

**REPUBLIC OF LITHUANIA**  
**LAW ON REFERENDUM**

4 June 2002 No IX-929

(As last amended on 12 September 2012 — No XI-2216)

Vilnius

The Seimas of the Republic of Lithuania, relying upon the legally established, open, just, harmonious, civic society and principles of a law - based State and the Constitution:

the provisions of Article 2 that “the State of Lithuania shall be created by the People. Sovereignty shall belong to the Nation”;

the provision of Article 3 that “no one may limit or restrict the sovereignty of the Nation and make claims to the sovereign powers belonging to the entire Nation”;

the provision of Article 4 that “the Nation shall execute its supreme sovereign power either directly or through its democratically elected representatives”;

and the provision of Article 9 that “the most significant issues concerning the life of the State and the Nation shall be decided by referendum”,

passes this Law.

**CHAPTER I**

**GENERAL PROVISIONS**

**Article 1. Purpose of the Law**

This Law shall establish the procedure of implementing the right of the citizens of Lithuania to a referendum, the type of referendum and initiation, announcement, organising and conducting thereof.

2. The citizens of the Republic of Lithuania (hereinafter - citizens) or the Seimas of the Republic of Lithuania (hereinafter - Seimas) shall decide the importance of the proposed issue in the life of the State and the People in accordance with the Constitution of the Republic of Lithuania and this Law.

## **Article 2. General Principles of Referendum**

1. Taking part in the referendum shall be free and based upon the democratic principles of the right of elections: universal, equal and direct suffrage and secret ballot.

2. Citizens who have reached the age of 18 years shall have the right to participate in the referendum. Citizens, whom the court has recognised as legally incapable, shall not participate in a referendum.

3. Citizens shall participate in a referendum on the basis of equality.

4. A referendum shall be direct. The citizens shall participate in the referendum directly and individually.

5. In holding the referendum the voting will take place by secret ballot and it is not permitted to control the free will expressed by the citizens.

6. The citizens' right to take part in the referendum, can not be restricted due to one's gender, race, nationality, language, origin, social situation, religion, convictions or views.

## **Article 2<sup>1</sup>. Prohibition to Bribe Citizens**

1. From the day of registration of a citizens' initiative group for a referendum in accordance with the procedure laid down by this Law or from the day of submission to the Seimas of a proposal by a group of the Seimas members to call a referendum until the beginning of voting at the referendum as well as on the day of voting at the referendum it shall be prohibited to directly or indirectly buy votes of citizens, to induce by offering gifts or other rewards citizens to support or not to support a request for calling a referendum, and (or) to attend or not to attend a referendum, and (or) to vote for or against adoption of a resolution put to a referendum, as well as to promise to reward the citizens for supporting a request to call a referendum and (or) voting after the referendum, by having a purpose to affect the will of citizens when voting at a referendum and thus hinder citizens from implementing their right to referendum.

2. Production or distribution free of charge of printed matter (the text of a resolution put to a referendum, information or opinions approving of or opposing calling of a referendum and (or) adoption of a resolution put to a referendum or other leaflets, calendars, postcards, stickers of information character) and pins intended for propagating a referendum or opposing it shall not be considered as bribery of citizens.

3. The Central Electoral Commission shall, in the manner prescribed by it, examine and evaluate the facts of bribery of citizens. The Central Electoral Commission shall announce the established facts of bribery in the Internet. After the recognition of the facts of bribery as grave violation of this Law, the consequences defined in this Law and other laws shall arise.

### **Article 3. Types of Referendum**

Mandatory and consultative (deliberative) referendums may be held in the Republic of Lithuania.

### **Article 4. Mandatory Referendums**

1. Referendums shall be mandatory with regard to the following issues:

1) on the amendment to the provision of Article 1 of the Constitution of the Republic of Lithuania that, “the State of Lithuania shall be an independent and democratic republic;”

2) on the amendment to the provisions of Chapter I of the Constitution of the Republic of Lithuania, “the State of Lithuania;”

3) on the amendment to the provisions of Chapter XIV of the Republic of Lithuania Constitution, “Amending the Constitution;”

4) on the amendment to the Constitutional Act, dated June 8, 1992, “On Non-Alignment of the Republic of Lithuania to Post-Soviet Eastern Alliances;”

5) regarding participation by the Republic of Lithuania in international organisations, should this participation be linked with the partial transfer of the scope of competence of Government bodies to the institutions of international organisations or the jurisdiction thereof.

2. Mandatory referendums may be held also with regard to other laws or provisions thereof, which 300 thousand citizens having the right to vote or the Seimas shall submit a proposal for to be decided by means of a referendum.

### **Article 5. Consultative (Deliberative) Referendums**

Consultative (deliberative) referendums may be held with respect to other issues of utmost importance to the State and the People, regarding which it is not necessary to hold a mandatory referendum, they are being proposed for a referendum by 300 thousand citizens having the right to vote or the Seimas.

## **Article 6. Referendum Requirements of Proposed Laws, Other Enactments and Draft Resolutions**

1. A draft law which is being proposed for a referendum must conform to the requirements set forth by the Law on the Procedure of Drafting of Republic of Lithuania Laws and Other Regulatory Enactments.

2. The proposed draft resolution on a referendum shall indicate:

1) the type of referendum;

2) the text of the law proposed for a referendum, text of another enactment or text of an issue to be deliberated, which concerns an issue (resolution) on the life of the State or of the People;

3. Upon a petition by the representatives of a citizens' initiative group, the Seimas Office must ensure its support, in drafting the text (resolution) of the law, other enactment proposed for a referendum or an issue concerning the life of the State or the People proposed for deliberation, by enlisting legal experts.

4. The concept "resolution" used in this Law shall include the law, other enactment and resolution.

## **Article 7. Determination of Results of Mandatory Referendum**

1. A mandatory referendum shall be deemed having taken place, if over one half of the citizens, having the right to vote and having been registered in electoral rolls, have taken part in it.

2. The resolution regarding the provision of Article one of the Constitution of the Republic of Lithuania, "The State of Lithuania shall be an independent, democratic Republic," and also concerning the Constitutional Act of June 8, 1992, "On Non-Alignment of the Republic of Lithuania To Post-Soviet Eastern Alliances, shall be deemed as adopted, if at least three-fourths of the citizens having the right to vote and having been registered in electoral rolls, have approved it.

3. The resolution regarding the amendment of the provisions of Article 1 of the Republic of Lithuania Constitution on, "The State of Lithuania" and Chapter XIV, on "Amending the Constitution" shall be deemed as passed if more than half of the citizens, having the right to vote and having been registered on electoral rolls have approved it.

4. A resolution regarding other issues, laws or provisions thereof, which have been deliberated in a mandatory referendum, shall be deemed as approved, if more than one half of

the citizens, who had taken part in the referendum, but at least one - third of the citizens having the right to vote and having been registered on electoral rolls.

5. The decision on the issues stipulated in paragraph 5 Article 4 of this Law, shall be deemed adopted if it has been approved by more than one half of the voters who have participated in the referendum.

### **Article 8. Determination of Results of Consultative (Deliberative) Referendum**

1. A consultative (deliberative) referendum shall be deemed as having taken place if over one half of the citizens, who are eligible and have been registered in electoral rolls, have taken part in it,.

2. In the event, that over one half of the voters have taken part in the referendum and at least one half of those voters who have participated, have been in favour of the resolution, the resolution shall be deemed as having been adopted. The issue of the conducting of this referendum must be deliberated in the Seimas according to the procedure established by the Seimas Statute, within one month from its announcement.

3. In the event when fewer voters have taken part in the referendum, than has been stipulated in paragraph one of this Article, it shall be deemed that the referendum has not taken place, and the voter's opinion voiced during its course, may be considered in the Seimas during the deliberation of laws and other draft legal acts.

## **CHAPTER II**

### **INITIATION AND CALLING OF REFERENDUM**

#### **Article 9. Right of Initiative of Calling Referendum**

1. The right of initiative of calling a referendum shall belong to the citizens and the Seimas.

2. The citizens' right of calling a referendum shall be conducted through the petition of 300 thousand citizens who are eligible.

3. A group comprising at least one-fourth of the Seimas Members may submit to the Seimas a proposal to call a referendum. A decision on this proposal shall be adopted in accordance with the procedure set forth by the Seimas Statute.

## **Article 10. Registration of the Initiative Group of Citizens**

1. The citizens shall implement the citizens' right to call a referendum directly. With a view to this, a citizens' initiative group for a referendum (hereinafter referred to as "a group") of at least fifteen citizens who are eligible, shall be formed. The chief representative of the group shall visit the Central Electoral Committee and file an application to register the group and to adopt the text of the resolution proposed for adoption by a referendum and also, shall co-ordinate on a preliminary basis the question of the date of the Central Electoral Committee sitting.

2. The group's application to the Central Electoral Committee must indicate: the referendum type, preliminary or final text of the resolution for adoption by referendum as well as, the coordinator (coordinators) of the group. The application shall be signed by all group members and having come to the sitting of the Central Electoral Committee, in which the issue of the group's application is deliberated, shall confirm the initiative expressed in favour of holding a referendum.

3. The Central Electoral Committee shall draw up the group's registration act at their sitting no later than within 15 days from the day of its receipt. A copy of the act shall be issued to the group or a representative thereof no later than on the day following the day of registration of the group and forwarded to the Chairman of the Seimas. The Chairman of the Seimas shall inform the Seimas of the initiative of calling a referendum, expressed by the citizens.

4. If it is stated in the application of the group that the text proposed for adoption of a resolution in the referendum is preliminary, concurrently at the request of the representatives of the group the necessary assistance must be rendered by the Seimas Office in drafting the final text of the resolution as soon as possible, but no later than the day of the next sitting of the Central Electoral Committee at which the issue of registering the group shall be discussed. The text of a resolution shall be deemed final, once all the members of the group have signed it

5. The Central Electoral Committee must, no later than within five business days of the registration of the group, issue it blanks for collecting the signatures of citizens.

6. It shall not be permitted to alter the text of the resolution proposed in the citizens' petition to call a referendum.

7. Should a member of this group withdraw his signature from the application to register the group, between the day of registering the group with the Central Electoral Committee and the day of issuance of the citizens' signature collection lists and if fewer than 15 members remain of the group, it shall be deemed that the initiative to call a citizens' referendum has been interrupted.

## Article 11. Collection of Citizens' Signatures

1. The blank issued by the Central Electoral Committee for collecting citizens' signatures must contain the following application text:

*I, a citizen of the Republic of Lithuania, certify that I support the petition to call a referendum on (presenting the entire text of the resolution submitted for a referendum).*

row	Citizen's	Citizen's passport or	Birth	Residence	Signature	Date
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No.	surname, name	Personal identification Card number	date	Place		
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2. The name and surname, and number of the passport or ID Card of the citizen who has collected the signatures, must appear at the bottom of the collection blank.

3. The group, relying upon a copy of the registration act, shall have the right to issue corresponding announcements in the mass media and to organise the collection of the signatures of citizens.

4. A citizen who has the right to vote may sign every such petition. The number of citizen signatures shall be unlimited, however, it must not be under 300 thousand. A citizen shall enter his own data and affix his own signature. Should a citizen be incapable to enter his own data and sign this petition himself owing to physical shortcomings, another citizen may sign it upon his request. A corresponding entry on the citizen signature collection blank that is confirmed by the signature of the citizen, who has collected the signatures of citizens, must mark the fact of such a signature.

5. A three-month time limit shall be established in order to implement the provisions of the right of the citizens' initiative to call a referendum. It shall be calculated from the day of issuing the citizen signature sheets at the Central Electoral Committee.

6. The group shall accumulate citizen petitions to call a referendum. Having collected 300 thousand signatures, within the time limit set forth in paragraph five of this Article, the

group shall draw up the concluding act and submit it to the Central Electoral Committee along with the citizen petitions.

7. A citizen shall have the right to withdraw his signature regarding the petition to call a referendum. He must inform the Central Electoral Committee of his decision no later than by the day of the transfer of the citizens' petitions to the Committee.

8. Should the required number of citizen signatures fail to be collected and submitted during the time limit set forth in paragraph 5 of this Article, the collecting of signatures shall be interrupted.

9. Citizens' signatures may be collected in public places and in residences. It shall be prohibited to compensate for citizen's signatures.

## **Article 12. Implementation of the Right of Group of Seimas Members to Call a Referendum**

1. The proposal by a group of the Members of Seimas to call a referendum shall be submitted to the Seimas. It must indicate: the type of referendum and the text of the resolution proposed to be adopted by a referendum. The members of Seimas shall sign the proposal and the Seimas Board shall confirm the authenticity of their signatures no later than within the course of two business days. The draft resolution of the Seimas on calling a referendum shall also be submitted to the Seimas along with this proposal. It shall be deliberated by the Seimas at the next sitting of the Seimas and shall adopt a decision according to the procedure set forth in the Seimas Statute.

2. A Seimas member may withdraw his signature regarding the proposal to call a referendum. He must inform the Seimas of this decision no later than the start of the Seimas plenary sitting to deliberate the draft resolution of the Seimas on calling a referendum.

## **Article 13. Preliminary Examination of Citizens' Petition to Call Referendum**

1. The Central Electoral Committee shall verify within 15 days the received documents on calling the referendum. The Central Electoral Committee, having determined that the documents meet the requirements of this Law, shall give to the Seimas the final act along with the citizen's petitions and its own conclusion.

2. The Central Electoral Committee, having established that the documents contain non-essential deficiencies or that very few (up to 0.5 per cent) of the citizens' signatures are missing,



shall inform the group thereof and set a 15 - day time limit to eliminate these deficiencies. Having eliminated these deficiencies over the prescribed period of time, the petition to call a referendum shall be examined further according to general procedure.

3. Should the time limit for the implementation of the citizens' right of initiative to call a referendum be violated, the required number of citizens' signatures fail to be collected or should it be determined that gross violations of the law (falsified citizens' signatures or a violation of the principle of voluntariness in collecting signatures) exist in the submitted documents, the Central Electoral Committee shall refuse the petition to call a referendum, based upon a reasoned decision and inform the group and the Seimas thereof. The group shall have the right to appeal this decision to the Superior Administrative Court of Lithuania within the period of one month.

4. Should it be determined that a citizen has signed two or more times for calling the same referendum, all of his signatures shall not be counted. Signatures shall also not be counted, if in violation of paragraph 4 of this Article 11, the data about the citizen are entered on the signature sheet by someone else, and also, if all of the data set forth in this Law have not been included, or if they have been rendered falsely.

#### **Article 14. Procedure of Passing Seimas Resolution Regarding Petition to Call Referendum**

1. The Seimas, having received a properly registered final act of the group along with the citizens' petitions and the conclusion of the Central Electoral Committee that the submitted documents correspond to this Law, shall deliberate the issue of the date of the referendum at the next sitting of the Seimas during the session. The representatives of the referendum group shall be invited to participate in this sitting. The resolution of the Seimas on the date of calling the referendum shall be passed in accordance with the procedure set forth in the Seimas Statute, no later than within one month from the day on which the discussion issue of the date of calling the referendum has been started.

2. Should the group of experts formed in the Seimas arrive at the conclusion that the referendum text supplied in the citizens' petition to call a referendum may not be in keeping with the Constitution of the Republic of Lithuania, can be the basis for not calling the referendum.

#### **Article 15. Content of Seimas Resolution on Referendum**

1. The type of referendum, date of conducting and the text of a decision set forth for referendum shall be indicated in the Seimas resolution on calling a referendum.

2. The date for conducting the referendum shall be selected for no later than in three months and no sooner than in two months from the day of passing the Seimas Resolution on the date of calling the referendum.

### **Article 15<sup>1</sup>. Holding of a Referendum and Elections on the Same Day**

1. In the event where a referendum held on the same day as elections to the Seimas or presidential elections, or elections to municipal councils, or elections to the European Parliament, the Central Electoral Commission shall set up committees referred to in paragraph 2 of Article 20 of this Law and assign the performance of the functions laid down by an appropriate law to them.

2. For organizing and holding a referendum and elections in the case specified in paragraph 1 of this Article, an electoral roll shall be drawn up which contains separate columns so as to ensure the right of voters to participate and vote separately on a decision set forth for referendum and in elections. A voter shall be issued a single voter certificate or poll card which is used when voting; a poll card or a voter certificate shall specify information about the referendum and elections to be held on the same day as well as about the right of voters to participate therein.

### **Article 16. Agitation Regarding Referendum**

1. The day of the group's registration with the Central Electoral Committee or the day of the submission of the proposal to the Seimas by the Seimas group to call the referendum shall be deemed as the start of the referendum agitation campaign.

2. Upon entry into force of the Seimas resolution to call a referendum, the Central Electoral Committee shall publish in the public media and their website the text of the resolution for the referendum.

3. The provisions of this Law concerning referendum agitation shall apply from the day when the referendum agitation campaign starts. Expenses of initiators and opponents of a referendum for referendum agitation and expenses for political advertising incurred prior to the beginning of referendum agitation must be declared in accordance with the procedure laid down by law and may not exceed the maximum permissible amount of expenses related to referendum agitation campaign, as fixed by law.

4. Referendum agitation may be of various forms and ways, with the exception of those that are in violation of the Constitution and laws of the Republic of Lithuania, morals, justice or public harmony, are out of keeping with a fair and honest referendum.

5. Referendum agitation shall, despite its ways, forms and measures, be prohibited with 30 hours left before the commencement of voting in the referendum and on the day of voting until the end of voting, with the exception of visual agitation in the places designated for it, provided that such agitation was displayed not less than 48 hours prior to the commencement of voting. During the period of prohibition of referendum agitation no visual referendum agitation measures (with the exception of those permitted by the Central Electoral Committee) may be present in the polling station and within 50 meters of the building in which the polling station is situated.

6. Information about a referendum held, its importance for the life of the country, the number of citizens who have come to vote, the documents necessary to have when voting, invitation to come to vote or any other information which does not urge not to participate in a referendum, to vote for or against adoption of a resolution put to a referendum shall not be regarded as referendum agitation.

7. Persons who have violated the provisions of paragraph 5 of this Article shall be punishable under law.

#### **Article 17. Conditions and Procedure of the Use of Mass Media**

1. A right to use the National Radio and Television of Lithuania free of charge shall be extended to the group representatives, Seimas members, President of the Republic, Prime Minister, ministers, parties, public organizations and citizens. The Central Electoral Committee having coordinated with the head of the National Radio and Television of Lithuania shall approve the rules of preparing broadcasts intended for referendum agitation and the actual duration and time of the National Radio and Television of Lithuania broadcasts. It shall also distribute the broadcast time in such a way that the principles of equality of the group and its opponents' representatives would not be violated. The representatives of both the group and its opponents' representatives shall be accorded at least seven hours each of the public (national) radio and television time for holding debates between them.

2. The group shall propose the participants of the radio and television broadcasts, who support the initiative of calling a referendum and the resolution put to a referendum for adoption, and it shall inform the Central Electoral Committee of this. The opponents of the group shall be

the representatives of the parties and public organisations and other persons, who do not approve of the initiative of calling a referendum and of the resolution put to a referendum for adoption. They shall inform the Central Electoral Committee of their desire to take part in the debates. The Central Electoral Committee, adhering to the order of priority set forth in paragraph 3 of this Article, shall comprise a list of the persons who will take part in the debates held in radio and television broadcasts intended for referendum agitation.

3. The following order of priority shall be set for the persons in opposition to the group, who participate in the debates held in the radio and television broadcasts: the President of the Republic, Members of the Seimas (their order shall be determined through mutual agreement or by drawing lots); the Prime Minister; the ministers (their order shall be determined through mutual agreement or by drawing lots); the representatives of the parties whose candidates have been elected in multi-member constituency (their order of priority shall be determined through mutual agreement or by drawing lots); the representatives of the parties whose candidates have been elected only in a single-member constituency (their order of priority shall be determined through mutual agreement or by drawing lots); representatives of the parties whose candidates had not been elected or did not take part in the Seimas elections, (their order of priority shall be determined through mutual agreement or by drawing lots); the representatives of public organisations (their order of priority shall be determined through mutual agreement or by drawing lots); citizens (their order of priority shall be determined by drawing lots). If some persons, who only support the calling of a referendum and the resolution put to a referendum for adoption or only oppose these, shall take part in the radio and television debates, they shall hold discussions with the broadcast presenter or the broadcast participants invited by him.

4. Only the amount of the special accounts of a referendum shall limit the agitation in commercial mass media. The procedure for marking referendum agitation by specifying the source of funds or that referendum agitation is being announced free of charge shall be set out by the Central Electoral Committee.

5. It shall be prohibited to set up and communicate outdoor political advertising:

1) on the buildings occupied by state administration, law-enforcement and other state and municipal institutions and establishments;

2) on means of transport and public transport;

3) in motorways and their sanitary protection areas, as well as in streets and along the side thereof, if it might block technical traffic regulation means and road signs, decrease visibility thereof, blind traffic participants, detract attention thereof, thus increasing the danger to traffic participants, and also it is prohibited to use advertising that imitates road signs;

4) on sculptures and monuments;

5) within 50 meters around the building which houses a polling station;

6) without permission of the owner of the land, construction works or other structures on or in which it is being set up;

7) in the places, which are not approved by a city, regional referendum committee in the manner laid down in paragraph 8 of this Article.

6. Outdoor political advertising on/in protected territories and immovable cultural properties, as well as their territories shall be permitted only upon co-ordination with a state agency responsible for protection of cultural properties and an agency authorized by the founder of the protected territory.

7. In order to communicate political advertising in compliance with the principle of equality of a group and its opponents, each shall be provided with at least one special place within the territory of every referendum district. According to this Law the outdoors political advertising shall be political advertising communicated by means of outdoor advertising. Political advertising communicated in public places, buildings, means of transport shall be regarded as outdoor political advertising. A local authority shall with its own funds make fit places of outdoor political advertising. Outdoor political advertising shall be produced and communicated with the funds of independent participants of political campaign.

8. Places in which outdoor political advertising may be set up and disseminated within the territory of a municipality must be selected and presented for approval to a city, regional referendum committee by the director of the municipal administration not later than 35 days prior to the day of voting. If consents or arrangements specified in paragraphs 5 or 6 of this Article are necessary in order to disseminate outdoor political advertising or they are mandatory according to other laws, their copies shall be submitted together with the recommendation of the director of the municipal administration. If stands, screens or provided places are not suitable for outdoor political advertising or are not made properly fit, the city, regional referendum committee shall request that suitable places be provided or that provided places be made properly fit. An equal area of advertising, indicated by the chairman of the referendum committee of the district, shall be reserved for a group and its opponents in each place designated for outdoor political advertising. Outdoor political advertising shall be communicated by a group, its opponents or persons authorized by them in the areas of advertising provided for them. If outdoor political advertising is communicated in the places, which are not designated for this purpose, the director of the municipal administration must ensure immediate removal of such advertising.

9. Persons who violate the requirements of the procedure for setting up and communicating outdoor political advertising shall be held liable under the law.

10. All disputes concerning the referendum agitation shall be settled by the Central Electoral Commission in compliance with this Law.

### **Article 18. Publicity in Drafting and Conducting Referendum**

1. The referendum committees indicated in Article 19 of this Law should draft and conduct the referendum openly. They inform the citizens about their work, formation and composition of the city, regional and district referendum committees, location and work times.

2. Information concerning the meetings of the referendum Committee shall always be posted in the building, which is the headquarters of this Committee, on a bulletin board installed there and the referendum Committee members shall be informed personally at least 24 hours prior to the start of the meeting.

3. The Central Electoral Committee shall provide through the Internet website and the mass media, additional information regarding their meetings in which the issues shall be discussed regarding: the registration and determining of a group, whether the signatures submitted by the group meet the requirements of this Law; on the formation of the city and regional committees and the changing of the makeup thereof; on decisions based on drawing lots; on the results of the referendum and the determination of the final results of the referendum; also it shall provide information regarding the meetings in which disputes on the violations in referendum agitation and of this Law are being examined. The Central Electoral Committee shall also publish its decisions adopted in the course of organising and conducting the referendum and the preliminary voting results of the referendum. The preliminary results of the referendum shall be published in the Internet website, upon being received by the Central Electoral Committee.

4. The meetings and voting of the Central Electoral Committee and the city and regional referendum Committees, and also the activities of district referendum committees in the course of voting and ballot counting shall be public. They may be observed by: group members, its representatives and observers, party representatives and observers upon the presentation of certificates of a specified form, and the representatives of mass information media, upon presentation of official or work certificates.

5. People present in the hall during the sittings may, while in their places, take shorthand notes or minutes of the sitting, photograph or film, and make sound and video recordings. To photograph or film and make video recordings, when that shall require moving around the station or employ special lighting equipment, and also to do direct broadcasts of the sittings by radio or television shall only be possible with the permission of the committee chairman.

6. The sittings and balloting of the Central Electoral Committee and the referendum committee may not hold closed sittings. The Central Electoral Committee may forbid outsiders to enter the workstation of the staff serving the referendum committee and document storage, should that be necessary in order to ensure the undisturbed performance of these workers and to protect the referendum documents.

7. Should there be reason to believe, that a threat may arise in the course of the sitting to the safety of the participants at the sitting, the chairman of the committee may ask the police to check the documents, personal belongings or do a personal check of the person, among the persons entering the hall.

8. The committee may remove from the hall the persons who interfere with its normal work performance.

9. The producers and disseminators of public information shall provide information through the mass media on the drafting and conducting of the referendum. Journalists shall have the right to participate in all events, which shall be organised by the referendum committees, and also may obtain information regarding the preparation and conducting of the referendum.

## **CHAPTER III**

### **PREPARATION FOR REFERENDUM**

#### **Article 19. Referendum Committees**

In the Republic of Lithuania a referendum shall be organised and conducted by:

- 1) the Central Electoral Committee;
- 2) the city, regional referendum committees;
- 3) the district referendum committees.

#### **Article 20. Powers of Central Electoral Committee in Organising and Conducting Referendum**

1. The Central Electoral Committee shall:

- 1) register the group;
- 2) issue citizen signature collection blanks to the group;

- 3) verify and determine, whether 300 thousand citizens' signatures have been properly collected;
- 4) form city and regional referendum committees;
- 5) determine the stamp samples and forms, samples of completing the referendum ballot and other documents used in the referendum, and also the procedure of stamping the ballots;
- 6) manage the State funds allotted for the referendum;
- 7) oversee, how this Law is being implemented;
- 8) register according to the presentation of the groups and parties, their representatives and observers at the Central Electoral Committee and issue certificates to them;
- 8) according to the group's, parties' recommendation, register the representatives at the Central Electoral Committee and issue certificates to them;
- 9) examine the disputes and adopt resolutions on city and regional referendum committee and referendum committee decisions;
- 10) determine and publish the final results of the referendum;
- 11) exercise the other powers set forth in this Law.

2. If elections to the Seimas or presidential elections, or elections to the European Parliament, or elections to municipal councils and a referendum is concurrently held on the same day, the same polling district committees and referendum committees shall be formed. The Central Electoral Commission shall form a single – city, regional, constituency or referendum – committee in a separate electoral, referendum territory and shall define its functions in organising and conducting elections or a referendum.

### **Article 21. Formation of City, Regional Referendum Committees**

1. The Central Electoral Committee shall form city and regional referendum committees to organise and conduct the referendum in the city, regional, and local government areas for the period of the referendum and at least 60 days prior to the referendum vote day.

2. The City and regional referendum committees shall be formed of:

- 1) a person having a university level legal education who has been recommended by the Minister of Justice and resides or lives in the territory of this local government;
- 2) a person having a university level legal education who has been recommended by the Lawyer's Association of Lithuania and resides or works in the territory of this local government;
- 3) a career public servant, recommended by the mayor, who works in the administration of this local government;



4) persons recommended by the parties which have the Seimas member mandates in a multi-member election constituency;

3. The Minister of Justice, the Lawyers Association of Lithuania and the mayor may recommend more candidacies, as well.

4. The parties, which have obtained Seimas member mandates in a multi-member election constituency according to the list of the nominated candidates (joint list), from one of these lists of a multi-member voting constituency (of a joint list) shall have the right to recommend to the city, regional referendum committees of two each of their members. If the representatives offered by the parties shall meet the requirements of this Law, the Central Electoral Committee may not reject their candidacy. If the candidacy has not been offered, the Central Electoral Committee may in their place, appoint in addition as members of the committee, persons, who have been recommended by the Minister of Justice, the Lawyers' Association of Lithuania or mayor.

5. In all instances, at least three members of the committee must be persons, who have been appointed to city, regional referendum committees from those who have been nominated by the minister of Justice, the Lawyers' Association of Lithuania and mayor. If there are fewer such persons, the committee shall be increased from those nominated by the Minister of Justice, The Lawyers' Association of Lithuania or mayor.

6. The Central Electoral Committee shall appoint the chairman of the city and regional referendum committee from the committee members;

7. The city, regional referendum committee shall select a deputy chairman and secretary of the committee at the first sitting.

## **Article 22. Powers of City, Regional Referendum Committee**

The city, regional referendum committee shall:

- 1) form the district referendum committees;
- 2) inform the voters who reside in the city, region regarding the boundaries of the referendum districts, their headquarters, work hours and polling stations;
- 3) oversee how this Law is being implemented in the city and region;
- 4) distribute the funds allocated for the referendum among the district referendum committees, control how these funds are used and report to the Central Electoral Commission about the funds used for the referendum;

5) on the recommendation of a group, party, register their representatives and referendum observers, and issue certificates to them;

6) make up a list of healthcare (with the exception of outpatient healthcare institutions), social care and guardianship institutions, military units, arrest houses, remand prisons (detention facilities) and penal institutions situated in the territory of the city, region, and together with the head of the post office make arrangements to organize voting by post in those institutions as well as organize early voting;

7) draw up the vote counting record of the city, region;

8) consider complaints against decisions and actions of the district referendum committees and take decisions thereon;

9) in a manner prescribed by the Central Electoral Commission, during the period of referendum agitation campaigning gather, describe and store data on political advertising disseminated publicly within the territory of a city, region and submit such data to the Central Electoral Commission;

10) exercise other powers provided for in this Law.

### **Article 23. Referendum Districts**

1. Taking into account the convenience for a voter to reach the polling station and the number of voters, the cities and regional areas shall be divided into polling districts and while organising and conducting the referendum, these shall become referendum districts.

2. If necessary, upon the recommendation of a mayor the Central Electoral Committee shall change the division of a city, regional territory, which is constant in organising and conducting the referendums, into referendum districts. The Central Electoral Committee shall publish the list of approved referendum districts in the supplement *Informaciniai pranešimai* to the official gazette *Valstybės žinios*.

3. A maximum of five thousand citizens, who are eligible to vote, must live in the territory of the referendum district.

4. The boundaries of a referendum district and the address of a polling station shall be changed if necessary, but no later than 100 days prior to the referendum vote. In his recommendation for approval of the division of the municipal area into referendum districts, the mayor shall indicate the proposed name of the referendum district, addresses which comprise the referendum district, the number of citizens in the referendum district being formed and the address and telephone number of the polling station. The proposed changes must be indicated in the recommendation to change the distribution of the municipal area into referendum districts.

These changes must be submitted to the Central Electoral Committee at least 110 days prior to the day of voting in the referendum. Should it not be possible to accommodate the referendum voting in the previously designated polling station, the Central Electoral Committee may, upon the recommendation of the city and regional referendum committee, change the polling station address up to one day prior to the referendum and a shorter time limit, if this is not stipulated in this Article.

#### **Article 24. Formation of District Referendum Committees**

1. The city, regional referendum committee shall establish the number of each district referendum committee at least 48 hours before the day of voting in the referendum. It must be the least common multiple of the number of the parties (coalitions thereof), which have the right to nominate candidacies to the district referendum committee.

2. The following shall have the right to nominate an equivalent number of candidacies for the district referendum committee:

1) each party or coalition of parties, which during the last election had obtained Seimas members in a multi-member election constituency. If the party obtained Seimas members while being in a coalition, it may nominate the candidacies along with the parties who had participated in the coalition;

2) a party or a coalition thereof, which during the last council elections of the municipality, on the territory whereof the polling district is located, had obtained the mandates of the members of this council according to the nominated list (joint list); if the party had obtained the mandates of the council members while being in a coalition, it may nominate the candidacies along with the parties have participated in the coalition.

3. If the party may nominate candidacies both according to the Seimas and the municipal council election results, it must then propose the candidacies only according to the results of one of these elections at choice. Should one of the parties who had participated in the election coalition fail to propose candidacies or refuse to nominate them, or choose to propose according to the results of other elections, when a coalition had been formed, the other parties who had participated in this coalition shall have the right to propose candidacies without its participation.

4. A party shall submit to the city, regional referendum committee a list of candidacies for district referendum committees, at least 41 days prior to the day of voting in a referendum.

5. The district referendum committees shall be formed by the city, regional referendum committees at least 38 days prior to the voting in the referendum. If the candidacy proposed by the party shall meet the requirements of this Law, the city, regional committee cannot reject it.

6. If no candidacies have been proposed or if the proposed candidacies do not meet the requirements of this Law, or if they have been proposed after the expiration of the stipulated time limit, or if a vacancy has opened up on the committee and no new candidacy is proposed, the city, regional referendum committees may reduce the earlier established number of the members of the district referendum committee or request that the mayor would nominate the missing candidacies to the district's referendum committee. The candidacies proposed by the mayor cannot be party members or become such prior to the expiration of the referendum committee member's term of powers. Should at least three city, regional referendum committee members object at a sitting of the city, regional referendum committee, in which a member of the referendum district nominated by the mayor is to be appointed, to the appointment of the candidate nominated by the mayor to the referendum district committee, this candidate may not be appointed as a committee member. The district referendum committee must have at least five members.

7. The city, regional referendum committees shall appoint the chairmen of the district referendum committees from the committee members.

8. At its first sitting, the district referendum committee shall elect a deputy committee chairman and a secretary.

## **Article 25. Powers of District Referendum Committee**

The district referendum committee shall:

1) receive district electoral rolls from the city, regional referendum committee, create the conditions for citizens, group representatives and party representatives to familiarize themselves with them, present or otherwise transfer to citizens voter certificates, inform the city, regional referendum committee concerning the inaccuracies found in the district electoral roll.

2) examine the appeals related to the errors made on the electoral roll;

3) supervise in accordance with the procedure set forth by the Central Electoral Committee, how voting by mail is being conducted within territory of a referendum district, whether opportunities have been created to vote by mail in all the healthcare (with the exception of outpatient healthcare institutions), social care and guardianship institutions, military units, arrest houses, remand prisons (detention facilities) and penal institutions treatment situated within the territory of the referendum district, as well as organize voting at home;

4) together with a representative of the local government administration see to it that secret balloting voting booths and ballot boxes would be prepared on time, according to the requirements of this Law;

- 5) organise the voting in the referendum district on the day of voting in the referendum;
- 6) count the votes, and compile a record of vote counting in the district;
- 7) examine the appeals of the citizens in its district and referendum observers concerning the preparation of the referendum, organising of the voting ballot counting, drawing up of the record and adopt resolutions;
- 8) implement the other powers set forth in this Law.

### **Article 26. Written Pledge of Referendum Committee Members**

1. The chairman of a referendum committee and a member of the referendum committee shall begin performing his duties in the referendum committee upon giving a written pledge.

2. The Central Electoral Committee shall determine the procedure of giving a written pledge for the chairmen of city, regional and district referendum committees. The following text of the written pledges of a referendum committee chairman, committee member shall be established:

“I, a member of the referendum committee, chairman (surname, name), promise to be faithful to the Republic of Lithuania and adhere to its Constitution and laws, conscientiously and honorably discharge my duties in the referendum committee and to refrain from behaviour which violates the laws and human rights.

So help me God.”

3. The pledge may be given without including the last sentence. Having given the pledge, the person shall affix his signature underneath the text. The pledge will be in force throughout the entire period of assignment to serve on the referendum committee.

4. The pledges signed by the referendum committee chairmen shall be kept by the committees, which had appointed them.

5. The referendum committee, while appointing a committee member, shall set the time, when he must give a written pledge. A person, who has failed to provide a written pledge for more than 15 days from his appointment or has given a written pledge with a reservation, shall lose his position on the referendum committee.

### **Article 27. Organizing of Referendum Committee Work**

1. The referendum committee sittings shall be legal if at least three-fifths of the committee members shall take part in it.

2. The resolutions of the referendum committees shall be adopted by open balloting of the committee members participating at the sitting. The vote of the committee chairman shall be decisive in a voting tie. The committee members, who shall not be in agreement with the resolutions, shall have the right to express a different opinion in writing. The differing opinion shall be added to the protocol and shall be an inseparable part thereof.

3. At the close of the referendum, the powers of the referendum committee chairmen of city, region and districts shall be terminated. The committee, which had appointed the committee members, shall adopt a resolution to terminate the powers, when it and the chairman thereof have completed all of the assigned work according to the law.

4. Any type of agitation activity or other attempts to influence the will of citizens shall be prohibited for a member or the chairman of a committee who has given a written pledge. A person who has violated this requirement and the written pledge of a referendum committee member, must be dismissed from the committee and shall be liable according to the procedure set forth in the laws.

#### **Article 28. Appeals on Decisions of Referendum Committees, adopted up to Conclusion of Voting**

1. Group members, parties, as well as the representatives thereof and observers may appeal the decisions of the referendum committees, which have been adopted up to the conclusion of voting, as follows:

- 1) those of district referendum committees - to the city, regional referendum committee;
- 2) those of city, regional referendum committees - to the Central Electoral Committee;
- 3) those of the Central Electoral Committee-to the Supreme Administrative Court of Lithuania

2. The Central Electoral Committee must examine the appeals within 48 hours. The decisions of the Central Electoral Committee, adopted in the course of appeal examination, or its other activities over the period of 5 days following the adoption of the decision, but not later than the conclusion of the referendum voting, may be appealed to the Supreme Administrative Court of Lithuania. The appeal must be examined at least within 48 hours from their submittal. This time limit shall also include non-work days. The decision of the court shall enter into force from its announcement.

3. The appeals, which are submitted without adhering to the procedure stipulated in this Article, shall not be examined and shall be transferred to the referendum committee, which must examine them. The district referendum committee, city and regional

referendum committee may not transfer to the Central Electoral Committee for examination the appeals belonging to the scope of their competence and unexamined appeals.

4. The acts of the Central Electoral Committee in implementing the provisions of Chapter II of this Law shall be appealed to the Supreme Administrative Court in accordance with the procedure stipulated in this Article. The time limits set forth in paragraph two of this Article shall be applied in the examination of such appeals.

### **Article 29. Referendum Committees, When Two or More Referendums Are Called at One Time**

When two or more referendums are being called or conducted at one time, the committees formed in accordance with the procedure set forth by this Law shall be common for all of the referendums being called at one time.

### **Article 30. Support of Referendum Committees**

1. State and municipal institutions, agencies and their officers and employees thereof, enterprises and their workers must support referendum committees to implement their powers and supply necessary information to them.

2. State and municipal institutions, their officers and employees, enterprises and their workers must consider the petitions presented by the referendum committees no later than within a period of three days and provide the referendum committee with a reasoned response.

3. When necessary the referendum committees may employ persons to perform economic and technical functions. The procedure of payment for work of these persons and the rates of payment shall, on the recommendation of the Central Electoral Committee, be approved by the Government.

4. State and municipal institutions, agencies, their officers and employees, enterprises and workers thereof must provide the referendum committees with suitable station free of charge, to prepare and conduct a referendum.

### **Article 31. Remuneration of Referendum Committee Members**

1. For their work in referendum committees, the chairmen and members of the said committees shall be remunerated at the rates submitted by the Central Electoral Commission and approved by the Government.

2. The procedure for imposing incentive measures to the chairmen, their deputies and members of the referendum committees shall be approved by the Government on the recommendation of the Central Electoral Committee.

### **Article 32. Changing Makeup of Referendum Committee**

1. The chairmen or member of the referendum committee may be relieved of his duties by the referendum committee, which had confirmed the makeup of this committee or the Central Electoral Committee.

2. The Central Electoral Committee or the city, regional referendum committee may only deliberate the reasoned proposal of the party or coalition to dismiss the committee member whom they themselves had nominated.

3. If necessary, a new chairman or member of the referendum committee may be appointed in accordance with the procedure set forth by this Law and upon the expiration of the limits stipulated in paragraph one of Article 21 and paragraph five of Article 24.

## **CHAPTER IV**

### **ELECTORAL ROLLS AND REFERENDUM DOCUMENTS**

#### **Article 33. Lists of Citizens, Who Have the Right to Take Part in the Referendum**

1. The lists of citizens who are eligible to vote in the referendum, shall be referred to as electoral rolls. In order to organize and conduct the referendum the following electoral rolls shall be compiled:

- 1) the list of the voters of the Republic of Lithuania;
- 2) the lists of city and regional voters;
- 3) the referendum district lists.

2. The electoral rolls shall be compiled on a preliminary and final basis. These lists may be only be used for organizing and conducting the referendum.. The procedure of making up the electoral roll should be such that every citizen, having the right to vote, must be included therein. No one may be entered on the electoral rolls several times.



4. The Republic of Lithuania electoral rolls and city, region electoral rolls, which are compiled by the administrator of the Population Register, shall be compiled in electronic information media.

5. The Central Electoral Committee shall establish the procedure, form and means of compiling of the lists indicated in paragraph four of this Article and the use thereof.

#### **Article 34. General Procedure of Registration of Citizens in Republic of Lithuania Electoral roll**

1. All of the citizens who are eligible shall be included in the Republic of Lithuania Electoral roll and in the Population Register of Republic of Lithuania, according to the information of a document certifying citizenship (passport or personal identification card).

2. State and municipal institutions and establishments, which issue the documents certifying the citizenship of Republic of Lithuania, administrating the data of the declaration of the place of residence of the population, registering the death and loss of citizenship of citizens, also shall be responsible for appropriate and accurate amending and updating of the Population Register of the Republic of Lithuania. The lists compiled according to the data of the Population Register of the Republic of Lithuania shall be preliminary.

3. The Central Electoral Committee shall organise the compilation, updating and administration of electoral rolls, relying upon the information provided by the State, municipal institutions and the city and regional referendum committees.

4. The following persons shall be removed from the electoral roll of the Republic of Lithuania:

- 1) a diseased citizen;
- 2) a person who has lost the citizenship of the Republic of Lithuania; and
- 3) a citizen who has been declared legally incompetent by the court.

5. At least 7 days in advance of the referendum vote, updated preliminary electoral rolls, recognised in the manner established by the Central Electoral Committee, shall be approved as final electoral rolls. Changes in final electoral rolls may be made only subject to the consent of the Central Electoral Committee.

#### **Article 35. City, Regional Electoral rolls**

The Central Electoral Committee shall compile a city, regional electoral roll in electronic information media according to the Republic of Lithuania Electoral roll and the citizen's place of residence (the citizen's last known place of residence indicated therein) and with at least 29 days remaining prior to the day of voting in a referendum, shall transfer it to the city, regional referendum committee. At the same time the electoral rolls shall be compiled of citizens who reside abroad and transferred to the diplomatic missions and consular posts of the Republic of Lithuania. Lists of citizens, whose exact address of the place of residence is unknown, shall also be compiled.

### **Article 36. Lists of Referendum District Voters**

1. The city, regional referendum committee shall compile a list of the referendum district voters according to the city, regional electoral roll and the citizen's place of residence, at least 26 days prior to the day of the vote in the referendum, shall hand it over to the referendum district committee. A list of citizens, whose exact address is not known, shall also be compiled.

2. Citizens, (ship crewmembers and passengers), who shall be unable to return to Lithuania during the time period allotted for voting by post and on the day of voting in the referendum, shall be registered in the electoral roll of the referendum district in whose territory the ship's port of registry or the owner's administration, are located.

### **Article 37. Announcement of Electoral rolls and Familiarization with Electoral rolls**

With at least 25 days remaining prior to the day of voting in the referendum, the district referendum committee, diplomatic mission or consular post of the Republic of Lithuania shall create conditions for the voters to familiarise themselves with the electoral roll. At the entrance to the station of the referendum committee, information should be posted regarding the times of committee members' duty hours, also the phone numbers, where the voters could check to see whether they have been included on the electoral roll. Upon conclusion of the time limit for submitting voter certificates, set forth by this Law, the duty hours of the district referendum committee and its telephone numbers must be posted in the stairwell entrances of multi-unit apartment buildings. The time and place for fulfilling this voter right must be posted at the entrance to the referendum committee's station in the Republic of Lithuania diplomatic mission or consular post.

### **Article 38. Voter Certificate**

1. A voter certificate shall be a document issued by a referendum committee specifying the referendum district on the electoral roll of which a citizen is recorded. Referendum committees shall hand in voter certificates signed by the chairman of a referendum committee. A voter himself, or at his request – any other person, may print his voter certificate in accordance with the data of the electoral roll of the Republic of Lithuania received electronically pursuant to the procedure established by the Central Electoral Commission. In this event, the voter himself shall sign his voter certificate, except for the cases when because of the physical handicaps he himself cannot sign it and it is signed by another person chosen by the voter, indicating his name, surname and personal number. One may not vote without a voter certificate (duplicate), except for voting on the ship.

2. A voter certificate shall contain:

- 1) the voter's name and surname;
- 2) the voter's birth date (year, month, day);
- 3) the voter's address;
- 4) the name of the city, region, in which the citizen shall vote and the number assigned in the referendum to the city and region;
- 5) the name, number of the referendum district in the list of voters whereof the name of the voter has been registered, as well as the address of the polling station;
- 6) the voter's number in the electoral roll of a referendum district;
- 7) the voting in the referendum day, the voting time at the referendum polling station, the requirement to produce this certificate when voting, and other information relevant for the voter.

3. Should the voter request the issuance of a duplicate voter certificate to replace one that has been lost or one that has not been received, the Central Electoral Committee, city, regional referendum committee must immediately issue it, upon establishing the voter information which must be included in the voter certificate.

### **Article 39. Delivery of Voter Certificate**

1. The delivery of voter certificates to citizens shall be organized by the district referendum committee. Articles 55, 57, 58, 59 and 60 of this Law shall lay down the procedure for delivering voter certificates to voters who are in healthcare institutions (except outpatient healthcare institutions), social care and guardianship institutions, military units, arrest houses, remand prisons (detention facilities) and penal institutions, as well as to those gone abroad.

The district referendum committee shall organise the delivery of voter certificates to the voters. Provided a voter who is abroad has informed the Republic of Lithuania diplomatic mission (consulate) of his address, the voter certificates shall be delivered or sent by post, by the Republic of Lithuania diplomatic mission (consulate). A voter certificate shall not be delivered to a voter who shall vote aboard a ship.

2. The delivery of a voter certificate shall be marked off in the preliminary electoral roll of a referendum district. A voter certificate shall be either delivered to the voter personally or another person who lives together with the voter, or to a neighbour of the voter, who knows the voter and promises to deliver the certificate to the voter. The delivery of voter certificates to voters must be finished at least 20 days before voting in the referendum.

3. The voter who has not received a voter certificate in time or one who has received a voter certificate with incorrect data, must, without delay, inform thereof the district referendum committee in the territory of which he resides, and to produce for the referendum committee his passport or other document confirming his identity. If the voter is registered in the electoral roll of this referendum district, the district referendum committee must write out a new voter certificate to the voter and issue it to him immediately. If the voter is not registered in the electoral roll of this referendum district, but the address of his residence according to the data of the population register falls within the territory of this referendum district or if the voter produces some other evidence attesting that he resides within the territory of this referendum district, the district referendum committee shall ask him to fill out an application form established by the Central Electoral Committee for registering the voter in the electoral roll of this referendum district (or this application form may be filled out by a member of the district referendum committee). The district referendum committee shall forthwith notify about it the city, regional referendum committee, which must cause to have the voter registered on the basis of this application in the electoral roll of the referendum district. The voter certificate shall be issued and delivered to the voter following the updating of the electoral rolls.

4) A city, regional referendum committee may, in the manner prescribed by the Central Electoral Committee, issue a voter's certificate to a voter who is registered in the electoral roll of a different city, regional electoral roll if said voter is not able to return to his permanent place of residence to collect or obtain in some other manner a voter certificate. The voter must apply for this in writing and produce the passport of a citizen of the Republic of Lithuania or a personal identification card.

#### **Article 40. Updating of Electoral rolls before Drawing up Final Lists**

1. Preliminary electoral rolls shall be updated when transferring a voter from one electoral roll of a district, city or region into another, when removing a voter from or registering him in the electoral roll of the Republic of Lithuania.

2. A voter shall be transferred from one electoral roll into another if it transpires that the address of his place of residence in the preliminary list is incorrect or it has changed after said list was compiled.

3. Transferring of a voter from the electoral roll of one referendum district into another in the same city, region shall be the responsibility of the city, region referendum committee which shall notify the Central Electoral Committee about the changes made in electoral rolls of referendum districts. Transferring of a voter from the electoral roll of one city, region into another city, region electoral roll shall be the responsibility of the Central Electoral Committee on the recommendation of the city, region referendum committee and the Central Electoral Committee shall notify city, region referendum committees about the changes made. A voter may be registered in or removed from the electoral roll of the Republic of Lithuania only by the Central Electoral Committee in cases specified in Article 34 of this Law.

#### **Article 41. Registration of Citizens Who Are Staying Abroad in Electoral rolls**

1. Citizens of the Republic of Lithuania who are staying in other states shall be registered in the Vilnius city electoral roll.

2. A diplomatic mission or consular post of the Republic of Lithuania shall, at least 15 days before voting in the referendum, submit to the Central Electoral Committee the electoral roll compiled in the diplomatic mission or consular post as well as a report about its updating. Added to this list may be the voters who, during the period of voting by post or on the day of voting in the referendum, are not able to return to Lithuania and are voting in the diplomatic mission or consular post.

#### **Article 42. Entering on Electoral Rolls of Citizens who are in Military Units, on Ships, in Arrest Houses, Remand Prisons (Detention Facilities) and Penal Institutions**

1. Citizens performing the mandatory military service shall be entered on the electoral roll of the referendum district on whose territory they permanently resided before they were summoned for the mandatory military service. Citizens performing the active military service,

civil service or working under the employment contract in international military operations abroad shall be entered on the electoral rolls of the referendum district on whose territory they declared their place of residence.

2. Citizens voters who are aboard a ship and who will be unable to return to Lithuania during the early voting or to be present on the election day, shall be entered on the additional electoral roll of the referendum district on whose electoral roll the ship's crew is entered.

3. Citizens who are in arrest houses, remand prisons (detention facilities) or penal institutions shall be entered on the electoral rolls of the referendum district within territory of which they have declared their place of residence. If such a person has not declared a place of residence and upon his written request, he shall be entered on the electoral roll of the referendum district within the territory of which the penal institution, arrest house or remand prison (detention facility) is situated. A person who declared his place of residence before he has been put into a penal institution, arrest house or remand prison (detention facility), may not be entered on the electoral roll of the referendum district within the territory of which the penal institution, arrest house or remand prison (detention facility) is situated.

#### **Article 43. Lists upon Compiling Final Electoral rolls, as well as on The Referendum Day**

If following the approval of the final electoral rolls, but no later than until 6:00 p.m. on voting in the referendum day, (if the referendum is to take place on more than one day, - up to 6 p.m. of the last day of voting in the referendum), a voter who has not been registered in the electoral roll of the referendum district, applies to the district referendum committee and attests in writing that he has not voted by post or in another referendum district and submits a citizen's passport, with the address of the place of residence recorded therein or a passport or an identification card and document concerning his stated place of residence (the place of residence must be attached to the territory of this referendum district, or the voter must submit some other evidence, that he is staying at an address attached to the territory of this referendum district), the committee of the referendum district shall register the voter in the additional electoral roll of the referendum district, and allow him to vote according to the procedure established by the Central Electoral Committee, and shall immediately furnish the voter's surname, name, personal code, his passport number and address to the city, regional referendum committee. The city, region referendum committee shall check whether or not the voter is registered in the city, region electoral roll and take measures to guarantee that the voter would not be able to vote twice or the ballot papers filled by him would be counted only once. If the voter has voted twice, only

that vote shall be counted which was put in the ballot box of the referendum polling station. The other vote of this voter, received by post or cast according to the additional electoral roll of the referendum district shall not be counted.

#### **Article 44. Complaints about Electoral rolls**

1. A voter or a representative of the party may lodge complaints with the district referendum committee no later than 7 days before the referendum vote about the errors made in electoral rolls due to which the voter is not registered in the electoral roll in the manner prescribed by this Law or is registered in several electoral rolls. The district referendum committee must investigate the complaint and adopt a decision thereon either immediately or within 2 days of the receipt thereof, if more than 10 days are left until the day of the referendum.

2. The decision of the district referendum committee may be within 3 days appealed against to the administrative court of an appropriate county, which shall investigate the complaint within 2 days. The decision of the court shall be final.

3. Complaints and comments shall not be investigated after the expiration of the term established for filing comments or complaints.

4. The district referendum committees shall report to the city, regional referendum committee about the received complaints and changes made in the electoral rolls by the court's decision, and the referendum committee of the city, region shall report to the Central Electoral Committee as soon as possible but no later than within 12 hours.

#### **Article 45. Establishment of Referendum Document Specimens**

The Central Electoral Committee shall establish specimens and forms of voter certificates, referendum ballot papers, voucher envelopes and outer envelopes for voting by post, other documents, blanks, questionnaires, official envelopes, packages, seals used in the referendum, as well as the specimens for filling them out.

#### **Article 46. Referendum Ballot Papers**

1. The ballot paper shall include the text of an appeal to the voter and the reply versions: "Yes," and "No," or "For," and "Against."

2. Should there be two or several referendums being held, the ballots of each one of them must be of a different color.

3. The Central Electoral Committee shall establish the form and the specimen for filling them out.

#### **Article 47. Delivery of Referendum Ballot Papers**

1. Referendum ballot papers and envelopes shall be delivered to referendum districts and post offices at least 7 days prior to the beginning of voting in the referendum.

2. Voters must be provided with free access to ballot papers and envelopes for voting by post, at the diplomatic missions and consular posts of the Republic of Lithuania and aboard ships voters must be provided free access to the text of ballot papers not less than 10 days prior to the referendum day.

3. The Central Electoral Committee shall be responsible for the publishing of ballot papers and envelopes for voting by post, as well as for the keeping of records and delivery thereof without violating the fixed dates.

#### **Article 48. Preparation of Polling Stations**

1. A polling station of the polling district must be completely prepared for the referendum not later than 12 hours before the beginning of voting. The referendum committee must also have counted all ballot papers received from the city, regional referendum committee and drawn up their acceptance report by this time. In the polling station of referendum district there must be a ballot box, secret voting booth (booths) in which a voter could fill out referendum ballot papers in private. Referendum agitation material or voter information material, issued by the Central Electoral Committee, may be displayed in the polling station. The text of this Law must be accessible in each referendum-polling district. The campaigning material, except for the material issued by the Central Electoral Committee, must be removed from the polling station, passageways leading to or out of it (corridors) and from the territory within 50 metres of the building in which the polling station is situated. Working places for the referendum committee members and places for referendum observers must be also organised. Upon completion of preparations the polling station shall be closed, sealed, left under the police protection and the chairman of the district referendum committee shall inform the city, regional referendum committee thereof.

2. Other requirements for the preparation of polling stations shall be laid down by the Central Electoral Committee.



3. The chairman of the district referendum committee shall be responsible for fitting out the polling station by the due date and in an appropriate manner. If the municipality administration fails to allocate premises suitable for establishing a polling station or fails to ensure the provision of equipment necessary for voting, the chairman of the district referendum committee must forthwith notify the city, regional referendum committee thereof and take adequate measures to find premises suitable for fitting out a polling station and to acquire the necessary equipment as prescribed in Article 77 of this Law.

#### **Article 49. Referendum Observers**

1. Groups, parties shall have the right to appoint not more than two referendum observers each in every referendum district. A referendum observer shall be a person having a certificate in the form established by the Central Electoral Committee. He shall have the right to observe the referendum conducted in the territory of the city, region or district which is indicated in his certificate. The referendum observer's certificate shall be issued by:

1) the Central Electoral Committee - to observe the referendum in the entire territory of the Republic of Lithuania and the country's diplomatic missions and consular posts or only in specific cities and regions, upon the recommendation of the Minister of Foreign Affairs, adviser to the President of the Republic or upon the request of the persons representing foreign states or international institutions, as well as at its own discretion;

2) a city, regional referendum committee - to observe the referendum in one or several referendum districts of this city, region for citizens who are above 18 years of age, upon the recommendation of a group or at the request of the local branch of the party (the recommendation must indicate the name and first name of the person, his personal number, name of the referendum district (districts)).

2. The observer's certificate shall be issued by the chairman of the referendum committee or by any other member of the committee on the instruction of the committee chairman. It shall not be allowed to refuse to issue an observer's certificate or delay its issuance, if the person to whom it should be issued meets the requirements of this Law. All refusals to issue an observer's certificate must be reported at the next committee sitting and an appropriate representative for the referendum must be notified thereof.

3. A referendum observer shall have the right to insist that the chairman and members of a referendum committee, as well as persons who are in the polling station should adhere to this and other laws of the Republic of Lithuania. Referendum committees must make arrangements to ensure that a referendum observer be provided with proper conditions in the polling station of

a referendum district to monitor the observance of this Law. If an observer violates this or other laws himself, his observer's certificate may be revoked on the decision of the chairman of the city, regional referendum committee. The members of the referendum committee, the Central Electoral Committee and an appropriate representative for the referendum shall be immediately notified of the decision.

## **CHAPTER V**

### **VOTING**

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

1. Voting on referendum day shall take place from 7 to 20 hours at a polling station designated by the referendum committee. A different time may be set for voting in a Seimas resolution on calling a referendum. In a separate resolution the Seimas may establish that the referendum shall take place on more than one day.

2. The voter shall vote only at that polling station, on the electoral rolls whereof he is registered, unless established otherwise by this Law.

3. A vote received from a voter by post shall be valid only in the referendum-polling district in which the voter is registered.

#### **Article 51. Commencement of Voting**

1. On the day of the referendum, the polling station shall be opened only when at least  $\frac{3}{5}$  of the members of the district referendum committee are present. Then the chairman of the referendum committee, together with the members of the referendum committee, shall make sure that the ballot box is empty and shall seal it. After the district referendum committee checks that the polling station has been furnished according to the established requirements, the chairman of the district referendum committee shall register the total amount of the ballot papers received by the district referendum committee in the vote counting record, affix the seal on ballot papers, distribute ballot papers and the electoral roll among the members of the referendum committee, register the number of ballot papers issued to each member of the referendum committee in the vote counting record of the referendum district, and open the polling station to the voters, thereby proclaiming the commencement of the referendum.

2. In the event that, the referendum shall take place on more than one day, the ballot box slot shall be sealed and stamped at the end of each referendum day, excepting the final day and also, the unused and spoiled referendum ballots shall be collected and stamped in accordance with the procedure established by the Central Electoral Committee and the voting station shall be turned over to police protection. The station may also be guarded by the members of the referendum committee and observers, who wish to do so. The stations shall be opened on the second and subsequent days, when at least 3/5 of the members of the referendum district have assembled there and the chairman of the referendum committee along with the members of the committee has checked the district referendum ballot box: to see whether the seals have not been tampered with and if there are no other signs, attesting to the possibility of its having been opened or that it had been possible to remove the referendum ballots from it by other means, and other seals shall also be checked.

#### **Article 52. Voter Identification**

1. At the entrance to the polling station, a voter shall present his voter certificate, passport or other document certifying his identity and citizenship to a referendum committee member of the polling district. Upon having established that the voter has arrived at the referendum district in whose list of voters his name has been included, the committee member shall hand the voter an arrival card stamped with the seal of the referendum district and indicating the number of the arrival and directing which committee member to apply to for a referendum ballot. It shall not be permitted to hand several arrival cards to one voter or to hand to a voter another voter's arrival card. If upon arriving at the polling station, the person does not have the required documents or it is not clear whether he has been registered in the list of voters of this referendum district, the committee member shall not hand the arrival card to this person, instead, the person shall be handed a guest's card and shall be referred to the committee chairman or deputy chairman to clarify his voting status.

2. The committee member who is tasked with handing out referendum ballot papers, having established on the basis of the produced documents that the person who arrived to vote is indeed the voter who has been registered in the electoral roll, or if two voters of the Republic of Lithuania registered in the electoral roll of that referendum district testify to this fact in writing to the referendum committee chairman, shall find the name of the voter on the list of voters, and shall take the voter certificate and the arrival card from the person. After the voter and the committee member who hands referendum ballot papers sign in the electoral roll of the referendum-polling district, the voter shall be handed referendum ballot papers. The voter

certificate and arrival card shall not be returned to the voter. In voting by post, an entry shall be made on the voter certificate concerning the issue of a ballot paper, and the voter certificate shall be returned to the voter.

3. It shall be prohibited to hand the voter the referendum ballot paper (ballot papers) of another person. The committee member who violates this provision shall be liable under the laws of the Republic of Lithuania.

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

1. Having been handed referendum ballot paper, the voter shall go into the polling booth and mark the ballot paper. It shall be prohibited to mark ballot papers outside the polling booth. The voter can only go into the polling booth alone, with the exception of a case stipulated in paragraph six of this Article.

2. On a referendum ballot paper the voter shall mark one of the answers printed on the ballot, according to the indicated example of how to mark it.

3. If two or more referendums are being held at the same time, the voter shall obtain and mark separate ballot papers for each.

4. The voter shall personally cast his marked referendum ballot paper into the ballot box.

5. Upon the request of the voter, a spoiled ballot paper shall be exchanged for a new one. A spoiled ballot paper shall be crossed and signed with a pen (with ballpoint pen) by a member of the referendum committee who shall then hand a new ballot paper. Spoiled ballot papers shall be kept separately.

6. The voter who, because of his physical disability, is unable to mark his referendum ballot papers and cast them into the ballot box himself, may designate another person to mark his referendum ballot paper in the polling booth or place it in the ballot box.. It shall be prohibited for the chairman or members of the referendum committee to perform these actions on behalf of a voter.

### **Article 54. Postal Voting**

1. Postal voting shall be possible for citizens who are in institutions of healthcare (with the exception of outpatient healthcare institutions), social care or guardianship because of their health condition or age, or who perform mandatory military service and therefore are unable to come to a referendum district to vote, or who perform active military service, civil service or work under the employment contract in international military operations abroad, or who serve

arrest or imprisonment sentence, or are placed in arrest houses, remand prisons (detention facilities). Postal voting shall be possible at post offices set specially for postal voting (hereinafter referred to as “special post offices”) during their business hours on a last Wednesday, Thursday or Friday before the day of voting in the referendum. Postal voting in military units located abroad shall be conducted in accordance with the procedure laid down by the Central Electoral Commission on the recommendation of the Ministry of National Defence. Expenses related to postal voting shall be covered with the funds of the State Budget.

2. The head of the post office shall be responsible for the organization of postal voting. The chairman of the committee of the referendum district within the territory of which a post office is situated, shall be responsible for the organization of the supervision of the work of that post office during postal voting. He shall, in conjunction with the chairmen of other district referendum committees whom the referendum committee of a city, region has assigned with such a task, organize the participation of the members of the referendum committee during voting in special post offices. Commanders of the military units located abroad shall be responsible for organization of postal voting in those units.

3. The head of the post office, with the consent of the referendum committee of a city, region, shall appoint postal workers for the issue and collection of referendum ballots and voting envelopes during postal voting, who are entrusted with work with the referendum documents. If the referendum committee of a city, region requests so, the head of the post office must remove a postal worker from the work with referendum documents. Postal workers who are authorized to issue and collect referendum documents shall be issued by the referendum committee of a city, region with the certificates of the established form. A postal worker who does not have such certificate shall not have the right to issue and collect referendum documents. A referendum committee member, referendum observer, who has produced his certificate to the postal worker, a citizen, who has produced the voter certificate and the document proving his identity, shall have the right to write down his remark in the said certificate; the head of the post office shall immediately notify the referendum committee of a city, region about this remark.

4. In the sites specified in Articles 57, 58, 59 and 60 of this Law there must be a room (a place) where the citizen can, without interference and in secrecy, mark the referendum ballot and put them into the voting envelopes. In these cases voting may be observed by referendum observers who have a referendum observer’s certificate permitting to observe a referendum in any referendum district.

5. The postal worker shall issue referendum documents to a citizen in accordance with the procedure established by the Central Electoral Commission. Together with referendum ballot, the citizen shall be given envelopes for voting by post. An outer envelope for voting by

post shall be addressed by the postal worker to that district referendum committee which is indicated in the voter certificate of the person.

6. Voting in secrecy, the citizen shall himself:

- 1) mark the referendum ballot;
- 2) put the marked referendum ballot into the voucher envelope;
- 3) seal the voucher envelope;
- 4) put the voucher envelope into the outer envelope together with the voter certificate;
- 5) seal the outer envelope.

7. Actions referred to in paragraphs 6 and 8 of this Article shall be carried out by the citizen himself. If because of the physical disability the citizen is unable to carry out the said actions himself, at his request such actions shall be carried out by a person he chooses. This person must mark the referendum ballot in the presence of the citizen according to his instructions and preserve the secrecy of voting.

8. The sealed outer envelope (with the voter certificate, voucher envelope and referendum ballot in it) the citizen shall hand to a postal worker. Upon having received the envelope handed by the citizen, the postal worker shall seal it with a special mark in the citizen's presence and shall give the citizen a receipt confirming the acceptance of this envelope.

9. A postal worker shall be prohibited from carrying out for a citizen the actions referred to in paragraphs 6 and 8 of this Article, as well as from accepting from the citizen an outer envelope which is not sealed. Citizens shall be prohibited from taking referendum ballots, envelopes for postal voting out of special post offices or handing them to other persons.

## **Article 55. Voting in Diplomatic Missions and Consular Posts of Republic of Lithuania**

1. Citizens who have gone to foreign states shall be entitled to vote in diplomatic missions or consular posts of the Republic of Lithuania during their business hours. Not less than 4 hours must be allotted for voting during a business day of the said establishments. Polls shall close on the day of voting in the referendum at the Republic of Lithuania time.

2. Voting commissions set up by the diplomatic missions or consular posts of the Republic of Lithuania shall hand referendum documents to the citizens who have notified the said institutions about their places of residence, or, at their request, deliver the documents by post and accept them.

3. Citizens who have come for voting to a diplomatic mission or consular post of the Republic of Lithuania shall be prohibited from taking out the election documents or giving them to another persons.

#### **Article 56. Voting on Ships**

1. Citizens (ship's crew and passengers) who are aboard a ship, if they left from a port of the Republic of Lithuania not later than 4 days prior to the day of voting in the referendum and have not returned until the day of voting in the referendum, or in the presence of other circumstances because of which they cannot vote in their referendum district, by post, in a diplomatic mission or consular post of the Republic of Lithuania, shall have the right to vote on the ship.

2. On the recommendation of the Minister of Transport and Communications, the Central Electoral Commission shall draw up a list of ships sailing under the flag of the State of Lithuania, on which there are no less than 5 crew members - citizens, voting is organized and with which the radio communication is maintained during the voting. On the recommendation of the Minister of Transport and Communications, the Central Electoral Commission shall fix such time for voting on the ship that each citizen who is aboard the ship is given the opportunity to vote.

3. Voter certificates shall not be issued to the citizens voting on ships.

#### **Article 57. Organization of Voting in Diplomatic Missions, Consular Posts and on Ships of the Republic of Lithuania**

1. Voting commissions shall be set up in diplomatic missions, consular posts and on ships of the Republic of Lithuania in order to organize voting and count the votes cast.

2. Voting commissions shall consist of chairman and at least two members. They shall be set up in a diplomatic mission or consular post of the Republic of Lithuania by its head from the employees of the diplomatic mission or consular post of the Republic of Lithuania, or from other citizens of the Republic of Lithuania residing in a foreign country.

3. Voting commissions on ships shall be set up by ship captains – citizens of the Republic of Lithuania, taking into account the decision of a meeting of the ship's crew – citizens of the Republic of Lithuania.

4. The procedure for voting, vote counting and submitting of records to the Central Electoral Commission, as well as the procedure for handing certificates of referendum observers shall be laid down by the Central Electoral Commission.

5. On the recommendation of the Minister of Foreign Affairs, the Central Electoral Commission shall draw up a list of diplomatic missions and consular posts of the Republic of Lithuania in which voting shall be conducted and shall set polling days (no less than 10) for each diplomatic mission or consular post.

6. In diplomatic missions, consular posts of the Republic of Lithuania their heads and on ship their captains – citizens of the Republic of Lithuania shall be responsible for organizing voting, submitting to the Central Electoral Commission the records and other referendum documents defined by it.

7. Voting shall not be organized on the ships on which there are no conditions to organize voting pursuant to the requirements of this Law.

#### **Article 58. Voting in Healthcare (Except Outpatient) Facilities and Institutions of Social Guardianship and Care**

1. Citizens who because of their health condition or age are in healthcare (except outpatient healthcare) facilities, institutions of social guardianship and care shall be entitled to vote in such institutions.

2. A referendum committee of a city, region shall, not later than 15 days prior to the day of voting in the referendum and upon the recommendation of the heads of the institutions specified in paragraph 1 of this Article, draw up a list of special post offices and, upon the recommendation of the head of the post office, set such working hours of the post offices that the days of voting in them would be in compliance with paragraph 1 of Article 54 of this Law.

3. The heads of the institutions referred to in paragraph 1 of this Article shall draw up a list of citizens voting in a special office. The following must be indicated in such list: citizen's name and surname, personal number, the referendum committee of a city, region (name and number), whether or not a citizen has a voter certificate. The head of the institution shall transfer a list of citizens voting in a special post office to the referendum committee of a city, region, receive voter certificates from it or print them according to the date received via means of electronic communication and ensure the delivery of the certificates to citizens, allot the premises appropriate for voting, and be



responsible that the citizens would be notified about the working place and time of a special post office, and that the conditions would be created for citizens to reach it.

4. Citizens who are able to move shall vote themselves in accordance with the procedure set forth in paragraphs 6 and 7 of Article 54 of this Law. Citizens who are unable to move shall be visited by at least 2 referendum district committee members, referendum observers (should they wish) and employees of special post offices.

5. If because of the physical disability citizens are unable to vote themselves, they may entrust other persons to vote for them. These persons must mark the referendum ballot in the presence of the citizen according to his instructions and preserve the secrecy of voting.

6. Referendum committee members, employees of a special post office and referendum observers shall be prohibited from carrying out the actions related to voting, as well as from accepting from the citizen an outer envelope for postal voting which is not sealed.

7. It shall be prohibited to exert influence upon self-determination of a citizen voting in healthcare (except outpatient healthcare) facilities, institutions of social guardianship and care or to rush him to vote.

#### **Article 59. Voting in Military Units**

1. Citizens performing mandatory military shall be entitled to vote in the military units where they serve. Citizens who perform active military service, civil service or work under the employment contract in international military operations abroad, shall be entitled to vote in military units stationed abroad, which participate in those international military operations. The procedure for voting in military units stationed abroad shall be laid down by the Central Electoral Committee on the recommendation of the Minister of National Defence.

2. The referendum committee of a city, region shall, not later than 15 days prior to the day of voting in the referendum and upon the recommendation of the commanders of military units stationed within the territory of the Republic of Lithuania, draw up a list of special post offices and, upon the recommendation of the head of the post office, set such working hours of the post offices that the days of voting in them would be in compliance with paragraph 1 of Article 54 of this Law.

3. The commanders of military units shall draw up a list of citizens voting in special post offices. The following must be indicated in such a list: citizen's name and surname, personal number, the referendum committee of a city, region (name and number), whether or not a citizen has a voter certificate. The commander of a military unit shall transfer a list of citizens voting in a special post office to the referendum committee of a city, region, receive voter certificates from it or print them according to the date received via means of electronic communication and ensure the delivery of the certificates to citizens, allot the premises appropriate for voting, and be responsible that the citizens would be notified about the working place and time of a special post office, and that the conditions would be created for citizens to reach it. In it is impossible to set a special post office or to ensure that citizens will be able to properly carry out actions related to voting, the commanders of military units (with the exception of the commanders of military units stationed abroad) shall create conditions for citizens to go to a special post office for voting or on the day of voting in the referendum to travel to a referendum district on the electoral roll of which they have been entered.

4. The provisions of Article 54 of this Law shall apply to voting in military units.

5. It shall be prohibited to exert influence upon self-determination of a citizen voting in a military unit or to rush him to vote.

#### **Article 60. Voting in Penal Institutions**

1. Voters who serve arrest or imprisonment sentence shall be entitled to vote in an institution they serve a sentence.

2. The referendum committee of a city, region shall, not later than 15 days prior to the day of voting in the referendum and upon the recommendation of the heads of penal institutions, draw up a list of special post offices and, upon the recommendation of the head of the post office, set such working hours of the post offices that the days of voting in them would be in compliance with paragraph 1 of Article 54 of this Law.

3. The heads of penal institutions shall draw up a list of citizens voting in special post offices. The following must be indicated in such list: citizen's name and surname, personal number, the referendum committee of a city, region (name and number), whether or not a citizen has a voter certificate. The head of a penal institution shall transfer a list of citizens voting in a special post office to the referendum committee of a city, region, receive voter certificates from it or print them according to the date received via means of electronic communication and ensure the delivery of the certificates to citizens, allot the premises appropriate for voting, and be

responsible that the citizens would be notified about the working place and time of a special post office, and that the conditions would be created for the citizens to reach it.

4. The provisions of Article 54 of this Law shall apply to voting in penal institutions.

5. The provisions of this Article and Article 54 of this Law shall apply to voting in arrest houses, remand prisons (detention facilities).

6. It shall be prohibited to exert influence on self-determination of a citizen voting in an arrest house, remand prison (detention facilities) or penal institution, or to rush him to vote.

### **Article 60<sup>1</sup>. Voting at Home and Early Voting**

1. Only the following citizens may vote at home: disabled citizens, citizens with temporary working incapacity, citizens aged 70 and over if because of the health condition they are unable to come to a referendum district to vote on the day of voting in the referendum and if they have produced a citizen's request, the form of which is set by the Central Electoral Commission, for voting at home. The referendum committees which draw up and revise rolls of citizens voting at home shall have the right to receive the data on disabled persons from the State Social Insurance Fund Board or its territorial offices, and the data on persons with temporary working incapacity – from healthcare institutions. The referendum committees may not disseminate these data and shall use them only for compilation and revision of rolls of citizens voting at home.

2. Citizens who are unable to come to a referendum district to vote on the day of voting in the referendum may vote early. Early voting shall be organized by the referendum committee of a city, region. Early voting must take place from 8 am till 8 pm on the Wednesday and Thursday preceding the day of voting in the referendum in the premises which are prepared in advance, suitable for voting and located in the building which is the workplace of the mayor (director of the administration) of the municipality of that city, region. For issuing and collecting referendum ballots and voting envelopes during early voting the chairman of the referendum committee of a city, region shall appoint not less than two members of the referendum committee of a city, region or district referendum committees who may not be proposed by the same political party. The chairman of the referendum committee of a city, region or by order of the said chairman – a member of the referendum committee of a city, region shall supervise early voting.

3. Citizens' requests for voting at home shall be submitted to district referendum committees. Acceptance of requests of citizens, residing within the territory of a concrete referendum district, for voting at home shall start by handing voter certificates to such citizens

and end on the Wednesday preceding the day of voting in the referendum. Acceptance of requests of voters, who temporarily stay within the territory of a concrete referendum district and have not been entered on the roll of voters of this referendum district, for voting at home shall end on the Tuesday preceding the day of voting in the referendum. A citizen who because of his physical disability is unable to fill in a request for voting at home or to hand it to a district referendum committee, may authorize his family member, neighbor or a person who takes care of him to carry out the said actions for him. These persons shall sign the citizen's request and indicate their name, surname and personal number.

4. On the Thursday preceding the day of voting in the referendum a district referendum committee shall draw up and approve a roll of voters voting at home who are entered on the electoral roll of that referendum district. On the Wednesday preceding the day of voting in the referendum the referendum committee of a city, region shall draw up and approve a roll of citizens who reside or temporarily stay within the territory of a concrete referendum district but have been entered on the electoral roll of another referendum district and have not been entered on the electoral roll of this referendum district when revising them.

5. On the Friday or Saturday preceding the day of voting in the referendum, from 8 am till 8 pm at least two members of a district referendum committee shall deliver envelopes for postal voting and referendum ballots to the homes of the citizens who have been entered on the roll of the referendum district voters voting at home and who are the voters of this referendum district. On the Thursday preceding the day of voting in the referendum at least two members of the referendum committee of a city, region or, by order of its chairman, at least two members of a district referendum committee shall deliver envelopes for postal voting and referendum ballots to the homes of the citizens who have been entered on the roll of the voters of a city, region who vote at home, but who have not been entered on the electoral roll of the referendum district within the territory of which they temporarily stay. Voting at home and early voting may be observed by referendum observers who have a certificate to observe a referendum in any referendum district. After the end of voting, sealed outer envelopes shall be transferred to the post office which transfers them to referendum districts together with referendum documents of the citizens who have voted by post. The rolls of citizens who have voted at home and early, referendum ballots which have not been used shall be including into an accounting and stored by referendum committees which have organized the voting, and after the end of the voting in the referendum they shall be transferred together with other referendum documents to an appropriate referendum committee of a city, region or the Central Electoral Commission.

6. A concrete schedule of referendum committee members' coming to the homes of citizens shall be approved by the chairman of the referendum committee of a city, region or a

district referendum committee not later than, respectively, on the Thursday or Wednesday preceding the noon of the day of voting in the referendum. This schedule shall be public, its copy shall be posted up on the billboard of the district (city, region) referendum committee on the day of approval of the schedule. Only the referendum committee members and referendum observers proposed by the different political parties may come together to the homes of the citizens.

7. The provisions of paragraphs 6 and 7 of Article 54 of this Law shall apply to voting at home and early voting.

8. The sealed outer envelope (with the voter certificate, voucher envelope and referendum ballot in it) the citizen shall hand to a member of the district (city, region) referendum committee. Upon having received the envelope handed by the citizen, he shall give the citizen a receipt confirming the acceptance of this envelope.

9. It shall be prohibited to exert influence on the determination of a citizen who votes at home or to hasten his voting. Committee members and referendum observers shall be prohibited from carrying out the actions for a citizen, referred to in paragraphs 6 and 7 of Article 54 of this Law, as well as from accepting an unsealed outer envelope from a citizen. Citizens shall be prohibited from taking out ballot papers or giving them to another persons.

### **Article 61. Counting of Voting Envelopes and Referendum Ballots**

1. The procedure for counting voting envelopes and referendum ballots in the Republic of Lithuania shall be laid down and this accounting shall be administered by the Central Electoral Commission.

2. Accounting of voting envelopes and referendum ballots, their issuing and acceptance when voting by post in special post offices shall be managed by the heads of the appropriate post offices. They shall indicate accounting data in a journal specially designated for this purpose. Accounting of envelopes for voting by post and referendum ballots used when voting in military units stationed abroad, their issuing and acceptance shall be managed by the commanders of those military units. They shall transfer to the Central Electoral Committee the accounting data on referendum documents, unused envelopes for voting by post, referendum ballots and envelopes for voting by post with referendum ballots filled in by citizens. The Central Electoral Committee shall, not later than until day of voting in the referendum, transfer the received envelopes for voting by post with referendum ballots filled in by citizens to the committee of the referendum district on the electoral roll of which a citizen has been entered.

3. The post office head shall deliver unused envelopes for voting by post and referendum ballots to the referendum committee of a city, region one day prior to the day of voting in the referendum.

4. The head of a post office or a person authorized by him shall deliver envelopes for postal voting containing referendum ballots marked by citizens to district referendum committees on the day of voting in the referendum, but not later than 2 hours before the end of voting.

5. Outer envelopes, unused and damaged referendum ballots of citizens who voted on the Thursday preceding day of voting in the referendum, shall be transferred to the referendum committee of a city, region by the members of the referendum committees who went to the homes of the citizens pursuant to the provisions of Article 60<sup>1</sup> of this Law. The referendum committee of a city, region shall not alter than on the Friday preceding the day of voting in the referendum transfer outer envelopes to a post office.

6. Outer envelopes, unused and damaged referendum ballots of citizens who voted on the Friday or Saturday preceding the day of voting in the referendum, shall be transferred to the chairman of a district referendum committee before 9 pm of the same day. Having checked the received referendum documents, the district referendum committee shall decide whether or not voting at home has met the requirements of this Law.

7. Outer envelopes shall be kept together with referendum ballots.

8. Before starting to count the votes of citizens, outer envelopes of citizens who voted by post shall be put together with outer envelopes of citizens who voted at home, mixed and counted together according to Article 64 of this Law and in the same manner as the votes of citizens received by post.

## **Article 62. Keeping of Records of Referendum Ballot Papers in Referendum districts**

1. Upon closing the polling station, the chairman of the referendum district referendum committee, in the presence of at least 3/5 of the members of the referendum committee, shall seal and stamp the ballot box slot.

2. Unused ballot papers shall be individually collected from each member of the district referendum committee, shall be counted publicly, the number of them shall be entered into the vote counting record. According to the signatures in the electoral roll, voter certificates, arrival

cards, ballot papers, which have been spoiled by voters and returned to be exchanged for blank ballot papers shall be inspected in order to determine whether a committee member has handed all ballot papers out justly.

3. The referendum committee shall: count the unused and spoiled ballot papers publicly; annul them by cutting off the upper right corner; put them into the envelopes specially designated for this purpose and seal these envelopes. The number of unused or spoiled ballot papers shall be entered in the vote counting record.

### **Article 63. Counting of Votes of the Voters who have Voted in the Referendum district**

1. The district referendum committee, in the presence of at least 3/5 of its members, shall inspect the referendum ballot box of the polling district whether the seals have not been broken and whether there is no other evidence which indicates that it could have been opened or that ballot papers could have been removed in any other way. The committee, in the presence of at least 3/5 of its members, shall decide if the ballot box has been tampered with. If the committee decides that the ballot box was tampered with, an act shall be drawn up about this and the votes shall not be counted.

2. Having ascertained that the ballot box has not been tampered with, in the presence of at least 3/5 of the members of the polling district committee as well as referendum observers, it shall be opened, all ballot papers shall be placed on tables on which there are no other documents and writing materials and the committee shall start counting votes.

3. Votes shall be counted in such a way that this procedure, marks of voters in the referendum ballot papers may be observed by all the persons present during the counting of votes. The Central Electoral Committee shall establish the concrete procedure for the counting of votes.

4. The number of voters residing in the referendum district and having the right to vote shall be determined according to the referendum district electoral rolls. The number of voters to whom ballots have been issued shall be determined according to voter signatures, certifying receipt of a ballot. The number of the voters who voted in the referendum district shall be determined according to the number of ballots found in the referendum district ballot box. The number of voters who have participated in the referendum shall be determined in accordance with the ballots found in the referendum district ballot box and the number of ballots received by post.

5. Having discovered more ballots in the ballot box than the number, which had been issued to voters, the committee shall employ measures to determine the reasons thereof.

6. The results of the ballot count shall be included in the ballot counting record.

#### **Article 64. Keeping of the Records of Citizens who Have Voted by Envelopes and the Counting of their Votes**

1. After the counting of referendum ballots found in the ballot box, referendum ballots received by post and at home shall be calculated in the following procedure:

1) the chairman of the district referendum committee shall present, unopened, all outer envelopes received by post and at home. Their number shall be entered in the vote counting record;

2) outer envelopes shall be opened one at a time;

3) a voter certificate shall be taken out of the outer envelope and shall be checked against the voter list of the referendum district, and the voucher envelope shall be stamped with the seal of the referendum district. If the citizen on the voter certificate is not on the electoral roll of a referendum district; if the citizen has already signed the electoral roll indicating that he had voted in the referendum district; if another envelope for voting by post has been received from the same citizen; if there is no voter certificate in the outer envelope; or if there is more than one voucher envelope in the outer envelope - the seal shall not be affixed and the referendum ballot in the envelope shall be considered invalid. This fact must be noted on the voucher envelope;

4) in the voter list of the referendum district, the special entry indicating that the vote of a citizen has been received shall be made by the surname of the citizen whose vote has been received by post or at home;

5) the sealed voucher envelope shall be cast into the ballot box prepared and sealed according to the established requirements; and

6) when all envelopes received by post have been inspected in the above-mentioned manner, the ballot box shall be opened and the sealed voucher envelopes shall be opened. Then the votes received by post shall be counted according to the requirements of Article 63 of this Law. If there is more than one referendum ballot in the envelope for voting by post, all referendum ballots in the envelope shall be considered invalid.

2. If only one sealed voucher envelope is in the referendum district committee), it, in order to protect the secrecy of voting, shall not be opened, and shall be handed over to the



referendum committee, which has formed this committee. It shall enter the results of the voting in its vote counting record.

### **Article 65. Vote Counting Records of the Polling District**

1. A vote counting record shall be drawn up in every referendum district. It shall include the following:

- 1) the number of citizens having the right to vote in the referendum district;
  - 2) the number of ballot papers received from the city, regional referendum committee;
  - 3) the number of referendum ballot papers delivered to each member of the committee, the number of ballot papers delivered to voters, the number of voters' signatures, the number of voter certificates, the number of voter certificates, and the number of unused ballot papers;
  - 4) the number of unused referendum ballot papers;
  - 5) the number of voters who have voted in the polling station of the referendum district;
  - 6) the time of the opening of the ballot box;
  - 7) the number of invalid referendum ballot papers found in the ballot box;
  - 8) the number of valid referendum ballot papers found in the ballot box;
  - 9) the number of replies, "YES" and "NO" or "FOR" and "AGAINST" for the resolution set forth for referendum vote found in the ballot box;
  - 10) the number of voting envelopes of citizens who have voted at home, the number of voting envelopes received by post, the total number of voting envelopes received by post and at home, and the number of sealed voucher envelopes;
  - 11) the number of invalid ballot papers received by post;
  - 12) the number of valid ballot papers received by post;
  - 13) the number of replies, "YES" and "NO" or "FOR" and "AGAINST" for the resolution set forth for referendum;
  - 14) the total number of voters who participated in the referendum in the referendum district;
  - 15) the total number of invalid ballot papers in the referendum district; and
  - 16) the total number of replies, "YES" and "NO" or "FOR" and "AGAINST" for each resolution set forth for referendum;
2. If the ballot box contained more ballot papers, than the number which had been delivered to voters, a note concerning this shall be entered in the accounting records indicating the number of how many extra ballot papers have been found.

3. The ballot counting records of the referendum district shall be signed by the chairman and members of the district referendum committee. After that the observers shall sign the records. Their remarks, the separate opinions of the members of the committee shall be appended to the records and shall be an inseparable part thereof.

4. Group members, parties, and also, their representatives and observers shall have the right to appeal the vote counting record of the referendum-polling district to the regional referendum committee within 24 hours of its compilation. This appeal must be examined within 24 hours of its receipt.

#### **Article 66. Invalid Referendum Ballot Papers**

1. Invalid ballot papers shall be:

- 1) non-standard ballot papers;
- 2) ballot papers sealed with the seal of the referendum committee of the wrong polling district and unsealed ones;
- 3) those, on which the voter has marked both replies, namely, “YES” and “NO” or “FOR” and “AGAINST;”
- 4) those, where the voter failed to mark either “YES” and “NO” or “FOR” and “AGAINST.”

2. The district referendum committee shall adopt the decision regarding certification of a referendum ballot paper as invalid.

#### **Article 67. The Presentation of Documents of the Polling District to the City, Regional Referendum Committee**

1. The district referendum committee shall put all referendum ballot papers, as well as invalid and unused ballot papers, vote counting records, district referendum lists and other election documents into packages, and affix the seal to them in the manner prescribed by the Central Electoral Committee. The packages shall be delivered to the city, region referendum within 6 hours of the closing of polls.

2. The Central Electoral Committee and the Ministry of the Interior must ensure the safety of transportation of the referendum documents and the persons transporting them.

#### **Article 68. The Counting of Votes in the City, Regional Referendum Committee**

1. The city, regional referendum committee shall begin counting ballot papers, after receipt of the entire vote counting records and other referendum documents delivered from all district referendum committees and shall check all the appeals regarding the vote counting records of referendum districts.

### **Article 69. City, Regional Vote Counting Documents**

1. In accordance with vote counting records, ballot papers and other documents referendum districts, the city, regional referendum committee shall establish:

1) the number of voters who have participated in the referendum in the city, region which shall be equal to the number of the voters who have voted in the city, regional referendum districts;

2) the number of invalid ballot papers in the city, region, which shall be equal to the number of invalid ballot papers in the city, regional referendum districts;

3) the number of ballot papers valid in the city, region, which shall be equal to the number of ballots valid in city, regional referendum districts;

4) the number of replies “YES” and “NO” or “FOR” and “AGAINST.” It shall be obtained by adding the one type of replies and the other type of replies separately in the referendum districts.

2. These data shall be entered in the city, regional-voting records. They shall be signed by the chairmen of city, regional referendum committees and members.

3. The group members, parties and also the representatives and observers shall have the right to appeal the voter counting records to the Central Electoral Committee within 24 hours from the drawing up thereof. The Central Electoral Committee must examine this appeal within 24 hours of the receipt thereof.

### **Article 70. The Presentation of Vote Counting Documents of City, Regional Constituencies to the Central Electoral Committee**

All of the documents received from the city, regional referendum committees, referendum districts, vote counting records of referendum districts, city, regional vote counting record and other referendum documents, shall be placed in special packages, sealed and delivered to the Central Electoral Committee no later than within 48 hours after the end of the referendum.

## **CHAPTER VI**

### **ESTABLISHMENT AND ANNOUNCEMENT OF REFERENDUM RESULTS**

#### **Article 71. The Procedure of Establishment of Referendum Results**

1. The Central Electoral Committee may only begin establishing the results of the referendum after having received the vote counting records of all city and regional referendum committees and also, other documents indicated in Article 70 of this Law, and shall investigate all the complaints regarding the vote counting records of the city and regional referendum committees.

2. According to the vote counting records of the referendum committees of a city, region and according to the vote counting records received from the Republic of Lithuania diplomatic missions and consular posts, the Central Electoral Committee shall determine:

- 1) the number of citizens having the right to take part in the referendum;
- 2) the number of citizens who took part in the referendum;
- 3) the number of referendum ballots which are invalid;
- 4) the number of valid referendum ballots;
- 5) the number of “YES” and “NO” or “FOR” and “AGAINST” replies.

3. In examining the appeals submitted in accordance with the procedure set forth in this Law, the Central Electoral Committee may recount the referendum ballot papers, and having determined counting errors, may correct the entries in the counting records. The Central Electoral Committee may not acknowledge as invalid the vote counting records of city, regional and district referendum committees on the basis of the errors encountered in vote counting records.

4. The Central Electoral Committee may, having determined that gross violations of this Law, committed during the period from the day of the registration of a citizens' initiative group for a referendum in accordance with the procedure laid down by this Law or from the day of submission to the Seimas of a proposal by a group of the Seimas members regarding the calling of a referendum until the beginning of the voting in the referendum and on the day of voting in the referendum, as well as during the voting, or the falsification of the documents have had a decisive impact on the results of the referendum, acknowledge the referendum results as invalid.

## **Article 72. Participation of Referendum Observers in the Counting of Votes and Establishment of Referendum Results**

1. Groups, party appointed referendum observers and also representatives of the mass media may participate in counting votes in the referendum districts and city, regional referendum committees and also, in establishing the referendum results at the Central Electoral Committee.

2. The referendum observers shall have the right to voice their remarks and claims to the referendum committees concerning the violations of this and other laws of the Republic of Lithuania, but they must not hinder the work of the referendum committees. The observers shall also have the right to make a written protest. The protest must be appended to the vote counting records and decisions of the referendum-polling district and delivered to the city, regional referendum committee and the Central Electoral Committee along with the other referendum documents of the polling district.

## **Article 73. Publication of the Preliminary Referendum Results**

1. Final referendum results may be published in the official gazette *Valstybės žinios* by the Central Electoral Committee, no later than within 4 days of the referendum vote.

2. The Central Electoral Committee shall present to the President of the Republic the text of the resolution adopted by referendum no later than the next day following the official publication of the final referendum results.

## **Article 74. Complaints against the Decision of Central Electoral Committee on Final Results**

1. A group, party and representatives thereof at the Central Electoral Committee shall have the right to appeal the decision of the Central Electoral Committee on the final results to the Supreme Administrative Court of Lithuania no later than within two days of official publication of these results.

2. The appeal must be examined at least within 48 hours from its presentation. The decision of the court shall come into force from its announcement.

## **Article 75. Keeping of Referendum Documents**

1. At the close of the referendum, the Central Electoral Committee no later than within four months after the expiration of the time limit set in this Law for examining the appeals concerning its decisions, shall transfer to the State Archives for permanent keeping the records of referendum districts, city and regional referendum committees and the Central Electoral Committee.

2. The Central Electoral Committee shall keep the lists of the voters who took part in the referendum, for five years.

## **CHAPTER VII**

### **FINAL PROVISIONS**

#### **Article 76. Liability for Violation of Referendum Law**

1. Persons, who have violated this Law shall be liable according to the procedure established by the laws.

#### **Article 77. Expenses of Holding and Implementing of Referendum**

1. The expenses; involved in the preparation and implementation of a referendum shall be compensated from the State and municipal budgets.

2. The expenses incurred by the Central Electoral Committee and the referendum committees in organising and implementing and compensating the committee members and the personnel serving them, for their work.

3. The maintenance of the electoral headquarters of the city, regional and district referendum committees, the acquired inventory of setting up voting booths and keeping thereof, shall be paid from the municipal budgets. If the municipal administration does not provide suitable quarters and inventory for city, regional or district referendum committee headquarters or voting booths, State funds shall be used for this per decision of the Central Electoral Committee. In this instance, within 2 months following the referendum, the Central Electoral Committee shall recover the funds without filing claim from the municipal administration for actual expenses related to voting quarters and inventory.

## **Article 78. Entry into Force of Law of Republic of Lithuania, Other Legislative Enactment or Resolution Passed by Referendum**

1. The day of voting by referendum shall be deemed as the day of the passage by referendum of a law, other legislative enactment or resolution. In the event, the referendum shall be held on more than one day, the last day of voting by referendum shall be deemed as the day of passage by referendum of a law, other legislative enactment or resolution.

2. The President of the Republic must sign and officially proclaim a law, other legal enactment or resolution passed by referendum no later than within 5 days from the official publication of the final results of the referendum.

3. Should the President of the Republic fail to sign and proclaim such a law, other legal enactment or resolution within the stipulated time, it will enter into force following its signing and official proclamation by the Chairman of the Seimas.

4. A Law passed by referendum on an amendment to the Constitution shall enter into force no earlier than after one month from the day it was passed by referendum.

5. A law which has been passed by referendum, with the exception of amendments to the Constitution, another legal enactment, or resolution, shall enter into force on the day of their publication in the official gazette *Valstybės žinios*, provided that a later entry into force date is not stipulated in them.

## **Article 78<sup>(1)</sup> Calculation of Time Limits**

1. In the event, the referendum shall be held on more than one day, the time limits set forth in this Law, for up to the day of the referendum vote, shall be calculated until the first day of the referendum vote.

2) In the event, the referendum shall be held on more than one day, the time limits set forth in this Law for after the referendum vote day shall be calculated after the final day of the referendum vote.

## **Article 79. Entry into Force of the Law**

This Law shall enter into force from January 1, 2003.

## **Article 80. Acknowledgment of the Laws as Being No Longer in Force**

Upon entry into force of this Law, the Law of the Republic of Lithuania On the Referendum, shall no longer be in force (Gaz., 1989, No. 33-445; 1990, NO. 4-86; No. 31-775; 1992, No. 18-515; 1994, No. 47-870, No. 59-1161; No. 89-1716; 1995, No. 7-144; 1996, No. 86-2044; 1977, No. 117-3011; 1999, No. 19-512; 2000.No. 85-2577.