

*Approved
by Decision No 114 of the Central Electoral Commission of 18 August 2016,
amended by CEC Decisions
No 935 of 16 May 2017,
No 1715 of 29 June 2018,
No 1915 of 11 December 2018*

Regulation on the funding of initiative groups

I. General provisions

1. This Regulation is drawn up in accordance with Article 41 (10) of the Electoral Code and sets out the conditions and the procedure for financial support of initiative groups, as well as the procedure for submission to the Central Electoral Commission of reports on the financing of their activity.

Paragraph 1 amended by CEC Decision No 1715 of 29 June 2018, CEC Decision No 1915 of 11 December 2018

2. In their work, initiative groups shall be governed by the Constitution of the Republic of Moldova, the Electoral Code of the Republic of Moldova, this Regulation, other relevant regulatory acts, and the regulations of the Central Electoral Commission regarding: peculiarities of nomination and registration of candidates for parliamentary and presidential elections; registration and work of initiative groups; procedure for compiling, submitting and verifying signatures collecting lists.

Paragraph 2 added in new wording by CEC Decision No 1715 of 29 June 2018

3. For the purposes of this Regulation, the terms below shall have the following meaning:

initiative group – a group created by citizens with the right to vote in order to collect signatures in support of a candidate for an elective office or to initiate a referendum, and registered in accordance with the Electoral Code, as the case may be, by the Central Electoral Commission in case of presidential elections and republican referenda, by district electoral councils in case of parliamentary elections for single member districts, by local public authorities or Courts in case of initiation of a local referendum;

bank account of the initiative group(s) – a bank account designated “For the initiative group(s)”, in which initiative group(s) collect(s) and/or deposit(s) financial means received in accordance with the law from individuals, citizens of the Republic of Moldova or from local legal entities, in order to finance its activity;

report on financing the activity of initiative group(s) – initiative group(s)’ report on cash flow and on the services and actions provided by individuals and legal entities free of charge, and on all volunteer actions conducted during the signatures collection period;

signatures collecting activity – a set of actions that includes the collection of signatures in support of a candidate for an elective office or for initiation of a referendum by an initiative group, which starts on the date indicated in the initiative group members’ IDs, and issuance of forms of signatures collecting lists until the last day of submission of signatures collecting lists to the authority responsible for verifying signatures.

*Paragraph 3 amended by CEC Decision No 935 of 16 May 2017; CEC Decision No 1715 of 29 June 2018;
CEC Decision No 1915 of 11 December 2018*

4. The provisions of this Regulation shall apply to all initiative groups registered for the purpose of collecting signatures in support of a candidate running for an elective office or of initiating a referendum of any level.

II. Conditions and procedure of financing of initiative groups

5. After having been registered by the Central Electoral Commission, by a district electoral council, by a local public authority or by the court, the initiative group shall:

a) within 3 banking days from the date of registration, open a bank account designated “For the initiative group(s)”, intended exclusively for the financing of the initiative group. Within 24 hours of the opening of the account, the leader/treasurer of the initiative group shall inform the Central Electoral Commission about it in writing and shall communicate the relevant banking data.

If such an account is not opened within 3 days after registration, the initiative group shall inform the Central Electoral Commission about it and shall only carry out activities that require no financial costs.

b) propose for registration to the Central Electoral Commission a person responsible for its finances (the treasurer), who shall also be responsible for drawing up reports on the financing of the initiative group(s)’ activity and for their timely submission to the Central Electoral Commission.

*Paragraph 5 amended by CEC Decision No 935 of 16 May 2017; CEC Decision No 1715 of 29 June 2018;
CEC Decision No 1915 of 11 December 2018*

5¹. In case of initiative groups created by political parties or by electoral blocs of parties, in parliamentary elections for single member districts, a single bank account designated “For the initiative group(s)” shall be opened, and a single person responsible for finances (treasurer) shall be proposed for registration to the Central Electoral Commission. The account designated “For the initiative group(s)” may be opened before the registration of the initiative group, provided that any payments to or from that account are made only after registration.

Paragraph 5¹ introduced by CEC Decision No 1915 of 11 December 2018

6. The general ceiling of funds that may be transferred to the account designated “For the initiative group(s)” shall be determined by the Central Electoral Commission.

Paragraph 6 added in new wording by CEC Decision No 1915 of 11 December 2018

7. Transfers to the account designated “For the initiative group(s)” shall be made exclusively in national currency.

Paragraph 7 amended by CEC Decision No 1915 of 11 December 2018

8. Individuals may donate to the bank account of the initiative group(s), for the duration of its activity, up to 50 average monthly salaries per economy established for that year, and legal entities may donate to that account up to 100 such salaries.

*Paragraph 8 added in new wording by CEC Decision No 1715 of 29 June 2018;
amended by CEC Decision No 1915 of 11 December 2018*

9. Legal entities may deliver funds to the bank account of the initiative group(s) only by wire transfer, accompanied by an affidavit, in accordance with Annex No 1, about non-existence of state-owned, foreign or mixed shares in its share capital, and about the lack of restrictions for the support of initiative groups referred to in paragraph 15 (1) letter h).

The legal entity transferring funds to the account designated “For the initiative group(s)” is required to inform its shareholders or members about such transactions.

Paragraph 9 amended by CEC Decision No 1915 of 11 December 2018

10. Donations offered in cash by individuals shall be accompanied by a form, the template of which is provided in Annex No 2. The forms thus filled out shall be attached to the

accounting documents of the initiative group or, as the case may be, of the political party or the electoral bloc of parties that created the initiative group, for which the donation was made.

Paragraph 10 supplemented by CEC Decision No 1915 of 11 December 2018

11. Cash donations may be used only after they are deposited into the account designated “For the initiative group(s)”. The initiative group or, as the case may be, the political party or the electoral bloc of parties that created initiative groups is required, within 2 banking days, but no later than the day prior to the deadline for the submission of signatures collecting lists to the authority responsible for verifying signatures, to deposit cash donations into the account designated “For the initiative group(s)”.

Paragraph 11 amended by CEC Decision No 1715 of 29 June 2018; CEC Decision No 1915 of 11 December 2018

12. Donations delivered by wire transfer to the account designated “For the initiative group(s)” shall be confirmed by primary documents drawn up by the financial institutions that have collected and made the transfer, with mandatory indication of the donor’s full name, IDNP/IDNO, and destination of payment.

Paragraph 12 amended by CEC Decision No 1915 of 11 December 2018

13. The initiative group or, as the case may be, the political party or the electoral bloc of parties that created the initiative group shall make payments by bank transfer from the account designated “For the initiative group(s)” and only for the expenses specified in the Report on financing the activity of initiative group(s).

Paragraph 13 amended by CEC Decision No 1915 of 11 December 2018

14. The last payments from the account designated “For the initiative group(s)” shall be made no later than the day prior to the deadline for the submission of signatures collecting lists to the authority responsible for verifying signatures. Transfers from that account after the submission of signatures collecting lists shall be prohibited

Paragraph 14 amended by CEC Decision N. 1915 of 11 December 2018

15. Initiative groups are prohibited to:

- 1) be funded by:
 - a) legal entities from abroad, including the ones with mixed share capital;
 - b) other countries;
 - c) international organisations, including international political organisations;
 - d) citizens of the Republic of Moldova who are younger than 18 years old;
 - e) citizens of the Republic of Moldova with limited capacity or declared incapable by final decision of a court;
 - f) individual citizens of the Republic of Moldova from the income obtained abroad;
 - g) public authorities, organisations, enterprises, public institutions, other legal entities financed from the public budget or the ones that have state-owned capital, except when the provision of services or material support are expressly provided by law;
 - h) legal entities that within one year before the beginning of the electoral period carried out activities financed or paid from public funds, as well as legal entities with foreign or mixed capital;
 - i) anonymous persons or persons on behalf of third parties;
 - j) individuals who are not citizens of the Republic of Moldova;
 - k) non-profit organisations, trade unions, charities or religious organisations;
- 2) use for personal purposes the funds transferred to the account designated “For the initiative group(s)”;

3) offer money, presents, goods free of charge, including from humanitarian aid or other charity actions;

4) use funds other than from the account designated “For the initiative group(s)”;

5) use non-declared financial and material funds or exceed expenditure above the general ceiling specified in paragraph 6.

Paragraph 15 amended by CEC Decision No 1915 of 11 December 2018

III. Presentation and examination of reports on financing the activity of initiative group(s)

Title amended by CEC Decision No 1915 of 11 December 2018

16. Initiative groups or, as the case may be, political parties or electoral blocs of parties that created initiative groups are required to present to the Central Electoral Commission reports on the financing of their activities, as follows:

a) if signatures are collected in support of a candidate – weekly. The final report shall be submitted within no later than 3 days from the date of submission of signatures collecting lists, and in case of initiative groups created by political parties or electoral blocs of parties – from the deadline for submission of signatures collecting lists to the authority responsible for verifying signatures, for the entire period of activity of the initiative group(s), in accordance with Annex No 3. Along with the report on the financing of activities, the initiative group or, as the case may be, the political party or electoral bloc of parties that created initiative groups shall also submit the list of donations in the form of goods, objects, works or services for the relevant reporting period, in accordance with Annex No 3¹;

b) if signatures are collected to initiate a referendum of any level – once every two weeks, in accordance with Annex No 4, and the final report within no later than 3 days from the date of submission of signatures collecting lists, to the authority responsible for verifying signatures, for the entire period of activity of the initiative group. Along with the report on the financing of activities, the initiative group shall also submit the list of donations in the form of goods, objects, works or services for the relevant reporting period, in accordance with Annex No 4¹.

Paragraph 16 amended by CEC Decision No 1715 of 29 June 2018; CEC Decision No 1915 of 11 December 2018

16¹. The leader and the treasurer of the initiative group are required to evaluate and indicate in financial reports all the services and actions specified in Article 43 (8) of the Electoral Code, which were provided free of charge by individuals and legal entities, as well as all volunteer actions in the period of collecting signatures in support of candidates.

Paragraph 16¹ introduced by CEC Decision No 1715 of 29 June 2018

17. The report on financing the activity shall be submitted in accordance with the template and within the deadline specified in paragraph 16, both in electronic form and on paper in two copies, with the signature of the treasurer and the leader of the initiative group. Upon receiving the report, the Central Electoral Commission shall indicate on the submitted forms the date and time of reception and shall give one copy to the initiative group.

Paragraph 17 amended by CEC Decision No 1915 of 11 December 2018

17¹. In the case of parliamentary elections in single member districts, political parties and electoral blocs of parties shall submit a joint report on the financing of activity of all initiative groups created by them, with details for each initiative group. The report shall be signed by the treasurer and the leader of the political party/electoral bloc of parties.

Paragraph 17¹ introduced by CEC Decision No 1915 of 11 December 2018

18. The banking institution in which the account designated “For the initiative group(s)” is opened shall inform the Central Electoral Commission, every Friday and upon request, about the cash flow on that account, in accordance with Annex No 5.

Paragraph 18 amended by CEC Decision No 1915 of 11 December 2018

19. The report on financing the activity of the initiative group(s) shall be completed in full in all sections, and the sections for which no values have been recorded shall bear the figure “0”.

Paragraph 19 amended by CEC Decision No 1915 of 11 December 2018

20. The Central Electoral Commission shall verify the report in accordance with paragraphs 16 - 17¹ in terms of fullness of information and compliance with the requirements for its drawing up, and shall issue a decision in this regard.

If the report submitted by the initiative group or, as the case may be, by the political party or the electoral bloc of parties that created initiative groups is incomplete, the Central Electoral Commission is entitled to request the submission of additional data, and the initiative group or, as the case may be, the political party or the electoral bloc of parties that created initiative groups shall submit them within 24 hours from request.

Paragraph 20 amended by CEC Decision No 1915 of 11 December 2018

21. The reports received by the Central Electoral Commission shall be placed on its official website within 48 hours of their acceptance, in compliance with the legislation on personal data protection.

Paragraph 21 amended by CEC Decision No 935 of 16 May 2017

22. Immediately after the deadline for collecting signatures expires, the account designated “For the initiative group(s)” shall be blocked by the banking institution, and the balance shall be paid into the state budget. In the case of initiative groups created by parties or other socio-political organisations, the unused balance from the account designated “For the initiative group(s)” may be transferred into the bank account of that entity, based on a written application filed within 3 banking days at the banking institution where the account designated “For the initiative group(s)” had been opened.

Paragraph 22 amended and supplemented by CEC Decision No 1715 of 29 June 2018; CEC Decision No 1915 of 11 December 2018

IV. Control and sanctions

23. The initiative group or, as the case may be, the political party or the electoral bloc of parties that created the initiative group, has the obligation to comply with the provisions of this Regulation, under the sanction of bearing responsibility as set forth by law.

Paragraph 23 supplemented by CEC Decision No 1915 of 11 December 2018