

Approved by Central Electoral Commission Decision No 3352 of 4 May 2015,  
Amended and supplemented by CEC Decisions  
No 147 of 30 August 2016;  
No 1177 of 13 October 2017;  
No 1714 of 29 June 2018;  
No 1916 of 11 December 2018

## **REGULATION** **on financing of electoral campaigns**

### **I. General Provisions**

1. This Regulation stipulates conditions and mode of financial supporting of electoral campaigns as well as procedure for the presentation of financial reports to electoral bodies on the revenues and expenditures incurred by electoral competitors.

2. In the process of financing of electoral campaign, electoral competitors shall be guided by the Constitution of the Republic of Moldova, the Electoral Code of the Republic of Moldova, Law No 294 of 21.12.2007 on Political Parties, this Regulation and other regulatory acts in this field.

*Paragraph 2 amended by CEC Decision No 1916 of 11 December 2018*

3. For the purposes of this Regulation the following terms shall be defined:

*electoral campaign* – a period of activity conducted pursuant to chapter 7 of the Electoral Code, with the aim to convince the voters to cast their votes choosing one or another electoral competitor, that starts for every electoral competitor, in case of parliamentary and presidential elections, no earlier than 30 days prior to the Election Day, and in case of local elections on the date of registration by the District Electoral Council, and ends on the date of exclusion of a competitor from the election process or on the voting day;

*financing of electoral campaigns* - direct and/or indirect financing, as well as any material support provided through other forms to electoral competitors by the state, individuals and/or legal entities;

*electoral fund* - an account opened at a bank with the “Electoral Fund” marking intended exclusively to manage own financial means of an electoral competitor as well as those received from individuals and/or legal entities within the country, in order to finance the electoral campaign of that electoral competitor;

*reports on financing of electoral campaigns* - reports of an electoral competitor on the flow of funds, including the accumulated financial means, sources of origin and the expenses incurred in the course of electoral campaign, as well as all services and actions provided free of charge by individuals and legal entities and all volunteer actions;

*electoral period* - a period of time between the day of bringing into public attention of an election date and a day when election results are confirmed by the competent authority, but not longer than 90 days.

*Paragraph 3 supplemented by CEC Decision No 1177 of 13 October 2017; CEC Decision No 1714 of 29 June 2018  
CEC Decision No 1916 of 11 December 2018*

3<sup>1</sup>. When organizing and holding referenda, the provisions of this Regulation shall be accordingly applied to all participants of a referendum.

## **II. Conditions and Mode of an Electoral Campaign Financing**

4. To initiate financing of an electoral campaign, an electoral competitor shall comply with the following conditions:

1) opens a bank account with “Electoral Fund” marking where own financial means and those received from individuals and/or legal entities within the country shall be transferred, in order to finance an electoral campaign. The account with the “Electoral Fund” marking may be opened even before the registration of an electoral competitor, provided that any transfer to this account and transfer from this account are performed only after the registration as an electoral competitor.

In case of failure to open an account in a bank with the “Electoral Fund” marking, within 3 days from the date of registration, an electoral competitor shall inform the Central Electoral Commission thereof, or, as appropriate, a District Electoral Council, and shall perform only those activities related to a campaign or electoral promotion that do not involve any financial expenses.

2) proposes for registration by the Central Electoral Commission a person responsible for the finances (treasurer), who shall be responsible for drafting of financial reports and their timely presentation to the Central Electoral Commission; in case of independent candidates running for local elections – by the respective District Electoral Council.

*Paragraph 4 amended by CEC Decision No 1714 of 29 June 2018*

4<sup>1</sup>. To finance an electoral campaign, only financial resources originating from legal activities carried out on the territory of the Republic of Moldova shall be used according to Article 41 of the Electoral Code.

*Paragraph 4<sup>1</sup> added by CEC Decision No 1714 of 29 June 2018*

4<sup>2</sup>. Political parties and electoral blocs of parties that have nominated their candidates for the parliamentary and local elections, regardless of the number of candidates nominated and the type of electoral district where they were registered as electoral competitors, open a bank account with the “Electoral Fund” marking and propose for registration by the Central Electoral Commission of a person in charge of finance (treasurer) according to the conditions stipulated in paragraph 4 hereof. All financial means intended for the financing of electoral campaigns of the registered candidates of political parties and electoral blocs of parties shall be managed through this account.

*Paragraph 4<sup>2</sup> added by CEC Decision No 1916 of 11 December 2018*

5. The overall ceiling of financial means to be transferred into the electoral fund of an electoral competitor shall be established by the Central Electoral Commission, taking as a calculation basis a coefficient to be multiplied by the number of voters in an electoral district where elections shall take place.

5<sup>1</sup>. During the electoral period, political parties that nominated their candidates for the elections shall have the right to accept donations only for the financing of electoral campaigns directly to the “Electoral Fund” account.

*Paragraph 5<sup>1</sup> added by CEC Decision No 1177 of 13 October 2017, supplemented by CEC Decision No 1714 of 29 June 2018;  
CEC Decision No 1916 of 11 December 2018*

6. Individuals shall have the right to transfer to the “Electoral Fund” account, for an electoral campaign, up to 50, while legal entities - up to 100 average monthly salaries per economy established for that year.

*Paragraph 6 amended by CEC Decision No 1177 of 13 October 2017*

7. Legal entities may donate monetary assets to the “Electoral Fund” account only by transfer, submitting an Affidavit about the non-existence of state, foreign or mixed quota in the share capital, as well as on absence of any restrictions referred to in paragraph 13 item 1), letter h) hereof, according to Annex No 2.

A legal entity transferring funds to the “Electoral Fund” account shall be liable to inform its shareholders or members of the operations so performed.

*Paragraph 7 amended by CEC Decision No 147 of 30 August 2016; CEC Decision No 1916 of 11 December 2018*

8. Cash donations offered by individuals shall be accompanied by a form mandatory filled by a donor as provided in Annex No 1. The forms thus filled shall be attached to the accounting documents of an electoral competitor in favor of whom a donation was made.

9. Cash donations may only be used after their deposit to the “Electoral Fund” account. An electoral competitor shall be required, within 2 banking days, to deposit into the electoral fund any donations received in cash.

10. Any financial means from the “Electoral Fund” account may be used only after their written declaration submitted to the Central Electoral Commission, and in case of independent candidates running for local elections, a declaration in this regard shall be submitted to a District Electoral Council (the declaration form is provided in Annex No 3<sup>2</sup>).

*Paragraph 10 amended by CEC Decision No 147 of 30 August 2016; was added in a new wording by CEC Decision No 1714 of 29 June 2018*

11. Last payments from the “Electoral Fund” account shall be performed no later than on the day, prior to the Election Day (on Friday). Any transfers from this account after the submission of the report pursuant to the terms set forth in paragraph 14 item 3) hereof, shall be prohibited while the operations related to the “Electoral Fund” account shall be blocked immediately by a financial institution.

*Paragraph 11 added in a new wording by CEC Decision No 1714 of 29 June 2018; amended by CEC Decision No 1916 of 11 December 2018*

12. In case of a second round of voting or repeated voting, since the time of adoption of a decision by an electoral body, at the request of an electoral competitor, the “Electoral Fund” account shall be unblocked by a financial institution.

*Paragraph 12 added in a new wording by CEC Decision No 1714 of 29 June 2018*

13. In the course of electoral campaign it shall be strictly forbidden:

- 1) to finance or provide material support in any form, direct and/or indirect, by:
  - a) legal entities from abroad, including those with mixed capital;
  - b) other states;
  - c) international organizations, including international political organizations;
  - d) underage citizens of the Republic of Moldova;
  - e) citizens of the Republic of Moldova limited to exercise their capacities or declared incapable by a final decision of a court of law;
  - f) individuals of the Republic of Moldova from the income obtained outside of the country;
  - g) public authorities, organizations, enterprises, public institutions, other legal entities funded by the public budget or those having state capital, except for cases when provision of services or material support is expressly stipulated by the legislation;
  - h) legal entities who, a year prior to the beginning of the electoral period, have carried out activities financed or paid from the public means (funds), as well as by legal entities with foreign or mixed capital;
  - i) anonymous persons or on behalf of third parties;
  - j) individuals who are not citizens of the Republic of Moldova;
  - k) non-profit organizations, trade unions, charitable or religious organizations;
- 2) use of the financial means, transferred to the “Electoral Fund” account, for personal purposes;

3) offering by electoral competitors of the sums of money, gifts, material goods free of charge, including from humanitarian aid or from other charity actions except for gifts of symbolic nature, representing electoral or political advertisement, produced from the means declared on the “Electoral Fund” account, bearing symbols of an electoral competitor, such as: posters, flyers, postcards, calendars, notebooks, cards, pens, lighters, matchboxes, ensigns, badges, CDs, DVDs, USBs storage media, pennons, flags, books, bags, t-shirts, caps, scarves, stoles and others, which unit value does not exceed two conventional units established according to the legislation in force;

4) financing of an electoral campaign from other means than those of the account marked as “Electoral Fund”;

5) use by an electoral competitor of financial means and materials undeclared or exceeding the overall expenditure ceiling established under paragraph 5.

### **III. Presentation and Consideration of Financial Reports**

13<sup>1</sup>. At the date of the beginning of the electoral period, political parties, intending to submit documents for registration as electoral competitors and to transfer to the “Electoral Fund” account their personal funds held on a personal account, shall present to the Central Electoral Commission a financial report according to the template set by the Commission based on the provisions set forth in Article 43(1) and (7) of the Electoral Code.

Own financial means reported under this paragraph shall not be subject to the restriction related to the ceiling for legal entities, provided for in paragraph 6 hereof.

*Paragraph 13<sup>1</sup> added by CEC Decision No 1714 of 13 October 2018; amended by CEC Decision No 1714 of 29 June 2018; CEC Decision No 1916 of 11 December 2018*

14. After being registered by the electoral bodies, the electoral competitors shall submit to the Central Electoral Commission/District Electoral Council:

1) within *3 calendar days* from the date of opening of the “Electoral Fund” account, a report on the collected monetary assets and expenses related to the electoral campaign;

2) *on a weekly basis* (in case of political parties, electoral blocs of parties, independent candidates running for parliamentary and presidential elections) or *on a bi-weekly basis* (in case of independent candidates running for local elections and participants of a referendum), according to the schedule set in the calendar program approved by the Commission, financial reports on the monetary assets collected and the expenses related to the electoral campaign;

3) *2 days before the Election Day* (on Friday), financial reports on the financing of electoral campaigns for the entire period.

*Paragraph 14 added in a new wording by CEC Decision No 1714 of 29 June 2018; amended by CEC Decision No 1916 of 11 December 2018*

14<sup>1</sup>. The electoral competitors shall be liable to assess and indicate in their financial reports all the services and actions referred to Article 43(8) and (10) of the Electoral Code, which were provided free of charge by individuals and legal entities, as well as all the volunteer actions in the course of electoral campaign carried out in favor of the electoral competitors.

*Paragraph 14<sup>1</sup> added by CEC Decision No 1714 of 13 October 2018; supplemented by CEC Decision No 1714 of 29 June 2018*

15. Financial reports shall be submitted within the time limits stipulated in paragraph 14 hereof in accordance with the template provided in Annex No 3, in the electronic form and on paper in two copies, with the signature of the responsible persons. Electoral bodies receiving a report shall indicate on the submitted forms the date and time of their reception and shall hand out a copy to the electoral competitor. Together with the financial report, an electoral competitor shall submit the list of donations in goods, objects, works, or services for the concerned reporting period according to Annex No 3<sup>1</sup>.

*Paragraph 15 supplemented by CEC Decision No 1714 of 29 June 2018; CEC Decision No 1916 of 11 December 2018*

15<sup>1</sup>. In case of parliamentary and local elections, the political parties and electoral blocs of parties shall submit joint financial reports on the collected monetary assets and expenditure related to electoral campaign referring to all registered candidates for the elections from their side.

*Paragraph 15<sup>1</sup> added by CEC Decision No 1916 of 11 December 2018*

16. Banking institutions, where accounts with the “Electoral Fund” marking were opened, shall daily, or upon a request from the Central Electoral Commission, inform, as appropriate, the concerned Electoral Council, about the monetary assets flow from the accounts with the “Electoral Fund” marking, belonging to the electoral competitors, according to Annex No 4.

*Paragraph 16 amended by CEC Decision No 1916 of 11 December 2018*

17. Reports related to the financing of electoral campaign received according to the conditions set forth in paragraphs 13<sup>1</sup>– 15<sup>1</sup> shall be verified in advance by an electoral body which received the report, in terms of completeness of the data and compliance with the requirements for drafting thereof, thus adopting a decision.

In case a report submitted by a political party, electoral bloc of parties or an independent candidate is incomplete, the electoral body shall be entitled to request the electoral competitor concerned to submit additional data, and the latter shall be obliged to submit it within 3 business days from the date of the request.

*Paragraph 17 amended by CEC Decision No 1714 of 29 June 2018; CEC Decision No 1916 of 11 December 2018*

18. The reports received by the Central Electoral Commission shall be posted on the web site of the Commission, while the reports received by District Electoral Councils – on the web site of the corresponding local public authority; in both cases, within 48 hours from being received, in compliance with the legislation on the personal data protection.

#### **IV. Enforcement and Sanctions**

19. In case of violation of this Regulation and of the provisions of the Electoral Code related to financing of an electoral campaign, sanctions according to the legislation in force shall be applied.

20. The Central Electoral Commission shall submit to the State Tax Service of the Ministry of Finance a request to verify the origin of the financial contributions transferred to the electoral competitors exceeding the amount of MDL 75 thousand.

*Paragraph 20 amended by CEC Decision No 147 of 30 August 2016; CEC Decision No 1714 of 29 June 2018;  
CEC Decision No 1916 of 11 December 2018*

21. In case when a District Electoral Council having received reports on the financing of an electoral campaign of independent candidates running for local elections, found through their decision, a failure to submit or a non-compliant submission of the reports, it shall submit, its decision and attached materials to the Central Electoral Commission within 3 calendar days.

22. Failure to submit or non-compliant submission by the electoral competitors of the reports on the financing of electoral campaigns shall be established by the decision of the Central Electoral Commission, or as the case may be, by the decision of the District Electoral Council.

*Paragraph 22 supplemented by Decision No 1714 of 29 June 2018*

23. After the Commission has established the failure to submit or non-compliant submission of the reports provided by the electoral competitors on the financing of electoral campaign, the Chairperson/Deputy Chairperson of the Central Electoral Commission shall, according to the provisions of Article 382 of the Code of Administrative Offenses, inform the electoral competitors of the date and time when the minutes on offense shall be drawn up.

*Paragraph 23 amended by CEC Decision No 1916 of 11 December 2018*

24. The summons shall be handed at least 5 days prior to the date when the minutes shall be drawn up, personally to a treasurer, electoral competitor/representative of an electoral competitor or, as the case may be, forwarded by fax or e-mail provided by an electoral competitor in the application for registration as an electoral competitor.

*Paragraph 24 amended by CEC Decision No 1714 of 29 June 2018*

25. The treasurer or the electoral competitor/representative of the electoral competitor shall be obliged to be present on the date, time and place indicated in the summons. When it is not possible to be present, the electoral competitor shall be obliged to inform the Central Electoral Commission, indicating the reason.

26. If the Commission was not informed about the impossibility to be present on the date, time and place indicated in the summons or if absence was unmotivated, the minutes shall be drawn up in the absence of the electoral competitor concerned.

27. On the date, time and place indicated in the summons the Chairperson/Deputy Chairperson of the Central Electoral Commission shall draw up a report on the contravention. The Commission shall keep record of the minutes drawn up according to the Contravention-Related Minutes Record Keeping Register according to the template provided in Annex No 5.

*Paragraph 27 amended by CEC Decision No 1714 of 29 June 2018; CEC Decision No 1916 of 11 December 2018*

28. A copy of the report shall be handed to the electoral competitor, while the minutes with the attached materials shall be forwarded to a competent Court for consideration of the administrative case.

*Paragraph 28 amended by CEC Decision No 1916 of 11 December 2018*

29. The chairperson of the Commission shall authorize by the power of attorney a member of the Central Electoral Commission or a public official of the Apparatus of the Commission to participate in the consideration of the administrative case in the court.

30. If the Central Electoral Commission establishes the fact of violation by an electoral competitor of the provisions of paragraph 13 items 1) – 2) and 4) – 5) hereof, it shall hold liable, through a formal notification, the electoral competitor concerned to transfer to the state budget the amounts thus received or used. The proof of the enforcement of the formal notification shall be presented to the Commission immediately, but no later than 3 days after the expiration of the term indicated in the formal notification.

*Paragraph 30 supplemented by CEC Decision No 1916 of 11 December 2018*

31. If the enforcement of the formal notification of the Central Electoral Commission fails, the Chairperson/Deputy Chairperson of the Commission shall draw up, on the name of the electoral competitor, a report on the administrative case as set forth by Article 48<sup>2</sup> of the Code of Administrative Offenses, in accordance with the procedure stipulated in chapter IV.

*Paragraph 31 amended by CEC Decision No 1714 of 29 June 2018*

32. The electoral competitor subject to a contravention penalty established by the court, shall immediately present to the Commission a proof of payment.

*Paragraph 32 amended by CEC Decision No 1916 of 11 December 2018*

33. In case of a violation of the provisions of Article 75(5), letters a) and b) of the Electoral Code, the Central Electoral Commission, and in the case of local elections – the District Electoral Council, shall adopt a decision on those violations and shall submit to a competent court a request for cancellation of the registration of the electoral competitor concerned. The court authority shall consider such a request no later than the day preceding the election.

*Paragraph 33 amended by CEC Decision No 1714 of 29 June 2018*