the entry to the tables where the ballots are passed out, then to the secret voting booths, and on to the ballot boxes.

(3) The polling station shall be laid out in a way to allow the members of the precinct electoral bureau and other authorised persons present at the precinct (including electoral candidates) to continuously observe all aspects of the voting process, including voter identification and issuance of ballots, and voters' placing of ballots into ballot boxes.

(4) The provision of the electoral precinct with booths, ballot boxes, and other necessary materials shall be the responsibility of local public administration.

(5) Precinct bureaus shall be responsible for organising the voting, ensuring the secret expression of the voters' will, equipping the premises and maintaining order at polling stations.

Article 61. Voting

(1) Every voter must vote in person. Voting for other individuals is prohibited. The precinct electoral bureau shall hand out ballots to voters based on the voter roll, only upon the presentation of an identification document. Voters shall confirm receipt of the ballot by signing the voter roll next to his/her name.

(2) Electors residing the area of the precinct electoral bureau who are not included on the voterrolls, as well as those holding an identity paper allowing them to vote shall be entered on a supplementary voter roll upon presentation of an identification document showing their place of residence within the precinct. The certificate shall remain at the precinct electoral bureau and be attached to the protocol.

(3) The chairperson and members of the precinct electoral bureau shall cast their ballots at the polling station where they work or after their inclusion on a supplementary voter roll on basis of electoral certificates, if needed be.

(4) The chairperson of the precinct electoral bureau shall keep a record of important developments that take place during the voting and vote counting. At the request of bureau members accredited at the polling station or of any elector, the chairperson shall note down their comments and objections regarding the voting procedure of voting and shall attach them to the protocol by the precinct electoral bureau.

Article 62. 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 himself/herself has the right to invite another individual into the booth, except for members of the electoral bureau, representatives of candidates, and other accredited individuals entitled to attend electoral procedures.

(2) The voter shall apply the stamp in the circle of only one of the rectangles on the ballot, which shall signify that he/she has voted for the corresponding electoral contestant. The circles in the rest of the rectangles shall be left blank.

(3) Taking a ballot paper out of the polling station shall be prohibited.

(4) A voter shall elect one candidate only.

(5) If a voter has inadvertently spoiled a ballot, at his/her request the precinct electoral bureau shall cancel it and issue a new ballot only once. In this event, a note shall be made in the minutes of the voting and in the voter roll.

(6) The ballot paper filled out by a voter shall be placed into the ballot box.

(Article 62 (2) modified via Law # 67-XXVIII/III from 10.07.2007)

Article 63. Voting security

(1) At 07:00 on the 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, check the voter rolls, ballots, and seal, and declare the voting process opened. The chairperson shall invite the other members of the bureau, any other persons authorised to attend the voting operations at the polling station, as well as the voters who may be present at the time of the opening to observe his/her actions.

(2) Ballot papers shall be kept in a secure place in the precinct bureau in packages containing 100 pieces each and the bureau chairperson shall disseminate them to bureau members in order to deliver them to electors.

(3) Before the voter introduces the ballot paper into the box, a member of the precinct bureau, which permanently stays near the ballot box, shall apply a stamp on the other side of the ballot paper.

(4) Members of the precinct electoral bureau as well as representatives of the electoral contestants and persons authorized to attend the polling station shall be obliged to have and display identification badges. Persons who enter polling stations shall be prohibited from displaying any emblems, badges or other symbols having to do with the electoral campaign.

(5) If, for health-related or other well-grounded reasons, the voter is unable to be present in the polling place, the precinct electoral bureau, at his/her oral or written request, shall send no less than two members of the bureau with a special ballot box and everything necessary for voting in the place where the voter is located in order to conduct the voting. On the voter roll beside the name of the respective person a specification shall be made "voted at the place of stay".

(6) Individuals being detained on the basis of an arrest warrant until a court sentence is handed down, individuals sentenced to incarceration under a court decision which has not taken legal force, and individuals serving terms for committing an administrative legal violation shall also vote following the procedure described in paragraph (5).

(7) In the event that the chairperson of the precinct bureau authorises a special ballot box to leave the polling station, he/she shall announce this fact as well as the list of voters that requested to vote at place of residence beforehand to the member representing the contestants and the individuals accredited to observe electoral procedures, and shall give them the opportunity to accompany the mobile box using their own transportation if necessary.

(8) The responsibility for maintaining order on Election Day in the polling place 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.

(9) Nobody except for members of the precinct bureau, electoral candidates and their representatives and observers shall stay inside of the bureau more time than needed to cast a ballot.

(10) It shall be strictly prohibited for anyone to enter a polling place with a firearm or bladed weapon; the representative of law-enforcement bodies may enter the polling station only in the event that he/she is invited by the head of the electoral bureau to assist in reestablishing law and order. *(Article 63 (3) modified via Law # 67-XXVIII/III from 10.07.2007)*

CHAPTER 12

COUNTING AND TABULATION OF VOTES

Article 64. Counting and tabulation of votes by the Precinct Electoral Bureaus

(1) Upon completion of the voting, the chairperson of the precinct electoral bureau shall announce the end of the voting and give instructions to close the premises. The electoral bureau then shall begin counting the votes.

(2) Before opening the ballot boxes, the precinct bureau shall count and cancel all unused ballot papers by applying the stamp “cancelled” on them.

(3) The chairperson of the precinct bureau shall check out the seals of ballot boxes and open them in the presence of members of the bureau and electoral observers. The mobile ballot boxes shall be opened first, the ballot papers inside them shall be count and then the other boxes shall be opened.

(4) The electoral precinct shall 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. Markers with the names of the electoral contestants shall be installed on the table for vote counting.

(5) Before the counting of the votes obtained by the electoral competitors, the electoral bureau of the polling station establishes the number of voters who were issued vote ballots, on basis of number of voters from the electoral lists and additional lists, with signatures placed on the right of the names of these.

(6) The number of ballots contained in mobile boxes shall first be counted separately, and reconciled with the number of ballots issued for this purpose, prior to including them in the count of votes for the various contestants in the election.

(7) Using a procedure determined by the precinct electoral bureau, or upon instructions from the Central Electoral Commission, 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 competitor shall be counted and bound together separately, and the results of the counting shall be entered on a special counting form.

(8) Before the number of votes obtained by each electoral contestant is entered on the protocol, representatives of contestants and electoral observers and other accredited individuals shall be granted an opportunity to recheck the figures entered on the counting form.

(9) The precinct bureau shall not include the invalid ballot papers in the vote counting.

(10) After closing the polling place, the precinct electoral bureau shall remain in continuous session during the count and until the preparation of the protocol and minutes has been completed. All members of the precinct bureau shall remain at the precinct 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 65. Invalid ballots

(1) The following ballots shall be declared invalid:

- a) Ballots without the control stamp of the electoral precinct;
- b) Ballots of other than the legally approved form;
- c) Ballots on which the necessary seal has been applied in more than one rectangle;
- d) Ballots on which the necessary seal has not been applied in any rectangle;

- e) Ballots in which the voter has added the name of other additional electoral contestants;
- f) Spoiled ballots, either mutilated or de-faced, in which the voter's option is unclear.

(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 stamp in a single rectangle, or applied it beyond the circle of the rectangle or on the electoral contestant's symbol.

(3) Before declaring a ballot invalid, the chairperson of the precinct electoral bureau shall provide all members of the bureau, observers, and other accredited individuals present at the precinct with an opportunity to inspect it.

(4) If members of the precinct bureau doubt over the validity of a ballot paper, the question shall be voted. The results of the voting shall be entered in the protocol.

(Article 65 (1 and 3) c) and d) modified via Law # 67-XXVIII/III from 10.07.2007)

Article 66. Protocol and report by Precinct Electoral Bureau

(1) The precinct electoral bureau shall issue a protocol, in two copies, including:

- a) The number of electors included in voter rolls;
- b) The number of electors entered on supplementary voter rolls;
- c) The number of voters who have been issued ballot papers;
- d) The number of voters who cast their ballots;
- e) The number of invalid ballots;
- f) The number of valid ballots;
- g) The number of valid votes garnered by each electoral contestant;
- h) The number of ballot papers received by the precinct electoral bureau;
- i) The number of unused and cancelled ballots.

(2) The Central Electoral Commission shall establish the format of the protocol. The local electoral council shall supply precinct bureaus with the necessary forms of protocol before the Election Day.

(3) The results of the vote counting shall be considered at the meeting of the precinct electoral bureau and entered into the protocol, which shall be signed by the chairperson, deputy chairperson, secretary, and other members of the bureau. The absence of signatures of individual 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 minutes of the electoral bureau.

(4) The protocol on the voting results shall be issued in two copies, of which one is kept at the electoral office of the voting station and the second one is delivered to the electoral district council. Members of the precinct bureau, member representatives of electoral contestants and persons accredited to attend the electoral operations shall be allowed to make copies on their account, at the request of the precinct chairman. The copy shall have the stamp of the precinct bureau.

(5) The chairperson of the precinct bureau shall also prepare the minutes of the bureau for the electoral period. The minutes will include a brief account of statements and complaints and related decisions made by the bureau. The chairperson shall also give the other members an opportunity to provide written comments and additions to the minutes and he/she shall then sign the minutes and request the other members of the bureau to do so and to express their comments on the minutes.

(6) The chairperson of the precinct electoral bureau shall deliver as soon as possible, but no later 18 hours after the announcement of the closing of the electoral precincts, to the district electoral council the valid ballot papers for each separate electoral competitor, the protocol, minutes, invalid, unused, or protested ballots, and the stamps of the electoral precinct, 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.

(7) The stamps of the electoral precinct bureau shall be kept in a box. The stamps shall be delivered to local electoral councils after elections.

(Article 66 (1) modified via Law # 44-XLIII/I from 09.06.1999)

Article 67. Tabulation of votes by District Electoral Council

(1) After receiving from the precinct electoral bureaus the protocols and reports showing the results of the vote in the precincts, the district electoral council shall first establish the turnout of voters. The district electoral council shall promptly report this figure to the Central Electoral Commission. In the event the number of votes cast throughout the entire electoral district was less than the one required for the validity of the elections in that district, the district council shall also indicate that fact to the Central Electoral Commission. Either the Central Electoral Commission or the district electoral council shall promptly announce that the election in that district was invalid.

(2) On the basis of the records by precinct electoral bureaus, the district electoral council shall determine, with respect to the entire district:

- a) The number of electors included in voter rolls;
- b) The number of electors included in additional voter rolls;
- c) The number of voters who have been issued ballot papers;
- d) The number of voters who cast their ballots;
- e) The number of invalid ballots;
- f) The number of valid ballots;
- g) The number of valid votes garnered by each electoral contestant;
- h) The number of ballot papers received by the district electoral council;
- i) The number of unused and cancelled ballots.

(3) The district electoral council shall then draw up a record on vote tabulation throughout the entire electoral district and this record shall be signed by all members of the district electoral council, who shall be provided the opportunity to put down comments to the record.

(4) The protocol shall indicate the number of votes won by each candidate, the first and second names of the elected lawmaker and the name of his/her party, other socio-political organization, electoral bloc or the remark "Independent candidate".

(5) The district electoral council shall submit the record of its vote tabulation in the district to the Central Electoral Commission within 48 hours after the closing of the pollingstations.

(Article 67 (2) modified via Law # 44-XLIII/I from 09.06.1999)

Article 68. Review of results of elections by Central Electoral Commission

(1) On the basis of documents submitted by district electoral councils, the Central Electoral Commission shall issue separate reports on each electoral candidate to the People's Assembly of Gagauzia within five days including the following data:

- a) The number of electors included in voter rolls;
- b) The number of electors included in supplementary voter rolls;
- c) The number of voters who have been issued ballot papers;
- d) The number of voters who cast their ballots;
- e) The number of invalid ballots;
- f) The overall number of valid ballots;
- g) The number of valid votes garnered by each electoral contestant;
- h) The first and second names of the elected member of the People's Assembly of Gagauzia.

(2) The reports shall be delivered to the Court of Appeals in order to confirm the results of elections and recognise the legality of mandates.

(Article 68 (1) modified via Law # 44-XLIII/I from 09.06.1999)

(Article 68 (2) modified via Law # 67-XXVIII/III from 10.07.2007)

Article 69. Election of lawmaker

In order to succeed to the People's Assembly, a candidate shall win more than half of the valid ballots of electors who attend the elections.

(Article 69 completed via Law # 30-XXXII/I from 09.07.1998)

Article 70. Runoff vote. Special requirements

(1) In the event that none of the candidates to the People's Assembly wins more than half of the valid ballots, a runoff voting shall be held and two candidates who gained most of ballots in the first round of the scrutiny shall take part in.

(2) In the event that several candidates won the same number of ballots, the district electoral council shall hold a drawing and issue a report.

(3) The runoff vote shall be held two weeks after the first round of elections, in line with this law. The Central Electoral Commission shall announce the organisation of the runoff vote within 24 hours after scheduling it.

(4) The candidate who garners most of ballots in the runoff vote shall be declared winner.

(5) If both candidates gain the same number of ballots in the runoff vote, the candidate who garnered most of ballots in the first round of the scrutiny shall be declared winner.

(6) In the event that one of the candidates withdraws from the electoral race, the other candidate shall be declared winner if he gains more than half of the ballots of electors participating in the scrutiny.

(7) The runoff vote shall be validated regardless of the turnout of electors.

(Article 70 completed via Law # 30-XXXII/I from 09.07.1998)

(Article 70 (7) modified via Law # 67-XXVIII/III from 10.07.2007)

Article 71. Confirmation and publishing of results of elections for the People's Assembly of Gagauzia

(1) The Court of Appeals shall consider reports by the CEC at an open sitting and make a decision to confirm the results of elections in every electoral district.

(2) The Court of Appeals shall release a special communication concerning its decision on results of elections within 10 days after receiving the report by the Central Electoral Commission.

(Article 71 completed via Law # 30-XXXII/I from 09.07.1998)

Article 72. Recognition of mandate of member of the People's Assembly of Gagauzia

(1) The Court of Appeals shall pass a decision to confirm the results of elections and the election of members of the People's Assembly. The decision shall be published immediately.

(2) In the event that elections are recognised accordingly to the law, the Central Electoral Commission shall award identity papers to the elected legislators.

(3) The People's Assembly shall be considered legally elected if the mandates of at least 2/3 of all members are validated.

(Article 72 completed via Law 30-XXXII/I from 09.07.1998)

Article 73. Announcement of preliminary results

(1) Prior to receiving all election results from subordinate electoral councils and bureaus, the Central Electoral Commission shall periodically report partial results as soon as possible upon reception.

(2) The Central Electoral Commission shall publicly announce the overall results of that election as soon as possible once all the results have been received from the subordinate electoral councils and bureaus, unless appeals filed with it or the competent court are likely to affect the outcome of the election.

Article 74. Retention of electoral documents

(1) The Central Electoral Commission shall retain the electoral materials.

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

a) Lists of candidates, annulled ballots, invalid ballots, reports and minutes by district electoral councils and bureaus shall be delivered to the Central Electoral Commission;

b) The valid ballots shall be remitted to the court of law in the area where the district electoral council is situated;

c) Stamps of district electoral bureaus and councils, and other electoral materials shall be delivered to the Central Electoral Commission.

(3) The Central Electoral Commission shall draft 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

ELECTION OBSERVATION AND MEDIA COVERAGE

Article 75. Observers

(1) At the request of any electoral contestant in an election, the district electoral council shall accredit for any precinct no more than two representatives to observe the election. Trustees of a candidate in the election may also be accredited as observers. In the event the district council finds that an individual proposed for accreditation under this subsection is unacceptable, it shall promptly notify the electoral contestant who proposed that person of its reasons.

(2) Under a decision by the Central Electoral Commission or of the electoral councils, shall be accredited representatives of qualified public associations from the Republic of Moldova to observe the election at the precincts. For purposes of this subsection, a "qualified" public association is one which is committed under its statute to promote human rights and democratic values, and is found by the Central Election Commission to be capable of exercising civic functions with respect to the election.

(3) The accredited observers have the right to be present at all electoral operations/procedures, at all sittings of the electoral bodies, without intervening into the electoral process or other electoral operations and have the right to inform the head of the electoral body about the observed irregularities. Observers have the right to demand copies of electoral records which shall be issued on their account.

Article 76. Media coverage of elections

(1) The mass media shall cover the elections accordingly to a regulation adopted by the Central Electoral Commission.

(2) Mass media representatives shall have the same rights as accredited observers do.

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

(4) Two days before elections the mass media shall not release the findings of surveys conducted among electors, which may indicate the possible results of the scrutiny.

CHAPTER 14

JUDICIAL PROCEEDINGS

Section 1

Complaints related to the organization and conduct of elections

Article 77. Complaints

(1) Any voter or any electoral contestant may appeal a decision or action (inactions) by an electoral council and bureau to a law court or higher level electoral bodies.

(2) The appeal (complaint) shall describe the reasons and evidence of the action complained about, and be signed by and bear the identity data of the complainant.

Article 78. Submission of appeals

(1) The appeal shall be submitted immediately after the breach was observed.

(2) Appeals (complaints) against decisions and actions by the precinct bureaus and district electoral councils shall be filed with the court in the population point where the respective council or bureau is located.

(3) Actions and decisions by the CEC shall be appealed to the Court of Appeals.

(Article 78 (3) modified via Law # 67-XXVIII/III from 10.07.2007)

Article 79. Examination of appeals

(1) Appeals against actions and decisions by the CEC filed during an electoral period shall be acted upon within five days of their filing but no later than on Election Day.

(2) Appeals based on actions of district electoral councils or precinct electoral bureaus shall be examined by the electoral bodies or the courts of law within 3 days of filing, but no later than Election Day.

(3) Law courts shall consider appeals submitted in the electoral period as soon as possible. Appeals submitted on the Election Day shall be considered immediately.

(4) The activity of the courts during an electoral period shall be organised in such a way that statements, complaints and appeals can be submitted freely and in due time.

(5) Complaints submitted to court shall be considered pursuant to the Code of Civil Procedure.

Article 80. Decisions by law courts concerning appeals

(1) A law court shall adopt and pass judicial decisions under the Code of Civil Procedure.

(2) Court rulings shall be final and binding for execution from the moment they are made.

Section 2

Penalties for violation of electoral legislation

Article 81. Judicial penalties

Individuals who, by violence, treachery, threat, substitution or other method prevent citizens from freely exercising their voting rights; purposefully misinform about electoral contestants; commit any other action against the honor and dignity of candidates; conduct electoral propaganda on the day preceding the elections and on the day of elections; hinder the activity of electoral councils and bureaus or the voting at precincts shall be held accountable according to the legislation.

Article 82. Criminal penalties

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

- (a) Using any means to stand in the way of free exercise of the right to vote or be elected and if the same actions are combined with causing serious bodily harm or a threat to human life;
- (b) Falsifying by any means voting results;
- (c) Opening ballot boxes before the termination of voting as established by law;
- (d) Storming premises of the electoral precincts, or stealing ballot boxes or electoral documents.

(2) Criminal cases for crimes described in paragraph (1) shall be pursued by prosecution bodies.

(3) The chairpersons of electoral bodies and other officials are obliged to notify 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.

Article 83. Administrative penalties

(1) Administrative offences shall be punished under the Code on Administrative Offences in the event the Article 82 of present Law 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 present Law, 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 individuals 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, as well as their dissemination prior or on the Election Day;
- h) Obstruction of access to polling station or obstruction of the right to vote of individuals who have this right;
- i) Negligence of orders of chairman of the electoral bureau regarding ensuring the 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 the ballot paper delivered for the voting out of the polling station;
- n) Forgery of signatures from subscription lists.

(2) The administrative legal violations specified in paragraph (1), depending on the case, shall be based on records drawn up by the mayor of the locality; the chairperson of electoral bodies, and on records drawn up by police bodies which exercise their functions with respect to supervision of electoral operation.

(3) Records stating administrative offences shall be submitted to the court in the location of the population point where the legal violation has been committed.

CHAPTER 15

INVALID AND NULL ELECTIONS REPEAT ELECTIONS, NEW ELECTIONS PARTIAL ELECTIONS

Article 84. Invalid elections

(1) The Central Electoral Commission has the right to invalidate the elections in one, all or several districts.

(2) Elections shall be invalidated if violations affected the results of the voting.

Article 85. Null elections

Elections shall be declared null if less than one third of electors included in the voter rolls do not attend them, the candidate withdraws, or one candidate only was registered.

Article 86. Repeat elections

(1) In the event the scrutiny is declared null or invalid, repeat elections shall be held within two

weeks with the participation of the same candidates and with the use of the same voter rolls.

(2) The candidate who wins more than half of the valid votes shall be declared winner.

(3) The repeat scrutiny shall be invalidated again if less than one third of the electors included in voter rolls attend it. The People's Assembly of Gagauzia shall schedule new elections in such a case.

(Article 86 (2) modified via Law # 44-XLIII/I from 09.06.1999)

Article 87. New elections

(1) New elections shall be held:

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

b) if one candidate attended the scrutiny or two contestants participated but none of them won more than half of the votes;

c) if no one was elected in the runoff vote;

d) if the candidate withdraws or one candidate only was registered;

e) no one was elected at the repeat voting.

(2) New elections shall be scheduled by the People's Assembly of Gagauzia.

(3) New elections shall be held accordingly to this legislation.

(Article 87 completed via Law # 30-XXXII/I from 09.07.1998)

(Article 87 b) completed via Law # 44-XLIII/I from 09.06.1999)

Article 88. Partial elections

(1) Partial elections shall be held to award the vacant mandates of members of the People's Assembly of Gagauzia.

(2) Partial elections shall be announced under a decision by the People's Assembly of Gagauzia.

(3) Partial elections shall be held accordingly to this law.

(4) In the event partial elections are held in one district only, the Central Electoral Commission shall not be formed and the local electoral commission shall exercise the tasks of the first.

SECTION III

FINAL AND TRANSITORY PROVISIONS

Article 89. Enforcement of law

This law shall enter into force the day when it is published.

Article 90. Transitory provisions

Following the enforcement of this law:

1) The People's Assembly of Gagauzia shall make a decision on formation of the Central Electoral Commission accordingly to Chapter 5, Section I.

2) The bodies indicated in Article 19 (2) shall introduce candidates to the People's Assembly in order to form the CEC.

3) The Executive of Gagauzia:

a) Shall ensure the CEC with headquarters, financial and technical-material means;

b) Shall annually introduce in the draft law on budget of ATU Gagauzia the expenses for the activity of the CEC, organisation and conduct of elections.

(4) All terms linked to the conduct of elections for the People's Assembly of Gagauzia begin the day when this law is published.

(5) The Central Electoral Commission:

a) Shall make a decision on the CEC within ten days after the formation;

b) Shall annually report to the Executive Committee of Gagauzia the expenses needed for its activity and conduct of elections;

c) Shall start executing the tasks stipulated by this law immediately after being created.

(6) The formation and functioning of electoral bodies unstipulated by this law shall be prohibited.

(Article 90 b) (3) and b) (5) modified via Law # 67-XXVIII/III from 10.07.2007)

(Section III (Articles 89-90) completed via Law # 30-XXXII/I from 09.07.1998)

(The numbers of articles of this law were modified, as new articles were added)

Governor (Bashkan)
of Gagauzia (Gagauz Yeri)

G.D.Tabunscic

Comrat city, January 15, 1998
N25-XXV/I