

## Electoral Code

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### Title I.

#### General Definitions and Principles

##### Chapter 1. General Definitions And Principles

###### Article 1. General Definitions Used in this Code

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

**"Electoral poster"** refers to the appeals, statements, photographs and other materials used by electoral contestants for purposes of electoral propaganda.

**"Electoral propaganda"** refers to the preparation and distribution of information seeking to determine the voters to vote for one or another electoral contestant.

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

**"Voters register"** refers to the list of citizens of Republic of Moldova with voting right, which comprises further useful data in order to assure their participation in the elections.

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

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

**"Early elections"** refers to the elections of the elective body upon termination of its mandate before term, dissolution or in the event of territorial-administrative reorganisation.

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

**"Candidate"** refers to an individual who runs for an eligible public position on behalf of parties, or other socio-political organisations, as well as independently.

**"Independent candidate"** refers to an individual proposing his/her candidacy for an eligible public position, independently of parties, or other socio-political organisations.

**"District"** refers to an administrative electoral unit where elections and referendums are organized and conducted.

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

**"Electoral contestants"** refers:

- in a parliamentary election, to independent candidates, registered with the Central Electoral Commission, as well as to parties, or other socio-political organisations whose lists of candidates have been registered with the Central Electoral Commission;
- in local elections, to parties, other socio-political organisations, and individuals running for the position of mayor or councillor to the local council, registered by corresponding district electoral councils.

**"Appeal"** request to cancel or revise an act, a decision or an action.

**"Central Electoral Commission"** and **"CEC"** refer to the commission established for the promotion of electoral policy to ensure proper election administration and which operates continuously under this Code.

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

**"Domicile"** refers to a person's permanent place of residence, confirmed in the ID with the "domicile" stamp;

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

**"List of candidates"** refers to the list of candidates proposed by parties, or other socio-political organisations for

participation in elections.

**"Voter rolls"** refers to the lists of citizens with the right to vote residing within a precinct.

**"Petition"** refers to the list of voter signatures collected in support of candidates or to initiate a referendum.

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

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

**"Electoral bodies"** refers to bodies that organize the election of deputies to Parliament and the local public administration authorities and referendums.

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

**"Parties"** refers to voluntary citizen organisations, organized and registered according to the Law on Parties and Other Socio-Political Organisations.

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

**"Individuals entitled to be present at electoral operations"** refers to representative members and observers of electoral competitors in electoral bodies, foreign observers accredited by the Ministry of Foreign Affairs, observers accredited by the Central Electoral Commission, as well as representatives of mass media.

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

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

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

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

## **Article 2. Principles of Participation in Elections**

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

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

(3) Citizens of the Republic of Moldova residing outside of the country shall enjoy full voting rights under this Code. Representatives of diplomatic and consular missions shall be obliged to create conditions for the citizens to exercise freely their electoral rights.

## **Article 3. Universality of Voting**

Citizens of the Republic of Moldova 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 Voting**

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

## **Article 6. Secret Voting**

Voting in elections or referendums 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 the republic or of the corresponding area.

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

(1) The voting right shall be exercised in the locality where the voter is registered for a permanent residence visa, unless

otherwise stipulated in this Code.

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

#### **Article 10. Voting for One Electoral Contestant**

In an election a voter votes for one single electoral contestant, and expresses his/her will with respect to a single issue in a referendum.

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

#### **Article 11. The Right to Elect**

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

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

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

#### **Article 13. Limitations**

(1) The following individuals cannot vote:

- a. those who do not meet the requirements specified in Article 11;
- b. those declared incapacitated by a final decision of a court of law;
- c. those sentenced to imprisonment by a final decision of a court of law for serious, very serious and exceptionally serious crimes.

(2) The following individuals cannot be elected:

- a. military personnel in active service
- b. persons mentioned in paragraph 1;
- b□) persons who, besides the citizenship of the Republic of Moldova, hold the citizenship of other state and run for the position of a deputy under art. 75;”
- c. persons convicted to deprivation of liberty by a final court decision serving their sentence in detention centres or who have uncovered criminal record for committing serious, very serious or exceptionally serious crimes;”
- a. persons deprived of the right to hold official positions by a final decision of the law court

(3) Citizens of the Republic of Moldova, under the position that they hold, are not entitled to be members of any party or any other social political organization, as well as high rank officials whose appointment or election is regulated by the Constitution of the Republic of Moldova and/or by organic laws, shall cease their activity in the position that they hold, upon their registration as electoral competitors. The persons that fall under these provisions are:

- 1) ministers;
- 2) leaders of public central authority;
- 3) district chairmen and deputy chairmen
- 4) mayors and deputy mayors;
- 5) pretors and deputy pretors

## **Title II.**

### **Common Provisions**

#### **Chapter 3. Electoral Bodies**

#### **Article 14. The System of Electoral Bodies**

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

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

#### **Article 15. Representation in Electoral Bodies**

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

(2) Within three days members representing electoral contestants shall be confirmed by the corresponding electoral bodies, and the proposed candidates must be persons who have the right to elect and be elected.

### **Section I. Central Electoral Commission**

#### **Article 16. Formation of the Central Electoral Commission**

(1) The Central Electoral Commission is a state body established in order to execute the electoral policy, organize and conduct elections.

(2) The Central Electoral Commission consists of 9 members with a deliberative vote: 1 member is appointed by the President of Republic of Moldova, 1 by the Government of Republic of Moldova, 7 by the Parliament, including 5 by the opposition parties, according to the percentage of the mandates they hold. The Central Electoral Commission's members may not be members of parties or other socio-political organizations. The nominal composition of the commission is confirmed through the Decision of Parliament with the vote of the majority of elected parliament members.

(3) The members of the Central Electoral Commission are irremovable. The vacancy of the function can appear in the case of the mandate expiry, resignation, demission or decease. Demission can be executed by the Parliament in the following cases:

a) adoption on his/her regard of final judicial decision in a criminal case;

b) the loss of Republic of Moldova citizenship;

c) the person is declared functionally limited or functionally incapacitated by a final court decision;

(4) The Central Electoral Commission shall conduct its activity in compliance with the Constitution, this Code, the current legislation and the commission's regulation, approved by its resolution.

(5) The Central Electoral Commission is a legal entity, has its own budget, bank account, and seal representing the state coat of arms.

#### **Article 17. Composition and Mandate of the Central Electoral Commission**

(1) The Chairman, deputy-chairman and the secretary of the Central Electoral Commission shall be elected from among its members with a majority of votes. The session on electing the chairman, deputy-chairman and the secretary of the Central Electoral Commission are conducted by two members of the Central Electoral Commission, who are elected by simple majority of votes of CEC members, and who are obliged to supervise/monitor the procedure of discussing the candidatures and electing the chairman, deputy chairman and secretary of the Central Electoral Commission. The results shall be recorded in a protocol. The session on electing the chairman, deputy-chairman and secretary of the Central Electoral Commission is convoked not later than 15 days since the decision on approving the new composition of the Central Electoral Commission enters into force. Recall from these positions can happen in cases provided in articles 16, 19 and 20 of the present Code.

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

(3) The Chairperson, Vice-Chairperson and Secretary of the commission shall work on a permanent basis. Other members of the commission shall be summoned by the Chairperson on a case-by-case basis. The Chairman of the Commission is equal to the function of Minister, whereas the Deputy Chairman and Secretary are equal to the function of deputy-minister.

(4) 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) Within two days of the date of its establishment, the Central Electoral Commission shall make public its composition, location of its office and its contact data.

(6) 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.

#### **Article 18. 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. The decisions to amend, complete and annul the earlier passed decisions, are passed pursuant to the same conditions.

(2<sup>1</sup>) Members of Central Election Commission who do not agree with the passed decisions are entitled to express their opinion in written form, which is to be attached to the respective decisions.

(3) Resolutions of the Central Electoral Commission, adopted within its competence, shall be binding for local public administration bodies, enterprises, institutions and organizations, high rank officials, political parties, other socio-political organizations and their bodies, as well as for all the citizens.

(4) The Decisions of Central Electoral Commission are placed, within 24 hours after adoption on the Central Electoral Commission's official website and are published within a period of 5 days in the Official Gazette of the Republic of Moldova.

#### **Article 19. Status of CEC Members**

(1) Persons who have at least 10 years of working experience in the legal or public administration field, and who hold exclusively the citizenship of the Republic of Moldova, have their domicile in the country, as well as possess exceptionally high reputation for personal integrity and professional skills to exercise electoral activities can become members of the Central Election Commission.

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

- a. may not be members of any political party or other socio-political organization that have nominated candidates for eligible public positions;
- b. may not engage in political activities;
- c. cannot make statements for or against electoral contestants;
- d. cannot contribute in any way to the activities unfolded by electoral contestants, except when exercising their competence as provided in this Code.

#### **Article 20. Cease of CEC Membership**

(1) Membership in the Central Electoral Commission shall cease upon:

- a. mandate expiration;
- b. resignation;
- c. dismissal;
- d. incapacity to exercise the mandate;
- e. decease.

(2) A member of CEC is dismissed by the authority which appointed him/her in case of:

- a. adoption of a final court decision convicting him/her for a committed offence;
- b. loss of citizenship of Republic of Moldova or acquiring the citizenship of another state;
- c. a final court decision ascertaining his/her limited capacity of performing his/her duties or incapacity to perform duties"
- d. serious violation of the Republic of Moldova Constitution and of the present Code.

(3) In the event a member of the commission fails to conform to Article 19 paragraph (2) or acts in a manner which is incompatible with his/her member status, he/she may be dismissed.

(4) The request to dismiss a member of the CEC shall be addressed to the Supreme Court of Justice by the institution that nominated the respective member to the CEC and by the commission members.

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

#### **Article 21. Release from Other Responsibilities. Compensation**

(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 positions of Chairperson, Vice-Chair-man and Secretary of the CEC shall be regarded as public officers of first rank, whereas members of the commission entitled to a deliberative vote, released from their basic workplace, as public officers of second 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.

#### **Article 22. 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 Government and Parliament concerning the timelines of operating changes to the electoral law;
- c. develop regulations and instructions intended to improve the electoral procedures;
- d. exercise the control of the draw up and the verification in term of the voter lists in cooperation with the local and central public administration bodies;
- e. keep a roster of the personnel who participated in organizing and holding the elections, inclusively of the qualified workers, which can be appointed to District Electoral Councils and to the Precinct Electoral Bureaus;
- f. set up District Electoral Councils and Precinct Electoral Bureaus for the partial elections to the local councils or for mayor;
- g. cooperate with the following during the organisation and holding of elections:
  - o The Ministry of Information Development , ensuring the appropriate record keeping of voters, including those who are abroad;
  - o Public authorities in the person of secretaries of district, municipal executive bodies who are responsible for: the selection of qualified cadre for the activity of electoral bodies, for the provision of the premises of polling stations with poling booths, ballot-boxes, computers and other technical-material means;
  - o The Ministry of the Interior with respect to establishing security procedures to protect voting sites and materials;
  - o State enterprises and institutions whom it shall contract for services such as ballot printing and equipment supply;
  - o Media outlets and public associations in conducting civic and voter education activities and informing citizens about the electoral process;
- h. analyze the structure of electoral districts, in terms of the existing organisation of administrative-territorial units of the republic;
- i. implement programs of civic education in-between elections;
- j. develop voter information programs during electoral periods;
- k. provide the media information on the unfolding of elections and the election administration practices employed;
- l. report on an annual basis to Parliament and, when specifically requested, to the President, Government or Parliament;

- m. communicate election issues to the press and the public at large;
- n. 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;
- o. consult indigenous non-governmental organisations interested to conduct civic education campaigns during elections;
- p. organize 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, or potential candidates, as officers in the apparatus of electoral councils or as members of support groups;
- q. analyze 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;
- r. organize preliminary consultations with parties, other socio-political organizations, and representatives of mass-media and assures the signing by these of the Code of conduct until the start of the electoral campaign.

### **Article 23. Apparatus of the Central Electoral Commission**

(1) The CEC may be assisted by an apparatus whose staff shall be appointed by this. Officers of the apparatus shall be hired by resolution of the 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 24. Funding of Central Electoral Commission's Activity**

Funds for CEC operations shall be provided from the State budget. Annually the Commission presents to the Finance Ministry, on a date fixed by this, a proposal regarding the inclusion in the State Budget of the expenditures related to its functioning and to organization of election, inclusively for the activities which the Commission intends to undertake in the period of the next budgetary year. In case the Commission's expenses were not provided for in the State Budget, their amount is determined by the Parliament on the base of Government proposal.

### **Article 25. Meetings and Operations of the Central Electoral Commission**

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

(2) All meetings in which the Commission discusses electoral matters, including meetings in which 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 26. 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 this Code;
- b. oversee the implementation of this Code's provisions and other laws that affect the conduct of elections;
- c. establish electoral districts and district electoral councils and supervise their activity;
- d. based on the data provided by the Ministry of Justice, publish the list of parties and other socio-political organisations entitled to run in elections, register electoral contestants and their trustees in the event of parliamentary elections;
- 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, declaration/return of income and property of candidates 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. resolve issues regarding participation in elections of those citizens that are outside the country at the time of voting;
- i. sum up the results of the elections in the entire country and, if necessary, prepare a report on the elections results to be submitted to the Constitutional Court;
- j. 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;
- k. provide training for poll workers and election information for voters via mass media and at any time, upon the request;
- 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 and determines the number of electoral bureau members who may be released from their basic workplace and the term of release;
- n. organize the conduct of the second round of elections, repeat, early, new or partial elections, pursuant to the provisions of this Code;
- o. collect information about citizen participation in elections, sum up preliminary results and make final results public.
- a. in case of serious infringement of the present Code, submits to the Supreme Court of Justice a request to cancel the registration of the respective electoral competitor, taking a decision in this respect. The Supreme Court of Justice shall examine the request and shall issue an adequate decision within 5 days, but not later than the day before the elections.

(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.

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

### **Article 27. Formation of Electoral Districts and District Electoral Councils**

(1) At least 55 days before elections, Central Electoral Commission shall establish electoral districts that shall correspond to the borders of administrative-territorial units of second level of the Republic of Moldova, and, at least 50 days before elections, district electoral councils. In elections at any level and in republican referendum, electoral districts and district electoral councils shall be established within the same terms.

(2) District electoral councils shall consist of 7-11 members entitled to deliberative vote, out of which, in the district councils of the second level, three must have completed higher legal education or public administration education.

(3) In local elections and referenda, the district electoral councils are formed on the basis of proposals submitted by first and/or second level local councils, and when there's a lack of such proposals, the Central Election Commission will 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 2 members of the electoral district councils of the second level are nominated by district courts, for the other 2 members, in case of local elections – by the local councils of the first level and, respectively, second level. The candidate-ships of the other members with the right of deliberative vote are nominated by the parties and other socio-political organizations represented in Parliament at the date when the electoral district councils are constituted, proportional to the mandates. The members of the electoral district council nominated by the district court and by local councils may not be counsellors in local councils and members of parties.

(5) In the event that the parties and other social-political organizations, represented in the Parliament, do not nominate their candidates for the district electoral council within 7 days until the expiry of the term for constituting this body, - then the necessary number of candidates is supplemented by the local council. In the event that the district electoral council also performs the duty of being the bureau of a polling station, the members proposed by the parties and other social-political organizations suspend their party activities for the electoral period.

(6) District electoral councils, within three days of their formation, shall elect by secret vote from among their members a chairperson, vice-chairperson and secretary. The district electoral council shall promptly notify the Central Electoral



Commission of the results of these elections.

(7) 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.

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

(9) 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. For the time period of release from their basic workplace, officers shall receive a 25% salary increase.

#### **Article 28. Responsibilities of District Electoral Council**

District electoral councils shall have the following responsibilities:

- a. oversee the execution of this Code 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 organizations regarding the preparation and conduct of elections;
- e. exercise control over the timely elaboration and review of the voter rolls, cooperating to this end with the local and central public administration bodies and with regional bodies of the Ministry of Information Development;
- f. ensure precinct electoral bureaus with a supply of forms for voters rolls, protocols and ballots, etc.;
- g. register independent candidates and lists of candidates from political parties, socio-political organizations and make public information about them;
- h. assures the access of the public to the declarations/returns of income of the candidates in the local elections;
- i. decide the withdrawal of responsibilities that the members of councils and electoral bureaus have to fulfil at their permanent workplace, for the period during which they work within electoral bureaus;
- j. sum up election results in the district, submit related documents to the Central Electoral Commission and assure that results are published in the local press;
- k. collect information from the precinct electoral bureaus about citizen participation in elections, sum up preliminary results of the election and submit them to CEC;
- l. consider statements and complaints about decisions and actions taken by precinct electoral bureaus, and adopt mandatory decisions regarding them;
- m. take other actions connected with the organization and conduct of elections.

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

#### **Article 29. Establishment of Precincts and Precinct Electoral Bureaus**

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

(2) Precincts will be established by district electoral councils in localities based on the recommendation of mayors of villages (communes) and cities (municipalities) and districts no later than 35 days before elections. Each precinct shall have no less than 30 and no more than 3,000 voters. In elections at any level and in republican referendum, precincts shall be established in the same term.

(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) In parliamentary elections and republican referendums, precincts shall also be formed at Moldovan diplomatic and consular missions for workers of these representatives and members of their families, as well as for Moldovan citizens traveling to these countries, regardless of their number. These precincts shall be considered to belong to the electoral district of Chisinau Municipality.

(6) In new local, partial elections and local referenda, when the second level district electoral council is not constituted, it is

the district electoral council of the first level that shall establish the precincts and their electoral bureaus.

(7) 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.

(8) Precincts shall be ordered alphabetically according to the locality where the district electoral council is situated and continuing with those in municipalities, towns, communes and villages.

(9) Mayoralties shall provide information and necessary assistance to precinct bureaus to ensure proper fulfilment of their duties as stipulated in this Code.

(10) Precinct electoral bureaus shall be formed by the district councils no later than 20 days before the election and will consist of 5 -11 members entitled to deliberative vote. In elections at any level and in republican referendum, precinct electoral bureaus shall be established in the same term.

(11) 3 candidates for the electoral office members of the polling station electoral council are nominated by the local councils. The other members of the polling station electoral council with a deliberative vote are nominated by parties and other socio-political organizations represented in the Parliament at the date of its formation in the ratio of their representation. Members of the polling stations electoral councils can not be counselors in the local councils and party members. In the event that the parties and other social-political organizations do not present their candidates for the composition of the electoral bureau of the polling station within 7 days until the expiry of the term for forming the bureau – the necessary number of candidates shall be supplemented by the local council.

(12) The precinct electoral bureau shall elect, within two days of its formation, from among its members a chairperson, a vice-chairperson and a secretary of the bureau, will immediately notify the district electoral council of its decision, and will make public membership and location of electoral bureau and means of contacting it.

(13) At diplomatic missions and consulates, a chairperson and secretary of the precinct bureau shall be elected. At diplomatic missions and consulates with less than three workers, voting shall be done by diplomatic mail, in which case the ballots must be sent to the Central Electoral Commission by election day.

(14) 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.

### **Article 30. 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 electoral ballots, and be responsible for their correct and complete development;
- b. consider statements about mistakes in voter rolls, make changes in them, and issue certificates of the right to vote to voters who, on election day, will be away from their place of residence;
- c. develop supplementary voter rolls on which persons who vote based on voting 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 about the election day and the location of the polling place, prepare the polling station premises for voting and install ballot boxes and booths; organize 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 organization of 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 and Activity of Electoral Councils and Bureaus, Modification of Their Composition and Their Termination**

### **Article 31. Assistance to Electoral Councils and Bureaus**

(1) Public bodies, enterprises, organizations and institutions, official persons, parties and other socio-political organizations and their bodies shall be obliged to provide support to electoral councils and bureaus in fulfilling their duties and supply information and materials necessary for their activity. Support of the public administration authorities and their agents might be received only following a request and may not be manifested through actions that are distinctly disproportionate with the

existent needs.

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

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

(1) Meetings of electoral councils and bureaus during electoral period shall be called and convened by the chairperson, and, in case of his/her absence or at his/her request, by the vice-chairperson. In addition, a meeting may be called at the request of at least one-third of 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 meeting. Members of the council or bureau who do not agree with adopted decisions have the right to put in writing their own opinion, which shall be attached to the record of the meeting.

(3) The decisions of electoral councils or bureaus adopted within the scope of their authority must be complied with by all public bodies, enterprises, institutions and organizations, 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 time period of release. Such individuals shall receive from the electoral fund a 25% salary increase 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 pensioners or temporarily unemployed persons are summoned, they shall receive 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 national economy.

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

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

(7) Members of electoral councils or bureaus entitled to deliberative vote may not campaign for or against candidates running for eligible public office; 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. In local elections 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. The judges appointed in the composition of the electoral councils are not allowed to examine electoral litigations in the respective precinct, starting from the date of the council forming.

(8) Chairmen of electoral councils and bureaus must ensure the keeping and returning of the goods received from Central Election Commission, being materially liable according to the current legislation.

### **Article 33. Changes in the Membership of Electoral Councils and Bureaus**

(1) The membership of the electoral council or bureau shall cease:

a. upon request;

b. upon recall.

(2) The institution or the electoral contestant who nominated or appointed a member to the electoral council or bureau shall have the right to recall that member, under the conditions of a written motivation of the need of revoke.

(3) If a member resigns or is recalled from the electoral council or bureau before elections day, a replacement can be nominated or appointed as established by this Code.

### **Article 34. Termination of Electoral Councils and Bureaus**

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

(2) Ordinarily, district electoral councils and precinct electoral bureaus shall cease to work as soon as these have presented the respective documents at the Central Electoral Commission and, depending on the case, at the court of law.

(3) After dissolution of electoral councils or bureaus in compliance with this Code, their members relieved of their work functions shall cease to be remunerated and return to their normal employment.

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

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

- (1) Expenses connected with the preparation and conduct of elections shall be borne by the State.
- (2) The amount of these expenses shall be established by Parliament within the limits of the provisions of the law on the state budget for the year when the elections are conducted. The relevant proposals shall be submitted by the Central Electoral Commission to the Government. The Government shall examine them and then present them to Parliament for approval. In the event that the expenses are not foreseen in the ongoing year budget, their amount shall be established by Parliament, at the proposal of the CEC.
- (3) The financial means in the amount established by Parliament are transferred monthly onto the account of the Central Electoral Commission in the limits of the approved budget. As soon as possible after the conclusion of the election, the Central Electoral Commission shall submit to Parliament a report on the management of the allotted sum along with a statement of the Court of Accounts.
- (4) Funds not used shall be transferred back to the state budget.
- (5) The method of distribution and spending of funds, as well as the method of publication of the final expense report, shall be established by the Central Electoral Commission under the conditions provided for by this Code.
- (6) Public authorities, enterprises, institutions and organizations 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 mass media shall, free of charge, publish statements and materials presented by the electoral councils, electoral programs of electoral contestants, and other election-related materials, including materials designed for civic education or voter information purposes.

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

- (1) Direct or indirect funding or material support of any kind for the electoral campaign of candidates in an election and electoral contestants by foreign countries, foreign, international or joint enterprises, institutions, organisations, as well as by natural persons who are not citizens of the Republic of Moldova is prohibited. Such funds shall be confiscated to the state budget.
- (2) In the event that a contestant in an election receives on his/her account undeclared funds from abroad or has knowingly used such funds, the Central Electoral Commission shall ask the Supreme Court to nullify the registration of the contestant. The Supreme Court shall examine the complaint and render its judgment within five days, but no later than the day preceding the elections day.

### **Article 37. State Material Support for Electoral Campaigns**

- (1) the electoral competitors receive loans without interest rates from the state.
- (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 natural 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) Electoral contestants who fail to receive at least four percent of the valid votes cast in the election throughout the republic, or in the relevant district, including the independent candidates who were not elected, shall pay back loans received from the state within two months of the conclusion of voting. Other electoral contestants shall repay the loans within four months.
- (5) In the event that the elected and validated mayor refuses to exercise his/her mandate, he/she pays back the expenditure related to the organisation and holding of elections.

### **Article 38. Conditions and Method of Support for Electoral Campaigns**

- (1) Direct or indirect financing and material support in any form for the electoral campaign of a contestant in an election by natural and legal entities may be used only under the following conditions:
  - a. financial or other support for the candidates in elections, within one month of the announcement of the campaign period, shall be announced in the press, including a newspaper of Republic-wide circulation in the case of independent candidates or lists of candidates in an election for Parliament, or a newspaper with regional circulation in the relevant rayon, in the case of independent candidates or lists of candidates in local elections;
  - 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 making use of them.

- (2) Electoral contestants shall open a bank account which will be specified as an "Electoral Account", to which the participants shall transfer their own money, funds granted by natural and legal entities of the country. These funds may only

be transferred into the account with the candidate's prior consent. The ceiling of funds to be wired to the electoral accounts shall be established by the CEC.

(3) Electoral contestants shall confirm with the Central Electoral Commission the person responsible for the finances (treasurer). Electoral contestant who fail to open a bank account under "Electoral Fund" shall communicate the fact to the Central Electoral Commission.

(4) Legal entities may wire money to the "Electoral Fund" only through bank transfer, which is to be accompanied by a note on the existence or non-existence of a foreign share in the statutory capital.

(5) The following may not, under any circumstances, fund or support electoral campaigns:

a. citizens of the Republic of Moldova who haven't reached the age of 18 years;

b. state funded organizations;

c. anonymous persons;

d. charity or religious organizations.

(6) Legal and natural entities may not order electoral advertising materials for the electoral contestants and may not cover the expenses related to their production without electoral contestants' consent, and from the funds not wired to "Electoral Fund" of the relevant candidate.

(7) Funds wired to the "Electoral Fund" may not be used for personal interests. Electoral contestants may not offer voters money or gifts, may not distribute goods free of charge, including humanitarian aid or other charity.

(8) Electoral contestants shall submit bi-weekly financial reports to the electoral bodies, which will include data on the income and expenses and their sources.

(9) The bank will notify the Central Electoral Commission and the relevant electoral council of the funds transferred to a contestant's account within 24 hours of the day of the transfer. To check the sources of income, the accuracy of the record and spending of funds by candidates, the CEC or the district electoral council may request that the Court of Accounts or the Fiscal Inspector of the Ministry of Finances review the correctness of book-keeping and usage of these funds.

(10) The Central Electoral Commission or district electoral councils shall maintain a file including all the data referred to in this Article, and shall make the file available to the public for information purposes. In addition, 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 5. Voter Rolls**

### **Article 39. Voter Rolls**

(1) Voter rolls shall be developed by the mayoralty in two copies for every polling station and includes all citizens with the right to vote who at the moment of drawing up the lists reside in the radius of this. After being developed, the rolls will be checked with voters who are on the lists, at their domicile. Then the rolls will be signed by the mayor and made public no later than 20 days before election day.

(2) All the personas enjoying the right to vote who have changed residence after their last participation in elections have the right within a period of 45 days until the next elections to declare their current place of residence at the body of local public administration in order to be included into the list of voters at the respective polling station.

(3) The local administrative authorities check every year (after January 1) the voter lists, updating them on the basis of the specifications made at the voters' domicile and present the respective information at the Central Electoral Commission no later than March 1.

(4) The voter rolls will 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.

(5) Voter rolls of citizens in the military residing in military units, their family members, other voters residing in military units, will be compiled on the basis of data submitted by military unit commanders. Military personnel residing outside military units, and their family members, shall be included on the voter rolls at their place of residence.

(6) Voter rolls for electoral precincts formed in rest houses, hospitals and other curative institutions shall be compiled on the basis of own declaration of residence or of data presented by the heads of the above-mentioned institutions.

(7) Voter rolls for electoral precincts constituted outside the Republic of Moldova shall be compiled on the basis of data collected by heads of diplomatic missions and consular offices who operate on the soil of the respective countries.

(8) 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 polling station.

(9) 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 40. Review of Voter Rolls**

(1) Twenty days before 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 twenty days prior to elections, voters shall be notified of the location of the precinct at which they must 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 or about other voters at least 5 days before the elections. The appeals are examined by the respective electoral bodies within 24 hours, whereas the decisions of these may be contested in the court of law by the interested subjects in accordance with the established procedure, in the event they received a refusal for correction or inclusion into the list.

### **Chapter 6. Nomination and Registration of Candidates**

#### **Article 41. Nominating Candidates**

(1) In the case of parliamentary elections, the process of nominating the candidates starts 60 days before the elections date and ends 30 days before the elections date. In the case of local elections the process of nominating candidates starts after the setting up of the constituencies' electoral councils in compliance with article 120.

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

- a. Parties and other socio-political organizations registered prior to the announcement of elections, in accordance with their statutes and current legislation. Political Parties may nominate as candidates both their party members, as well as persons who are not politically affiliated;
- b. Citizens of the Republic of Moldova who nominate themselves (independent candidates).

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

- a. Statements by candidates for the office of deputies to Parliament shall be submitted to the Central Electoral Commission;
- b. Statements by candidates for council local elections shall be submitted to district electoral councils.

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

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

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

(3) Lists for collecting signatures in support of an independent candidate, as well as for initiating a referendum (hereinafter petitions) must contain the last and first name, year of birth, profession, position (occupation), place of work, place of residence and party membership of the candidate, as well as the last and first name 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, as well as initiating a referendum, shall indicate on the petition their first and last names, year of birth, place of residence, type and number of identification 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 must 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 43. Submission and Review of Nominating Petitions**

(1) After receipt of the subscription lists, the appropriate electoral body shall start reviewing the accuracy of the lists, in terms of the eligibility of the persons whose names appear on the petitions to vote in the elections, their residence, and the authenticity of their signatures. The petitions shall be verified within five days of the day of submission.

(2) The electoral council shall inform submitters of such lists about the results of the review and shall announce the total

number of names included on the petitions submitted by individual contestants in elections, as well as the number of signatures found valid.

(3) Persons who collect the signatures in the subscription lists are responsible for assuring the authenticity of the data contained in these.

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

a. the subscription lists drawn up before the beginning date of the period of nomination of candidates;

b. the signatures from the subscription lists which are considered to be false;

c. the subscription lists which were not filled in a line with the requirements stipulated by the Article 42 paragraph (6).

#### **Article 44. Registration of Candidates**

(1) To register a candidate for an election, the following documents shall be submitted to the Central Electoral Commission or district electoral councils starting with the day next to the day when elections were announced and no later than 30 days before Election Day:

a. an official record of the meeting of the supreme or territorial body of the party, other socio-political organisation regarding the nomination of the candidate (list of candidates);

b. petitions containing the required number of signatures in support of independent candidates;

c. biographical data about the candidate;

d. the candidate statement of agreement to run for the office for which his/her candidacy has been proposed;

e. a declaration by the candidate stating his/her real estate, bank accounts, securities, inheritance and income over the two years preceding the election year, and the sources of that income, including income derived from investment funds and lease of property, etc.

f. a declaration by the candidate for mayor on giving up, for the duration of the mandate, any functions that are incompatible with the position of mayor, in the event of election and validation.

g. a declaration on suspension from previously held position, for the time period of electoral campaign - for the persons who fall under the provisions of paragraph (13) of art. 13.

a. electoral symbol in hard copy and electronic format

(2) Representatives of parties, other socio-political organisation, and independent candidates shall submit the documents for registration only after to the Central Electoral Commission, relevant district electoral councils make public the place and time of receiving those documents. This information shall be made public within two days of the launch of candidate designation period. The period of time between the passing of the decision on the place and time for receiving documents and the actual time for the receiving the documents shall be of at least 24 hours. If representatives of several political parties, socio-political organisation, several independent candidates simultaneously submit all the necessary documents to the relevant body entitled to register them, the order of receiving them shall be established by lots in accordance with the regulations developed by the Central Electoral Commission and published in the Official Gazette of Republic of Moldova

(3) The relevant electoral body shall register candidates for elections within seven days of the date of submission of the documents enumerated in paragraph (1).

(3<sup>1</sup>) A person can run for more eligible positions only on behalf of one party

(4) Candidates in an election may not serve on any electoral council or bureau during the period of that election.

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

(6) The relevant electoral body shall have published in the mass media funded from the state budget its rulings on registration of independent candidates or lists of candidates.

(7) Upon expiration of the term for registration of candidates, the relevant electoral body shall publish the integral list of candidates that it has registered, providing their names, surnames, year of birth, locality of residence, political affiliation, professions (occupations), and the name of the party, socio-political organisation that has nominated them. The lists of candidates shall be available for consultation at every polling station.

## **Chapter 7. Electoral Campaign**

#### **Article 45. Trustees of Electoral Contestants**

(1) Contestants in an election may designate trustees in every district. Trustees assist the contestants in conducting their

electoral campaign, campaign for them and represent their interests in relations with public bodies, the 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 contestants shall independently choose their trustees and notify the relevant election council, which shall register and certify them.

(3) Trustees of contestants in parliamentary elections shall be registered by the Central Electoral Commission. In elections for mayors and councilors in local councils, trustees of candidates shall be registered by the respective district electoral council.

(4) Contestants in an election may, at any time before the day preceding elections, suspend a trustee's authority, and replace him/her with other persons.

(5) Trustees of candidates shall upon request be granted leave from their normal place of employment without remuneration. Neither could they be remunerated from funds allotted for the conduct of elections. For the electoral period they may not be dismissed or transferred from their usual job responsibilities without their consent.

(6) Trustees of candidates having public functions may not use public means and goods for electoral campaigns.

#### **Article 46. Guaranteed Rights of Electoral Candidates and Contestants in Elections**

(1) The electoral contestants 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 and 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 the preservation of their salaries.

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

(5) During the electoral period, candidates may not be fired or transferred to another place of work or position without their consent. also may not have a criminal case filed against them, arrested, detained or be subjected to any administrative sanctions without the agreement of the electoral body which registered them, with the exception of cases of flagrant offences.

(6) Candidates in an election may, no latter than 7 days prior to election, withdraw their candidacy by addressing in writing a declaration to this effect to the electoral body which registered their candidacy. Parties and socio-political organizations may modify their registered nominating petitions, within the same term and in conformity with Articles 79 and 126 thereof. After expiry of the announced term, the registration of the electoral contestant can be cancelled exclusively by the electoral body which performed the registration, on basis of the decision of the court of law, as well as in the event of death or emergence of conditions set out in Article 13 paragraph (2) of the present Code.

(6<sup>1</sup>) The request to exclude a candidate from the list of electoral competitors submitted within the term stipulated in paragraph (6), shall be examined by the competent body of the party, within three days

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

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

#### **Article 47. Pre-election Campaigning**

(1) Citizens of the Republic of Moldova, parties and other socio-political organizations, 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 meetings, reunions, meetings with the electorate, using means of mass media and other forms of communication except for those that disturb public order or are unethical. Electioneering for an electoral contestant is allowed only after his/her registration with an electoral body.

(2) During electoral campaigns, public audiovisual institutions will grant free of charge air time, within the limits set by Central Electoral Commission, to electoral contestants for public debates. For electioneering purposes, each electoral contestant will be granted against charge air time not exceeding two hours for the entire electoral campaign, including no more than two minutes per day for each institution.

(3) During roundtables private audiovisual institutions may organize free of charge debates, giving equal opportunities to all electoral contestants, and inviting representatives of all electoral contestants to the same show or grouping them according to certain criteria previously announced by the Central Electoral Commission. All electoral contestants' speeches shall be chronometered during the show, all electoral contestants shall be granted equal time. Electoral contestants shall be informed on the time of broadcasting the relevant shows seven days prior to the broadcast, the timetable is approved by the Central Electoral Commission. The air time granted against charge at each institution shall not exceed two minutes per day for each electoral contestant.



- (4) It is prohibited to air, apart from the air time granted free of charge during debates, spots and TV or radio reports, on the activity of the electoral contestant or on their or their trustees participation in meetings with the voters, on working visits of the electoral contestants who hold offices at republican or rayon level. No electoral candidate shall be entitled to privileges due to the offices they hold.
- (5) Electoral contestants shall be liable for the content of published or aired electoral materials. Each advertising material shall bear the name of the electoral candidate, date of publishing, turnout, name of the Publishing House.
- (6) Public or private audiovisual institutions shall provide equal opportunities for electoral candidates to buy air time, by establishing equal fees. Conditions of booking air time and the relevant fees shall be announced seven days prior to the broadcast of the relevant show. Fees for the air time granted to electoral contestants may not exceed fees for the commercials. Air time for electoral spots shall be granted at the same broadcasting hours.
- (7) ) During the electoral period, all the TV shows with analytic, informative, entertaining or any other character, which mention in one way or another the electoral participants, are broadcasted with the observance of the respective concept and regulations. The TV shows that deal, directly or indirectly, with the electoral participants will be broadcasted only with the title "Electoral" (electoral campaign), for calculation of the air time. If damages to the reputation of one of the electoral participants are brought outside the "Electoral" TV shows, he will have the right to refutation on the same conditions.
- 8) On election day, prior to closing polling stations mass media shall refrain from announcing results of questioning electorate regarding their vote "for" or "against" electoral contestants, or failure to vote for them.
- (9) Refusal to broadcast or publish free of charge or against fee electoral spots in compliance with this law may be appealed in court.
- (10) Electoral contestants may organize meetings with the electorate. Electoral councils and bureaus and local public administration authorities shall ensure that opportunity to organize such meetings is provided on equal terms and conditions to all contestants.
- (11) For the time period of electoral campaign, as well as for the time period of conducting a referendum, air time granted to Parliament, Presidency, and Government press service may not be used to electioneer or to campaign for or against the issues put up for referendum.
- (12) After registration of electoral contestants by the relevant electoral body, they shall have the right to post their slogans, which may not run counter to law or ethics. The modality regarding the placement, in equal conditions, of the electoral publicity on the advertising boards, including the private boards, is approved by the Central Electoral Commission and is brought to the public attention beginning at the start of the electoral period.
- (13) The local public administrative authorities are obliged, in a period of 3 days from the date of registering the electoral candidate, to establish and guarantee a minimum of special places for electoral posters, to establish the minimum of premises for organizing and holding meetings for the electoral candidates with the voters. The respective decisions of the authorities of local public administration are immediately posted at the premises of these authorities and brought to the attention of the interested subjects by means of mass media outlets, other available communications means.
- (14) Campaign activity on election day and the day preceding the elections is prohibited.
- (15) Electoral advertising on internet and via mobile telephony is assimilated to the electoral advertising in written press

## **Chapter 8. Ballot Preparation**

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

- (1) The design and the text of the electoral ballot for the election of Parliament shall be approved by a vote of the Central Electoral Commission. In local elections, the design of ballots shall be approved by the CEC whereas their text by the relevant district electoral council.
- (2) The ballot shall be divided into as many rectangles as there are electoral contestants. The size of the rectangle must be large enough to include the first and last name, the date of birth, occupation, position and place of employment of the candidate, the name of the party, socio-political organisation that nominated the respective candidate or list or candidates, and the electoral sign or symbol of the contestant, upon request. Identical electoral symbols or signs shall be prohibited.
- (3) Electoral competitors are to be registered in ballot papers in the order established by the drawing of lots, that is to be carried out on a daily basis by the relevant electoral body
- (4) In the left side of the rectangle shall be printed the electoral sign or the symbol of the electoral contestant that nominated the list of candidates or the relevant candidate, or the electoral sign of the independent candidate at his/her desire. The electoral signs and symbols shall be presented to the relevant electoral body by the contestants together with the documents for candidates' registration.
- (5) In the right side of every rectangle, and at an equal distance from the top and bottom margins, a 15 mm diameter circle shall be printed in which the voter applies the stamp with the inscription "voted" on it to select a candidate.
- (6) Electoral ballots shall be drawn up in accordance with the Law of the Republic of Moldova "On the Functioning of Languages Spoken in the Republic of Moldova".
- (7) In the event that several types of elections are held simultaneously, the ballots shall be of different colors.

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

- (1) Electoral ballots shall be printed based on instructions from the responsible electoral bodies. Members of electoral bodies and members' representatives of electoral contestants may assist at the drafting of voter rolls and at their printing.
- (2) Ballots shall be printed no later than three days prior to elections, in a quantity not to exceed the number of voters, on opaque (matte) paper. Each ballot paper shall contain two numbers that correspond to the order number of the electoral district and the order number of the respective polling station. After printing, the ballots are folded in such a way that the face on which the voter votes should not be visible.
- (3) Printed ballots shall be stored by the responsible district electoral council and delivered to precinct electoral bureaux 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 at least two other members of the council or bureau, shall have access to them during this period.
- (5) Representatives of electoral contestants, as well as any voter, shall have the right to inspect sample ballots at the precinct electoral bureau.
- (6) The ballots for parliamentary elections shall be delivered to district electoral councils by the Central Electoral Commission not later than two days before the election.

### **Chapter 9. Voting**

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

Voting is carried out on election day between (7:00 and 21:00).

The precinct electoral bureau shall publicly announce the time and place of voting no later than 10 days before election day.

#### **Article 51. Voting Conditions**

- (1) During the time allotted for voting the polling place may not be closed nor may voting be terminated, with the exception of cases of mass disorders, natural disasters, or other unforeseen circumstances which make conducting the voting impossible or dangerous for the voters. In such cases the chairperson of the precinct electoral bureau may suspend voting for no more than two hours to put the electoral precinct into its proper condition or move it to other place, having notified the voters of this fact.
- (1□) During the local elections, in case when voting process suspended under the paragraph (1) can not be resumed within 2 hours, the voting is considered suspended for a period that shall not exceed 2 weeks, and the Central Election Commission, within 3 days, shall adopt a decision on the date of resuming the suspended voting. The voting process is resumed under the same legal conditions
- (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 voting has been suspended.

#### **Article 52. Organization of Voting**

- (1) Voting shall be carried out at specially equipped places with desks for ballot issue, voting booths or rooms for secret voting and voting boxes. Boxes must be placed in such a way that to approach them the voters shall enter voting booths to vote in secret. The premises shall have a sufficient number of booths or rooms so as to avoid a large accumulation of voters.
- (2) For purposes of maintaining order in the electoral precinct and avoiding a large accumulation of voters, the precinct electoral bureau shall establish a path for the movement of voters, beginning with the entry to the tables where the ballots are 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 authorized persons present at the precinct 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 government.
- (5) Precinct bureaux shall be responsible for organizing voting, ensuring the secret expression of the voters' will, equipping the premises and maintaining order at polling stations.

#### **Article 53. Voting**

- (1) Every voter must vote in person. Voting for other individuals is not allowed. The precinct electoral bureau shall hand out ballots to voters based on the voter 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) Citizens residing on the territory of the electoral precinct not included on the voter rolls shall be entered on a supplementary voter roll upon presentation of an identification document showing their place of residence within the precinct. Citizens who have presented the precinct bureau a certificate of the right to vote shall be included on the same list. The certificate shall remain at the precinct electoral bureau and be attached to the protocol.
- (3) Voting is carried out on the basis of the following identity documents:

- a) the identity card of the citizen of the Republic of Moldova, with accompanying slip, which certifies the voter's domicile or the residence in the area of polling station;
- b) the ex-soviet passport, 1974-year model, containing the reference to the citizenship of the Republic of Moldova, individual's state identification number (INDP) and domicile registration;
- c) the ex-soviet passport, 1974-year model, without the identification number (IDNP) with the mention: "valid for an unlimited term", the citizenship of the Republic of Moldova and domicile registration – for persons who refused the identity documents of the Republic of Moldova due to religious reasons;
- d) temporary F-9 type identity document with mentions the citizenship of the Republic of Moldova, the holder's domicile;
- e) the entry/exit passport, sailor's record, in case of parliamentary elections or national referendum, in polling stations set beyond the boundaries of Moldova;
- f) the service record for serving soldiers, issued by the Centre of Civil Service for persons who carry out their civil service (alternative)

(4) The chairperson and precinct electoral bureau members shall vote at the polling station where they conduct their activity, and shall be entered to supplementary lists based on the certificate of the right to vote.

(5) The chairperson of the precinct electoral bureau shall keep a record of the events during voting and vote counting. At the request of bureau members, of the persons authorized to attend electoral procedures, or of any voter, the chairperson shall note their comments and complaints regarding electoral procedures, which shall be attached to the protocol of the precinct electoral bureau.

#### **Article 54. Balloting Procedure**

(1) The ballot shall be filled out by the voter in a secret voting booth or room. A voter who is unable to fill out the ballot him/herself has the right to invite another individual into the booth, with the exception of members of the electoral bureau, representatives of candidates, and other accredited individuals entitled to attend electoral procedures. These cases shall be registered separately in the report of the electoral bureau of the polling station.

(2) The voter shall apply the stamp with the inscription "voted" 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 should be left blank.

(3) It shall be prohibited for any person to take a ballot out of the polling place.

(4) A voter may not vote for more than one electoral contestant.

(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 voter places into the ballot-box the ballot with the stamp "Voted".

#### **Article 55. Voting Security**

(1) At 07:00 a.m. on election day the chairperson of the precinct electoral bureau, in the presence of no less than half of the members of the bureau, shall check the ballot boxes and seal them. The chairperson shall also check the voter rolls, ballots, and seals, and draws up the minutes/protocol in two copies. The minutes/protocol is signed by all the present members of the electoral bureau, a copy is placed into the ballot box, after that – the head declares the voting process opened. The chairperson shall invite the other members of the bureau, any other persons authorized to attend voting operations at the polling station, as well as the voters who may be present at the time of opening to observe his/her actions.

(2) Ballots shall be stored in a secure place in the electoral precinct, packed in bundles of 100, and issued by the precinct chairperson in necessary quantities to members of the bureau for distribution to voters whenever necessary.

(3) 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.

(4) If, for health 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. The requests may be submitted in written or oral form, within two weeks prior to the Election Day and until 15.00 on the Election Day. On the voter roll beside the name of the respective persons a specification shall be made "voted at the place of stay".

(5) Individuals being detained on the basis of an arrest order 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 (4).

(6) In the event the chairperson of the precinct bureau authorizes 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

(7) 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.

(8) The following individuals are entitled to be present during the sessions of the electoral bodies, vote counting and tabulation, activities related to the voter rolls, ballots, voting certificates, and compilation of the protocols on elections and referendum results:

- a. members of the superior electoral bodies;
- b. representatives of the electoral contestants to electoral bodies;
- c. domestic, national, foreign and international observers accredited by the relevant bodies;
- d. mass media representatives.

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

(9) It shall be strictly prohibited for anyone to enter a polling 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 re-establishing law and order.

## **Chapter 10. Vote Counting**

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

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

(2) Prior to opening the ballot box, all unused ballots shall be counted, and canceled by the precinct electoral bureau by applying the stamp "canceled" thereupon, then it is tied separately and sealed up.

(3) 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.

(4) After checking the seals on the ballot boxes, the chairperson of the precinct bureau in the presence of the members of the bureau and other individuals with the right to attend shall open the ballot boxes. Mobile boxes shall be opened first, the votes counted, and then the other boxes shall be opened.

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

(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 or relevant district electoral council, members of the precinct electoral bureau shall unfold the ballots and determine for which electoral contestant the ballot was cast. The ballots for each electoral competitor shall be counted and bound together separately, and the results of the counting shall be entered on a special counting form as they are determined and are transmitted to the hierarchically superior body.

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

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

(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 57. Invalid Ballots**

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

- a. ballots whose identification number of the electoral precinct and that of bureau does not correspond to the numbers of the respective electoral precinct and bureau ballots on which there is no control stamp of the electoral precinct;
- b. ballots of other than the legally approved form;
- c. ballots on which the seal with the inscription "voted" has been applied in more than one rectangle;
- d. ballots on which the seal with the inscription "voted" 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 not clear.

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

(3) Prior to 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 electoral bureau have doubts about the validity of a ballot, the question shall be decided by a vote, and the results of the vote entered in the protocol.

#### **Article 58. Protocol and Minutes of the Precinct Electoral Bureau**

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

a. the number of voters included on the voter rolls;

b. the number of voters added on supplementary lists;

c. the number of voters who have been issued ballots;

d. the number of voters who participated in the voting;

e. the number which reflects the difference between the number of ballots received by voters and number of voters that have participated in voting;

f. the number of votes declared invalid.

g. the number of valid votes cast for each electoral contestant / for each issue put up for referendum;

h. the total number of valid votes cast;

i. the number of ballots received by the precinct electoral bureau;

j. the number of unused and cancelled ballots.

(2) In parliamentary elections, the format of the protocol shall be established by the CEC, whereas in local elections by the relevant district electoral council. Prior to election day the relevant electoral council shall provide precinct electoral bureaus with the necessary number of protocol forms.

(3) The results of the vote counting shall be considered at a 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 prepared in several copies in the presence of precinct electoral bureau members, representatives of electoral contestants and other persons entitled to assist at the electoral procedures. A copy of the protocol is kept at the electoral office of the voting station, a copy is presented to the electoral district council, a copy is immediately posted at the entrance into the polling station, whereas the others, are obligatorily handed to representatives of electoral competitors and observers

(5) The chairperson of the precinct bureau shall also prepare the minutes of the bureau based on the written record of the bureau's activities during the period of voting and thereafter. The minutes will include a brief account of statements and complaints and decisions adopted regarding them made by the bureau. The chairperson shall also give the other members an opportunity to provide written comments and additions to the minutes. The chairperson shall then sign the minutes and request the other members of the bureau to do so and to express their comments on the minutes. Complaints shall be attached to the minutes.

(6) The chairperson of the precinct electoral bureau shall deliver as soon as practicable, but in no event later than 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) Electoral bureau stamps shall be kept in a box at the polling station. After elections stamps shall be delivered to district electoral councils.

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

(1) After receiving from the precinct electoral bureaus the protocols and reports showing the results of the vote in the precincts, the district electoral council shall first establish the number of voters who participated in the election. 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 should also indicate that fact to the Central Electoral Commission. Either the Central Electoral Commission or the district electoral council should promptly announce publicly that the election in the Republic or that district was invalid.

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

- a. the overall number of voters included in the voter rolls;
- b. the number of voters on supplementary lists;
- c. the number of voters who have been issued ballots;
- d. the number of voters who voted;
- e. the number which reflects the difference between the number of ballots received by the voters and the number of voters that have participated in voting;
- f. the number of votes declared invalid.;
- g. the number of valid votes cast for each electoral contestant / for each question subject to referendum;
- h. the total number of valid votes cast;
- i. the number of ballots received by the district electoral council;
- j. the number of cancelled and unused electoral ballots.

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

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

#### **Article 60. Review of Election Results by the Central Electoral Commission**

(1) Upon parliamentary or local elections, or republican referendums, based on the documents received from district electoral councils the CEC shall develop within five days a protocol including:

- a) the overall number of voters included on the voter rolls;
- b) the number of voters on supplementary lists;
- c) the number of voters who have been issued ballots;
- d) the number of voters who voted;
- e) the number which reflects the difference between the number of ballots received by the voters and the number of voters that have participated in voting;
- f) the number of votes declared invalid.;
- g) the number of valid votes cast for each electoral contestant / for each issue put up for referendum;
- h) the total number of valid votes cast.
- i) number of published ballots

(2) The CEC shall then draw up a record indicating the summing up of the voting results nationally, which shall be signed by all members of the commission, and shall draw up minutes on the election results. Copies of the record on the voting results shall be handed over to representatives of the electoral contestants and to the observers on their request.

(2<sup>1</sup>) In case of disagreement with the preliminary results, electoral competitors can request the competent bodies to order the vote recounting, before the validation of the results by these bodies.

(3) The documents mentioned in paragraph (2) shall be presented to the Constitutional Court in the event of Parliamentary elections for the confirmation of the results of the elections and validation of the mandates of parliamentary members.

#### **Article 61. Announcement of Preliminary Results**

(1) Prior to receiving all election results from subordinate electoral councils and bureaus, the electoral body responsible for determining the overall results of an election shall periodically announce partial results as soon as practicable upon reception.

(2) The electoral body responsible for determining the results of an election shall publicly announce the overall results of that election as soon as practicable 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.

(3) Responsible for determining the results of an election shall be:

- a. the Central Electoral Commission with respect to parliamentary elections, general local elections and republican referenda; or
- b. the appropriate district electoral council, in case of local elections and referendums.

#### **Article 62. Retention of Election Records**

(1) The Central Electoral Commission shall retain the electoral materials in accordance with the provisions of the Law regarding the Archive Fund of Republic of Moldova.

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

- a. the following are delivered to the Central Election Commission – lists of candidates, a copy each of the minutes/protocol and reports of the district electoral councils and electoral bureaus of polling stations, special forms for vote counting, the stamps of the district electoral councils and electoral bureaus of the polling stations, subscription lists of independent candidates, as well as other electoral materials, financial round-up report and the deed of conveyance of the financial documentation to the district (municipal) council (local public authorities of the second level). In the event of local general elections the following shall be presented to the CEC: the lists of the councilors elected into the local councils, the lists of alternate candidates with the decreasing series;
- b. the following shall be remitted to the court of law in the area where the district electoral council is situated – valid ballots, invalid and annulled ballots, a copy each of minutes/protocols and reports of district electoral councils and electoral bureaus of the polling stations, special forms for vote counting, all the appeals/contestations, accompanied by the adopted decisions regarding their settlement; in the event of general local elections – also the lists of elected councilors, lists of alternate contestants, decreasing series for each electoral district;
- c. the district electoral council before dissolution remits to the mayoralty, in the district in which it conducted its activities, a copy each of minutes/protocols and reports of the electoral councils and electoral bureaus, ballot-boxes, electoral codes, instructions regarding the activity of electoral bodies and other electoral materials.

(3) The Central Election Commission assures the access to the documents enumerated in the present article in accordance with the Law regarding access to information.

### **Chapter 11. Observation and Press Coverage**

#### **Article 63. Observers**

(1) At the request of any electoral contestant in an election, the district electoral council shall accredit for any precinct a representative to observe the election. The trustee of a candidate in the election may also be accredited as an observer. In the event the district council finds that an individual proposed for accreditation under this subsection is unacceptable, it shall promptly inform the electoral contestant who proposed that person of its reasons.

(2) At the request of any electoral contestant, the Central Electoral Commission shall accredit by an observer in order to monitor election in the electoral polls situated abroad the country. As observers can be accredited as well citizens of the Republic of Moldova living abroad, representatives of international organizations and NGOs from abroad.

(3) The Central Electoral Commission will accredit representatives of international organizations, foreign governments, and

international non-governmental organizations as observers.

(4) By the resolution of the Central Electoral Commission Resolution 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 (or, in the case of regional organizations, the district electoral council) to be capable of exercising civic functions with respect to the election.

(5) The observers on behalf of civil associations accredited by the Central Election Commission may monitor the electoral process on the entire territory of the country and at all polling stations, whereas the observers accredited by the district electoral councils, only on the territory of the respective district. The accredited observers have the right to be present at all electoral operations/procedures, at all sessions of the electoral bodies, including on the day of elections, 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.

(6) The observers can be accredited before the beginning of the electoral period and can perform their activity on elections day and also in the periods before, during and after the elections. The Regulations regarding the accreditation of national and international observers are adopted through a decision of the Central Election Commission.

#### **Article 64. Press Coverage of Elections**

(1) During electoral campaign, the press and media shall cover elections pursuant to regulations adopted by the CEC.

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

(3) In the electoral period any opinion polls regarding the political preferences of the voters may be conducted only with the condition of a preliminary notification to the Central Election Commission. The results of these polls may be made public at the latest 5 days prior to the elections. On the day of elections, until the closing of the polling stations, it is prohibited to make public through mass media outlets - materials, including interviews with voters, about the number of votes gathered by the electoral competitors in the course of the day and about their chances, including the exit-polls results. The qualified organizations that intend to conduct exit-polls shall coordinate their activity with the Central Election Commission, which shall elaborate the general rules for this field.

(4) Mass media will broadcast, at the Central Electoral Commission's request, social, civic and electoral education video clips; will carry on information campaigns for voters regarding the voting procedure and other voting features.

(5) Public audiovisual institutions are obliged, whereas the private ones have the right, at the Central Electoral Commission's request, to organize public debates, during the whole electoral campaign, in equal conditions for all the electoral competitors. They are offered for debates not less than 90 minutes per day, time that can be used for one or more TV shows.

(6) The audiovisual institutions have the right to choose the format of the debates, with the condition to respect, in general, the equality among all the electoral competitors of the air time offered for debates

### **Chapter 12. Judicial Proceedings**

#### **Section I. Complaints with Respect to the Organization and Conduct of Elections**

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

(1) Voters and electoral competitors may challenge the actions (inactions) and decisions of the electoral councils and bureaus, actions (inaction) of the electoral competitors, in the electoral bodies, having in view the hierarchy of the system of electoral bodies, and in the law courts

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

##### **Article 66. Submission of Appeals**

(1) Actions and decisions of electoral bodies may be appealed within three days of discovering the action or taking the decision.

(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 Chisinau Court of Appeals.

##### **Article 67. Consideration of Appeals (Complaints)**

(1) Appeals against actions and decisions by the CEC filed during an electoral period shall be acted upon within five days of their filling.

(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 filling, but no later than election day.

(3) Appeals submitted to court on the day of elections shall be considered on the same day, whereas appeals regarding electoral body decisions on results tabulation and mandate award shall be examined by court simultaneously with the legality of the election and the validation of mandates.



(4) The activity of the courts during an electoral period shall be organized 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 and the Law on Contentious Business.

#### **Article 68. Decisions by Courts with Respect to Appeals (complaints)**

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

(2) After examining the materials regarding the legality of the election and validation of mandates, a court shall adopt a resolution on confirming legality of elections in the relevant electoral district, validate mandates of the elected councilors and mayors, as well as the list of deputy candidates.

(3) In the event that a court has confirmed legality of elections, whereas tabulation mistakes are found in protocols, the court shall, on its own initiative, or at the request of contesting part, annul, totally or partially, the protocol and shall exclude the electoral contestant, who has been cast a smaller number of valid votes, replacing him/her with the electoral contestant who has been cast a greater number of valid votes on sequential division.

(4) A court of law shall not validate results of local elections in the relevant electoral district if frauds committed during elections or during vote tabulation have affected the election results.

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

(6) Court decisions may be appealed within three days of their adoption.

(7) Such appeals shall be examined within three days of submission.

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

#### **Article 69. Juridical Penalties**

(1) Individuals who, by violence, treachery, threat, substitution or other method prevent citizens from freely exercising their voting rights; purposefully distribute false information about electoral contestants; commit any other action against the honour 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 current laws.

(2) For the infringement of the provisions of the present Code, Central Election Commission may apply or request the application of the following sanctions to the electoral competitors:

a) warning;

b) cancellation of the registration.

(3) The warning is applied by the decision of the Central Election Commission, and the cancellation of the registration is applied by a final court decision.

(4) The warning is applied for the violations of the provisions of the present Code, with the exception of those provided in articles 70, 71.

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

(1) The following acts shall constitute crimes and be punished in keeping 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. damaging or forcibly entering the 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 inform the prosecution bodies immediately whenever they become aware of evidence that an action, which in their opinion includes elements of a crime, related to conducting elections has been committed.

(4) Criminal cases regarding the offences listed in paragraph (1) performed during the electoral campaign are examined by the prosecutor's office in a period of 5 days.

#### **Article 71. Administrative Offences**

(1) The following shall constitute administrative legal violations and be punished in accordance with the Code on Administrative Offences, and Article 70 of this Code, unless they also constitute crimes:

- a. failure by official persons to provide data and materials to electoral bodies as well as failure to abide by their decisions;
- b. destroying, smudging, or making unusable by other means voter rolls and electoral posters;
- c. officials organizing public meetings at which the sale and consumption of alcoholic beverages is permitted, or failing to take measures to conduct such meetings in an orderly manner;
- d. deliberately entering on the voter rolls individuals who do not have the right to vote in accordance with this Code, individuals who do not really exist, or intentionally including the same individuals on more than one list; unjustifiably refusing to accept and consider complaints pertaining to actions related to the elections;
- e. knowingly agreeing to entering an individual on more than one list of candidates;
- f. members of electoral bodies failing to make public proposals for the registration of candidates;
- g. using funds obtained from abroad or not publicly declaring funds received;
- h. preventing people with the right of vote from entering the polling place or exercising their right to vote;
- i. refusing to follow the instructions of the chairperson of the precinct electoral bureau to provide for order in the polling place and the area adjacent to it;
- j. unjustifiably failing to issue a ballot to a voter included on the lists or issuing one and the same individual more ballots than he/she is entitled to cast in the election;
- k. members of precinct electoral bureau unjustifiably leaving from the polling places before the election results are summed up and they have signed the record;
- l. continuing to campaign on the day preceding the elections and on election day;
- m. taking an electoral ballot issued for voting off of the premises of an electoral precinct;
- n. falsifying signatures on lists in support of an independent candidate.

(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.

(4) The court will examine the respective cases regarding administrative offences in a period of 2 days. The period of appeal is 2 days. The appeal courts will solve the cases in a period of 2 days.

### **Title III.**

#### **Elections To Parliament**

##### **Article 72. Applicability of this Chapter**

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

##### **Article 73. Elections to Parliament**

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

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

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

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

this Code, to be applied correspondingly except for letter (g).

(2) Electoral districts shall be divided into precincts, pursuant to Article 29 of this Code, to be applied correspondingly.

(3) The precinct electoral bureaux shall be formed and shall exercise their responsibilities, pursuant to Article 29 and 30 of this Code, to be applied correspondingly.

#### **Article 75. Candidates for Election to Parliament**

(1) Persons eligible to vote, who have reached the age of 18 years by and on Election Day, who are citizens of the Republic of Moldova, live permanently in the country and meet the requirements provided in the present Code may be candidates for deputy mandates in Parliament.

(2) When registered as electoral competitor for the position of a deputy, the person holding citizenship of another state declares, on his/her own responsibility, the holding the citizenship of another state or the fact that he/she applied for the citizenship of the other state

(3) When the mandate of the deputy is validated, the person specified in par. (2) should documentary confirm renunciation or initiation of the procedure of renunciation of the citizenship of the other state or withdrawal of the application for the citizenship of the other state.

(3) Non-declaration of holding the citizenship of another state at the moment of registration as a candidate for the position of deputy or its acquiring in the period of exercising the mandate, serves as a ground for cancelling validation of the mandate of the deputy by the Constitutional Court at the request of the CEC.

#### **Article 76. Declaration and Date of Elections**

(1) The election of deputies shall be held within three months of the expiration of Parliament's mandate.

(2) The day of elections to Parliament shall be scheduled by a resolution of Parliament no later than 60 days before election day.

(3) In the event of Parliament dissolution, elections of the new Parliament shall be determined by the same decree of the President of the Republic of Moldova. Early elections shall be conducted no later than 45 days of the day when the decree becomes effective.

#### **Article 77. Registration of Electoral Candidates**

In order to be registered electoral candidates shall submit to the Central Electoral Commission the documents described in Article 44 of this Code.

#### **Article 78. Special Requirements for Petitions**

(1) Petitions in support of an independent candidate are developed and verified pursuant to Articles 42-43 of this Code, to be correspondingly applied.

(2) To be registered by the Central Electoral Commission, independent candidates shall submit petitions containing signatures of at least 2,000 and at most 2,500 supporters eligible to vote.

(3) Upon verification of petitions, the Central Electoral Commission shall nullify false signatures and signatures that were applied to several petitions.

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

(5) Submitting supplementary petitions after the Central Electoral Commission has received and registered in the register the set of documents in accordance with Article 44 of the present code.

#### **Article 79. Special Requirements for Candidate List Registration**

At least 51 registered candidates and at most the number of deputies in Parliament provided for in the Constitution, plus two deputy candidates, shall be included on a list.

#### **Article 80. Replacement of Candidates on Lists**

(1) Electoral contestants shall have the right to recall their candidacy, their entire list of candidates or reverse their decision to include any particular candidate on the list, but no later than 7 days prior to the Election Day.

(2) A decision to withdraw an entire list of candidates or an individual candidate shall be adopted by the nominating person or organization, submitted to the Central Electoral Commission and then made public.

(3) Replacement of a candidate must be done before the expiration of the term of candidate registration. The Central Electoral Commission shall make public the decision to register the new candidate.

(4) In the event a party and/or a socio-political organization withdraws its candidates after the expiration of the term of registration, the list of candidates shall be remade excluding the candidates of the respective party or socio-political organization, respecting the order of their registration. The same procedure will be applied in the event of the withdrawal of candidates from the lists by parties and/or socio-political organizations.

**Article 81. Voter Rolls**

Voter rolls for elections of deputies to Parliament shall be developed pursuant to Chapter (5) Articles 39-40 of this Code, to be correspondingly applied.

**Article 82. Electoral Propaganda during Parliamentary Elections**

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

**Article 83. Voting Ballots**

(1) Voting ballots shall be developed pursuant to Chapter (8) Articles 48-49 of this Code, to be correspondingly applied.

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

**Article 84. Voting**

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

**Article 85. Vote Counting and Election Results Tabulation**

Election results are summed up pursuant to Chapter (10) Articles 56-60 of this Code, to be correspondingly applied.

**Article 86. Determination of the Threshold of Representation**

(1) Upon receiving records of the voting results in all districts from all district electoral councils, the Central Electoral Commission shall sum up the number of valid votes cast for each party, other socio-political organization, in order to establish whether or not they have passed the minimal threshold of representation.

(2) The minimal threshold of representation is as follows:

- a. for a party or socio-political organisation – 5 % of the valid votes in the country as a whole;

(3) Parties and other socio-political organizations receiving less votes than the percentage specified in paragraph (2) shall be excluded from the award of mandates by a decision of the Central Electoral Commission.

**Article 87. Calculation of the Number of Mandates Obtained by the Electoral Contestants**

(1) The distribution of parliamentary seats among the electoral contestants shall be conducted by the Central Electoral Commission through a sequential division of the number of valid votes cast for each electoral candidate, except for independent candidates, by 1, 2, 3, 4..., etc. up to the figure that corresponds to the number of seats in Parliament.

(2) Of the results of all divisions and of the number of valid votes cast for independent candidates, as many numbers shall be selected in declining order as there are mandates to be distributed. Parties and other social-political organizations shall receive as many mandates as they own numbers in the declining range.

(3) Independent candidates shall be considered elected if they receive at least three percent of the valid votes cast in the election throughout the republic.

**Article 88. Award of Mandates**

(1) The Central Electoral Commission shall award mandates to electoral contestants in the order of their inclusion on the candidate lists, beginning with the first candidate on the list.

(2) If the last mandate to be awarded stands for more candidates with the same number of votes cast, the Central Electoral Commission shall award the mandate by lots, which fact shall be entered in a record.

(3) In the event a party or other socio-political organization is awarded a number of mandates higher than the number of candidates on the list, the extra number selected in declining order of the relevant organization shall be eliminated, and replaced by a number selected in declining order of the other electoral contestants.

(4) Individuals included on candidate lists who are not elected shall be declared deputy candidates. A deputy candidate shall be declared elected by the Constitutional Court in the event that, for certain reasons, a deputy mandate owned by a party or socio-political organization becomes vacant. The deputy candidate may refuse the deputy mandate by submitting a statement to that effect to the Constitutional Court.

(5) In the event that, after the election is held and the mandates are awarded, the electoral contestant who put forward a candidate list is found not to have deputy candidates on it, the vacant mandates shall be attributed to the electoral contestants following next in the declining order formed upon mandate award.

(6) In the event that the deputy mandate obtained by the independent candidate becomes vacant, the Central Electoral Commission shall restore the declining order excluding the number of the respective candidate and including the following one.

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

(1) The Central Electoral Commission shall, within 48 hours of the election results tabulation, submit to Constitutional Court the acts mentioned in Article 60 and the lists of elected deputies and deputy candidates.

(2) Within 10 days of the date of receiving documents from the Central Electoral Commission, but not before the final settlement by the law courts of the eventual contestations deposited in accordance with the procedures established by the legislation, the Constitutional Court shall either confirm or not, through a decision, the legality of the elections. Simultaneously, the Constitutional Court shall validate the mandates of the elected deputies and confirm the lists of alternate candidates.

(3) If the elections are declared valid, the Central Electoral Commission shall issue deputy licenses to elected candidates.

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

(1) The protocol with respect to election results, along with the decision of the Constitutional Court validating elections and at least two-thirds of the number of mandates, shall be submitted, within two days, to Parliament. A copy of these documents and the confirmed lists of alternate candidates shall be submitted to the Central Electoral Commission.

(2) The Central Electoral Commission shall cause the final election results to be published within 24 hours of receiving them from the Constitutional Court.

#### **Article 91. Invalid Elections**

Elections under this Chapter shall be invalid if less than 1/3 of the voters included on the voter rolls have participated.

#### **Article 92. Null Elections**

Should the Constitutional Court determine that during the voting and vote counting the provisions of this Code were violated and affected the voting results and awarding of mandates, the elections shall be declared null.

#### **Article 93. Repeat Elections**

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

(2) Electoral candidates who committed violations of the provisions of the Electoral Code shall be sanctioned, or shall be excluded from the voting ballots, on the basis of a final court decision, and electoral councils and bureaus which committed such violations shall be replaced.

(3) The repeat election shall be considered valid regardless of the number of voters participating in the elections.

#### **Article 94. New Elections**

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

(2) Upon early elections, if even the repeat elections are declared void and null, President of the Republic of Moldova shall establish by decree the date of new elections observing the term indicated in Article 76 paragraph (3) of this Code.

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

### **Title IV.**

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

*[Title IV (Articles 95-117) is excluded via Law no.1227-XIV of 21.09.2000]*

*[Title IV modified via Law no.1036-XIV of 09.06.2000]*

*[Title IV modified via Law no.268-XIV of 04.02.99]*

#### **Local Elections**

##### **Article 118. Applicability of this Title**

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

##### **Article 119. Local Elections**

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

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

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

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

(1) For conducting elections of local councils and mayors, each district, special status autonomous administrative territorial unit, town (municipality), village (commune) shall constitute one electoral district. Town (municipality), village (communal) electoral districts shall be formed by the district electoral councils of the second level administrative-territorial units of the

Republic of Moldova at least 45 days prior to election day.

(2) Town (municipality), village (communal) district electoral councils shall be established by the second level administrative-territorial units' district electoral councils of the Republic of Moldova at least 40 days prior to election day. District electoral councils are formed and exercise their responsibilities, pursuant to Articles 27 and 28 of this Code, to be correspondingly applied. Upon new or partial elections, district electoral councils shall be established by the Central Electoral Commission.

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

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

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

#### **Article 122. Determination of Election Day**

(1) The date of the general local or early elections shall be established by a resolution of Parliament no later than 60 days before the election day.

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

#### **Article 123. Special Limitations on Voting Right**

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

(2) Voters who do not reside in the relevant administrative-territorial unit may not participate in the elections of the local council and mayor.

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

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

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

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

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

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

(1) Number of candidates for councilors in lists should contain at least 1/2 of the number of mandates available for the respective electoral district and at most five deputy candidates.

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

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

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

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

#### **Article 128. Voter rolls**

Voter rolls for local elections shall be developed pursuant to Chapter 5 (Articles 39-40), to be applied correspondingly. Modification of the list of competitors is carried out pursuant to the provisions of article 80, which is to be applied correspondingly.

#### **Article 129. Electoral Campaign**

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

#### **Article 130. Ballot-Papers**

For election to councils of districts, towns (municipalities), villages (communes), and mayors of towns (municipalities),

villages (communes) separate ballots shall be developed pursuant to Chapter 8 of (Articles 48-49), to be applied correspondingly.

#### **Article 131. Voting**

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

#### **Article 132. Summing up the Votes and Tabulation of Election Results**

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

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

#### **Article 133. Award of Council Mandates**

(1) The mandate of councillor for district, town (municipality) or village (commune) councils shall be awarded by the relevant district electoral councils.

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

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

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

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

(6) If there is more than one candidate with the same number of votes for the last non-distributed seat, district electoral council shall award the mandate by lots, fact that shall be entered in a record.

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

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

(9) Candidates included in the lists but who are not elected shall be declared deputy candidates. In the event a council mandate belonging to a party, other socio-political organisation, becomes vacant before the end of term, it will be awarded to one of the deputy candidates of the respective party, in the order of their entry in the list. In the event in which the list of alternate candidates of a party, other social-political organizations is exhausted, the vacancy of the mandate is filled by re-establishing the decreasing series excluding the respective electoral competitor and including the decreasing number of other electoral competitors from the series.

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

(11) If only independent candidates are included on the ballot papers, in the event of a vacant mandate, the deputy candidate is awarded the mandate under par. (10).

(12) Mandates to deputy candidates shall be awarded by the Central Electoral Commission, pursuant to this Article and based on the documents stored by CEC.

#### **Article 134. Election of the Mayor**

(1) Candidates running for mayor shall be considered elected provided that they are cast more than half of the valid votes cast by all the voters who attended voting.

(2) If neither candidate running for the mayor gathered more than half of the valid votes cast, in two weeks a second-round election shall be conducted between the two candidates who gathered the greatest number of votes in the first round of elections. These two candidates shall be entered in the ballots in decreasing order of the number of votes gathered in the first round of elections. If more contestants in the first round obtained an equal number of votes, district electoral council shall select by lots who shall run in the second round and conclude a protocol thereupon, which fact shall be entered into a record.

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

### **Article 135. Confirmation of Legality of the Elections and Validation of the Elected Candidates**

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

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

(3) At the same time the courts shall validate the mandates of elected councillors and mayors and mention this in the decision. Individuals elected to several positions, which are defined in Article 7 of the Law on the Status of Local Elected Officers, shall submit to court their approval to be validated on of those positions. Courts shall also confirm the list of deputy candidates.

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

(5) The district electoral council shall issue to the elected councillors and mayors licenses according to the design approved by the Central Electoral Commission.

### **Article 136. Invalid Elections**

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

### **Article 137. Null Elections**

The election shall be declared null if serious violations of this Code have been committed during the electoral operations affecting the results of voting and the award of mandates. The decision regarding the declaration of elections null shall be adopted by the CEC based on the decisions by the respective courts.

### **Article 138. Repeat Elections**

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

*[Paragraph 1 art.138 modified via the Law no.796-XV of 25.01.2002]*

(2) Electoral contestants found guilty of violations of provisions of the Electoral Code shall not participate in the repeat election and shall be excluded (deleted) from the voting ballots on the basis of a final court decision. The electoral councils and bureaus, which committed such violations, shall be replaced.

(3) Repeat voting is conducted in strict compliance with the provisions of chapter 9 and 10 and is considered valid irrespective of the number of voters who participated in the voting.

### **Article 139. New Elections**

(1) New elections shall be declared if:

- a. the local council has resigned, has been dissolved, or has become less than 1/3 in the number established by the Law on Local Public Administration;
- b. the mayor has resigned, was revoked or is not able to exercise his/her mandate any longer;
- c. after the repeat election the council and/or mayor has not been elected;
- e. if upon administrative-territorial reorganisation, local public administration bodies (councils, mayors) have to be elected in the newly established administrative-territorial units.

(2) If the vacancy for the position of mayor emerges in the last year before the expiry of the mandate, no new elections shall be organized for the position of mayor.

(3) The new elections date shall be determined by the Central Electoral Commission no later than 60 days before the day of election at the proposal of the authority of the local public administration.

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

### **Article 140. Partial Elections**



- (1) The Central Electoral Commission within two weeks shall determine partial elections in one or several districts if after the elections the established number of councilors have not been elected.
- (2) Partial elections for the vacant mandates shall be conducted pursuant to the provisions of the Titles I, II and V.
- (3) The partial elections shall be determined by the resolution of the Central Electoral Commission no later than 60 days before the election day.

#### **Article 141. Applicability of this Chapter**

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

### **Chapter 13. Republican Referendum**

#### **Article 142. Republican Referendum**

- (1) Republican referenda are held in view of fulfilment of the power of the people and of citizen right to participate directly in the administration of public affairs.
- (2) The vote in the referendum is universal, equal, secret and freely expressed, pursuant to the Constitution and this Code.
- (3) The decisions adopted based on republican referenda have supreme juridical power upon their confirmation by the Constitutional Court, and have binding effect everywhere on the territory of the Republic of Moldova.

#### **Article 143. Types of Republican Referenda**

- (1) Upon the type of question subject to referenda, republican referenda may be constitutional, legislative and consultative.
- (2) Constitutional referenda consider issues related to Constitution revision.
- (3) Legislative referenda consider draft laws or some of the their provisions of major importance.
- (4) Consultative referenda consider issues of national interest, in order to consult public opinion on such issues and for further adoption of relevant final decisions by competent public bodies. The text of the question submitted for the consultative referendum is edited in a neutral manner, without ambiguities or suggestions of the answer.

#### **Article 144. Initiating Republican Referendum**

- (1) A republican referendum may be initiated by:
  - a. at least 200,000 citizens of the Republic of Moldova eligible to vote. In case of constitutional referendum, provisions of Article 141 letter a) paragraph (1) of the Constitution shall be applied;
  - b. no less than 1/3 of the members of Parliament;
  - c. President of the Republic of Moldova;
  - d. Government.
- (2) Those mentioned in paragraph (1) may initiate any type of referendum provided in Article 143.
- (3) If the referendum is initiated by those mentioned in paragraph (1) letter a), petitions shall be attached to the proposal on initiating the referendum.
- (4) The proposal on initiating the referendum shall include problems subject to referendum stated clearly, avoiding misinterpretation as well as the aim of conducting the referendum and the date. Issues running counter to each other shall not be subject to referendum.

#### **Article 145. Restrictions Imposed on Conducting Republican Referendum**

- (1) A republican referendum may not be held in territories under a state of war or emergency, nor within 120 days after the respective state is suspended or terminated. If the referendum was already established prior to the first day of the state of war or emergency being declared, then the referendum shall be countermanded or postponed, pursuant to the terms of determining referenda provided for by this Code. The decision to postpone or countermand a referendum shall be adopted by the body which issued the decision to hold the republican referendum.
- (2) A republican referendum cannot take place in a period within 120 days before or after the day of parliamentary, or local elections or the day of another referendum, as well as on the day of their conduct.

#### **Article 146. Issues which May be Proposed for Republican Referendum**

- (1) The following may be questions for republican referendum:
  - a. adoption of the Constitution of the Republic of Moldova;
  - b. approval of constitutional laws adopted by the Parliament revising provisions regarding the sovereignty,

independence and unity of the state, as well as issues related to the permanent neutrality of the state;

c. other issues of national interest.

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

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

The following may not be questions for Republican referendum:

a. issues related to the state budget, taxes;

b. issues regarding amnesty or pardon;

c. extraordinary or emergency measures for establishing public order, health or security;

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

e. issues which are the competence of judicial and prosecution bodies may not be proposed for referendum either.

#### **Article 148. Initiating Referenda for Constitution Revision**

(1) Referenda for constitution revision are initiated in compliance with Article 141 of the Constitution.

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

(3) After Constitutional Court reviews the constitutionality of the issues to be subject to referenda, the proposal on conducting a referendum together with the notification of the Constitutional Court are submitted for the Parliament examination.

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

(5) If both Parliament and citizens simultaneously initiate the revision of the same Constitution provisions, the examination of the said provisions in Parliament shall cease.

#### **Article 149. Excluded**

#### **Article 150. Resolution or Decree on Establishing of Republican Referenda**

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

a. regarding establishing of the referendum within at least 60 days of adopting the resolution;

b. regarding the refusal to conduct the proposed referendum, in case the latter is initiated by deputies;

c. regarding solving issues proposed for referendum without further conducting it.

(2) In the resolution or the decree regarding the conduct of the republican referendum shall be specified the determined date of referendum, name of the law or resolution to be adopted, and questions proposed for referendum.

#### **Article 151. Determining the Referendum**

(1) The date of republican referendum shall be determined by Parliament, through resolution, if the initiative to conduct the referendum belongs to citizens or members of Parliament; by the President of the Republic of Moldova, if the initiative to hold the referendum belongs to him/her, and in such a case shall be a consultative one.

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

#### **Article 152. Initiation of Referendum by Citizens**

(1) Citizens shall establish a citizen initiative group to initiate a republican referendum. An initiative group is established at citizen meetings attended by at least 300 citizens eligible to vote. No later than 10 days before the meeting, the initiators shall notify the local government of the locality in written form where the meeting shall be held, time, place, and objective of that meeting.

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

(3) A chairperson and a secretary of the meeting shall be elected. During the meeting, the opportunity to hold the referendum

shall be discussed and the questions to be proposed for referendum shall be determined.

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

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

### **Article 153. Registration of Citizen Initiative Groups**

(1) The citizen initiative group for holding the referendum shall be registered with the Central Electoral Commission. For registration, the group shall submit to the council:

- a. documents of the citizen meeting which elected the initiative group, confirmed by the mayor of the locality where the meeting took place;
- b. consent of the members of the initiative group to collect signatures in support of the referendum;
- c. application for registration.

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

(3) Upon registration, members of the initiative group shall be issued certificates according to the design established by the Central Electoral Commission.

(4) The data regarding the registration of the initiative group and the questions to be put up for referendum shall be made public through mass media.

### **Article 154. Signature Collection**

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

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

### **Article 155. Special Requirements for Petitions**

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

### **Article 156. Responsibility for Accuracy of Petitions**

(1) The individual who gathers voters' signatures must sign every sheet of the petition and make a note to the effect that the collector personally collected the signatures and confirmed the identity of the persons whose names appear on that sheet by verifying their ID. Each petition shall be certified by the relevant local public administration bodies.

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

(3) Petitions that have data entered before the initiative group was registered or petitions which have not been signed by the signature collector, or have not been certified by the stamp of the local public administration bodies, shall be considered null and void.

### **Article 157. Submission and Review of Petitions**

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

(2) Within 15 days of petitions submission, Central Electoral Commission shall check authenticity of the signatures (all or at random) on the submitted lists. Signatures by persons who have signed twice or more times the petitions shall be excluded. Petitions found in breach of Article 156, par. (1) thereof shall be annulled. Upon verification of petitions, CEC shall develop a protocol and adopt a resolution regarding holding the referendum.

(3) In the event that the required number of signatures was not submitted, the CEC shall adopt a resolution refusing to hold the referendum and suspending the registration of the citizen initiative group.

(4) Protocol on the verification of petitions, verified petitions, and CEC' resolution regarding the initiation of the referendum shall be submitted to the Permanent Bureau of Parliament within three days.

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

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

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

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

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

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

#### **Article 160. Granting Support, Organizing Activity, Changing Membership and Disbanding Electoral Councils and Bureaus for Referendum**

Granting support, organizing activity, changing membership and dismissing councils and bureaus for referendum shall be conducted pursuant to Articles 31-34 of this Code, to be correspondingly applied.

#### **Article 161. Lists of Citizens Eligible to Participate in Referenda**

The lists of citizens eligible to participate in the republican referenda (voter rolls) shall be developed in compliance with Chapter 5 (Articles 39-40) hereof, to be correspondingly applied.

#### **Article 162. Ballot Papers**

(1) Ballot papers shall contain the text of the question or the draft law proposed for republican referendum. To the right of the question or draft law two rectangles with the words "for" and "against" shall be placed on the horizontal, and under them two circles shall be placed.

(2) In case the referendum proposal contains more than one separate question, each question shall be printed on a different ballot-paper. In case several referenda are held at the same time, the ballot-papers shall be of different colour.

(3) Ballot papers shall be developed in accordance with the Law on languages spoken in the Republic of Moldova.

(4) Ballots shall be printed in a quantity that does not exceed the number of voters in the district.

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

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

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

#### **Article 163. Agitation for Referendum**

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

#### **Article 164. Voting**

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

(2) Voters shall fill out the ballots by applying the "Voted" stamp inside one of the two circles under the rectangles with the words "for" or "against", thus expressing their will.

#### **Article 165. Monitoring Republican Referendum and its Mass Media Coverage**

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

#### **Article 166. Counting the Votes and Summing up Referendum Results**

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

(2) The number of votes cast for " for " and "against " shall be entered into record on summing up the referendum results.

(3) The results of the referendum shall be examined by CEC, which shall adopt a resolution on this.

#### **Article 167. Validation of Republican Referendum Results**

(1) The CEC resolution and the protocol regarding the results of the referendum shall be submitted to the Constitutional

Court.

(2) The Constitutional Court within 10 days shall examine the documents received from the CEC and shall either confirm or contest the results of the republican referendum.

#### **Article 168. Adoption, Publication and Enactment of Referendum Proposal**

(1) A republican referendum proposal shall be considered adopted if it gains the majority of voters who participated in the referendum. In the event that the draft of a constitutional law is proposed for referendum, it shall be considered adopted if it obtains at least half of the voter's votes entered on voter rolls.

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

#### **Article 169. Repeal and Amendment of Resolution Adopted during Republican Referendum**

A referendum proposal may be repealed or amended through republican referendum, or through the procedures provided for the repeal of the Constitution.

#### **Article 170. Documents of Republican Referendum**

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

#### **Article 171. Invalid Republican Referendum**

The CEC shall declare a referendum invalid if less than  $\frac{3}{5}$  of the voters included on voter rolls participated in the referendum.

#### **Article 172. Null Referendum**

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

#### **Article 173. Repeat Republican Referendum**

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

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

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

#### **Article 174. New Referendum**

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

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

#### **Article 175. Local Referendum**

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

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

(1) A local referendum may not be held in territories under a state of war, occupation or emergency. If the referendum date is established for the day, on which later the state of war, occupation or emergency is declared, then the referendum shall be countermanded or postponed, pursuant to the terms of determining referenda provided for by this Code.

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

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

(4) Local referendums on revoking mayors may be initiated one year after the respective mayor has been in office or after the last referendum to revoke his/her mandate was held. Referendums to revoke mayors may not be initiated six months before the termination of their mandate.

#### **Article 177. Issues that May be Proposed for Local Referendum**

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

(2) A referendum to revoke a mayor may be initiated when a mayor does not act in the interests of the local community, does not exercise his/her powers of local elected officer adequately and in accordance with current laws or breaches moral

and ethical norms, which facts need to be confirmed in the established manner.

#### **Article 178. Issues which May not be Proposed for Local Referendum**

The following issues may not be proposed for referendum:

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

#### **Article 179. Determining the Date of Local Referendum**

The date of local referendum is determined by the Central Electoral Commission at the recommendation of village (commune), town (municipality), or rayonal council or representative bodies of special status administrative-territorial units.

#### **Article 180. Initiating Local Referendum**

A local referendum may be initiated by:

- a. half of the elected councilors, whereas in the case of revocation of the mayor through secret ballot of 2/3 of the number of elected councils;
- b. mayor of the village (commune), town (municipality), except where a referendum to revoke the mayor is being initiated;
- c. representative bodies of special status administrative-territorial units;
- d. 10% of the citizens eligible to vote, residents of the respective administrative-territorial unit.

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

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

(2) A citizen initiative group is registered by the local public administration bodies, within five days of the date of submitting the application, the protocol of establishment, and the questions proposed for the referendum. Where a referendum on revoking the mayor is being initiated, the initiative group is to be registered by the district or municipal court where the respective locality is situated.

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

(4) Upon registration of the citizen initiative group, its members shall be issued certificates according to a design established by the Central Electoral Commission.

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

#### **Article 182. Collecting Signatures**

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

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

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

#### **Article 183. Special Requirements for Petitions**

The question (questions) proposed for referendum shall be written on each sheet of the petition. Collection of signatures on petitions without the text of questions being written on them is prohibited.

#### **Article 184. Responsibility for Accuracy of Petitions**

(1) The person collecting the signatures shall sign each sheet of the petitions. Above the signature collector's signature at the end of each sheet of names shall appear an attestation to the effect that the collector personally collected the signatures and verified the identity of the persons whose names appear on that sheet, based on their ID. Each petition shall be authenticated by applying the stamp of the local authorities.

(2) Persons collecting signatures on the petitions shall bear responsibility for the authenticity of the data on the petitions, and shall avert the person who signs that he/she may sign only one petition list.

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

#### **Article 185. Submission and Review of Petitions**

(1) Petitions shall be submitted, after authentication, to the local council or to the representative bodies of the special status administrative-territorial units. Where a referendum to revoke the mayor is being initiated, petitions are submitted to the district or municipal court where the respective locality is situated.

(2) Petitions submitted by citizen initiative group shall be reviewed within 15 days. Signatures by persons who have signed the petitions twice or more times, shall be excluded. If upon the review it is found out that the required number of signatures has not been collected, then the procedure shall be suspended and the registration of the citizen initiative group shall be cancelled.

#### **Article 186. Adoption and Publication of the Decision Regarding the Conduct of Local Referendum**

(1) Within 15 days after submitting the petitions or the adoption of the decision of the local council, of the executive body of the administrative-territorial unit or of the mayor, the respective local council or the representative bodies of special status administrative-territorial unit shall either approve or reject the proposal to hold the local referendum.

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

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

(3) Language of the questions subject to referendum shall be clear so that a double interpretation is not possible. Conflicting issues may not be proposed for the same referendum.

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

#### **Article 187. Electoral Districts and Precincts**

- (1) For conducting local referendum, the following electoral districts (according to the case) shall be established: villages (communes), towns (municipalities), district, or special status administrative-territorial units.
- (2) Electoral districts shall be established by the Central Electoral Commission at the recommendation of local public administration bodies, at least 30 days prior to local referendum.
- (3) Precincts shall be formed by the relevant district electoral councils at least 20 days prior to local referendum on basis of proposals of the mayoralty.
- (4) Precincts shall be formed pursuant to administrative-territorial principles, by dividing localities into precincts including at least 30 and at most 3,000 voters. Precincts shall be numbered.
- (5) Where the electoral district includes only one locality and only one precinct has been established, the district electoral council shall exercise the responsibilities of the precinct electoral bureau.

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

- (1) District councils for referendum shall be formed by the Central Electoral Commission, at the recommendation of local councils or representative bodies of parties and social-political organizations represented in Parliament, administrative-territorial units, including 5-11 members, no later than 25 days prior to the date of local referendum, the mode of organization and their functions are stipulated in Articles 27 and 28.
- (2) Precinct bureaus established for the local referendum shall be formed by district electoral councils established for the local referendum, at the recommendation of local public administration bodies, parties and social-political organizations represented in the Parliament, including 5-11 members, no later than 20 days prior to the date of local referendum, the mode of organization and their functions are stipulated in the Articles 29 and 30.
- (3) Chairpersons of rayon electoral councils, Chisinau municipality electoral council and special status administrative-territorial units' electoral councils established for the conduct of local referendum shall be elected by the relevant local councils.
- (4) Electoral councils and bureaus formed to conduct the referendum may not include councilors of local councils, members of the initiative group, members of parties or other socio-political organizations running in elections.
- (5) During the first session of the second level administrative-territorial unit district electoral council established for the conduct of local referendum, the deputy-chairperson and the secretary of the council shall be elected by a vote of the majority of its members, whereas at the first session of the village (communal), city (municipal) electoral council and precinct electoral bureau the chairperson, deputy-chairperson, and the secretary of the bureau shall be elected.
- (6) Within two days of the date of establishment, electoral councils and bureaus shall make public their membership, address, and telephone numbers.
- (7) The authority of the electoral councils and bureaus shall expire after validation of the referendum results.

#### **Article 189. Cumulating Electoral Councils and Bureaus Mandate**

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



**Article 190. Granting Assistance, Organizing the Activity, Modifying the Composition, and Disbanding Councils and Bureaus for Referendum**

Granting assistance, organizing the activity, modifying the composition, and disbanding the councils and bureaus for referendum shall be conducted pursuant to Article 31-34 of this Code, to be correspondingly applied.

**Article 191. Responsibilities of Councils and Bureaus for the Conduct of the Local Referendum**

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

**Article 192. Lists of Citizens Eligible to Participate in Referendum**

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

**Article 193. Ballot Papers**

(1) The ballot papers shall contain the text of the question proposed for referendum, to the right of the text on the horizontal two rectangles shall be placed with the words "for" and "against", and under them two circles shall be placed.

(2) In case the referendum proposal contains more than one separate question, each question shall be printed on a different ballot-paper. In the event that several referenda are held at the same time or the referendum is held at the same time with elections, the ballot papers shall be of different color.

(3) Ballots shall be compiled pursuant to the Law on languages spoken on the territory of the Republic of Moldova.

(4) Ballots shall be printed in a quantity that does not exceed the number of voters in the district.

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

(6) Design of the ballots and of the protocols of the electoral councils and the electoral bureaus of the polling stations, established for local referendum shall be established by the Central Electoral Commission, whereas the text of the ballots by the district electoral councils.

(7) Ballots shall be distributed to precinct bureaus two days prior to the date of the referendum.

**Article 194. Agitation**

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

**Article 195. Voting**

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

(2) Voters shall fill out the ballot by applying "Voted" stamp inside one of the two circles under the rectangles with the words "for" and "against", thus expressing their will.

**Article 196. Counting the Votes and Summing up Local Referendum Results**

(1) Local referendum results shall be summed up pursuant to Chapter 10 (Articles 56-60) of this Code, to be correspondingly applied.

(2) The number of the votes cast for "for" and "against" shall be entered separately on a protocol on summing the results.

(3) The results of the referendum shall be examined by the district electoral council which shall adopt a resolution in this respect.

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

(1) The district council, within two days of the determination of results, shall submit to the court of the respective territory the report on the conduct of the referendum, to which the protocol of the precinct electoral council and of the electoral bureaus of the polling stations, such as complaints, as well as a description on their solution, shall be attached. Chisinau municipality council shall submit the respective acts to the Tribunal of the Chisinau municipality.

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

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

**Article 198. Adoption, Repeal, and Amendment of Referendum Proposal by Referendum**

(1) A local referendum proposal shall be considered adopted by referendum if it gains the majority of voters votes who participated in the referendum. A referendum proposal is referred to as being adopted on the day upon which the referendum was conducted.

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

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

**Article 199. Invalid Local Referendum**

The referendum shall be declared invalid, if less than half of voters included on the voter rolls have voted. Decision on declaring the local referendum invalid is adopted by the Central Election Commission on basis of documents presented by the district electoral councils.

**Article 200. Null Local Referendum**

Local referendum shall be declared null by court throughout the entire district or only in the precinct, if serious violations of this Code occurred during the voting and vote counting affecting the results of the referendum.

**Article 201. Repeat Local Referendum**

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

**Article 202. New Local Referendum**

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