

## **ELECTION CODE**

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The will of the people is the foundation of the state's power.

This will is expressed by free elections conducted periodically based on an universal, equal, direct, secret and freely expressed vote.

The state guarantees the expression of a citizen's free will by defending the democratic principles and the norms of electoral laws. This Code establishes terms and conditions for organizing and conducting elections of the Parliament of the Republic of Moldova, the local public administration authorities, and organizing and conducting referenda.

Parliament adopts this Code.

### **Title I.**

#### **General Definitions and Principles**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Electoral contestants" refers:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Article 3. Universal Suffrage**

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

#### Article 4. Equal Suffrage

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

#### Article 5. Direct Suffrage

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

#### Article 6. Secret Voting

Voting in elections and (or) referendums is secret. Therefore, any forms of control or influence over a voter's free will shall be excluded.

#### Article 7. Free Voting

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

#### Article 8. Election Day

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

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

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

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

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

A voter votes for one single electoral contestant in an election, and expresses his/her will regarding a single issue in a referendum.

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

#### Article 11. The Right to Elect

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

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

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

#### Article 13. Restrictions

(1) The following individuals cannot vote:

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

(2) The following individuals cannot be elected:

- a) active duty military personnel;
- b) persons mentioned in paragraph 1;
- c) persons convicted to deprivation of liberty by a final court decision and serving their sentence in detention centers or those who have unspent conviction for committing serious, very serious and extremely serious crimes.
- d) persons deprived of the right to take high-ranking positions by a final decision of a court of law.

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

- a) ministers;
- b) heads of central public authority organs;
- c) chairperson of rayons and their deputy chairpersons;
- d) mayors and vice-mayors;
- e) praetor and vice praetor.

## **Title II.**

### **Common Provisions**

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

Article 14. The System of Election Administration Bodies

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

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

Article 15. Representation in Election Administration Bodies

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

(2) Members representing electoral contestants shall be confirmed by competent election administration bodies within three days. To be nominated as member-representative person should have the right to elect and to be elected.

#### **Section I. Central Election Commission**

Article 16. Formation of the Central Election Commission

(1) The Central Election Commission is a state body established to implement election policies, to organize and conduct elections.

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

(3) The members of the Central Election Commission are irremovable. The position's vacancy can appear in the case of the mandate expiry, resignation, dismissal or decease.

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

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

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

(1) Chairperson, vice-chairperson and secretary of the Central Election Commission (CEC) are elected among CEC members with a majority of votes of the total number of its members. The sitting for the election of CEC chairperson, vice-chairperson or secretary will be chaired by two CEC members chosen with a simple majority of votes of CEC members, who are in charge with supervision of the procedure of debating on candidacies and electing of chairperson, vice-chairperson and secretary of CEC, with recording the results in a report. The sitting for election of chairperson, vice-chairperson and secretary of CEC shall take place not later than within 15 days since the decision on approval of the new CEC members came into force. Recalling from these positions takes place in cases stipulated by Articles 16, 19 and 20 of this Code.

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

(3) The Chairperson, Vice-Chairperson and Secretary of the Commission shall work on a permanent basis. Other members of the Commission are convened by the Chairperson upon request. Position of Chairperson of the Commission is equal to Minister position, whereas positions of Vice-Chairperson and Secretary are equal to the one of deputy-minister.

(4) Should any one of the positions mentioned in paragraph (1) become vacant, it shall be filled pursuant to the same election procedures described in this article.

(5) Within two days of the date of its establishment, the Central Election Commission shall make public its composition, location of its office and its contact details.

(6) The mandate of the CEC is five years. Upon expiration of the mandate, the composition of the Commission may be changed.

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

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

(2) The Central Election Commission adopts decisions by a vote of the majority of its members entitled to deliberative vote. The decisions modifying, amending or abrogating acts, adopted by the CEC earlier, are adopted in the same conditions.

(2<sup>1</sup>). Members of the Central Election Commission dissenting with adopted decisions have the right to submit special opinion in written, which is attached to CEC decisions.

(3) Decisions of the Central Election Commission, adopted within its competence, are binding for local public administration bodies, enterprises, institutions and organizations, officials, political parties, other socio-political organizations and their bodies, as well as for all the citizens.

(4) Decisions of the Central Election Commission are placed, within 24 hours after adoption on the Central Election Commission's official website and are published within 3 days in the Official Monitor of the Republic of Moldova.

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

(1) In composition of the CEC shall be nominated the persons who have citizenship of the Republic of Moldova and place of residence in the country, exceptionally high reputation for personal integrity and professional competence to carry out electoral activities.

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

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

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

(1) The mandate of a Commission member shall be ended in the following circumstances:

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

(2) Member of the Central Election Commission is dismissed by the authority that appointed him/her in the following cases:

- a) conviction of crime by the final decision of the court of law;
- b) loss of citizenship of the Republic of Moldova;
- c) declaration as a person with limited legal capacity or or incapacitated by a final decision of the court of law;
- d) serious violation of the Republic of Moldova's Constitution and of the present Code.

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

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

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

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

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

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

(3) Permanent members of the Commission shall be paid according to terms, conditions and sums provided in the Law on Payment System in Budget Sector, #355-XVI from 23d of December 2005. Members working on a non-permanent basis shall receive a 25% salary raise, for the period they are suspended from their professional duties at the place of full time job.

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

The Central Election Commission shall:

- a) study the method of organizing and holding elections in order to improve electoral legislation and procedures;
- b) submit proposals to Government and Parliament concerning the expediency of operating changes to electoral legislation;
- c) develop regulations and instructions for improvement of the electoral procedures;
- d) supervise compilation and verification in time of voters lists by co-operating with central and local public authorities;
- e) keep a database of individuals that took part in organization and holding elections including competent persons who might be appointed to District Electoral Councils and Precinct Electoral Bureaus;
- f) set up District Electoral Councils and Precinct Electoral Bureaus for the partial elections to the local councils or for mayor;
- g) cooperate during the organisation and holding of elections with:
  - Ministry of Information Development and Communication in respect to ensuring voters record including those who are out of the country according to Voters Register elaborated on the basis of State Population Register;
  - Local public authorities concerning the selection of competent personnel engaged in election administration bodies activity, the ensuring the polling stations with ballot boxes, voting booths, computers and other technical-material equipment;
  - Ministry of Interior in ensuring polls' and electoral documents' security;
  - State enterprises and institutions during contracting for services as ballot printing and equipment supply;
  - Mass media and public associations in conducting civic and voter education activities and raising public awareness about electoral procedures;
- h) analyze the structure of electoral districts, in terms of existing territorial- administrative units of the republic;



- i) implement programmes of civic education in-between elections;
- j) develop programmes on raising voter awareness during electoral periods;
- k) provide mass media with data on the unfolding of elections and the election administration practices employed;
- l) annually report to the Parliament and, upon request, to the President of the Republic of Moldova, Government or Parliament;
- m) bring to discussion electoral issues by mass media and public at large;
- n) establish contacts with political parties, other socio-political and non-governmental organisations entitled to nominate candidates for public positions, providing for their full participation in the electoral process;
- o) undertake consultations with local non-governmental organisations interested to conduct civic education campaigns during elections;
- p) organize training courses and seminars for individuals selected to participate in the electoral process as members of district electoral councils or precinct electoral bureaus, as members-representatives of political parties and other socio-political organisations or potential candidates, as employees in the apparatus of district electoral councils or as members of support groups;
- q) analyze electoral frauds, including allegations of frauds, presumed in past, current or future elections and take preventive measures; notify public authorities on the need to consider some issues in accordance with current laws;
- r) organize preliminary consultations with parties, other socio-political organizations and representatives of mass-media, and ensure the signing by these the Code of Conduct before commencing of electoral campaign.

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

(1) The Central Election Commission is assisted by an apparatus whose structure is approved by the Commission. Officers of the apparatus shall be hired by the Commission's decision. Some officers of the apparatus, nominated by the Commission, shall work on a permanent basis, whereas the rest of the officers shall be convened for the electoral period, and shall be suspended from their professional duties at the place of full time job for the duration of the electoral period.

(2) The salaries of the CEC apparatus shall be paid according to current legislation. Employees working on a term basis shall receive a 25% salary raise for the period they are suspended from their professional duties at the place of full time job.

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

Funds for the CEC activity shall be provided from the state budget. The Commission shall present annually, on a date indicated by the Ministry of Finance, the proposal on expenses for including in the state budget, that are related to Commission's functioning and holding elections including planned for the next budget year activities. When Commission's expenses are not provided for in the state budget the sums are determined by the Parliament at the proposal of Government.

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

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

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

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

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

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

- a) coordinate the activity of all election administration bodies to prepare and conduct elections, according to this Code;
- b) oversee the implementation of this Code's provisions and other laws that affect the conduct of elections;
- c) establish electoral districts and district electoral councils and supervise their activity;
- d) based on the data provided by the Ministry of Justice, publish the list of parties and other socio-political organisations entitled to run in elections, register electoral contestants and their authorized representatives in the event of parliamentary elections;
- e) distribute funds allotted for conducting elections; oversee the provision of district electoral councils and precinct electoral bureaus with offices, transportation and communication; and examine other issues of technical and material support for elections;
- f) establish the form of ballots and voter lists, the records of meetings of district electoral councils and precinct electoral bureaus and other documents for conducting elections; and design of ballot boxes and stamps for the electoral councils and bureaus;
- g) consider communications from public authority bodies on issues concerning the preparation and conduct of elections;
- h) resolve issues regarding participation in elections of those citizens who are out of the country at the time of voting;
- i) sum up the results of the elections in the entire country and, if necessary, submit a report on the elections results to the Constitutional Court;
- j) adopt decisions regarding activities of district electoral councils and precinct electoral bureaus, election procedures, elections organization and conduct, and technical and administrative issues;
- k) provide training for members of election administration bodies and employees of their apparatus as well as election information for voters through mass-media and any time upon request;
- l) consider statements and complaints regarding decisions and actions of district electoral councils and precinct electoral bureaus and adopt mandatory decisions thereupon;
- m) adopt decisions regarding the paid leave of electoral council members at their place of full time job for the time period of working with the electoral council and determines the number of precinct electoral bureau members who may get the paid leave at their place of full time job and the term of that leave;
- n) ensure conduct of the second round of elections, repeat elections, early, new or partial elections, pursuant to the provisions of this Code;
- o) collect information about citizen's participation in elections, sum up preliminary results and make final results public;
- p) in case of serious violation of present Code, submit a request to Supreme Court of Justice to cancel registration of respective electoral contestant adopting in this sense a decision. Supreme Court of Justice shall examine the request and adopt a decision in 5 days, but not later than the day before elections.

(2) During the electoral campaign, the CEC has a right to exercise its competences regardless members-representatives entitled to consultative vote have been appointed..

## Section II. Electoral Districts and District Electoral Councils

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

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

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

(3) In local elections and referendum, the district electoral councils are formed on the basis of proposals submitted by first or second level local councils, and when there are no such proposals, the Central Election Commission will appoint persons competent in elections. To the extent possible, individuals having higher legal education shall be appointed to district electoral councils.

(4) Candidatures for 2 members of the district electoral councils are nominated by district courts, for the other 2 members, in case of local elections - by the local councils of the first level and, respectively, second level. The candidatures of the other members with the right of deliberative vote are nominated by the parties and other socio-political organizations represented in Parliament at the date when the electoral district councils are constituted, proportional to the mandates hold in Parliament. The members of the district electoral council nominated by the district court and by local councils may not be counsellors in local councils and members of parties.

(5). In case when the parties and other social-political organizations did not nominate their candidatures for the district electoral council at least with 7 days before the deadline of its establishment, the positions assigned to them are filled by the local council. In case when the district electoral council has the function of the precinct electoral bureau, its members nominated by the parties and other social-political organizations represented in Parliament may not be the members of parties.

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

(7) Within four days of the date of its establishment, district electoral councils shall make public the names of their members, the location of their office and contacts details.

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

(9) District electoral councils shall be assisted by an apparatus whose personnel shall be approved by the Central Election Commission, at the recommendation of the district electoral council. For the time period of leave from their place of full time job, employees shall receive a 25% salary increase.

## Article 28. Responsibilities of District Electoral Council

District electoral councils shall have the following responsibilities:

a) supervise the implementation of this Code and other laws affecting the elections administration;

- b) establish electoral bureaus and supervise the activity of precinct electoral bureaus; train their members, promote voting procedures and the importance of the vote;
- c) distribute allotted financial funds among precinct electoral bureaus;
- d) examine communications of local public administration bodies, directors of state entities, institutions and organizations regarding administration and holding elections;
- e) exercise control over the timely compilation and verification of the voter lists, co-operating with central and local public authorities and territorial units of the Ministry of Information Development and Communication;
- f) provide precinct electoral bureaus with forms of voters lists, protocols and ballots, etc.;
- g) register independent candidates and lists of candidates from political parties, socio-political organizations and make public that information;
- h) ensure public access to the candidates' declarations of income and property during local elections;
- i) adopt decisions on paid leave from the place of full time job for the members of district electoral councils and precinct electoral bureaus for the period of their work within district electoral council, precinct electoral bureaus;
- j) carry out tabulation of the results' process for the district, submit related documents to the Central Election Commission and ensure tabulation of the results' publication in the local press;
- k) collect information from the precinct electoral bureaus about citizen participation in elections and elections' preliminary results and submit them to the CEC;
- l) consider statements and complaints about decisions and actions taken by precinct electoral bureaus, and adopt mandatory decisions regarding them;
- m) take other actions related to the organization and conduct of elections.

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

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

- (1) To conduct voting and count the votes, electoral districts shall be divided into precincts.
- (2) Precincts will be established by district electoral councils in localities based on the recommendation of mayors of villages (communes) and towns (municipalities) no later than 35 days before elections. Each precinct shall have no less than 30 and no more than 3,000 voters. In elections at any level and in republican referendum, precincts shall be established in the same term.
- (3) Special precincts may also be established at hospitals, sanatoriums, maternity hospitals, asylums and homes for elderly. Such precincts must have no less than 30 voters.
- (4) Military personnel shall vote at precincts of that locality where military units are located.
- (5) In parliamentary elections and republican referendums, precincts shall also be established at Moldovan diplomatic and consular missions for workers of these representatives and members of their families, as well as for Moldovan citizens who are in these countries, regardless of their number. These precincts shall be considered as parts of the electoral district of Chisinau Municipality.
- (6) In new local, partial local elections and local referendum, when the second level district electoral council is not established, it is the district electoral council of the first level that shall establish the precincts and their electoral bureaus.
- (7) A district electoral council shall number its precincts and make information available about the borders of each precinct, the polling station and precinct electoral bureau location, the contact details of bureau.

(8) Precincts shall be ordered alphabetically starting with the locality where the district electoral council is situated, continuing with those in municipalities, towns, town sectors, and after that with those in communes and villages.

(9) Local mayor's office shall provide information and necessary assistance to precinct electoral bureaus to ensure proper responsibilities implementation as stipulated in this Code.

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

(11) 3 candidatures of members to the precinct electoral bureau are nominated by the local councils. The other members of the precinct electoral bureau with a deliberative vote are nominated by parties and other socio-political organizations represented in the Parliament at the date of its establishment, proportional to mandates they hold. Members of the precinct electoral bureau may not be counselors in the local councils and members of a party. In case when the parties and other social-political organizations did not nominate their candidatures for the precinct electoral bureau at least with 7 days before the deadline of its establishment, the positions assigned to them are filled by the local council.

(12) The precinct electoral bureau shall elect, within two days of its establishment, from among its members a chairperson, a vice-chairperson and a secretary of the bureau, shall immediately notify the district electoral council of its decision, and shall make public personal composition of electoral bureau, its location and contact details.

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

(14) To ensure the enjoyment of right to vote, the Central Election Commission may establish precincts and precinct electoral bureaus in other instances as well.

### Article 30. Responsibilities of Precinct Electoral Bureaus

Precinct electoral bureaus shall have the following responsibilities:

- a) together with public administration bodies provide for the review of voter lists, ensure integrity of the lists and ballots, and be responsible for their correct and complete compilation;
- b) consider statements about mistakes in voter lists, make changes in them, and issue Absentee Vote Certificates to voters who will not be at the place of residence on election day;
- c) compile supplementary voter lists with persons presenting Absentee Vote Certificate, as well as voters who, for various reasons, were not included on the main voter lists;
- d) notify the public residing within the precinct about the election day and the location of the polling station, prepare the polling station premises for voting and install ballot boxes and voting booths; organize voting on the elections day, ensure public order in the premises of the polling station;
- e) tabulate election results in the precinct, complete the protocols and reports, and submit them along with all ballots to the district electoral council;
- f) consider statements and complaints regarding elections administration and voting organisation, and adopt decisions in that regard which shall be attached to the electoral bureau meetings' protocols;

- g) provide the district electoral council with data regarding citizens participation in elections, as well as the data required for tabulation of the preliminary results of the elections;
- h) exercise other responsibilities according to this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The member of the electoral council or bureau shall be excluded from its composition:

upon personal request;  
upon recall.

(2) The institution or the electoral contestant who nominated or appointed a member to the electoral council or bureau shall have the right to recall that member providing in writing explanation of that need.

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

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

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

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

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

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

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

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

(2) The amount of these expenses shall be established by Parliament within the limits of the provisions of the law on the state budget for the year when the elections are conducted. The respective proposals shall be submitted by the Central Election Commission to the Government. The Government shall examine the proposals and then present them to Parliament for approval.

In the event that the expenses are not foreseen in the ongoing year budget, their amount shall be established by Parliament, at the proposal of the CEC.

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

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

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

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

(7) State mass media shall publish, free of charge, statements and materials presented by the electoral councils, electoral programs of electoral contestants, and other election-related materials, including materials designed for civic education or raising voter awareness.

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

(1) Direct or indirect funding or material support of any kind for the electoral campaign of candidates in an election and electoral contestants by foreign countries, foreign, international or joint enterprises, institutions, organisations, as well as by natural persons who are not citizens of the Republic of Moldova is prohibited. Such funds shall be confiscated to the state budget.

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

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

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

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

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

(4) Electoral contestants who fail to receive at least three percent of the valid votes cast in the election throughout the republic, or in respective district, including the independent candidates



who were not elected, shall pay back state loans received within two months of the voting closer. Other electoral contestants shall pay back the state loans within four months.

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

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

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

a) financial or other support for the candidates in elections, within one month of the announcement of the campaign period, shall be declared in the press, including a newspaper of Republic-wide circulation in the case of independent candidates or lists of candidates in parliamentary elections, or a newspaper with regional circulation in respective rayon, in the case of independent candidates or lists of candidates in local elections;

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

(2) Electoral contestants shall open a bank account, specified as an "Electoral Account", to which the participants shall transfer their own money, funds granted by natural and legal entities of the country. These funds may only be transferred into the account with the candidate's prior consent. The ceiling of funds to be transferred to the electoral accounts shall be established by the CEC.

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

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

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

a) citizens of the Republic of Moldova under the age of 18 years;

b) state budget organizations;

c) anonymous persons;

d) charity or religious organizations.

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

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

(8) Electoral contestants shall submit once a fortnight financial reports to the competent election administration bodies, which will include data on the income and expenses to destinations.

(9) The bank shall notify the Central Election Commission and the respective district electoral council of the funds transferred to a contestant's account within 24 hours of the day of the transfer. The CEC or the district electoral council may request the Court of Accounts or the State

Tax Agency along the Ministry of Finances to verify the sources of income, the accuracy of financial report and expenditure to destination by electoral contestants.

(10) The Central Election Commission or district electoral councils shall maintain a file including all the data referred to in this Article, and shall make the file available to the public for information purposes. In addition, a competent election administration body shall summarize this information on a weekly basis and issue a weekly report on the amount of contributions received by each electoral contestant, and the sources from which it has been received. The respective election administration body shall release its final pre-election report two days prior to election day, and shall also prepare a final report summarizing all the information it has received concerning the amount and sources of contributions to the electoral contestants.

## **Chapter 5. Voter Lists**

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

(1) Voter lists shall be compiled by the each local mayor's office for every polling station in two copies and include all the citizens with the right to vote who has residence in the given precinct at the time of voter lists compilation. After compilation, the voter lists are checked with voters who are on the lists, at their domicile. Then the voter lists shall be signed by the mayor and made public no later than 20 days before the election day.

(2). Persons with right to vote who after last participation in the elections change their place of residence have the right at least with 45 days before the new elections to declare their new place of residence to the local public administration authority in order to be written in voter list for the polling station where they have new place of residence.

(3) The local public administration authorities shall update every year (after January, the 1<sup>st</sup>) the voter lists by visiting the voters' domicile and shall submit the respective information at the Central Election Commission no later than March 1.

(4) The voter lists shall include the voter's last name and first name, year of birth, place of residence, series and number of the voter's identification document. The order on the lists shall be established by the local mayor's office.

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

(6) Voter lists of precincts established at rest houses, hospitals and other curative institutions shall be compiled on the basis of statement of residence submitted by the voter or data presented by the heads of the above-mentioned institutions.

(7) Voter lists of precincts constituted outside the Republic of Moldova shall be compiled on the basis of data collected by heads of diplomatic missions and consular offices who operate on the territory of the respective countries. At the beginning of the electoral period, diplomatic missions and consular offices shall make public the voter lists and update them. The updating procedure of voter lists shall close 7 days before the elections. Updated voter lists shall be sent without any delay to the Central Election Commission.

(8) A voter may be included in only one voter list and at only one precinct, based on acts attesting his/her domicile within the territory of respective precinct. A voter who has a domicile

and a residence at the same time, in the period of the residence's term validity, is included in voter list of precinct where he/she has his/her residence.

(9) When a voter changes his/her residence in the period between the day of voter lists compilation and the election day, the precinct electoral bureaus, at the voter's request and upon presentation of his/her ID, passport or some other document of identification, shall issue Absentee Vote Certificate. The voter who obtains Absentee Vote Certificate shall sign the voter list next to his/her name to confirm that fact.

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

(1) Twenty days before elections the voter list shall be displayed for public scrutiny at polling stations. One copy of the voter list shall be kept at the local mayor's office. Not later than twenty days prior to elections, voters shall be notified of the location of the polling station where they must vote.

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

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

#### Article 41. Candidates Nomination

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

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

a) Parties and other socio-political organizations legally registered prior to the announcement of elections, in accordance with their statutes and current legislation;

b) *excluded*

c) Citizens of the Republic of Moldova who nominate themselves for elections (independent candidates).

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

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

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

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

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

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

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

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

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

(6) The individual who collects voters' signatures must sign every sheet of the signature list in the presence of the head of local public administration authority where signatures were collected. Signature collectors shall write at the end of each sheet an attestation to the effect that the collector personally collected the signatures and confirmed the identity of the persons whose names appear on that sheet, and sign the sheet. The signature list shall be certified on each sheet with the official stamp of the respective local public administration authority.

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

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

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

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

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

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

#### Article 44. Registration of Candidates

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

- a) an official record of the meeting of the supreme or territorial body of the party, other socio-political organisation regarding the nomination of the candidate (list of candidates);
- b) signature collecting sheets with the required number of signatures in support of independent candidates;

- c) candidate's background (curriculum vitae);
  - d) candidate's statement of agreement to run for the office for which his/her candidacy has been nominated;
  - e) candidate's declaration stating his/her real estate, bank deposits, stocks, inherited income, income over the two years preceding the election year, and the sources of that income, including income derived from investment funds as interests, lease of property, etc.
  - f) candidate's declaration for mayor's position to recall from any activity incompatible with that position for the duration of the mayor's mandate, in the event of his/her election and mandat's validation.
  - g) declaration on suspension from previously held position, for the time period of electoral campaign - for the persons who fall under the provisions of paragraph (3) of Article 13.
- (2) Representatives of parties and other socio-political organisation and independent candidates shall submit the documents for registration only after the Central Election Commission, respective district electoral councils make public the place (office) and time of receiving those documents. This information shall be made public within two days of the launch of candidate's nomination period. Period of time between adoption of a decision concerning the place and time of receiving documents and the established in decision the time itself shall be not less than 24 hours. If representatives of several political parties, other socio-political organisation, several independent candidates simultaneously submit all the necessary documents for registration, the order or receiving them shall be established by lots in accordance with the regulations drawn up by the Central Election Commission and published in the Official Monitor of the Republic of Moldova.
- (3) Respective election administration body shall register candidates for elections within seven days of the date of submission of the documents indicated in paragraph (1).
- (3<sup>1</sup>). A person may run for different elective positions being nominated by only one party.
- (4) Nominated for elections candidates may not be engaged in neither composition no activities of any district electoral council or precinct electoral bureau during the period of that elections.
- (5) Respective election administration body shall issue a certificate of candidacy to registered candidates in shortest term but no later than three days of the day of registration.
- (6) Respective election administration body shall make public in budget funded mass media its decisions on registration of independent candidates or lists of candidates.
- (7) Upon expiration of the term for candidates' registration respective election administration body shall publish the integral list of registered candidates, providing the name, surname, year of birth, place of residence, political affiliation, profession (occupation), and the name of the party, socio-political organisation that has nominated them. Lists of candidates shall be available for public awareness at any polling station.

## **Chapter 7. Electoral Campaign**

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

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

- (2) Electoral contestants shall independently choose their authorized representatives and notify the respective election administration bodies, which shall register and certify them.
- (3) Authorized representatives of contestants in parliamentary elections shall be registered by the Central Election Commission. In elections for mayors and councillors in local councils, authorized representatives of candidates shall be registered by the respective district electoral council.
- (4) Electoral contestants may, at any time before the day preceding elections, suspend the representatives' authority, and replace him/her with other persons.
- (5) Authorized representatives of electoral contestants, upon request, shall be granted unpaid leave from the place of full time employment . They may not get paid from funds allotted for the conduct of elections. For the electoral period authorized representatives may not be fired or dismissed from their responsibilities at the place of full time employment without their consent.
- (6) Authorized representatives of electoral contestants holding public offices shall not use public funds and property for electoral campaigns.

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

- (1) The electoral contestants shall participate in the electoral campaign on an equal basis and shall have equal access to mass media, including radio and television, financed by the state budget.
- (2) All electoral contestants shall be guaranteed equal opportunities for technical and material support and funding of the electoral campaign.
- (3) Candidates are entitled for temporary unpaid leave from the place of their full time employment for the period of holding the electoral campaign.
- (4) In parliamentary elections candidates may use all state-owned means of transportation (except taxi) within the country borders free of charge. In local elections candidates shall exercise this right within the borders of respective electoral district only.
- (5) During the electoral period, candidates may not be fired or transferred to another place of work or position without their consent. Also they may not be held criminally liable, arrested, detained or subjected to any administrative sanctions without the consent of the election administration body which registered them, with exception of arrest in flagrant delict.
- (6) Electoral contestant may, no latter than seven days prior to election, withdraw his candidacy by addressing in writing a declaration to this effect to the election administration body which registered his candidacy. Parties, socio-political organizations may introduce any amendments in registered lists of candidates subject to specified term and provision of Articles 79 and 126. Upon expiration of the above mentioned term, the registration of electoral contestant can be cancelled only by the election administration body that registered him on the basis of the court of law decision, and also in case of electoral contestant's death or emergence of conditions of Article 13, paragraph (2).
- (6<sup>1</sup>) Candidate's application to be withdrawn from the list of electoral contestant submitted during the term established by paragraph (6) shall be examined by respective competent party' body within 3 days.

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

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

#### Article 47. Pre-election Campaigning

(1) Citizens of the Republic of Moldova, parties and other socio-political organizations, candidates and authorized representatives of candidates have the right to put forward for free discussion all aspects of candidates' electoral programs and platforms, political and professional competences of the candidates, their personal qualities; and to campaign for or against candidates in elections at meetings, reunions, meetings with the electorate, using means of mass media and other forms of communication except for those that disturb public order or are unethical. Pre-election campaigning for an electoral contestant is allowed only after his/her registration with an election administration body.

(2) During electoral campaigns, public broadcasting institutions shall provide free of charge air time, within the limits set by Central Election Commission, to electoral contestants for public debates. In case of paid electoral advertisement, electoral competitors shall be offered broadcasting space that does not exceed two hours for the entire electoral campaign, inclusively no more than two minutes per day for each institution. For the purposes of placement of paid pre-election advertising, each electoral contestant shall be provided with air time not exceeding two hours for the entire electoral campaign, including no more than two minutes per day for each broadcasting institution.

(3) Private broadcasting institutions may organize, under conditions equal for all electoral contestants, debates during roundtables inviting representatives of all electoral contestants to the same show or grouping them according to certain criteria previously announced by the Central Election Commission. Time of all electoral contestants' speeches shall be recorded during the show, all electoral contestants shall be provided with equal time. Electoral contestants shall be informed on the time of broadcasting respective shows seven calendar days prior to each broadcast, their schedule is approved by the Central Election Commission. The air time allocated for paid pre-election advertising at each institution shall not exceed two minutes per day for each electoral contestant.

(4) During pre-election debates outside free air time it is prohibited to air the election advertising on the activity of the electoral contestants or with their or their authorized representatives' participation, as well as the spots and TV or radio reports on electoral contestants meetings with the voters or on working visits to enterprises' employees of those electoral contestants who hold head positions at republican or rayon level. No electoral contestant shall be entitled to privileges due to the offices they hold.

(5) Electoral contestants shall be liable for the content of published, distributed or aired election advertising. Each advertising material shall bear the name of the electoral contestant, date of publishing, number of copies, name of the Publishing House.

(6) Public or private audiovisual institutions shall provide equal opportunities for electoral contestants to buy air time, including the condition of equal fees' establishment. Conditions of booking air time and respective fees shall be announced seven calendar days prior to the broadcast of respective show. Fees for the air time provided to electoral contestants may not

exceed fees for the commercial advertising. Air time for electoral advertisement shall be provided at the same broadcasting hours.

(7) During the electoral period, all TV shows with analytic, informative, entertaining or any other character, which are relevant in one way or another to the electoral contestants, are broadcasted under the provisions of the respective Concept and Regulation. All TV or radio broadcasts that are directly or indirectly relevant to the electoral contestants shall be aired only under the topic "Electoral Campaign" ("Electoral" in the original), for recording the air time provided. If damages to the reputation of one of the electoral contestants are brought outside the "Electoral" broadcasts, he may immediately enjoy the right of reply on the same conditions.

(8) On election day, prior to closing polling stations mass media shall refrain from announcing and broadcasting survey results on votes cast "for" or "against" electoral contestants, or abstention from voting.

(9) Refusal to broadcast or publish, which were to be done under this Code, electoral advertising free of charge or against fee may be appealed in court.

(10) Electoral contestants may organize meetings with the electorate. Electoral councils and bureaus and local public administration authorities shall ensure that organisation of such meetings is provided on equal terms and conditions to all contestants.

(11) For the time period of electoral campaign, as well as for the time period of conducting a referendum, air time provided to Parliament, Presidency, and Government press service may not be used for pre-election campaigning or campaigning for or against the issues put up for referendum.

(12) Upon registration of electoral contestants by the respective election administration body, they shall have the right to post their electoral posters, which content shall meet law or ethics provisions. The equal terms and conditions for electoral advertisement placement on electoral billboards, including private ones, is approved by the Central Election Commission and made public at the same time with commencing of electoral period.

(13) Local public administrative authorities are obliged, within 3 days of the date of electoral contestant's registration, to establish and guarantee a minimum of special places for electoral posters, to establish the least number and places of premises for organizing and holding meetings with the voters. The respective decisions (public administration act) are immediately posted at headquarters of these authorities and are brought to attention of concerned subjects through mass media and other communication means at disposal.

(14) Any election campaigning on election day and the day preceding the elections is prohibited.

(15). Election campaigning on Internet and via mobiles telephone shall be seen as electoral campaigning in mass-media.

## **Chapter 8. Ballot Preparation**

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

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



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

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

(4) In the left side of each rectangle shall be printed the electoral sign or the symbol of the electoral contestant that nominated the list of candidates or respective candidate, or, optionally, the electoral symbol of the independent candidate. The contestant's electoral sign and symbol shall be presented to competent election administration body together with other documents for registration of electoral contestant.

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

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

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

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

(1) Ballots shall be printed according to instructions of respective election administration bodies. Members of election administration bodies and members-representatives of electoral contestants may assist during the mock-up proofs for ballots preparation, their printing and destroying.

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

(3) Printed ballots shall be stored by the responsible district electoral council and delivered to precinct electoral bureaus on the eve of elections based on an act of delivery. In case of precincts established outside the Republic of Moldova the Central Election Commission shall send ballots with at least three days prior to elections. The number of sent ballots shall be based on the number of voters included in the updated voter lists, with allowed 5 percent reserve.

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

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

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

## Chapter 9. Voting

## Article 50. Time and Place of Voting

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

## Article 51. Voting Conditions

(1) During the time allotted for voting neither the polling station place nor the voting process may be closed, with the exception of cases of mass disorders, natural disasters, or other unforeseen circumstances which make conducting the elections impossible or dangerous for the voters. In such cases the chairperson of the precinct electoral bureau may suspend voting for no more than two hours to bring the polling station place to its proper state or move it to other place, having notified the voters of this fact.

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

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

## Article 52. Organization of Voting

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

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

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

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

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

## Article 53. Voting

(1) Every voter must vote in person. Voting for other individuals is not allowed. The precinct electoral bureau shall hand out ballots to voters based on the voter list, only upon the presentation of an identification document. Voters shall confirm receipt of the ballot by signing the voter list next to his/her name.

(2) Citizens residing on the territory of the precinct not included in the voter lists shall be entered on a supplementary voter list upon presentation of an identification document confirming their place of residence within the precinct. Citizens who have presented the precinct electoral bureau an Absentee Vote Certificate shall be included on the same supplementary voter list. The Absentee Vote Certificate shall remain at the precinct electoral bureau and shall be attached to the supplementary voter list. The voters who are not included in voter lists compiled at the polling station established outside the Republic of Moldova may be included in supplementary voter list which shall contain:

- a) the surname and name of a voter;
- b) date and place of birth;
- c) the last place of permanent residence in the Republic of Moldova.

(3) The voting is done upon presenting of one of the following identification documents:

- a) identity card of a citizen of the Republic of Moldova accompanied by a slip which certifies the domicile or residence on the territory of respective polling station;
- b) ex Soviet passport of 1974- type, with inscription on citizenship of the Republic of Moldova, on a state identification number of natural person (IDNP) and mentioning the place of residence;
- c) ex Soviet passport of 1974-type without inscription on a state identification number of natural person (IDNP), with inscription "valid with no fixed term" and also with citizenship of the Republic of Moldova and mentioning the place of residence – for persons who refused to have identification document of the Republic of Moldova because of religion;
- d) temporary identity paper of F-9 type with inscription on the citizenship of the Republic of Moldova and domicile of holder;
- e) passport of a citizen of the Republic of Moldova for passing the border of RM, sailor's card - at the polling stations established abroad, in case of parliamentary elections or national referendum;
- f) military ID card for serving military personnel, civil service card issued by Civil Service Center for persons at civil service.

(4) The chairperson and precinct electoral bureau members shall vote at the polling station where they conduct their activity, and, if necessary, shall be entered to supplementary voter lists based on the Absentee Vote Certificate.

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

#### Article 54. Balloting Procedure

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

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

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

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

(5) *Excluded*

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

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

Article 55. Voting Security

(1) At 07:00 a.m. on election day the chairperson of the precinct electoral bureau, in the presence of no less than half of the members of the bureau, shall check the ballot boxes and seal them. The chairperson shall also check the integrity of voter lists, ballots, and stamps, and file a protocol on opening of polling station in two copies. That protocol shall be signed by all present members of the precinct electoral bureau, one of the copy is introduced into the ballots box, after that bureau's chairperson shall announce the voting opening.

(2) Ballots shall be stored in a secure place at the polling station, packed in plies of 100, and shall be issued by the precinct chairperson to members of the bureau for handing out to voters whenever necessary.

(3) Members of the precinct electoral bureau as well as members-representatives of the electoral contestants and persons authorized to observe the electoral procedures shall be obliged to have and put identification badges so people may recognize them. Persons who enter polling stations shall be prohibited from wearing or displaying any emblems, badges or other symbols related to electoral campaign.

(4) If, for health or other well grounded reasons, the voter is unable to come to the polling station, the precinct electoral bureau, at his/her oral or written request, shall delegate no less than two members of the bureau with a special ballot box and all electoral materials necessary for voting to the place of voter's residence to conduct the voting. Oral or written requests may be submitted no earlier than two weeks prior the election day and not later than 3 p.m. on the election day. The voting at the place of voter's residence is based on the voter list compiled by the precinct electoral bureau according to voters' requests. Persons who are not included in such voter list have no right to vote at the place of residence. On the voter list at the polling station next to the name of such persons a note shall be made "Voted at the place of residence" ("Votat la locul aflarii" in the original).

(5) Individuals being detained on the basis of an arrest order until a court sentence is pronounced, individuals sentenced to imprisonment under a court decision which has not taken legal force, and individuals under arrest for committing an offence shall also vote following the procedure described in paragraph (4).

(6) In the event the chairperson of the precinct bureau authorizes a special ballot box to be taken out the polling station, he/she shall announce this fact, as well as the voter list that requested to vote at place of residence beforehand, to the members-representatives of electoral contestants and the individuals authorized to observe electoral procedures, who are offered the opportunity to accompany the mobile box using their own transportation if necessary.

(7) The responsibility for maintaining order on election day in the polling station and territory adjacent to it within a radius of 100 meters shall be assigned to the chairperson of the precinct electoral bureau. The decisions he/she makes to maintain order shall be mandatory for all.

(8) The following individuals are entitled to be present during the meetings of election administration bodies, votes' counting and tabulation, electoral activities related to voter lists, ballots, Absentee Vote Certificates, and filing the protocols of elections and referendum results and tabulation:

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

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

(9) It shall be strictly prohibited for anyone to enter a polling station with a firearm or bladed weapon. A security officer may enter the premises of the polling station only upon request of the chairperson of the precinct electoral bureau to assist in reestablishing legal order.

### **Chapter 10. Vote Counting**

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

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

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

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

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

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

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

(7) According to a procedure determined by the precinct electoral bureau, or upon instructions provided by the Central Election Commission or competent district electoral council, members of the precinct electoral bureau shall unfold the ballots and determine for which electoral contestant the ballot was cast. The ballots for each electoral contestant shall be counted and packed separately, and the results of the counting shall be entered on a special counting sheet as they are determined and are communicated to superior election administration body.

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

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

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

#### Article 57. Invalid Ballots

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

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

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

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

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

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

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

- a) the number of voters included in the voter list;
- b) the number of voters included in supplementary voter lists;
- c) the number of ballots issued to voters;
- d) the number of voters that voted;
- e) the number that reflects the difference between the number of ballot issued and the number of people who voted;
- f) the number of invalid ballots;
- g) the number of valid votes cast for each electoral contestant (for each issue put up for referendum);
- h) the total number of valid votes cast;
- i) the number of ballots received by precinct electoral bureau;

j) the number of unused and cancelled ballots.

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

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

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

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

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

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

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

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

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

a) the number of voters included in the voter lists;

- b) the number of voters included in supplementary voter lists;
  - c) the number of ballots issued to voters;
  - d) the number of voters that voted;
  - e) the number that reflects the difference between the number of ballot issued and the number of people that voted;
  - f) the number of invalid ballots;
  - g) the number of valid votes cast for each electoral contestant (for each question put up for referendum;
  - h) the total number of valid votes cast;
  - i) the number of ballots received by district electoral council;
  - j) the number of unused and cancelled ballots.
- (3) The district electoral council shall then draw up a record (protocol) on vote tabulation throughout the entire electoral district. This record shall be signed by all members of the district electoral council, who shall also have the opportunity to have whatever comments they wish to make attached in writing to the record. Copies of the record on vote tabulation shall be handed over to the representatives of electoral contestants and observers upon request.
- (4) The district electoral council shall submit the record of its vote tabulation in the district to the Central Election Commission within 48 hours of the closing of the polling stations. When submitting the protocol to the Central Election Commission, the district electoral council posts at the entrance of its office the table with the detailed information concerning the district elections results.

#### Article 60. Tabulation of Results by the Central Election Commission

- (1) In the event of parliamentary or local elections, or republican referendums, based on the documents received from district electoral councils the CEC shall prepare within five days a protocol that includes the following:
- a) the number of voters included in the voter lists;
  - b) the number of voters included in supplementary voter lists;
  - c) the number of ballots issued to voters;
  - d) the number of voters who voted;
  - e) the number that reflects the difference between the number of ballot issued and the number of people that voted;
  - f) the number of ballots declared invalid;
  - g) the number of valid votes cast for each electoral contestant (for each question put up for referendum;
  - h) the total number of valid votes cast;
  - i) the number of printed ballots.
- (2) The CEC shall introduce the final voting results on entire country in a protocol, which shall be signed by all members of the Commission, and shall prepare the report on the election results. Copies of the final results protocol shall be handed over to representatives of the electoral contestants and observers upon request.
- (2<sup>1</sup>) In case of disagreement with preliminary voting results, before validation of the results by the competent bodies electoral contestants may apply to these bodies a request to recount the votes.
- (3) In parliamentary elections the documents mentioned in paragraph (2) shall be submitted to the Constitutional Court for confirmation of elections' results and validation of mandates for members of Parliament.

#### Article 61. Announcement of Preliminary Results



(1) Prior to receiving voting results from all subordinate electoral councils and bureaus, the election administration body responsible for tabulation shall periodically announce partial results upon their reception as soon as possible.

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

(3) Responsible for tabulation shall be:

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

#### Article 62. Storage of Election Documents

(1) The Central Election Commission shall keep the electoral records and materials in accordance with the Law on State Archive Fund of the Republic of Moldova .

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

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

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

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

#### Article 63. Observers

(1) At the request of any electoral contestant, the district electoral council shall accredit an observer for each polling station to monitor the elections. The authorized representatives of candidates may also be accredited as an observer. In the event the district council finds that an

individual proposed for accreditation under this paragraph is unacceptable, it shall inform the electoral contestant who proposed that person of its reasons.

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

(3) The Central Election Commission shall accredit the representatives of international organizations, foreign governments and non-governmental organizations as observers.

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

(5) Observers accredited by the Central Election Commission shall have the right to monitor election process on the territory of entire country and at all polling stations but observers accredited by district electoral councils shall have that right only on the territory of respective district. Accredited observers are entitled to attend any electoral procedures and meetings of electoral administration bodies, including on the election day, without interfering with the voting process or other election procedures, and to report any irregularities observed to the chairperson of an electoral bureau.

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

#### Article 64. Mass Media Coverage of Elections

(1) During electoral campaign, mass media shall cover elections pursuant to Regulation adopted by the CEC.

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

(3). During the electoral period, any polls regarding the political preferences of voters shall be carried out only after prior notification of the Central Election Commission. The results of these polls shall be made public not later than 5 days before the election day. On the elections' day, before closing of polling stations, it is prohibited to publish in mass media, throughout the whole day, the materials including interviews with the voters, about the number of votes obtained by the electoral contestants, their chances, as well as the results of exit-poll. The competent organizations that intent to hold the exit-polls shall coordinate their activity with the Central Election Commission, which shall elaborate general rules in this domain.

(4) Mass media shall broadcast, at the Central Election Commission's request, social, civic and electoral education video; carry out voters awareness campaigns concerning voting procedures and other elections topics.

(5) Public broadcasting institutions are obliged, whereas the private ones have the right, at the Central Election Commission's request, to organize public debates, during the entire electoral

campaign, in equal conditions for all the electoral contestants who are offered for debates not less than 90 minutes per day, time that can be used for one or more TV or radio broadcasts.

(6) The broadcasting institutions have the right to choose the format of the debates under the condition of respecting the equality among all the electoral contestants upon providing equal air time within debates.

## **Chapter 12. Judicial Proceedings**

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

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

(1) Any voter or any electoral contestant may file a complaint against a decision or action (inaction) of electoral council and bureau, action (inaction) of electoral contestants to electoral administration bodies respecting their hierarchy system or to court of law.

(2) A complaint shall describe the reasons of its filing and the evidences of violations. Complaint shall be signed by and bear the identity data of the complainant.

#### **Article 66. Submission of Complaints**

(1) Actions and decisions of electoral administration bodies may be complaint about within three days of the action or decision complained of.

(2) Complaints against decisions and actions of the precinct electoral bureaus and district electoral councils shall be filed with the court of law where the respective electoral council or bureau is located.

(3) Complaints against actions and decisions of the CEC shall be filed with the Court of Appeal of Chisinau.

#### **Article 67. Consideration of Complaints**

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

(2) Complaints against actions and decisions of district electoral councils or precinct electoral bureaus shall be considered and adjudicated within 3 days of filling, but no later than election's day.

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

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

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

#### **Article 68. Courts Rulings on Complaints**

(1) A court of law shall rule under the Code of Civil Procedure and Law on Administrative Jurisdiction.

(2) After examining the materials regarding confirmation of elections' legality and validation of mandates, a court shall rule on confirming legality of elections in respective district, validate mandates of the elected councilors and mayors, as well as the list of candidates for councilors' position.

(3) In the event that a court has confirmed legality of elections, but tabulation errors are found in protocols, the court shall, on its own initiative, or at the request of contesting part, annul, totally or partially, the protocol and shall exclude the electoral contestant with a smaller number of valid votes, replacing him/her with the electoral contestant with a greater number of valid votes according to decreasing order of numbers after votes are divided by a number of mandates .

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

(5) Court rulings shall be final and binding for execution upon its adjudication.

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

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

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

### **Article 69. Legal Penalties**

(1) Individuals who, by violence, deceit,, threat, forgery or other method prevent citizens from freely exercising their voting rights; purposefully disseminate false information about electoral contestants; commit any other action against the honor and dignity of candidates; conduct electoral propaganda on the day preceding the elections and on the day of elections; hinder the activity of electoral councils and bureaus or the voting at polling stations shall be held accountable according to current laws.

(2) For violation of the present Code the Central Election Commission may apply or may request application to the electoral contestants the following sanction:

- a) a warning;
- b) cancellation of registration.

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

4. A warning is applied for violation of the present Code, except Articles 70 and 71.

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

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

- a) preventing eligible voters to vote and to be elected and if the same actions are accompanied by causing serious injuries or a threat to life;
- b) falsifying elections' results by different techniques;

c) opening ballot boxes before the term established by law for voting closing;  
d) attacking the premises of the polling station, or stealing ballot boxes or electoral documents.  
(2) Criminal cases for crimes described in paragraph (1) shall be pursued by prosecution bodies.  
(3) The chairpersons of election administration bodies and other officials are obliged to inform the prosecution bodies immediately whenever they become aware of evidence that an action, which in their opinion includes elements of a crime, related to conducting elections has been committed.

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

#### Article 71. Penalties for Offences

Unlawful actions stipulated in articles 47 – 53 of the Code on Offences of the Republic of Moldova shall constitute offences and shall be subject to liability for the offences.

### **Title III.**

#### **Parliamentary Elections**

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

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

##### **Article 73. Parliamentary Elections**

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

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

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

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

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

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

##### **Article 75. Candidates for Parliamentary Elections**

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

(2)-(4) *excluded*

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

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

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

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

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

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

#### Article 78. Special Requirements for Signature Collecting Sheets

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

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

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

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

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

#### Article 79. Special Requirements for Candidates List Registration

The number of candidates included in the lists on the date of registration shall not be fewer than 51 persons and not greater than the number of seats in the Parliament, stipulated in the Constitution, with two reserve candidates.

#### Article 80. Amendments to Lists of Candidates

(1) Electoral contestants shall have the right to recall their candidacy, their entire list of candidates or cancel their decision to include any particular candidate on the list not later than 5 days prior to election day.

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

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

#### Article 81. Voter Lists

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

#### Article 82. Electoral Campaign during Parliamentary Elections

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

## Article 83. Ballots

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

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

## Article 84. Voting

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

## Article 85. Vote Counting and Tabulation of Results

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

## Article 86. Threshold for Winning Parliamentary Seats

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

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

- a) for a party or socio-political organisation - 5% of the valid votes cast in entire country;
- b) *excluded*

(3) Parties, other socio-political organizations obtained less votes than the percentage specified in paragraph (2) shall be excluded from the procedure of mandates' allocation by a decision of the Central Election Commission.

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

(1) The allocation of parliamentary seats to the electoral contestants shall be conducted by the Central Election Commission by dividing the number of valid votes cast for each electoral candidate, except for independent candidates, by 1, 2, 3, 4..., etc. up to the figure that corresponds to the number of seats in Parliament.

(2) Of the results of all divisions and of the number of valid votes cast for independent candidates, as many numbers shall be selected in descending order as there are mandates to be allocated. As a result, parties, other social-political organizations shall receive as many mandates as they own numbers selected in the descending order.

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

## Article 88. Mandates' Allocation

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



(2) If the last mandate to be allocated stands for more candidates with the same number of votes cast, the Central Election Commission shall allocate the mandate by drawing lots, which fact shall be recorded in a protocol.

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

(4) Individuals included on lists of candidates but not elected shall be declared candidates on reserve list. Candidate on reserve list shall be declared elected by the Constitutional Court in the event that, for certain reasons, a parliamentary mandate owned by a party, socio-political organization becomes vacant. Candidate on reserve list may refuse the parliamentary mandate by submitting a statement to that effect to the Constitutional Court.

(5) In the event that, after the election is held and the mandates are allocated, the electoral contestant who nominated a list of candidates is found not to have candidates on reserve list, the vacant mandates shall be allocated to the electoral contestants following next number according to the descending order.

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

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

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

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

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

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

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

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

#### Article 91. Invalid Elections

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

## Article 92. Null Elections

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

## Article 93. Repeat Elections

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

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

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

## Article 94. New Elections

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

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

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

## **Title IV.**

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

*Articles 95-117 are excluded*

## **Title V.**

### **Local Elections**

#### Article 118. Applicability of this Title

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

#### Article 119. Local Elections

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

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

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

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

(1) For conducting elections of local councils and mayors, each rayon, special status territorial-administrative unit, town (municipality), town sector, village (commune) shall constitute one electoral district. Town (municipality), sector, village (communal) electoral districts shall be established by the district electoral councils of the second level territorial-administrative units of the Republic of Moldova at least 45 days prior to election day.

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

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

## Article 121. Special Responsibilities of the Electoral Councils

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

## Article 122. Calling the Day of Election

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

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

## Article 123. Special Restrictions on Voting Right

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

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

## Article 124. Special Qualifications for Being Elected

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

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

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

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

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

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

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

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

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

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

#### Article 128. Voter lists

Voter lists for local elections shall be compiled pursuant to Chapter 5 (Articles 39-40), to be applied correspondingly. Amendments in lists of candidates are pursuant to Article 80, to be applied correspondingly.

#### Article 129. Electoral Campaign

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

#### Article 130. Ballots

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

#### Article 131. Voting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Article 134. Election of Mayor

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

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

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

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

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

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

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

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

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

#### Article 136. Invalid Elections

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

#### Article 137. Null Elections

The election shall be declared null if violations of this Code have been committed during the electoral procedures and affected the results of voting and mandates' allocation. The decision

concerning the declaration of elections null shall be adopted by the CEC based on the decisions by the respective courts.

#### Article 138. Repeat Elections

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

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

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

#### Article 139. New Elections

(1) New elections shall be declared if:

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

b) the mayor has resigned, was recalled or is not able to exercise his/her mandate any longer;

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

d) *excluded*

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

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

(2<sup>1</sup>) If one of circumstances specified in paragraph (1) occurred, the local public administration body shall notify in writing the Central Election Commission no later than within 10 days upon the date of such circumstance's occurrence.

(2) The new elections shall be called by the Central Election Commission no later than within 30-day period starting from the date the circumstances, mentioned in paragraph (1), are found, and no later than 60 days before the day of election.

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

#### Article 140. Partial Elections

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

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

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

### **Title VI. Referendum**

Article 141. Applicability of this Chapter

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

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

Article 142. Republican Referendum

(1) Republican referendum is being held to ensure people right to exercise citizens' power and the right to participate directly in the administration of public affairs.

(2) The vote in the referendum is universal, equal, secret and freely expressed, pursuant to the Constitution and this Code.

(3) The decisions adopted based on republican referendum have supreme legal power upon their confirmation by the Constitutional Court, and have binding effect everywhere on the territory of the Republic of Moldova.

Article 143. Types of Republican Referendum

(1) Upon the legal nature of question subject to referenda, republican referenda may be constitutional, legislative and consultative.

(2) The subject of constitutional referendum is the revision of the Constitution.

(3) The subject of legislative referendum are draft laws or some of their provisions of major importance.

(4) The subject of consultative referendum are the issues of national interest that are brought for consultations with public that further require final decisions making by competent public administration bodies. Questions proposed for consultative referendum shall be composed in neutral, unambiguous language, without suggesting the answers.

Article 144. Initiating Republican Referendum

(1) A republican referendum may be initiated by:

- a) at least 200,000 citizens of the Republic of Moldova eligible to vote. In case of constitutional referendum, provisions of Article 141 letter a) paragraph (1) of the Constitution shall be applied;
- b) no less than 1/3 of the members of Parliament;
- c) President of the Republic of Moldova;
- d) Government.

(2) Those mentioned in paragraph (1) may initiate any type of referendum provided in Article 143.

(3) If the referendum is initiated by those mentioned in paragraph (1) letter a), signature collecting sheets shall be attached to the proposal on initiating the referendum.

(4) The proposal on initiating the referendum shall include questions subject to referendum stated clearly, avoiding ambiguities, as well as the aim of holding the referendum and its suggested date. Issues running counter to each other shall not be subject to referendum.

Article 145. Restrictions Imposed on Holding a Republican Referendum



(1) A republican referendum may not be held in a country under a state of war, siege or emergency, nor within 120 days after the respective state is ended. If a date for referendum coincides with a day declared later as a date of war, siege or emergency state, then the referendum shall be cancelled *ex lege* or postponed, pursuant to the terms of holding referendum stipulated by this Code. The decision to postpone a republican referendum shall be adopted by the body which issued the decision to hold the referendum.

(2) Also a republican referendum may not be held in a period within 120 days before or after the day of parliamentary or local elections, as well as on the day of their, or the day of another referendum, conduct.

#### Article 146. Issues which May be Brought to Republican Referendum

(1) The following may be questions for republican referendum:

- a) adoption of the Constitution of the Republic of Moldova;
- b) approval of constitutional laws adopted by the Parliament revising provisions regarding the sovereignty, independence and unity of the state, as well as issues related to the permanent neutrality of the state;
- c) other essential issues of public and state interest.

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

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

The following shall not be submitted to a Republican referendum:

- a) issues related to the state budget, taxes;
- b) issues regarding amnesty or pardon;
- c) extraordinary or emergency measures for ensuring public order, health or security;
- d) electing, appointing or dismissing persons for/on/from positions which is the competence of Parliament, Government or President of the Republic of Moldova;
- e) issues of judicial and prosecution bodies competence.

#### Article 148. Initiating Referendum for Constitution Revision

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

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

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

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

(5) If both Parliament and citizens at the same time initiate the revision of the same Constitution provisions, the parliamentary procedure to examine the said provisions shall close.

## Article 150. Parliament or President Decree on Calling Republican Referendum

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

- a) calling the referendum within at least 60 days of decree's adoption;
- b) rejecting proposal on holding a referendum, in case the latter is initiated by members of Parliament;
- c) on solving the issues proposed for referendum without further conducting it.

(2) In the Parliament or President delieverance decreeing the republican referendum shall be stated the date of holding referendum, name of the draft law or draft decree to be adopted, and questions subject to referendum.

## Article 151. Calling the Referendum

(1) The date of republican referendum shall be called by Parliament decree if the initiative to hold the referendum belongs to citizens or members of Parliament or by the President of the Republic of Moldova if the initiative to hold the referendum belongs to him/her and has consultative effect.

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

## Article 152. Initiation of Republican Referendum by Citizens

(1) To initiate a republican referendum citizens shall establish a citizen initiative group at meeting attended by at least 300 citizens eligible to vote. No later than 10 days before the meeting, the initiators shall notify in written form the local public administration authority of the locality where the meeting shall be held, time, place, and purpose of that meeting.

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

(3) A chairperson and a secretary of the meeting shall be elected. The meeting's agenda shall include discussions whether it is reasonable to hold the referendum and set up questions to be proposed for referendum.

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

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

## Article 153. Registration of Citizen Initiative Group

(1) The citizen initiative group for holding the referendum shall be registered with the Central Election Commission. For registration, the group shall submit the following documents:

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

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

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

(4) Information concerning registration of the initiative group and the questions subject to referendum shall be made public through mass media.

#### Article 154. Collecting Signatures

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

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

#### Article 155. Special Requirements for Signature Collecting Sheet

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

#### Article 156. Responsibility for Accuracy of Signature Collecting Sheets

(1) A person who collect voters' signatures must sign every sheet of the signature collecting sheet and make a note to the effect that the collector personally collected the signatures and confirmed the identity of the persons whose names appear on that sheet by verifying their ID. Each signature collecting sheet shall be attested by competent local public administration body.

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

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

#### Article 157. Submission and Verification of Signature Collecting Sheets

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

(2) Within 15 days of signature collecting sheets submission, the Central Election Commission shall check authenticity of the signatures (all of them or at random) on the submitted sheets. Signatures by persons who have signed twice or more times shall be excluded. Signature collecting sheets found in breach of Article 156, par. (1) thereof shall be considered null and void.. Upon verification of signature collecting sheets, the CEC shall draw up a protocol and adopt a decision on initiating the referendum.

(3) In the event that the required number of signatures was not submitted, the CEC shall adopt a decision rejecting holding the referendum and cancelling registration of the citizen initiative group.

(4) Protocol on the verification of signature collecting sheets, verified signature collecting sheets, and the CEC' decision on referendum initiating shall be submitted to the Permanent Bureau of Parliament within three days.

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

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

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

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

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

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

#### *Art.159 excluded*

#### Article 160. Support for Electoral Councils and Bureaus in Holding Republican Referendum, Their Activity Administration, Amendments in Composition and Dissolution

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

#### Article 161. Lists of Citizens Eligible to Participate in Republican Referendum

The lists of citizens eligible to participate in the republican referendum (voter lists) shall be compiled in accordance with Chapter 5 (Articles 39-40) hereof, to be correspondingly applied.

#### Article 162. Ballots

- (1) Ballots shall set up the question or the draft law brought to republican referendum. To the right of the question or draft law two rectangles with the words "pro" and "contra" shall be horizontally placed, with two circles underneath.
- (2) In the event that several questions are brought to republican referendum, each question shall be printed on a different ballot. In case several referendums are held at the same time, the ballots shall be of different color.
- (3) Ballot papers shall be drawn up in accordance with the Law on Languages Spoken in the Republic of Moldova.
- (4) Ballots shall be printed in a quantity that corresponds to the number of voters in the district.
- (5) Ballots setting up the same question shall be printed in the same format, with the same font, on paper of the same color and density.
- (6) The design and text of ballots and the exemplar of protocols of electoral councils and bureaus for the republican referendum shall be approved by the Central Election Commission.
- (7) Ballots shall be passed over to district electoral councils three days prior to the republican referendum and to the precinct electoral bureaus one day prior to the referendum.

#### Article 163. Referendum Campaigning

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

#### Article 164. Voting

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

#### Article 165. Observation of Republican Referendum and Mass Media Coverage

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

#### Article 166. Counting and Tabulation of Republican Referendum Results

- (1) The results of the republican referendum shall be tabulated under Chapter 10 (Articles 56-60) of this Code, to be correspondingly applied.
- (2) The number of votes cast for "pro" and "contra" shall be entered into protocol on tabulation of republican referendum results.

(3) The results of republican referendum shall be examined by the CEC, which shall adopt a respective decision on that.

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

(1) The CEC decision and the protocol on the results of the referendum shall be submitted to the Constitutional Court.

(2) The Constitutional Court within 10 days shall examine the documents submitted by the CEC and shall either confirm or not the results of the republican referendum.

#### Article 168. Decision Adoption, Publication and Entrance in Force of Referendum Proposal

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

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

#### Article 169. Cancellation and Amendment of Decision Adopted by Republican Referendum

A decision adopted by republican referendum shall be cancelled or amended through republican referendum, or through the procedures provided for the Constitution's revision.

#### Article 170. Documents of Republican Referendum

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

#### Article 171. Invalid Republican Referendum

The Central Election Commission shall declare a referendum invalid if less than 3/5 of the voters included in voter lists participated in the referendum.

#### Article 172. Null Referendum

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

#### Article 173. Repeat Republican Referendum

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

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

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

#### Article 174. New Republican Referendum

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

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

#### Article 175. Local Referendum

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

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

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

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

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

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

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

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

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

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

The following issues may not be submitted to referendum:

- a) taxes and budget;
- b) extraordinary or emergency measures for ensuring public order, health or security;
- c) electing, appointing or dismissing persons for/on/from positions which are the competence of Parliament, Government or President of the Republic of Moldova;

- d) recalling a mayor who has been dismissed by a final decision of the court;
- e) issues in the competence of courts of law and Prosecutor's office;
- f) amendments to territorial-administrative subordination of localities, except for the cases provided in the Law on Special Legal Status of Gagauzia (Gagauz-Yeri).

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

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

#### Article 180. Initiating Local Referendum

A local referendum may be initiated by:

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

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

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

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

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

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

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

#### Article 182. Collecting Signatures

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

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



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

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

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

#### Article 184. Responsibility for Accuracy of Signature Collecting Sheet

(1) The person collecting the signatures shall sign every sheet of the signature collecting sheet and make a note to the effect that the collector personally collected the signatures and confirmed the identity of the persons whose names appear on that sheet by verifying their ID. Each petition shall be authenticated by applying the stamp of the local public authorities.

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

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

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

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

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

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

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

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

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

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

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

#### Article 187. Electoral Districts and Precincts

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

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

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

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

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

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

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

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

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

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

(5) During the first session of the second level territorial-administrative unit district electoral council established for the conduct of local referendum, the deputy-chairperson and the secretary

of the council shall be elected by a vote of the majority of its members. During the first session of the village (communal), town (municipal) electoral council and precinct electoral bureau the chairperson, deputy-chairperson, and the secretary of the bureau shall be elected.

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

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

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

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

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

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

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

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

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

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

#### Article 193. Ballots

(1) The ballots shall set up the question brought to referendum, to the right of the text two rectangles shall be placed horizontally with the words "pro" and "contra", with two circles underneath.

(2) In the event that several questions are brought to local referendum, each question shall be printed on a different ballot. In the event that several referendums are held at the same time or the referendum is held at the same time with elections, the ballots shall be of different colour.

(3) Ballots shall be drawn up pursuant to the Law on Languages Spoken on the Territory of the Republic of Moldova.

(4) Ballots shall be printed in a quantity that corresponds to the number of voters in the voter lists.

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

(6) Design of the ballots and the protocol forms of electoral councils and the protocol forms of electoral bureaus for holding local referendum shall be approved by the Central Election Commission, whereas the text of the ballots shall be approved by the district electoral councils.

(7) Ballots shall be passed over to precinct electoral bureaus two days prior to the date of local referendum.

#### Article 194. Referendum Campaigning

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

#### Article 195. Voting

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

(2) Voters shall fill out the ballot by applying "Voted" (*"Votat" in the original*) stamp inside one of the two circles under the rectangles with the words "pro" and "contra", thus expressing their will.

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

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

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

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

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

(1) The district electoral council, within two days after tabulation of results, shall submit to the court of the respective territory the report on the conduct of local referendum, to which the protocols of district electoral council and precinct electoral bureaus as well as the complaints with results of their examination, shall be attached. Chisinau municipality council shall submit the respective documents to the Court of Appeal of Chisinau..

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

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

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

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

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

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

#### Article 199. Invalid Local Referendum

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

#### Article 200. Null Local Referendum

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

#### Article 201. Repeat Local Referendum

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

#### Article 202. New Local Referendum

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

### **Title VII.**

#### **Final and Transition Provisions**

##### Article 203. Entrance into Force

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

##### Article 204. Transition Provisions

After the Electoral Code is enforced:

1. Parliament, within ten days, shall adopt a decree on setting up the Central Election Commission (permanent), pursuant to the provisions of Section I, Chapter 3 (Articles 16-22) of this Code.
2. Bodies mentioned in Article 16, paragraph (2), shall submit to the Parliament, within five days, candidates for the Central Election Commission.
3. The Government, -
  - a) within a month:

- shall submit proposals to Parliament on bringing the legislation in line with the Election Code provisions;
  - shall provide headquarter, financial-material support and necessary equipment to the Central Election Commission.
- b) shall include in the draft of the state budget for the 1998 fiscal year, funds necessary for the activity of the Central Election Commission and for the organization and conduct of elections.

4. Elections to Parliament of the XIVth legislature, shall be conducted on March 22, 1998, pursuant to the President's decree No. 371-II, of November 18, 1997. All the terms related to elections to Parliament of the XIVth legislature shall commence at the date of the Code's publication.

5. Central Election Commission, -

- a) shall draft and adopt its Regulation within ten days;
- b) shall submit to the Government an estimation of expenses necessary for the Commission's activity and for holding elections;
- c) after establishment, shall start exercise the responsibilities provided in Article 22.

6. Establishment and functioning of electoral administration bodies not provided under this Code shall be prohibited.

#### Article 205. Final Provisions

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

Chairman Of The Parliament Of Republic Of Moldova  
Dumitru Motpan

Chisinau, November 21, 1997  
No 1381-XII