

REGULATION
on the procedure for examining complaints during the electoral period

Chapter I. General provisions

1. This Regulation lays down the procedure for the submission, examination and resolution of complaints during the electoral period by electoral bodies.
2. In the process of examining and resolving complaints, electoral bodies shall apply the principles of independence, collegiality, transparency and those set out in Chapter III of Book 1 of the Administrative Code No 116/2018. Other subjects involved in the process of examining appeals shall comply with the rules of ethics and conduct.
3. In the work of examining and resolving appeals, the members of the electoral bodies shall be guided by the principles of legality and promptness, professionalism and shall treat openly, impartially and fairly, without privileges and discrimination, all subjects involved in this process.
4. Electoral bodies and other authorities involved in the process of examining and resolving complaints shall be guided by the Constitution of the Republic of Moldova, the Electoral Code No 325/2022 and other normative acts, including this Regulation, as well as by international standards and best practices in electoral matters.
5. For reasons of clarity and flow of the text, and in order not to burden the text with masculine/feminine doublets, the terms used in this Regulation to designate functions are in the generic masculine form and carry an inclusive/non-sexist character.

Chapter II. Submission and registration of appeals

6. Appeals shall be submitted in accordance with Articles 91-95 of the Electoral Code No. 325/2022.
7. Upon receipt, the objection shall be immediately recorded in the Register of Complaints, drawn up in accordance with the model in Annex No. 1 and kept in accordance with the rules governing the keeping of secretarial records. The stamp of the electoral body shall be affixed to the complaint and the registration number, date and time of its receipt shall be entered.
8. In the case of a written objection submitted in person at the polling station, the objector shall be issued with proof of registration.
9. In the case of a claim submitted by electronic mail, the electoral body shall be obliged to notify the objector of the registration number and the date and time of its receipt by the same means within 24 hours.
10. In the case of a complaint lodged by post, the electoral body shall be obliged to notify the respondent within 24 hours, by telephone, fax or electronic mail, depending on the

availability of contact information, of the registration number, date and time of receipt of the complaint.

Chapter III. Preparatory procedure

11. Immediately after the registration of the complaint, the chairperson of the electoral body shall appoint the rapporteur member from among its members.
12. The rapporteur member shall verify whether the competence of the public authorities to examine the complaint, as provided for in Article 97 of the Electoral Code No 325/2002, was respected when the complaint was lodged.
13. Conflicts of competence shall be resolved in accordance with Article 99 of the Electoral Code No 325/2002. The decision of the electoral body on the resolution of the conflict of competence shall be communicated, at the latest the day after its adoption, to the contestant and to the authority competent to examine the contest. The decision of the electoral body must contain the structural elements set out in point 26.
14. If the examination does not fall within the competence of the electoral body, the complaint and the annexed materials shall be transmitted, including in electronic format, for examination in accordance with the competence, immediately, but not later than 2 days after the date of receipt, except in the case provided for in Art. 93 para. (2) lett. (g) and Article 99 of the Electoral Code No. 325/2022. At the same time, the electoral body shall inform the objector that the complaint has been forwarded to the authority competent to examine the complaint.
15. The rapporteur member shall check whether the complaint meets the admissibility conditions laid down in Article 93 of the Electoral Code No 325/2022. In the cases referred to in Art. 93 para. (2) of the Electoral Code No. 325/2022, the appeal shall be declared inadmissible by decision of the electoral body. The decision of the electoral body on the inadmissibility of the objection shall be communicated to the objector at the latest on the second working day after its adoption and must contain the structural elements set out in item 26.
16. If the appeal meets the admissibility conditions, the rapporteur member shall ensure that the actions relating to the examination of the substance of the appeal are carried out. To this purpose, the rapporteur member shall:
 - (a) provide the electoral subject in respect of whom the complaint has been lodged (hereinafter - the contested party) with a copy of the complaint and, where appropriate, copies of the annexed materials, with an explanation of the right to submit a written reference to the complaint;
 - b) communicate the filed reference to the author of the complaint;
 - c) ensures the preparation of the administrative file and the access of the participants to it in accordance with Articles 82 and 83 of the Administrative Code No 116/2018;
 - d) prepares the draft decision on the appeal;
 - e) carries out other actions necessary for the examination of the substance of the appeal.
17. The chairperson of the electoral body, in agreement with the rapporteur member, shall ensure the inclusion on the agenda and examination of the appeal at the meeting, in

compliance with the deadlines for examining appeals set out in Article 100 of the Electoral Code No. 325/2022.

18. The rapporteur member shall notify the parties of the date and time of the meeting. In cases where a state of emergency or public health emergency is declared in the territory of the Republic of Moldova, as well as in justified situations that make it impossible for members or parties to be present at the premises or meetings of the electoral body, at the request of the members or parties, their participation in the meetings of the electoral body may be organised by means of information and communication technology and/or online videoconferencing platforms.
19. For objective reasons, at the request of the members or parties, the meeting may be postponed, subject to the time limits for the examination of appeals provided for in Article 100 of the Electoral Code No. 325/2022. The unjustified non-attendance of the parties or one of the parties at the meeting shall not prevent the examination and settlement of the appeal.

Chapter IV. Examination of the complaint at the meeting of the electoral body

20. The electoral bodies shall examine complaints in accordance with the provisions of the Electoral Code No. 325/2022, the Administrative Code No. 116/2018, the rules of procedure and these regulations.
21. The examination of the complaint shall begin with a brief presentation by the rapporteur member of the content of the introductory and descriptive parts of the draft decision, after which the electoral body shall hear the complainant, the party complained against and, where appropriate, third parties. The parties have the right to express their views on the case and to ask questions, without making political statements and asking irrelevant or suggestive questions.
22. Evidence shall be presented in accordance with the provisions of Article 96 of the Electoral Code No. 325/2022. Audio/video recordings, photographs, documents, written statements of witnesses and other evidence may be used as evidence. The party submitting evidence shall sign an declaration on its legal provenance, drawn up in accordance with the model in Annex 2.
23. After hearing the parties, the member rapporteur shall present the draft decision on the appeal. The other members of the electoral body may clarify any points relating to the draft, put questions to the parties and to the member-rapporteur and submit amendments. Amendments shall be formulated clearly and coherently so that they can be put to the vote separately. If the amendments are approved, the draft decision shall be put to the vote as a whole with the approved amendments.
24. If new circumstances arise and/or additional evidence is presented which requires further consideration, the electoral body may postpone the meeting and order more election officials to be involved in the examination of the complaint. In case of postponement, the time limit for the examination of appeals provided for in Article 100 of the Electoral Code No 235/2022 shall be respected.

Chapter V. Adoption of the decision on the complaint

25. After examining the complaint, the electoral body shall adopt one of the solutions provided for in Article 101 para. (2) and (3) of the Electoral Code No. 325/2022.
26. The decision on the complaint must contain the following structural elements:
 - a) the title;
 - b) the introductory part (place and date of adoption, name of the electoral body, name/name of the parties, object of the appeal and complaints of the appellant);
 - c) the descriptive part (facts alleged by the contestant, position of the contested party, explanations of third parties);
 - d) the reasons for the decision (the facts established by the electoral body, the legal basis on which the electoral body was guided, the causal link between the circumstances of the case and the decision);
 - e) the operative part (the decision of the electoral body according to Article 101 of the Electoral Code No 325/2022);
 - f) information on the exercise of appeals;
 - g) the form certifying the authenticity of the decision.
27. The decision on the appeal shall be adopted by an absolute majority vote of the members of the electoral body in accordance with the procedure described in its rules of procedure.
28. The decision on the appeal shall be communicated to the subjects concerned no later than the second working day after its adoption - either by sending a copy of the decision directly to the electoral body or by post, fax, e-mail, etc.
29. The electoral body shall monitor the execution of the adopted decision.
30. In case of a violation of the electoral legislation, the electoral body, in accordance with Articles 102-104 of the Electoral Code No. 325/2022, shall decide or propose to the competent authorities the administrative, contravention or criminal liability.
31. The electoral body shall draw up the minutes of the meeting, which shall record:
 - a) the substance of the objector's claims;
 - b) the parties to the process of examining the objection;
 - c) the position and/or statements of the parties;
 - d) the substance of the proposed amendments to the draft decision;
 - e) the voting procedure.