



CENTRAL ELECTORAL COMMISSION

# ELECTORAL CODE

OF THE REPUBLIC OF MOLDOVA

2019

*Unofficial translation*

# **ELECTORAL CODE**

## **OF THE REPUBLIC OF MOLDOVA**

Chişinău – 2019

# Electoral Code

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Law No.216 of 17.09.2010 – Official Gazette of the Republic of Moldova, 2010, No.191-193, Art.634;  
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Law No.75-XVI of 23.03.2007 – Official Gazette of the Republic of Moldova, 2007, No.43-46, Art.194;  
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Law No.79-XVI of 06.04.2006 – Official Gazette of the Republic of Moldova, 2006, No.66-69, Art.283;  
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Law No.276-XVI of 04.11.2005 – Official Gazette of the Republic of Moldova, 2005, No.151-153, Art.728;

Law No.176-XVI of 22.07.2005 – Official Gazette of the Republic of Moldova, 2005, No.107-109, Art.535;  
Law No.191-XV of 08.05.2003 – Official Gazette of the Republic of Moldova, 2003, No.97-98, Art.432;  
Law No.31-XV of 13.02.2003 – Official Gazette of the Republic of Moldova, 2003, No.27-29, Art.108;  
Law No.842-XV of 14.02.2002 – Official Gazette of the Republic of Moldova, 2002, No.26, Art.136;  
Law No.796-XV of 25.01.2002 – Official Gazette of the Republic of Moldova, 2002, No.20, Art.84;  
Law No.1439-XIV of 28.12.2000 – Official Gazette of the Republic of Moldova, 2001, No.49-50, Art.233;  
Law No.1422-XIV of 15.12.2000 – Official Gazette of the Republic of Moldova, 2000, No.166-168, Art.1217;  
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Law No.894-XIV of 23.03.2000 – Official Gazette of the Republic of Moldova, 2000, No.59-62, Art.405;  
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# LAW

## Electoral Code

The will of the people shall serve as basis for State power. This will is expressed through free elections, which take place periodically via a universal, equal, direct, secret, and freely-expressed suffrage. The State shall guarantee the free expression of citizens' will through the protection of democratic principles and of electoral law provisions. The present Code governs the manner of organising and conducting Parliamentary elections, presidential elections, and local elections, as well as the manner of organising and conducting referenda.

The Parliament adopts the present Code.

## TITLE I. GENERAL PROVISIONS

### Chapter 1. GENERAL TERMS AND PRINCIPLES

#### **Article 1. General Terms**

For the purpose of this Code, the following general terms shall apply:

*Campaign Adverts/Posters* – appeals, statements, photographs and other materials used by electoral competitors for electoral campaign purposes;

*Electoral campaign* – the preparatory actions aimed at disseminating information seeking to induce the voters to vote for certain electoral competitors;

*Voter* – Moldovan citizen eligible to vote;

*State Registry of Voters* – a single integrated information system aimed at keeping records on Moldovan voters developed on the basis of the State Registry of Population, intended to collect, store, update and analyse the data on Moldovan citizens, including those living abroad who reached the age of 18 years and have no statutory prohibition to elect;

*Elections* – unless specified otherwise shall mean Parliamentary elections, presidential elections, local elections, as well as referenda. The same term covers the actions of citizens, political parties and other socio-political organisations, electoral blocs, electoral bodies and other state authorities aimed at preparing the voters' lists, nominating and registering the candidates, carrying out the electoral campaigning, voting and finding the election results, as well as other election-related actions carried out as per the legislation in force;

*General elections* – any type of elections held on one day, on a Sunday or on any other day stated in the act establishing the date of elections, all over the country;

*Early elections* – the election of the elective body when its mandate ended prior to the scheduled term



of service, due to the dissolution of the elective body or in case of administrative-territorial reorganisation;

*Electoral bloc* – a voluntary union of two or more political parties and/or socio-political organisations, which has been created for joint participation in elections. Electoral blocs shall be registered with the Central Electoral Commission for parliamentary, presidential and local general elections or with the District Electoral Councils for new local elections;

*Electoral campaign* – the time period set for activities aimed at persuading the voters to cast their votes for one or another electoral competitor, beginning for each electoral competitor on the day it is registered with the Central Electoral Commission or with the District Electoral Council, and ending on the day of its exclusion from elections or on the Election Day;

*Candidate* – an individual who runs for an elective public office position on behalf of political parties, other socio-political organisations or electoral blocs;

*Independent Candidate* – an individual who runs for an elective public office position, independently of political parties, of other socio-political organisations and of electoral blocs;

*Centre for Continuous Electoral Training* – a specialised unit, established within the Central Electoral Commission with the aim to enhance the qualifications of election officials and ensure continuous professional education thereof, as well as of other actors involved in the election process;

*Electoral Constituency* – an administrative electoral unit within which elections and referenda are organised and held;

*National Constituency* – a national level constituency within which Parliamentary elections are organised and held on the basis of proportional representation on political party lists;

*Single Member Constituency* – the constituency within which elections are organised and held for a single mandate as Member of Parliament by majority vote;

*Code of Conduct* – an agreement between candidates and Media representatives regarding the electoral campaign unrolling and coverage avoiding any damage to the dignity and reputation of electoral competitors;

*Electoral competitors:*

- political parties, other socio-political organisations and electoral blocs, which lists of candidates have been registered with the Central Electoral Commission in Parliamentary elections within the national constituency;

- candidates for the Member of Parliament position, nominated by political parties, by other socio-political organisations and electoral blocs, or independent candidates registered with the corresponding District Electoral Councils – in Parliamentary elections within Single Member Constituencies;

- candidates for the position of President of the Republic of Moldova registered with the Central Electoral Commission – in case of presidential elections;

- political parties, other socio-political organisations, electoral blocs and individual running for the position of Mayor or Councillor in the Local Council registered with the corresponding District Electoral.

*Councils* – in case of local elections;

*Complaint* – a request to cancel or revise a document, a decision or an action;

*Central Electoral Commission* – an independent state body established to carry out the election policy with the aim to orderly conduct the elections, to monitor and control compliance with legal provisions on financing of the political parties and electoral campaigns;

*Nomination of Candidates* – a procedure followed by political parties, by other socio-political organisations and by electoral blocs with the aim to adopt decisions regarding the candidates for elective positions during the meetings of management bodies of political parties, other socio-political organisations or electoral blocs in accordance with their charters after the announcement of the date of elections;

*Domicile* – a person's permanent place of living, confirmed in his/her Identity Card;

*Statement of stay* – a procedure by which citizens eligible to vote declare their location on Election Day;

*Suffrage* – citizens' constitutional right to elect, to be elected, and to vote on the most important issues of the state and the society as a whole and/or on local issues of specific concern;

*Electoral education* – an educational, non-political activity carried out by civil society organisations and groups, education institutions, Media and by other interested parties aimed to enhance citizens' knowledge about political and election processes to enable them casting their votes freely and being aware. The electoral education may be freely conducted by interested actors through organising seminars, trainings, round-tables, information campaigns, public electoral debates and other education activities which are not regulated by the Central Electoral Commission or by other authorities;

*Financing of electoral campaigns* – direct and/or indirect financing as well as other type of material support offered to electoral competitors by the state, by individual and/or legal persons;

*Financing of political parties* – direct and/or indirect financing, i.e. offering, allocating or conveying funds, material means or other types of means to political parties by the state, individual and/or legal persons;

*Electoral official* – an individual who acts or who acted under the present Code as a member of the District Electoral Council or of the Precinct Electoral Bureau;

*Initiative group* – a group established out of citizens eligible to vote and registered under the conditions of this Code with the Central Electoral Commission aimed to collect signatures supporting a candidate for an elective position or to initiate a referendum;

*List of candidates* – a list of people nominated by political parties, by other socio-political organisations, by electoral blocs to participate in elections;

*Voters' lists* – the lists of all citizens eligible to vote who have the domicile or reside within reach of a Polling Station;

*Additional voters' list* – a list prepared by the electoral body containing the names of people not recorded in the main voters' lists;

*Signatures collecting sheet* – a list of collected voters' signatures supporting a candidate in elections or initiating a referendum;

*Locality* – an administrative-territorial unit organised under the law (district, municipality, town, sector, village (commune) and administrative-territorial unit with special status);

*A minimum number of reserved places for electoral posters* – specially arranged places reserved for electoral posters displayed in one locality. The boards for electoral posters shall be equally spaced within the locality territory. Each candidate shall be provided with at least one square metre of board space, while the board area shall be equally allocated among all candidates;

*National observers* – representatives of qualified non-governmental associations of the Republic of Moldova or representatives of candidates accredited by the electoral bodies under the present Code;

*International observers* – representatives of international organisations, of other state governments

and of foreign non-government organisations, as well as international experts in the election-related area accredited by the Central Electoral Commission;

*Protocol Office of International Observers* – a body established within the Central Electoral Commission during the electoral period to provide appropriate assistance to international observers aimed at facilitating proper professional observation of elections;

*Electoral bodies* – the bodies that organise Parliamentary elections, presidential elections, local elections and referenda;

*Socio-political organisations* – political parties, fronts/organisations, leagues, popular political movements registered under the Law regulating political parties and other socio-political organisations;

Political parties – voluntary citizens' associations that are organised and registered according to the Law regulating political parties and other socio-political organisations;

*Electoral period* – the timeframe beginning on the day when the date of elections is made public and ending on the day when the final election results are confirmed by the authorised bodies, but not exceeding 90 days;

*People authorised to observe the election procedures* – representatives and observers of electoral competitors in electoral bodies, observers accredited by the District Electoral Councils or by the Central Electoral Commission, as well as Media representatives;

*Reports on electoral campaign financing* – reports of electoral competitors regarding the cash flows, including the accumulated funds, sources of their origin and expenditures incurred during the electoral campaign;

*Referendum* – the procedure by which people express their option regarding the major issues of the state and of the society as a whole, aimed at their resolution, as well as citizens' consultation on local issues of specific concern;

*Registry of Election Officials* – a system of record keeping at the national level (a database containing personal information) of election officials, designed by the Central Electoral Commission, which includes the officials' full name, year of birth, profession, position, job, contact phone number, domicile, the person/body that designated them, and, when participating in elections, the date of elections and their position within the electoral bodies;

*Residence* – a person's temporary place of residence confirmed in his/her ID;

*Revocation* – withdrawal by a Court of a person's mandate, holding an elective public position and withdrawal of Mayor's mandate through a local referendum.

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

(1) Moldovan citizens shall participate in elections on the basis of universal, equal, direct, secret, and freely expressed suffrage.

(2) Participation in elections is based on citizens' free will (voluntary). Nobody shall be entitled to exercise pressure on voters to force them to participate or not in elections, nor on the expression of voters' preferences.

(3) Moldovan citizens residing out of the country shall enjoy full voting rights under the present Code. Diplomatic and consular missions are required to provide proper environment so that these citizens may enjoy the right of suffrage.

### **Article 3. Universal Suffrage**

Moldovan citizens have the right to elect and be elected regardless of their race, nationality, ethnic origin, language, religion, gender, opinion, political affiliation, wealth or social origin.

### **Article 4. Equal Suffrage**

(1) Each voter shall be entitled to one vote in any elections. All votes shall have equal legal power.

(2) In parliamentary elections, each voter shall be entitled to vote using two ballot papers: one for the national constituency and the other for the Single Member Constituency. All votes shall have equal legal power.

### **Article 5. Direct Suffrage**

Every voter shall vote in elections on a personal basis. It is prohibited to vote on behalf of another person.

### **Article 6. Secret Suffrage**

Voting in elections and/or referenda shall be secret, having eliminated any possibility to influence the voter's free will.

### **Article 7. Freely Expressed Suffrage**

Nobody shall have the right to exert any pressure on voters to make them vote or not, nor to prevent them from expressing their preferences independently.

### **Article 8. Election Day**

Elections shall be held within one day, on a Sunday or on any other day as stated in the normative act setting the date of elections, throughout the country territory or in a specific locality.

### **Article 9. The Place of Exercising the Right to Vote**

(1) The voting right shall be exercised in the locality where the voter has his/her domicile, unless otherwise stipulated by the present Code.

(2) If a voter has both domicile and residence, during the residence validity, he/she shall vote in the locality in which he/she has his/her residence.

### **Article 10. Voting for one Electoral competitor**

A voter shall vote for a single electoral competitor in each election, and shall express his/her will regarding a single option for an issue subject to referendum. In parliamentary elections, the voter shall be entitled to a vote for the national constituency and a vote for the Single Member Constituency.

## **Chapter 2.** **THE RIGHT TO ELECT AND BE ELECTED. RESTRICTIONS**

### **Article 11. The Right to Elect**

Moldovan citizens who have reached the age of 18, including on the Election Day, shall have the right to vote, except for those legally deprived of this right under the law.

### **Article 12. The Right to be Elected**

Moldovan Citizens eligible to vote and meeting the requirements referred to in the present Code shall have the right to be elected.

### **Article 13. Restrictions**

(1) The following individuals shall have no right to vote:

- a) those who do not meet the requirements referred to Art. 11;
- b) deprived of the right to vote by the final decision of the Court.

(2) The following individuals cannot be elected:

- a) active duty military personnel;
- b) persons referred to in paragraph (1);
- c) individuals who are sentenced to prison (deprivation of liberty) by a final Court decision and who serve their sentence in a penitentiary institution, as well as individuals who ave active criminal records for deliberately committed crimes. The Ministry of Internal Affairs and/or National Integrity Agency shall notify the electoral bodies about the existence of criminal records;
- d) persons deprived of the right to hold positions of responsibility by a final Court decision. The Ministry of Justice, National Integrity Agency and/or the Ministry of Internal Affairs shall notify the electoral bodies on the existence of such interdictions.

(3) Moldovan Citizens who, due to the position they hold, are not entitled to be members of a political party or of a socio-political organisation, as well as high-ranking officials whose appointment or election is governed by the Constitution of the Republic of Moldova and /or by organic laws shall suspend their activity in the office upon their registration as candidates. These provisions concern:

- a) Deputy Prime Ministers, Ministers and ex-officio members of Government;
- b) heads of central public authorities;
- c) chairpersons and deputy chairpersons of districts;
- d) mayors and deputy mayors;
- e) praetors and deputy praetors.

# TITLE II. COMMON PROVISIONS

## Chapter 3. ELECTORAL BODIES

### **Article 14. System of Electoral bodies**

(1) In order to organise and hold elections, the following bodies shall be established:

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

### **Article 15. Representation in Electoral bodies and in Courts**

(1) For the electoral campaign duration, electoral competitors may designate one representative with a consultative vote in the electoral bodies that registered them, as well as in each hierarchically inferior electoral bodies. Running in the elections political parties, other socio-political organisations and electoral blocs may also designate for the electoral campaign duration a representative with a consultative vote in the Central Electoral Commission as well. In compliance with the provisions of this paragraph, the designated representative may represent the interests of the electoral competitor in election-related disputes and in Courts.

(2) Representatives of electoral competitors shall be confirmed by relevant electoral bodies within 3 days. To be nominated as representative, the persons shall have the right to elect and be elected.

(3) The general rights and obligations of electoral competitors' representatives are set by the Central Electoral Commission decision, as well as by the electoral competitors that have nominated them.

## Section 1. Central Electoral Commission

### **Article 16. Establishment of Central Electoral Commission**

(1) The Central Electoral Commission consists of nine members: one member is appointed by the President of Republic of Moldova, the other 8 members – by the Parliament, having complied with proportional representation of the majority and of the opposition. The Commission nominal composition shall be approved by a Parliament Decision with the majority votes of elected Members of Parliament.

(2) Following their confirmation by Parliament, members of the Central Electoral Commission shall take the following oath during a plenary: "I swear to observe the Moldovan Constitution and laws, to protect the fundamental rights and freedoms of citizens, to fulfil with honour, sincerity and unbiasedly the duties assigned to me as per my position, and make no political statements during my term of office".

(3) The Central Electoral Commission shall be guided in its activity by the Constitution, this Code, the legislation in force and by the Commission Regulation approved by themselves.

(4) The Central Electoral Commission is a legal person, has its own budget, treasury accounts and stamp with the state Coat of Arms.

### **Article 17. Central Electoral Commission Composition and Term of Office**

(1) Chairperson, Deputy Chairperson and Secretary of the Central Electoral Commission shall be elected amongst the Central Electoral Commission members with the majority votes of all its members. The session where the Central Electoral Commission Chairperson, Deputy Chairperson and Secretary are elected, shall be chaired by two Central Electoral Commission members chosen with the majority votes of its members. These 2 members shall supervise the procedure of candidate debating and election of Central Electoral Commission Chairperson, Deputy Chairperson and Secretary, having recorded the results in a Protocol. The session to elect the Chairperson, Deputy Chairperson and Secretary of the Central Electoral Commission shall take place within 15 days following the entry into force of the decision confirming the new composition of the Central Electoral Commission. Members may be recalled from their positions as per the provisions referred to in Articles 16, 19 and 20 of this Code.

(2) If a candidate for the position of Chairperson, Deputy Chairperson or Secretary of the Central Electoral Commission failed to get a majority of votes, another round of elections shall be organised in which the candidates nominated for the same position in the previous round may also take part.

(3) The Chairperson, Deputy Chairperson and Secretary of the Central Electoral Commission shall enjoy full-time employment. Other members of the Commission are convened by the Chairperson as appropriate. The Chairperson, Deputy Chairperson and Secretary of the Commission are publicly appointed office holders, therefore shall comply with the legislation on the status of publicly appointed office holders.

(4) Should any of the positions referred to in paragraph (1) become vacant, it shall be filled following the same election procedures as in case of election.

(5) Within 2 days of the date of its establishment, the Central Electoral Commission shall make public its composition, office and contact information.

(6) The Central Electoral Commission term of office is 5 years. Upon its expiration the composition of the Commission may be changed. If the mandate of the Central Electoral Commission expires during the electoral period, the mandate is automatically extended until the electoral period ends and until new members occupy their positions. Nonetheless, the mandate cannot be extended for more than 90 days.

### **Article 18. Central Electoral Commission Meetings and Decisions**

(1) The Central Electoral Commission meetings shall be deliberative if attended by the majority of its members.

(2) The Central Electoral Commission shall pass decisions by a majority vote of its members. The decisions aimed at modifying, amending or repealing any of its prior acts shall be passed under similar conditions.

(3) Members of the Central Electoral Commission dissenting with the adopted decisions shall have the right to express their opinion in writing, which shall be attached to the appropriate decisions of the Central Electoral Commission.

(4) The Central Electoral Commission decisions passed within the limits of its competence are administrative acts with individual or regulatory character binding for the inferior electoral bodies, for public

authorities, enterprises, institutions and organisations, for people holding responsibility positions, political parties and for other socio-political organisations and their bodies, as well as for all citizens.

(5) Within 24 hours after their adoption, the Central Electoral Commission decisions shall be posted on the Central Electoral Commission official website and within 5 days be published in the Official Gazette of the Republic of Moldova.

### **Article 19. Status of Central Electoral Commission Members**

(1) People holding Moldovan citizenship and having their domicile in the country who enjoy spotless reputation and professional skills to carry out election activities, according the National Integrity Authority ascertainment act don't have the interdiction to hold public positions or publicly appointed office holders positions, as well as for the last 5 years have no negative registrations in their records on professional integrity for infringing any obligations referred to in Article 7 align. (2) letter a) of Law No. 325 of 23 December 2013 on the assessment of institutional integrity, may be proposed as members of the Central Electoral Commission.

(2) During their term, the Central Electoral Commission members:

- a) may not be members of any political party or of other socio-political organisation;
- b) may not engage in political activities;
- c) may not make statements for or against any electoral competitor;
- d) may not contribute in any way to the activities undertaken by electoral competitors, except for the duties foreseen in the present Code.

(3) Prior to their confirmation, the candidates for Central Electoral Commission members shall be subject to verifications according to Law No.271-XVI of 18 December 2008 on verification of holders and candidates for public functions. The information on verification outcomes shall be made public by the authority confirming the Commission members.

(4) The rights of Central Electoral Commission members are stipulated in the Regulation on the Central Electoral Commission activity.

### **Article 20. End of Term of Central Electoral Commission Members**

(1) The term of a Commission member shall be terminated under the following circumstances:

- a) expiry of term;
- b) resignation;
- c) dismissal;
- d) failure to fulfil the duties;
- e) decease.

(2) A member of the Central Electoral Commission is dismissed by the authority that designated him/her in the following cases:

- a) approval by a Court of a final decision of conviction of the member for a committed offence;
- b) loss of Moldovan citizenship;
- c) the application of a judicial protection measure in the form of custody;
- d) severe violation of the Constitution of the Republic of Moldova and of this Code;
- e) final decision establishing the involvement of a member in the issuance/approval of an administrative



act, direct conclusion of a legal act or through a third party, taking or participating in taking a decision infringing the legal provisions on the conflict of interest;

f) incompatibility status confirmed by a final decision establishing such status;

g) failure to submit the wealth and personal interest statement or refusal to submit such statement as per Article 27 (8) of Law No.132 of 17 June 2016 on the National Integrity Authority;

h) order issued by Court, through irrevocable decision, to seize the unjustified wealth.

(3) In case of infringing the conditions referred to in Article 19(2) and when committing acts incompatible with the position held, the Central Electoral Commission members may be dismissed. The notification on the failure to fulfil the conditions of Article 19 (2) or on committing actions that are not compatible with the position held shall be lodged with the authority that has appointed or confirmed the Commission members.

(4) Documents on dismissal shall be submitted to the Court of Appeal Chisinau by the authority that nominated the respective member to the Central Electoral Commission, as well as by the Commission members.

(4.1) In term of 3 days after the Decision of the Court of Appeal Chisinau was pronounced, an appeal may be lodged.

(5) Following a Court decision on dismissal of a Central Electoral Commission member and/or on the termination of Central Electoral Commission membership prior to the expiration of the term of office, within ten days thereof, the appropriate body shall nominate and the Parliament shall approve a new member to serve for the remaining term of office.

#### **Article 21. Detachment from Office Duties. Remuneration**

(1) Members of the Central Electoral Commission, working on a part-time basis, shall be detached from their full-time job, by the Central Electoral Commission decision, for the duration of the electoral period.

(2) During the electoral period (parliamentary elections, presidential elections, general local elections, new elections or republican referendum), the Central Electoral Commission permanent members are paid an indemnity of 35 per cent of the average earnings. During the electoral period, the Commission members acting on a non-permanent basis shall receive a salary equal to the Secretary of the Central Electoral Commission earnings set for the respective period, out of the funds allocated for elections.

(3) In-between the electoral periods, the Commission non-permanent members shall receive an allowance of 35 per cent of the national average salary for every attended session held by the Commission.

#### **Article 22. Central Electoral Commission General Duties**

(1) As a specialised body in the election area, the Central Electoral Commission shall:

a) study the procedure of organising and holding elections aimed to improve the election legislation and procedures;

b) submit proposals to Government and Parliament concerning the appropriateness of operating amendments to election legislation;

c) develop regulations and guidelines to improve the election procedures;

d) ensure compilation and verification of voters' lists by co-operating to this end with central and local public authorities, with the Ministry of Foreign Affairs and European Integration, and with diplomatic

missions and consular offices;

e) keep and manage the Registry of Election Officials who may be appointed to District Electoral Councils and Precinct Electoral Bureaus, including those established abroad;

f) establish District Electoral Councils and Precinct Electoral Bureaus when holding partial elections for local councils or for the position of Mayor;

g) co-operate during the organisation and conduct of elections with:

- the Public Service Agency to keep track on voters, including those located abroad, pursuant to the State Registry of Voters, developed on the basis of the State Registry of Population;

- the local public authorities in terms of selecting qualified staff involved in the activity of electoral bodies, providing the polling stations with voting booths, ballot boxes, computers and other appropriate technical means and resources;

- the Ministry of Internal Affairs in carrying out wardenship duties for polling stations and ensuring security of election documents;

- State owned enterprises and institutions during the contracting of services such as printing the ballot papers and supplying the equipment;

- Media and public associations in conducting voters' civic education activities and raising public awareness on the unrolled election process;

- the Ministry of Foreign Affairs and European Integration, diplomatic missions and consular offices, in establishing polling stations for citizens living abroad;

h) analyse the structure of constituencies from the perspective of country administrative and territorial units;

i) implement civic education programmes;

j) develop programmes on increasing voters' awareness during the electoral period;

k) provide the Media with information on holding elections and on the management practice used to this end;

l) submit annual reports to the Parliament and, upon request, to the Moldovan President and Government;

m) offer for debates election-related information to Media and to general public;

n) establish contacts with political parties, with other socio-political and non-government organisations entitled to nominate candidates for public positions, facilitating their full participation in the election process;

o) advise public associations interested in conducting civic education campaigns, during elections;

p) upon the request of political parties or of other socio-political organisations, organise training courses and seminars for the individuals selected to participate in the electoral process as members of District Electoral Councils or of Precinct Electoral Bureaus as representatives of political parties, other socio-political organisations, electoral blocs in the electoral bodies or of potential candidates as members of electoral councils apparatus, and as members of initiative groups;

q) analyse election fraud, including allegations of fraud, from the past, current or future elections and take preventive anti-fraud measures; notify the public authorities on the need to address some issues in compliance with the election legislation;

r) organise preliminary consultations with political parties, with other socio-political organisations,

electoral blocs and Media representatives and ensure the signing by them of the Code of Conduct prior to the launch of electoral campaigns;

s) keep the State Registry of Voters and exercise control on its update;

t) initiate the validation procedure of member of Parliament mandate in case a seat becomes vacant, as per the procedure set forth by the present Code, and ensure, as appropriate, holding partial elections for a seat in Parliament under the present Code;

u) cancel the local councillor's mandate if incompatibility is found or if the councillor resigns (upon a written request) as per the Rules of Procedure on raising and validating the councillors' mandates approved by the Central Electoral Commission decision;

v) declare vacant the mandate of a deceased councillor as per the Rules of Procedure on raising and validating the councillors' mandates approved by the Central Electoral Commission decision.

(2) As an independent body for monitoring and controlling the financing of political parties and of electoral campaigns, the Central Electoral Commission shall:

a) develop and pass the regulatory acts required for implementing and observing the legislation on financing of political parties and of electoral campaigns;

b) develop guidelines (forms, guides, methodological rules) to support the financial activity and training of political parties and of electoral competitors in terms of their rights, duties and responsibilities in the finance management process;

c) collect and systematise annual financial statements of political parties, reports on political parties' audits and reports on electoral campaign financing submitted by electoral competitors;

d) ensure the publication of information and annual financial statements of political parties on its official page, as well as of reports on electoral campaign financing;

e) review the complaints and appeals regarding any infringement of the legislation on financing of political parties and of electoral campaigns;

f) ascertain offences and prepare Protocols on offences due to the failure to timely submit financial statements or their non-compliant submission by political parties, by other socio-political organisations or electoral competitors;

g) impose or require imposing sanctions referred to in the present Code and Law No.294-XVI of 21 December 2007 on Political Parties, for offending the legislation on financing of political parties and of electoral campaigns, notify the competent bodies about the infringements subject to administrative, criminal liability or on infringing the tax legislation;

h) co-operate and provide information assistance for carrying out independent studies on monitoring the financing of political parties and of electoral campaigns;

i) study and monitor the enforcement of legislation on financing of political parties and of electoral campaigns, submit proposals to Parliament and Government amending the legal framework on financing of political parties and of electoral campaigns;

j) have the right to access the information held by public authorities of all levels and state registries, including access to personal data, having complied with the legislation on protection of personal data;

k) perform other supervision and control duties on complying with the legislation on financing of political parties and of electoral campaigns in line with the provisions of this Code and of Law No.294-XVI

### **Article 23. Central Electoral Commission Apparatus**

(1) The Central Electoral Commission is assisted by an apparatus, which structure and personnel is approved by the Commission. The apparatus staff is composed of civil servants who are subject to the provisions of Law No.158-XVI of 4 July 2008 on Public Function and Status of Civil Servants and of contracted personnel who carry out ancillary activities and who are subject to the provisions of labour law. The apparatus staff shall be appointed or hired by the Chairperson of the Commission under the law. During the electoral period (parliamentary elections, presidential elections, general local elections, new elections and republican referenda), the Central Electoral Commission may hire, as appropriate, using individual employment contracts, personnel within the Commission apparatus, detaching the new employees from their full-time job.

(2) Remuneration of permanent employees of the Central Electoral Commission apparatus is done in compliance with the legislation in force. For the electoral period (parliamentary elections, presidential elections, general local elections, new elections and republican referenda), they are granted an indemnity of 35-per cent of the average salary.

### **Article 24. Financing the Central Electoral Commission Activity**

(1) The Central Electoral Commission activity shall be funded from the state budget, within the limits of budgetary allocations approved by the annual budget law.

(2) The Central Electoral Commission budget is elaborated, approved and managed under the principles rules and procedures regulated by the Public Finance and budgetary-fiscal responsibilities Law no. 181/2014.

(3) Chairperson of the Central Electoral Commission organizes and implements the financial and internal control management system and has managerial responsibility for the administration of the budget and public patrimony owned institution.

### **Article 25. Central Electoral Commission Meetings and Activities**

(1) The Commission meetings may be convened by the Chairperson based on his/her initiative or based on the request of 3 Commission members. When a meeting is requested by Commission members, a decision to convene the meeting shall be made within 48 hours after the submission of the request.

(2) All Commission meetings that examine electoral issues, including the ones when the Commission has to adopt decisions on electoral issues, shall be open to Media and public. The schedule of Commission meetings shall be made public 48 hours prior to their occurrence, except for the meetings held during elections, which shall be announced at a shorter notice given the fact that the issues request an urgent examination.

(3) The Central Electoral Commission shall ensure transparency of all election-related operations, enabling the Media and the public to appraise the Commission activity.

### **Article 26. Central Electoral Commission Duties during the Electoral period**

(1) During elections, the Central Electoral Commission shall perform the following duties:

a) coordinates the activity of all electoral bodies aimed at preparing and holding elections under the present Code;

- b) oversees the enforcement of provisions covered by this Code and by other laws containing election-related provisions;
- c) establishes Electoral Constituencies and District Electoral Councils and supervises their activity;
- d) based on the data provided by the Ministry of Justice, publishes the list of political parties and of other socio-political organisations entitled to run in elections, and registers candidates and their trustworthy persons in case of parliamentary and presidential elections;
- e) distributes funds intended for holding elections; oversees the endowment of District Electoral Councils and of Precinct Electoral Bureaus with premises, transportation and communication means, and considers other election-related technical issues and resources;
- f) establishes the design of ballot papers, the main voters' lists, the additional voter's list and the list for voting at the place of stay, the Protocol of meetings held by District Electoral Councils and by Precinct Electoral Bureaus, the statement of income and property of the candidates and other documents relevant for holding elections, as well as the design of ballot boxes and of stamps for electoral councils and bureaus;
- g) reviews communications from public authorities on issues concerning the preparation and conduct of elections;
- h) addresses issues on citizens' participation in elections who are outside the country on the Election Day;
- i) ensures the monitoring of compliance with the principle of gender equality in the electoral campaign for parliamentary elections and for local elections;
- j) tabulates the election results all over the country and, where necessary, submits a report on the election results to the Constitutional Court;
- k) takes decisions on the activities performed by District Electoral Councils and Precinct Electoral Bureaus, on election procedures, organisation and conduct of elections, and on technical and administrative issues;
- l) ensures training for the members of electoral bodies and provides election information to voters through Media and any time upon request;
- m) reviews applications and appeals on decisions and actions undertaken by District Electoral Councils and Precinct Electoral Bureaus, and takes enforceable decisions thereto;
- n) decides on the detachment of members from their main full-time job during their involvement in the electoral council activities, identifies the number of Precinct Electoral Bureau members who may be detached from their main full-time job and the duration of their detachment;
- o) ensures the conduct of the second round of elections, repeated elections, early, new and partial elections under the present Code;
- p) collects information about voters' turnout, tabulates the preliminary results and makes public the elections final results;
- q) applies sanctions provided by the present Code for infringing the election legislation and the legislation on financing of political parties and of electoral campaigns.

### **Article 27. Centre for Continuous Electoral Training**

(1) The Centre for Continuous Electoral Training is a public institution founded by the Central Electoral

Commission, which conducts, upon the request of political parties or of other socio-political organisations, specialised training for election officials. Upon request, trainings may be also provided to other actors involved in the election process (observers, Media, local public authorities, etc.). The Central Electoral Commission may decide on the detachment from their full-time job of people attending the election-related trainings.

(2) The Centre for Continuous Electoral Training is financed from the Central Electoral Commission budget, as well as from funds provided by international organisations through technical/financial assistance and by external and internal donors.

(3) The Regulation of Centre for Continuous Electoral Training shall be approved by the Central Electoral Commission decision.

## **Section 2.**

### **Electoral Constituencies and District Electoral Councils**

#### **Article 28. Establishment of Electoral Constituencies and of District Electoral Councils**

(1) At least 55 days prior to elections, the Central Electoral Commission shall establish the electoral constituencies, which, as a rule, should correspond with the borders of second-level administrative-territorial units of the Republic of Moldova, and of the Autonomous Territorial Unit (ATU) Gagauzia, Chisinau and Balti municipalities, and, at least 50 days prior to elections, it shall create District Electoral Councils. Unless provided otherwise in the present Code, in elections of any level and in republican referenda Electoral Constituencies and District Electoral Councils shall be established within similar terms.

(2) The peculiarities for establishing the constituencies and the corresponding district electoral councils are provided by Art. 80 and 81.

(3) District Electoral Councils shall consist of an odd number of members, at least 7 and at most eleven, of whom at least 3 of them must have completed higher legal education or public administration education.

(4) In local elections and referenda, 2 members of first-level District Electoral Councils are nominated as candidates by the first-level local councils, and if there are no candidates nominated, the members are to be nominated by the Central Electoral Commission out of the persons recorded in the Registry of Election Officials. Other member candidates are nominated by political parties and other socio-political organisations represented in Parliament on the date when the electoral District Electoral Councils are created, one candidate from each party or other socio-political organisation; and should this be insufficient, the remaining members are nominated by the Central Electoral Commission from the Registry of Election Officials. To the extent possible, individuals having advanced legal education shall be appointed to District Electoral Councils.

(5) In parliamentary, presidential elections, republican referenda and general local elections, 2 members of the second-level District Electoral Councils are nominated by Courts, or, where appropriate, by the Court of Appeal. Other 2 members are nominated by the second-level local council and by the People's Assembly of Gagauzia. On the date the District Electoral Council are created, political parties and other socio-political organisations represented in Parliament, shall nominate one candidate from each party or other socio-political organisation, and should this be insufficient, the remaining members are nominated by the Central Electoral Commission out of the Registry of Election Officials.

(6) If political parties and other socio-political organisations fail to nominate their candidates for the

District Electoral Council at least 7 days before the term set for its establishment, the necessary number of candidates is filled by local councils and by the People's Assembly of Gagauzia, and if the latter do not present their candidates, the members of the electoral council will be nominated by the Central Electoral Commission out of the Registry of Election Officials. If the District Electoral Council performs the function of the Precinct Electoral Bureau as well, the members nominated by political parties and other socio-political organisations represented in Parliament shall not be members of political parties.

(7) Members of the District Electoral Council nominated by Courts and by the local councils may not be counsellors in local councils, deputies in the People's Assembly of Gagauzia and/or party members.

(8) Within 3 days from their establishment, the District Electoral Councils shall elect by secret ballot a Chairperson, Deputy Chairperson and Council Secretary among their members, communicating the results of these elections to the Central Electoral Commission without delay.

(9) Within 4 days from the date of its establishment, the District Electoral Council shall make public its composition, its location, and contacts information.

(10) The District Electoral Councils shall pass their decisions by the majority votes of their members.

(11) At the proposal of the District Electoral Council, it shall be assisted by an apparatus, which staff is approved by the Central Electoral Commission. For the work performed during the electoral, the staff of the District Electoral Council, benefits from an indemnity, based on the average national salary for the preceding year, paid from the funds allotted for elections. The District Electoral Council staff detached from their full-time job from institutions financed by the budget are maintained the salary from their permanent place of work.

### **Article 29. Duties of District Electoral Councils**

The District Electoral Council shall perform the following duties:

- a) supervises the enforcement of this Code and of other laws containing election-related provisions;
- b) establishes Precinct Electoral Bureaus and supervises their activity; trains their members, raises public awareness on voting procedures and promotes the importance of voting;
- c) disseminates the allotted financial funds among Precinct Electoral Bureaus;
- d) reviews communications of local public authorities, managers of enterprises, institutions and organisations related to elections organisation and holding;
- e) ensures the supply of Precinct Electoral Bureaus with voters' list and protocol forms, ballot papers etc.;
- f) registers independent candidates and lists of candidates nominated by political parties and by other socio-political organisations, by electoral blocs, and makes public the information about them;
- g) ensures public access to the candidates' statements of income and property, publishes the reports on financing of electoral campaigns as per the provisions of this Code;
- h) adopts decisions on detachment of the members of first-level electoral councils and Precinct Electoral Bureaus from their full-time job for the period of their work within these councils and bureaus, proposes the detachment of the members of the second-level electoral councils from full-time job;
- i) tabulates the election results within the constituency and submits the corresponding documents to the Central Electoral Commission and ensures the publication of voting results in the local press;
- j) collects information from the Precinct Electoral Bureaus about voters' turnout, tabulates the preliminary elections results and submits them to the Central Electoral Commission;

- k) considers the requests and complaints about decisions and actions taken by Precinct Electoral Bureaus, the actions/inactions of electoral competitors, as well as those related to financing of the independent candidates in local elections and adopts executory decisions on them;
- l) takes other actions related to the organisation and conduct of elections.

### **Section 3.**

## **Polling Stations and Precinct Electoral Bureaus**

#### **Article 30. Establishing Polling Stations and Precinct Electoral Bureaus**

(1) To conduct voting and count the votes, constituencies shall be divided into polling stations.

(2) Polling stations are established by District Electoral Councils in localities based on recommendations made by the Mayors of towns (municipalities), sectors and villages (communes), at least 35 days prior to the Election Day. The polling stations shall have between 30 and 3,000 voters and be established in similar terms for the elections of any level and in republican referenda. The polling stations venues are established, as a rule, in public property premises and are equipped in such a way as to facilitate the access of elderly and of people with disabilities.

(3) Special polling stations may also be established in hospitals, health resorts, maternity hospitals, asylums and homes for the elderly. Such polling stations shall have at least 30 voters.

(4) Military personnel shall vote at polling stations of that locality where the military units are located.

(5) In new local, partial local elections and local referenda, when no second-level district electoral council are to be established, the first-level District Electoral Council shall establish the polling stations and their Electoral Bureaus.

(6) The District Electoral Council shall number its polling stations and make public the information about the borders of each station, the address of Precinct Electoral Bureaus, the address of the voting venue and the contact details.

(7) Polling stations shall be numbered in alphabetical order starting with the locality where the District Electoral Council is located, continuing with those in municipalities, towns, sectors, communes and villages.

(8) The Mayoralties shall provide information and support to Precinct Electoral Bureaus to ensure proper execution of their duties as stipulated in the present Code.

(9) Precinct Electoral Bureaus shall be established by District Electoral Councils at least 25 days prior to elections, and consist of an odd number of between 5 and 11 members. Precinct Electoral Bureaus shall be established in similar terms for the elections of any level and in republican referenda.

(10) Local councils shall nominate 3 candidates to the Precinct Electoral Bureau. The other members of the Precinct Electoral Bureau are nominated by political parties and by other socio-political organisations represented in Parliament on the date of Bureau establishment, one candidate of each entity, and should this be insufficient, the remaining members are nominated by the District Electoral Council, at the proposal of the Central Electoral Commission, out of the Registry of Election Officials. Members of the Precinct Electoral Bureau may not be counsellors in the local councils and/or political party members. If the political parties and other socio-political organisations do not nominate their candidates to the Precinct Electoral Bureau at least 7 days prior to the term of its establishment, the necessary number of candidates is filled by the local council. If



the local council does not nominate candidates, the Electoral Bureau is filled by the District Electoral Council, upon the proposal of the Central Electoral Commission, out of the Registry of Election Officials.

(11) Within 2 days following its establishment, the Precinct Electoral Bureau shall elect a Chairperson, a Deputy Chairperson and a Secretary of the bureau among its members. The Precinct Electoral Bureau shall notify the District Electoral Council of its decision without delay, and make public the list of electoral bureau members, its location and contact details.

(12) In order to insure the exercise of the right to vote, the Central Electoral Commission may establish polling stations and Precinct Electoral Bureaus in other cases as well.

### **Article 31. Peculiarities of Establishing and Operating Polling Stations and Precinct Electoral Bureaus Abroad**

(1) All polling stations established abroad shall operate in compliance with the peculiarities referred to in this Code.

(2) In parliamentary, presidential elections and republican referenda, one or more polling stations shall be established within the diplomatic missions and consular offices of the Republic of Moldova for voters who are abroad on the Election Day.

(3) Besides the polling stations referred to in paragraph (2), polling stations can be also organised in other localities, with the consent of competent authorities of the respective country. The organisation of these polling stations is carried out by the Central Electoral Commission, at the proposal of the Government, in co-operation with the Ministry of Foreign Affairs and European Integration and with other central public administration authorities.

(4) Upon the establishment of polling stations abroad the following criteria shall be taken into account:

- a) information held by diplomatic and consular missions of the Republic of Moldova in the countries of residence;
- b) information held by central public authorities, including the relevant official statistics;
- c) information obtained following the preliminary registration of Moldovan citizens residing abroad as per the procedure defined by a Regulation approved by the Central Electoral Commission;
- d) the voters' turnout during the previous elections;
- e) other relevant data, obtained by central public authorities, upon request, from the authorities of the country of residence, under the law.

(5) The Precinct Electoral Bureau established abroad shall consist of a Chairperson, appointed by the head of the diplomatic or consular mission or by the staff of other institutions within the diplomatic unit, and of 6 to 10 representatives of political parties and of other socio-political organisations represented in Parliament, one representative from each party or socio-political organisation. The Precinct Electoral Bureaus established abroad shall be completed with representatives of political parties by Chisinau District Electoral Council. In case the number of persons nominated by the parliamentary political factions is not sufficient to complete with staff the Precinct Electoral Bureaus established abroad, they will be supplemented with persons recorded in the Registry of Election Officials, who have good reputation, are politically non-affiliated, with the endorsement of the Ministry of Foreign Affairs and European Integration.

(6) The peculiarities of organisation and operation of polling stations established abroad are regulated

by the Central Electoral Commission, in coordination with the Ministry of Foreign Affairs and European Integration. The costs related to the organisation and operation of those bureaux are covered out of the budget allocated for elections/referenda. The expenditures for the polling stations established abroad are estimated beforehand by the Government and by the Central Electoral Commission, and in case they are not foreseen in the budget allocated for elections/referenda, financial recourses are allocated from the Reserve Fund of the Government.

(7) The Protocols prepared by Precinct Electoral Bureaus established abroad, together with all complaints related to election procedures carried out by the Precinct Electoral Bureau, shall be conveyed, via electronic means, to the District Electoral Council within 24 hours at most following the closure of polling stations. The accuracy of the data included in those Protocols is confirmed by phone. Should sufficiently proved discrepancies or errors occur, they shall be corrected by Chisinau District Electoral Council.

**Article 32. Peculiarities in the establishment and operation of polling stations for voters residing in localities from the left bank of Nistru River (Transnistria) and of Precinct Electoral Bureaus for localities from the left bank of Nistru River (Transnistria)**

(1) In parliamentary elections, presidential elections and in republican referenda, for voters residing in localities from the left bank of Nistru River (Transnistria), the Central Electoral Commission shall organise several polling stations located on the territory of the Republic of Moldova under the jurisdiction of the central local authorities. When setting such polling stations, the Central Electoral Commission shall take account of the administrative-territorial organisation and ensure access of voters to election process and to the respective electoral bodies.

(2) The responsible election body shall create distinct polling stations for voters residing in localities from the left bank of Nistru River (Transnistria) that belong to the respective constituency created by the Central Electoral Commission pursuant to the approved regulation. Such polling stations shall subordinate to the District Electoral Council established as per Article 28 and Article 81 align. (3).

(3) Upon the opening of polling stations for voters residing in localities from the left bank of Nistru River (Transnistria) the following criteria shall be observed:

- a) polling stations shall be opened within administrative-territorial units falling under the constitutional control of Moldovan authorities, both on the left and right banks of Nistru River;
- b) for localities from the left bank of Nistru River distinct polling stations shall be opened based on the data from the State Registry of Voters, including on the basis of preliminary registration, as per the procedure established by the regulation approved by the Central Electoral Commission;
- c) upon opening the polling stations it will be taken into account the voters' turnout in previous elections and the constituency borders relative to the voter's domicile, as per the data of the State Registry of Voters, including on the basis of preliminary registration.

(4) Upon establishing the Precinct Electoral Bureaus for voters residing in localities from the left bank of Nistru River (Transnistria), the provisions of Article 30 shall be applied accordingly. The local public administration body responsible for appointing the members of the corresponding bureau of the polling station is the one from the polling station opened for the voters residing in localities from the left bank of Nistru River (Transnistria).

(5) The peculiarities related to organising and operating the bureaus of polling stations opened for the voters residing in localities from the left bank of Nistru River (Transnistria) shall be regulated by the Central Electoral Commission, while the costs incurred for organising and operating the bureaus shall be covered from the budget allocated for elections/referenda. For these polling stations, the costs shall be estimated in advance by the Government and Central Electoral Commission. When such costs are not foreseen in the budget allocated for elections/referenda, the funds shall be provided from the Reserve Fund of the Government.

### **Article 33. Duties of Precinct Electoral Bureaus**

The Precinct Electoral Bureau shall:

- a) keep the voters' lists, ensure the integrity of voters' lists and of ballot papers;
- b) consider requests related to errors made in voters' lists, make the required changes thereto, and issues certificates to voters who will be away from their domicile on the Election Day;
- c) prepare additional electoral lists and include those voting without having a vote certificate, as well as voters who, due to various reasons, were not included in the main voters' lists;
- d) notify the public residing within the Polling Station about the date of elections and the location of the polling station, prepare the polling station premises for voting and install ballot boxes and voting booths; organise the voting process during the Election Day, and ensure public order within the premises of polling stations;
- e) tabulates the election results in the Polling Station, prepare the Protocols and reports, and submit them along with all ballot papers to the District Electoral Council;
- f) consider requests and complaints regarding the organisation and conduct of elections, adopting decisions thereto, copies of which are attached to its report;
- g) provide the District Electoral Council with data regarding voters' turnout, as well as the data required for tabulating the preliminary election results;
- h) perform other duties under the present Code;
- i) ensure that voters, observers, and candidates have access to information from the State Registry of Voters and to voters' lists.

## **Section 4.**

### **Offering support to District Electoral Councils and Precinct Electoral Bureaus, Organisation of their Activity, Modification of their Composition and their Dissolution**

#### **Article 34. Offering support to Electoral Councils and Bureaus**

(1) Public administration authorities, enterprises, organisations and institutions, officials in charge, political parties and other socio-political organisations and their bodies shall be required 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, which matches the existing needs.

(2) District Electoral Councils and Precinct Electoral Bureaus may notify public authorities, enterprises,

organisations and institutions, officials, political parties and other socio-political organisations and their bodies on matters relating to the organisation and conduct of elections. The notified entities shall consider those notifications and respond within 3 days from the day of their receipt or on the Election Day at latest.

### **Article 35. Organisation of Electoral Councils and Bureaus Activity**

(1) Meetings of electoral councils and bureaus during the electoral period shall be called and held by the Chairperson, and, in case of his/her absence or upon his/her request, by the Deputy Chairperson. A meeting may be also called upon the request of at least one-third of electoral council/bureau members.

(2) Meetings of electoral councils/bureaus are deliberative if attended by more than half of their members. The electoral councils and bureaus decisions shall be passed by an open vote of the majority of its members, and be signed by the Chairperson and Secretary. Upon a tie vote, the decision is not adopted, and the issue under consideration shall be re-considered during the next meeting. The council or bureau members who disagree with the adopted decisions have the right to submit in writing their dissenting opinion, which shall be attached to the meeting Protocol.

(3) Information about the decisions of electoral councils or bureaus adopted within the scope of their authority are binding for all public administration bodies, enterprises, institutions and organisations, political parties, other socio-political organisations and their bodies, and for all citizens.

(4) The Central Electoral Commission shall determine the number of election body members who shall be detached from their full-time jobs, and the duration of that detachment. Persons detached from the institutions financed from the state budget are maintained the salary from their full-time job. For the activity performed during the electoral period, persons detached from budgetary institutions, persons detached from non-budgetary institutions and convened persons, benefit from an indemnity, based on the average national salary for the preceding year, paid from the funds allotted for elections. For the activity performed during the electoral period, including on the Elections Day, for not detached and convened members of electoral bodies, as well as for the staff of the Precinct Electoral Bureaus, is established an allowance of 20 per cent of the national average salary for the preceding year, paid from the funds allotted for elections.

(5) Civil servants who are members of electoral bodies or employees of their apparatus, detached from their full-time job, shall keep their civil service status.

(6) Where appropriate, it is allowed to conclude individual employment contracts for a fixed timeframe to carry out specified activities. The expenses to accomplish those activities shall be covered from the funds allotted for elections.

(7) Members of electoral councils and bureaus shall not campaign for or against candidates running for elective public positions; shall not engage in any political activity or support of any electoral competitor; shall not be affiliated with any electoral competitor; shall not provide any financial support or other contribution, directly or indirectly, to any electoral competitor. In local elections, members of electoral councils and bureaus shall not be the spouses, relatives by blood or by marriage of the first and second degree of the candidate running in elections. Judges appointed in the District Electoral Councils shall not review any election-related disputes in the respective electoral district as of the date of establishing the electoral council.

(8) Chairpersons of the electoral councils and bureaus shall be responsible for ensuring the maintenance and return of assets received from the Central Electoral Commission, being accountable for the failure to do so

as per the legislation in force.

### **Article 36. Changing the Composition of Electoral Councils and Bureaus**

(1) The membership of the electoral council or bureau shall be ceased:

- a) upon personal request;
- b) upon revocation.

(2) A member of the electoral council or bureau is revoked by the body (authority) or by the electoral competitor that appointed him/her for having infringed the prohibitions referred to in Article 35 (7) of this Code; for the infringement of electoral rights of voters; for improper absence at two consequent sessions of the electoral body or for the refusal to enforce the electoral body decisions he/she is a part of. The revocation will be enforced through a decision of the electoral body the member is part of. Should the decision be appealed, the revocation shall become valid after its confirmation by the hierarchically superior electoral body.

(3) If a member resigns or is revoked from the electoral council or bureau before the day preceding the Election Day, the vacancy may be filled as per the procedure referred to in the present Code.

### **Article 37. Dissolution of Electoral Councils and Bureaus**

(1) Electoral councils and bureaus established under the present Code shall cease their activities and be dissolved by a decision of the election body that has established them, as soon as the final results of elections are made public by the Central Electoral Commission (or by the respective District Electoral Council).

(2) As a rule, District Electoral Councils and Precinct Electoral Bureaus shall terminate their activity as soon as they have submitted all the required documents to the Central Electoral Commission and, where appropriate, to Court.

(3) After the electoral councils or bureaus dissolution as per this Article, the remuneration of members who were detached from their full-time jobs ceases and they return to their full-time jobs.

## **Chapter 4.**

### **MATERIAL SUPPORT OF ELECTIONS AND FINANCING OF ELECTORAL CAMPAIGNS**

#### **Article 38. Ensuring the resources necessary to hold elections**

(1) Expenditures incurred for preparing and holding elections shall be cover from the state budget.

(2) Expenditure on preparing and conducting elections is an integral part of the budget of the Central Electoral Commission.

(3) As soon as possible after elections are finished, the Central Electoral Commission shall submit a report on the management of the allocated financial means to the Parliament along with the opinion of the Court of Accounts.

(4) – repealed

(5) The terms and conditions of funds allocation and spending, as well as the publication of the final report on spending shall be established by the Central Electoral Commission under the present Code.

(6) Local public authorities, enterprises, institutions and organisations shall provide the electoral councils and bureaus with office space and equipment necessary for organising and holding elections and for

tabulating the election results.

(7) Members of electoral bodies and of their apparatus are entitled to a day off – Monday immediately following the Election Day.

### **Article 39. Banning foreign subsidies**

(1) It is prohibited to provide direct or/and indirect funding and material support of any kind to initiative groups, to electoral campaigns unrolled by candidates and to electoral competitors by other countries, by foreign, international or joint enterprises, institutions, organisations, as well as by individuals who are not Moldovan citizens. Such funds are subject to seizure as per a Court decision and shall be transferred to the state budget according to the provisions of criminal and administrative law.

(2) None of the provisions referred to in paragraph (1) shall not be construed and applied to limit the funding allocated openly and transparently with the aim to support the efforts promoting the democratic values and international standards for free, democratic and fair elections.

### **Article 40. State Support of Electoral Campaigns**

(1) The state may grant the electoral competitors interest-free loans.

(2) The state budget loans may be received only by a financial agent appointed by the electoral competitor to this end. Financial agents can be individual or legal persons registered with the Ministry of Finance; they shall be severally liable with the electoral competitor that appointed them. The application for a loan shall be submitted to the Ministry of Finance.

(3) The loans received from the state budget shall be cleared, in full or in part, by the state depending on the overall number of votes received by the electoral competitor in the respective constituency. The amount to be cleared by the state shall be calculated by dividing the loan received by the number of voters who voted, and then multiplying it by the number of valid votes cast for the respective electoral competitor.

(4) The electoral competitor who has withdrawn its candidacy shall pay back the loan allocated from the state budget for unrolling its electoral campaign within 2 months since the moment the candidacy has been withdrawn.

(5) Electoral competitors that received less than 3 per cent of valid votes cast in the election throughout the country or within the respective constituencies, including independent candidates who were not elected, shall pay back the state loans received within 2 months from the end of voting. The other electoral competitors shall pay back the state loans within four months.

(6) If the elected and validated mayor refuses to exercise his/her mandate, he/she shall pay back the expenditure incurred for organising and holding the elections.

### **Article 41. Terms and Conditions of Financial Support for Electoral campaigns**

(1) Only financial resources derived from labour, entrepreneurial, scientific or creative activities undertaken on the territory of the Republic of Moldova may be used for financing of the political parties and electoral campaigns.

(2) Individual or legal persons financing directly or indirectly the initiative groups, as well as providing material support of any kind of electoral campaigns held by the competitors, shall comply with the following

requirements:

- a) an electoral competitor shall open a bank account titled "Election Fund", on which he/she may transfer his/her own funds as well as other funds received in accordance with the law from individuals – citizens of the Republic of Moldova, or from domestic legal persons, notifying the Central Electoral Commission about his/her Financial Agent (Treasurer). The electoral competitors themselves may not be appointed as Treasurers;
- b) the account titled "Election Fund" may be opened also before the registration of the electoral competitor, provided that all the operations using this account are performed only after the registration of the electoral competitor;
- c) the electoral competitor who does not open a bank account titled "Election Fund" shall inform the Central Electoral Commission about this and carry out only campaign and promotional electoral activities that do not require financing;
- d) the Central Electoral Commission shall define the overall ceiling of funds to be transferred to the electoral competitor "Election Fund" account, taking as basis for its calculation a coefficient multiplied by the number of voters in the constituency where the elections are held;
- e) the ceilings for donations to the "Election Fund" account made by individual and legal persons for an electoral campaign are set respectively to 50 and 100 monthly average national salaries established for the respective year;
- f) legal persons may donate money to the "Election Fund" account only via wire transfer, accompanied by a note on the non-existence of state, foreign or joint share in the social capital and by a statement of personal responsibility related to non-existence of restrictions set in letter d);
- g) the legal person transferring money to the "Election Fund" account shall inform its shareholders or members about the performed operations;
- h) donations provided in cash by individuals shall be accompanied by a filled in form enclosed to accounting documents of the supported electoral competitor. The Central Electoral Commission shall approve a sample of such form;
- i) the Election Fund money can be used only after its declaration to the Central Electoral Commission or to the District Electoral Council, in case of independent candidates in local elections;
- j) the money transferred to "Election Fund" accounts may not be used for private purposes.

(3) The activity of political parties, initiative groups, electoral competitors and/or of electoral campaigns is prohibited to be financed or supported financially directly and/or indirectly by:

- a) foreign legal persons, including joint venture entities, by other countries or international organisations, including international political organisations;
- b) citizens of the Republic of Moldova under the age of 18 years and citizens that were applied a judicial protection measure in the form of custody;
- c) individuals – Moldovan citizens out of the earnings derived abroad;
- d) public authorities, organisations, enterprises, public institutions, other legal persons funded from the public budget or having state-owned capital, except for the cases when the service or material support granted is specifically provided by legislation;
- e) legal persons which one year before the launch of the electoral period, have carried out activities

financed or paid out of public means (funds), as well as by legal persons with foreign or joint capital;

f) anonymous persons or persons acting on behalf of third parties;

g) individuals who are not Moldovan citizens;

h) non-commercial organisations, trade unions, charity or religious organisations.

(4) All electoral campaign-related expenses shall be covered out of the "Election Fund" account.

(5) The electoral competitors shall be prevented from offering money to voters, disseminating material goods free-of-charge, including the ones received from humanitarian aid or from other charity actions.

(6) The provisions referred to in paragraph (5) shall not be applied to symbolic gifts, representing electoral or political advertising, paid out of the "Election Fund" means, bearing the logo of the electoral competitor, which market value does not exceed two conventional units.

(7) The bank in which "Election Fund" accounts are opened shall inform the Central Electoral Commission about the funds transferred to electoral competitors' accounts on a daily basis or upon the Commission request.

(8) Within 5 days following the launch of the electoral period, the radio broadcasters are required to advertise the conditions under which they provide advertising space (including the price per minute) to electoral competitors, as well as other related services, having informed the Central Electoral Commission and the Audiovisual Coordinating Council to this end. The Central Electoral Commission shall post this information on its official website.

(9) The public authorities and institutions are required to support the Central Electoral Commission and the District Electoral Councils in their monitoring and control activity over compliance with the legislation on electoral campaign funding.

(10) The present Code provisions related to the conditions, manner, constraints and responsibility for financing of candidates' electoral campaigns, the electoral competitors and referenda shall be applied to initiative groups in the appropriate way. The Central Electoral Commission shall approve the Regulation on financing of initiative groups, which collect signatures to support a candidate for an elective position or for initiating a referendum.

#### **Article 42. State Registry of Voters**

(1) The State Registry of Voters is a single integrated information system for keeping records on Moldovan voters. It is designed to collect, store, update and review the data on the Moldovan citizens who have attained the age of 18 years and have no statutory prohibitions to vote. The State Registry of Voters development, management, amendment and update is carried out on the basis of a Central Electoral Commission Decision.

(2) The Central Electoral Commission shall compile the voters' lists based on the State Registry of Voters, which is created using the State Registry of Population. The managing authority of the latter shall provide free access to the Commission on a yearly basis, by 31 January the latest, and on periodical basis. When holding elections, following the announcement of the date of elections, the managing authority shall provide the Commission with the data and information required to prepare and update the State Registry of Voters.

(3) The State Registry of Voters shall contain the following information about each voter:

a) full name;

b) date, month and year of birth;

c) state identification number (IDNP);



- d) address of domicile (country, locality, street, house, apartment);
- e) address of residence (country, locality, street, house, apartment);
- f) series and number of the identity document (national ID, passport, military ID).

(4) The voters with domicile or residence abroad, as well as the voters who are temporarily located abroad, upon their request, shall be recorded in the State Registry of Voters with the relevant data about their last domicile or residence.

(5) Deceased persons and those who have lost the Moldovan citizenship shall be removed from the State Registry of Voters based on the information presented by the authority which manages the State Registry of Population. The persons who have lost their election rights are kept in the State Registry of Voters with the note "Lost the voting right" and are not included in the voters' lists.

(6) The data and information contained by the State Registry of Voters are designed exclusively for election processes and shall be accessible on the Central Electoral Commission website, each voter having access to his/her private data only.

### **Article 43. Reports on Electoral campaign Financing**

(1) In parliamentary and presidential elections, political parties, electoral blocs and independent candidates, within 3 days after opening the account "Election Fund" and on a weekly basis afterwards shall submit the report on the accumulated financial means and expenditures incurred during the electoral campaign to the Central Electoral Commission. The reports shall be submitted both electronically and in hardcopies, being signed by the responsible persons. The Central Electoral Commission approves the report sample, which shall contain the following information:

- a) identification data of the individual or legal person that has donated financial means;
- b) a list of all donations received, including the nature and the value of each donation as money, goods, objects, works or services;
- c) the total value of donations and the number of donors;
- d) the list of donations reimbursed due to exceeding the ceilings referred to in Article 41 align. (2) letter e);
- e) identification data of individual and legal persons to whom funds were paid from the "Election Fund" and the purpose of the corresponding spending;
- f) the amounts of debts, the numbers of financial record keeping acts and other conclusive information;
- g) the accounting information of the legal persons established or controlled in any other way by the respective political party for the corresponding period.

(2) The Central Electoral Commission shall perform prior review of the reports on electoral campaign financing, received as per the conditions referred to in paragraph (1) in terms of their completeness of information and compliance with the requirements for their preparation.

(3) If the report submitted by a political party, electoral bloc or independent candidate under the conditions set in paragraph (1) is incomplete, the Central Electoral Commission shall be entitled to require additional data from the respective electoral competitor, and the latter must submit the data within 3 working days after being requested.

(4) The reports shall be posted on the Central Electoral Commission website within 48 hours after their receipt, having complied with the legislation on protection of personal data.

(5) Independent candidates in local elections, within 3 days from the day the “Election Fund” account was opened and subsequently, every 2 weeks, shall submit reports on accumulated revenues and expenses incurred during the electoral campaign to the corresponding District Electoral Council. The report sample shall be approved by the Central Electoral Commission. Within 2 days after receiving the reports the District Electoral Councils shall grant access to persons interested in the reports submitted by independent candidates and send them to be published on the web pages of the corresponding local public authorities, having complied with the legislation on protection of personal data.

(6) The reports on funding of electoral campaigns for the entire electoral period shall be submitted by the registered electoral competitors to the Central Electoral Commission not later than 2 days prior to Election Day. The reports shall be published on the Central Electoral Commission official website within 48 hours after their receipt, having complied with the legislation on protection of personal data.

(7) During the electoral period, political parties are entitled to accept donations directly on their “Election Fund” account only, in compliance with the rules covered by the present Code. A political party may transfer its own financial means to the “Election Fund” account on the date of launching the electoral period, provided it will submit a report to the Central Electoral Commission, containing the data referred to in paragraph (1).

(8) The Central Electoral Commission shall develop and approve forms for the reports on revenues and expenditures incurred during the electoral campaign. The following information on spending shall be included:

- a) costs of meetings and election events, including the costs associated with them (rent, stage, performances, sound, stands, posters, protocol expenses, security, Media coverage of the event, etc.);
- b) advertising expenses incurred, including on TV, radio, other electronic Media, printed Media, billboards, on street or mobile advertising platforms;
- c) expenditures for promotion materials, including for the political party electoral programme, posters, flags, tee-shirts, other promotional items offered free-of-charge in compliance with the provisions of Article 41(6);
- d) costs for transportation of persons and goods;
- e) costs for public opinion survey services;
- f) additional maintenance costs: renting offices for electoral purpose, salaries paid to personnel temporarily employed for electoral purpose;
- g) costs for delegation and detachment of persons;
- h) expenses for consulting services on electoral and political matters.

(9) If the information submitted by a political party or electoral bloc in line with the requirements set in paragraph (8) is incomplete, the Central Electoral Commission shall have the right to require additional information from the electoral competitor in question on the amount of each transfer to its account and on the origin of those funds.

(10) All the services and actions foreseen in paragraph (8) rendered free-of-charge by individual and legal persons, as well as volunteer actions during the period of collecting signatures and during the electoral campaign supporting an electoral competitor shall be evaluated by the initiative group and by the electoral competitor and included in the financial statement as per the procedure set by the Regulation approved by the Central Electoral Commission.

## Chapter 5. VOTERS' LISTS

### Article 44. Voters' Lists

(1) The voters' lists developed on the basis of the State Registry of Voters, are lists comprising data on all citizens eligible to vote, have the domicile or residence on the territory of a polling station. A voter may be included in one voters' list only and at one polling station only. The voter who has both domicile and residence is registered during the validity of the residence in the voters' list of the polling station within the respective residence. The Central Electoral Commission shall approve the Regulation on developing, managing, disseminating and updating the voters' lists.

(2) The voters' list shall contain the following information:

- a) locality and the number of the polling station;
- b) voter's full name and the year of birth;
- c) voter's domicile/residence;
- d) state identification number (IDNP);
- e) series and number of voter's identification document.

(3) For communes the voters' lists are developed based on villages and, if applicable, based on streets, while for cities and municipalities the lists are developed on the basis of streets and apartment blocks. The distribution of voters shall be performed based on the information provided by the relevant local public authorities.

(4) The voters' lists which contain military personnel in military units, as well as their families, and other voters having domiciles on the territory of military units, are developed on the basis of data provided by the Commanders of the respective military units. The military personnel with their domicile outside of the military units, including their families, are included in the voters' lists according to their domicile.

(5) For the polling stations created in health resorts, rest-homes, and in hospital facilities and other in-patient medical facilities, the voters' lists are developed on the basis of voters declaration regarding his/her place of stay or based on data provided by the management of the aforementioned institutions.

(6) For the polling stations created outside the Republic of Moldova, the voters' lists are developed based on data collected by the heads of diplomatic missions and of consular offices established in the respective countries. At the beginning of the electoral period, the diplomatic missions and consular offices shall make public and update the voters' lists held. At least 25 days prior to the date of elections, the voters' lists update shall be ceased. The updated lists shall be sent to the Central Electoral Commission without delay.

(7) If a voter has changed his/her domicile or residence during the period after the voters' lists were developed and before the date of elections, the electoral bureau of the polling station from the previous domicile, upon the request of the voter and on the basis of the identity document accepted for voting, shall issue the voter a certificate confirming the right to vote. The voter who received such a certificate confirms its receipt by affixing his/her signature in the voters' list in the row with his/her name under the heading "Notes". The mentioned heading shall state the date of certificate issuance, its number, and the name of the electoral bureau member who issued it. In parliamentary elections within Single Member Constituencies, the

certificate confirming the right to vote shall be issued only if the new domicile is located on the territory of the same Single Member Constituency.

(8) Persons holding the right to vote who have changed their place of stay after the last elections are entitled to declare their new place of stay to the local public administration authority no later than 30 days before the next elections. Such persons shall be included in the voters' lists of the polling station corresponding to the place of stay. The appropriate local public authorities shall convey the respective information to the Central Electoral Commission without delay.

(9) The Central Electoral Commission shall convey voters' lists to local public authorities/diplomatic missions or consular offices no later than 22 days before the Election Day, in triplicate, containing a stamp and other authenticity signs affixed on each page. Two copies of the lists shall be sent immediately to the Precinct Electoral Bureau, and one copy is kept at the Mayoralty/diplomatic mission or consular office.

(10) Voters may require the Central Electoral Commission or the Bureau to operate amendments in the voters' lists no later than one day prior to the day of election. The bureau shall communicate the requested amendments to the Central Electoral Commission without delay, having attached the supporting documents, i.e. voter's application, statement and a copy of identity documents.

#### **Article 45. Verification of Voters' Lists**

(1) Voters' lists shall be made available within the polling stations premises, as well as on the Central Electoral Commission website no later than 20 days prior to elections day. A copy of the list shall be kept at the Mayoralty. No later than 20 days before the elections the voters shall be notified via all available communication means (Media, phone, poster, Internet) about the location of the polling station where they can vote.

(2) Citizens shall have the possibility to get acquainted with the voters' lists and to verify their accuracy. They shall have the right to submit complaints if their names have been omitted or deleted from the list, as well as if errors have been committed in their personal data or in the data of other voters, no later than on the day preceding the Election Day. The complaints shall be considered by the relevant electoral bodies within 24 hours, and their decisions may be appealed by interested parties in Courts according to the established procedure if their request to amend the list or include their name in the list was rejected.

(3) The Central Electoral Commission shall develop and pass the procedures for preparing, verifying and updating the voters' lists, clearly governing the issues on: transmitting the voters' lists to electoral bureaus; including/excluding voters by the Precinct Electoral Bureau members; subsequent presentation of final voters' lists and other appropriate aspects.

## **Chapter 6. NOMINATION AND REGISTRATION OF CANDIDATES**

#### **Article 46. Nomination of Candidates**

(1) In parliamentary and presidential elections, the process of candidates' nomination shall start 60 days prior to the date of elections and end 30 days before the date of elections. In local elections, the process of candidates' nomination shall start after having established the constituencies and district electoral councils in

accordance with Article 131.

(2) The following entities shall have the right to nominate candidates, provided they meet all requirements set forth by the present Code:

- a) parties and other socio-political organisations registered in the established manner prior to setting the date of elections in accordance with their charters (regulations) and with the legislation in force;
- b) electoral blocs created based on decisions taken as per the charters (regulations) of political parties and of other socio-political organisations which formed them, which are registered with the Central Electoral Commission in parliamentary elections, presidential elections and in local general elections or with the District Electoral Councils in new elections. The candidates shall be nominated within 15 days from the date when the electoral blocs were created. If the electoral blocs were created before the electoral period launch, nominations shall be made within 15 days from the beginning of this period;
- c) Moldovan citizens who nominate themselves for elections (independent candidates).

(3) The lists of candidates for parliamentary and local elections shall be prepared having observed the minimum representation share of 40 per cent for both sexes.

(4) Political parties complying with the minimum representation share of 40 per cent for women candidates nominated within Single Member Constituencies shall get a 10 per cent increase in the budget support amount allocated to the respective political party for the corresponding fiscal year and a multiplying coefficient for each woman candidate elected in the Single Member Constituency as per the legislation on political parties and the procedure defined by the Central Electoral Commission.

(5) Candidate statements of consent to run for elections shall be submitted in person, as follows:

- a) statements by candidates in parliamentary and presidential elections shall be submitted to the Central Electoral Commission;
- b) statements by candidates for the positions of Mayor and Councillor within local council in local elections shall be submitted to appropriate District Electoral Councils.

#### **Article 47. Collecting Signatures in Support of a Candidate, including of Independent Candidates, and for initiating a Referendum**

(1) Signatures are collected only in support of a Single Member Constituency candidate, including the independent one, or for initiating a referendum. In parliamentary elections within Single Member Constituencies, as well as in local elections, signatures shall be collected only in the districts where electoral competitors are running for elections.

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

(3) Lists for collecting signatures in support of an independent candidate, as well as for a referendum, hereinafter referred to as signatures collecting lists, shall include the full name, year of birth, profession (occupation), position, job, domicile and party membership of the candidate, as well as the full name of the person who collects the signatures. The signatures collecting lists shall contain only signatures of voters located in one locality.

(4) A voter who supports the candidate, as well as a person who supports holding a referendum, shall

personally fill in the signatures collecting list his/her full name, year of birth, place of residence, ID series and number, date of affixing the signature in the sheet. If the supporter of a candidate, due to objective reasons, cannot fill in the requested private data, the latter shall be filled in by a member of the initiative group or by another person empowered to collect signatures, while the signature in the signatures collecting list shall be affixed by the supporter, and where not possible, by his/her legal representative.

(5) By affixing his/her signature in the sheet a voter may support only one candidate during one scrutiny.

(6) The initiative group member who collects voters' signatures must sign every sheet of the signatures collecting lists. Signature collectors shall write at the end of each sheet a statement according to which they have personally collected the signatures and confirmed the identity of signatories, and then sign the sheet.

(7) The present Code covers also the peculiarities of signature collection in support of Single Member Constituency candidates running for Parliamentary elections outside the country and within Single Member Constituencies of localities located on the left bank of Nistru River (Transnistria).

#### **Article 48. Submission and Verification of Signatures collecting lists**

(1) After the signatures collecting lists have been submitted, the competent election body shall start the verification of signature authenticity, including the right to vote of persons included in the lists and their domicile. The signatures collecting lists shall be verified within 5 days from the day of their submission.

(2) The Central Electoral Commission or the District Electoral Council shall inform the submitters of signatures collecting lists about the verification results, announce the total number of persons included on the lists submitted by each candidate and the number of valid signatures.

(3) Signature collectors shall be responsible for the authenticity of data included in those lists.

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

- a) signatures collecting lists prepared prior to the official start of candidate nomination period;
- b) signatures that are considered to be fake;
- c) signatures collecting lists that do not meet the requirements of Article 47(4) and (6).

#### **Article 49. Registration of Candidates**

(1) To register the candidates, no later than 30 days before the date of elections, the Central Electoral Commission or the District Electoral Councils shall be provided with the following documents:

- a) Protocols of meetings held by the political party central or territorial body, by other socio-political organisations, or by the electoral bloc to nominate the candidate (list of candidates prepared as per the provisions of Articles 85, 86 and 137);
- b) Signatures collecting lists with a sufficient number of signatures in support of independent candidates in any type of elections, as well as of candidates in parliamentary elections within Single Member Constituencies;
- c) Candidate's biographical data;
- d) Candidate's statement accepting to run for the position he/she was nominated for, including the personal responsibility statement on having no legal/judicial constraints to stand as candidate;
- e) Candidate's statement of wealth and personal interests for the last two years preceding the year of elections as per the Law on disclosure of wealth and private interests;

f) Integrity Certificate issued by the National Integrity Authority under the law, comprising the following information about the candidate:

- existence of legal/judicial constraints to stand as candidate or to hold a public office;
- information on the existence/non-existence of acts of final findings regarding the disclosure of wealth and private interests, incompatibility statuses and seizure of unjustified wealth, acts that are not prescribed;

g) Health certificate of the candidate for the position of President of the Republic of Moldova issued by the medical institution that holds relevant records on the respective candidate;

h) Candidate's declaration for mayor's position on suspending any activity incompatible with that position for the duration of the mayor's term of office, if that person has been elected and his/her mandate was validated;

i) statement on suspending from the previously held position for the electoral campaign period – for the persons falling within the provisions of Article 13(3);

j) the electoral symbol in electronic and hardcopy formats;

k) copy of the candidate's ID.

(2) Representatives of political parties and of other socio-political organisations, electoral blocs and independent candidates shall submit the documents for registration only after the Central Electoral Commission or respective District Electoral Councils made public the venue (office) and time for documents acceptance. This information shall be made public within 2 days after the launch of candidates' nomination period. The time between the adoption of a decision concerning the venue and time for receiving the documents, and the established time for document acceptance shall not be less than 24 hours. If representatives of several political parties, socio-political organisations, political blocs and independent candidates submit all the required documents for registration at the same time, the order of receiving them shall be established by random drawing in accordance with the regulations approved by the Central Electoral Commission and published in the Official Gazette of the Republic of Moldova.

(3) The respective election body shall either register or refuse to register the candidates for elections within 7 days after the date of receiving the documents referred to in paragraph (1).

(4) Within the same elections, a person may run for several eligible positions only on behalf of one political party or one electoral bloc.

(5) The candidates nominated for elections may not be either employed during those elections or involved in any activity carried out by any District Electoral Council or Precinct Electoral Bureau.

(6) As soon as possible, the respective election body shall issue a certificate to registered candidates, but no later than in 3 days from the day of their registration.

(7) The respective election body shall make public its decisions on registering the independent candidates or the lists of candidates in Media financed out of budget resources.

(8) Upon expiration of the term for candidates' registration, the respective election body shall publish the final list of registered candidates, providing their full name, year of birth, domicile, political affiliation, profession (occupation), and the name of the party, socio-political organisation, or of the electoral bloc that nominated them. The lists of candidates shall be made available for consultation at each polling station.

## **Chapter 7.** **ELECTORAL CAMPAIGN**

### **Article 50. Trustworthy Persons of Candidates**

(1) Candidates may have trustworthy persons in each constituency. The trustworthy persons shall assist them in unrolling their electoral campaign, campaigning for them and representing their interests in relations with public authorities, voters and electoral councils and bureaus. The Central Electoral Commission or the respective District Electoral Council shall determine the number of trustworthy persons.

(2) Candidates shall independently choose their trustworthy persons, introduce them to the respective election body, which shall register them and issue identification documents.

(3) The Central Electoral Commission shall register the trustworthy persons of candidates in parliamentary elections in national constituencies and in presidential elections. In parliamentary elections within Single Member Constituencies and in elections for mayors and councillors in local councils, the trustworthy persons of candidates shall be registered by the respective District Electoral Council.

(4) Any time before the day preceding the Election Day, the candidates may suspend their trustworthy persons and replace them with other persons.

(5) The trustworthy persons of candidates, upon their request, shall be detached from their full-time job without maintaining their salary. They may not get paid either from funds allotted for the conduct of elections. During the electoral period, the trustworthy persons may not be dismissed or deprived from their full-time job without their consent.

(6) The trustworthy persons of candidates holding public service functions may not use public funds and property for electoral campaigns.

### **Article 51. Guaranteed Rights of Candidates**

(1) The candidates shall participate in the electoral campaign on an equal basis and shall have equal access to Media, including radio and television, financed from the state budget.

(2) All candidates shall be granted equal opportunities in terms of technical and material support and funding of the electoral campaign.

(3) Candidates shall be entitled for unpaid detachment from their full-time job during the electoral campaign.

(4) During the electoral period, candidates may not be dismissed or transferred to another job or position without their consent. Candidates cannot be held criminally liable, arrested, detained or subjected to any administrative sanctions without the consent of the election body, which registered them, except for flagrant offenses.

(5) No later than 7 days prior to the Election Day, a candidate may withdraw his/her candidacy by sending a written declaration to the election body which registered his/her candidacy. Political parties, socio-political organisations and electoral blocs may operate amendments in the registered lists of candidates subject to the above specified timeframe and to the provisions of Articles 88 and 137. After the expire of the above mentioned timeframe, the registration of an electoral competitor can be cancelled only by the election body



that registered him/her on the basis of a Court decision, as well as in case of candidate's death or under the circumstances outlined in Article 13(2).

(6) A candidate's application to withdraw his/her candidacy from the list submitted within the term established by paragraph (5) shall be considered by the party empowered body within 3 days.

(7) If an electoral competitor withdraws its candidacy or its registration is cancelled after the ballot papers were printed, the Precinct Electoral Bureau shall affix the stamp "Withdrawn" next to its name on the ballot paper.

(8) The electoral competitor who has withdrawn its candidacy is required to return the material and financial assistance which it received from the state budget to conduct the electoral campaign.

## **Article 52. Electoral campaign**

(1) Moldovan citizens, political parties and other socio-political organisations, electoral blocs, candidates and trustworthy persons of candidates shall be entitled to put forward for free discussion under all aspects the candidates' electoral programmes (platforms), their political, professional and personal abilities, as well as to organise electoral campaigning during the meetings, reunions with voters, via Media, via electoral banners and other forms of communication.

(2) The exercise of this right may be subject to a series of formalities, conditions, restrictions or sanctions governed by law, which represent measures that are required in a democratic society, for national security, territorial integrity or public safety, protection of public order and prevention of offences, protection of health or morality, of reputation, protection of rights of other people aimed at avoiding disclosure of confidential information or for guaranteeing the authority and impartiality of the judiciary.

(3) It is prohibited to electoral competitors to engage people who are not Moldovan citizens in any electoral campaigning.

(4) Electoral campaigning shall be allowed only after the candidate was registered by the electoral body.

(5) The Central Electoral Commission shall approve the procedure for posting, under equal terms, of electoral advertising on panels, including the private ones, having made it public concurrently with the launch of the electoral period.

(6) Candidates may organise meetings with voters, while the local public authorities are required to ensure that such meetings are organized on equal terms and conditions. The electoral bodies shall be informed about any identified irregularities in relation with the organisation and conduct of meetings.

(7) Candidates may not use public means and goods (administrative resources) during electoral campaigns, while public authorities/institutions and other related institutions may not send/grant public goods or other benefits to candidates unless a contract is concluded to this end, providing equal terms to all candidates.

(8) For the purpose of electoral advertising no images representing domestic or foreign state institutions or public authorities, or international organisations shall be used. It is prohibited to combine colours and/or sounds which are associated with the national symbols of the Republic of Moldova or of another state, to use materials which depict historical personalities of the Republic of Moldova or of other states, symbols of other states or international organisations or images of foreign officials.

(9) Within 3 days after the launch of the electoral period, the local public authorities are required to

establish and guarantee a minimum of special places for electoral advertising, a minimum of venues to organise meetings with voters. The respective decisions (dispositions) shall be displayed at the premises of these authorities without delay and made public via Media and other available communication means.

(10) No electoral campaigning shall be allowed inside or at the entrance to the polling station on Election Day.

## **Chapter 8. BALLOT PAPERS**

### **Article 53. Ballot Papers Design**

(1) The Central Electoral Commission shall approve the design and text of ballot papers for parliamentary elections within national Constituency, presidential elections as well as for the organization of the republican referendum, by issuing a decision to this end. In parliamentary elections within Single Member Constituencies, as well as in local elections, the Central Electoral Commission shall approve the design of ballot papers, while the respective District Electoral Council shall approve the ballot paper text, having issued a decision in this regard.

(2) The ballot paper shall be divided into quadrilaterals equal to the number of electoral competitors. The size of the quadrilateral must be large enough to include the full name of the candidate, the name of the party, other socio-political organisation, electoral bloc that nominated the list of candidates or the candidate, and, upon request, the candidate electoral symbol or sign. No identical electoral symbols or signs shall be allowed.

(3) Candidates are listed on a ballot paper in the order determined by the results of the lot daily drawn by the appropriate election body.

(4) The electoral sign or symbol of the electoral competitor that nominated the list of candidates or the respective candidate, or, optionally, the independent candidate electoral symbol shall be printed on the left side of each quadrilateral. The candidates' electoral signs and symbols shall be submitted to the competent election body together with other documents for registration of electoral competitors.

(5) A 15mm-diameter circle shall be printed on the right side of every quadrilateral at an equal distance from the top and bottom margins, in which the voter shall affix the stamp with the inscription "Voted" next to a selected candidate.

(6) Ballot papers shall be prepared in accordance with the Law on the use of languages spoken in the Republic of Moldova.

(7) When several types of elections are being held at the same time, the ballot papers shall differ by colour.

### **Article 54. Preparing the Ballot Papers**

(1) The ballot papers shall be printed according to the instructions of the respective electoral bodies. Members of the Central Electoral Commission shall observe, while representatives of electoral competitors may observe the process of developing the ballot paper matrix, printing the ballot papers and destroying the matrix afterwards.

(2) Ballot papers shall be printed on opaque (matt) paper no later than 3 days prior to elections in a

quantity corresponding to the number of voters. Each ballot shall bear both the series and number of respective constituency and polling station. The printed ballot papers shall be folded to conceal the ballots' side where the voter can affix the stamp "Voted".

(3) The printed ballot papers shall be stored by the responsible District Electoral Council and delivered to Precinct Electoral Bureaus on the eve of elections, being accompanied by a delivery certificate. The Central Electoral Commission shall send the ballot papers to the electoral bureaus of the polling stations set up abroad at least 3 days before the Election Day. The ballot papers are distributed based on the number of voters estimated according to the information submitted by the Ministry of Foreign Affairs and European Integration and as per the data collected by the Central Electoral Commission. No more than 5000 ballot papers shall be issued for each polling station.

(4) The premises where the ballot papers are stored shall be guarded by the police. Only the chairperson of the respective District Electoral Council or Precinct Electoral Bureau, accompanied by at least two other members of the council or bureau, shall have access to ballot papers.

(5) Representatives of electoral competitors and voters shall have the right to get acquainted with the ballot paper design at the respective Precinct Electoral Bureau.

(6) The Central Electoral Commission shall deliver the ballot papers for parliamentary and presidential elections to District Electoral Councils no later than 2 days before the Election Day.

## **Chapter 9. VOTING**

### **Article 55. Time and Place of Voting**

On Election Day people may vote between 7:00 and 21:00. The Precinct Electoral Bureau shall make public the time and place of voting no later than 10 days before the Election Day.

### **Article 56. Voting Conditions**

(1) The polling station may not be closed and the voting process may not be suspended during the time allotted for voting, except for the cases of mass disorders, natural disasters, or other unforeseen circumstances which endanger the voters or make the voting impossible. In such cases, the chairperson of the Precinct Electoral Bureau may suspend voting for no more than 2 hours to bring the polling station to its proper condition or move it to another place, having notified the voters thereof.

(2) In local elections, when after 2 hours it is impossible to resume the voting that has been suspended due to the reasons mentioned under paragraph (1), the voting is considered suspended for a two-week period at most. The Central Electoral Commission, within 3 days, shall adopt a decision on the day of resuming the suspended voting. The voting shall be resumed under similar legal conditions.

(3) Individuals entitled to observe the voting may not be obliged to leave the polling station during the time when voting was suspended.

### **Article 57. Organisation of Voting**

(1) Voting shall be carried out in specially equipped places with desks for ballot paper issuance and

voting booths or rooms for secret voting and ballot boxes. The latter must be placed in such a way as when approaching them the voters shall enter first the voting booths/rooms for secret voting. The premises shall have a sufficient number of voting booths/rooms so as to avoid the crowding.

(2) In order to maintain the order inside the polling station and avoid crowding, the Precinct Electoral Bureau shall establish a voter path, beginning with the entry to the tables where the ballot papers are handed out, then to the secret voting booths, and on to the ballot boxes.

(3) The polling station shall be furnished to allow the Precinct Electoral Bureau members and other persons authorised to observe the election procedures to continuously monitor all voting aspects, including voter identification, issuance of ballot papers and voters' casting ballot papers into ballot boxes, ballot paper counting and preparation of protocols.

(4) The local public authority shall be responsible for providing the polling station with voting booths, ballot boxes, and with other necessary materials.

(5) The Precinct Electoral Bureau shall be responsible for the organisation of voting process, ensuring a secret suffrage, for premises equipment, and for the maintenance of due order within the polling stations.

### **Article 58. Voting**

(1) Every voter must vote in person. Voting for other individuals is not allowed. The Precinct Electoral Bureau shall hand out ballot papers to voters as per the voters' list only upon the presentation of an identification document. Voters shall confirm the receipt of the ballot paper by signing in the voters' list next to their name. A stamp is affixed on their ID slip or on the document based on which they vote, confirming that they voted on Election Day.

(2) Citizens residing within the territory of the polling station not included in the voters' lists shall be entered on an additional list upon presentation of an identification document confirming their domicile within the polling station perimeter. In the same additional voters' list, which contains the voter's full name, date and place of birth, the last domicile in the Republic of Moldova, state identification number (IDPN), are also included:

- a) voters who come to the polling station with the voting certificate. In case of parliamentary elections within Single Member Constituencies, in local elections or local referenda, will be accepted only voting certificates from the respective constituency. The voting certificate shall be retained by the polling station bureau and attached to the additional list;
- b) the persons detained on the basis of an arrest order until a Court sentence is pronounced, persons sentenced to prison (deprivation of liberty) whose sentence is not final; persons under arrest for committing an offence, persons sentenced to prison (deprivation of liberty) by a final Court decision, located in penitentiaries;
- c) the voters who do not have a registration at domicile or residence.

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

- a) identity card of a Moldovan citizen accompanied by a slip which confirms the domicile or residence on the territory of the polling station;
- b) temporary identity card with confirmation of Moldovan citizenship and domicile of the holder;
- c) passport of a Moldovan citizen for entry and exit the country, sailor's card – for the polling stations

established abroad, in parliamentary elections, presidential elections or republican referenda;

d) service ID for serving military personnel, civil service card issued by Civil Service Centre for persons performing civil service as an alternative to military service.

(4) In the polling stations located outside the Republic of Moldova the voters shall fill in a personal responsibility statement certifying that they would refrain from multiple voting, being informed about criminal liability if this obligation is infringed.

(5) The chairperson and precinct electoral bureau members shall vote at the polling station where they conduct their activity and, if necessary, shall be included in additional lists based on vote certificates.

(6) The chairperson of the precinct electoral bureau shall keep records of important events during voting and vote counting. Upon the request of bureau members or of persons authorised to observe the election procedures, or of any voter, the chairperson shall note their comments and complaints regarding the election procedures on a separate sheet, which shall be attached to the Protocols of the Precinct Electoral Bureau. The information on voting on the main and additional lists is sent every 3 hours, in electronic form and/or via phone, to the Central Electoral Commission.

(7) The electoral bureau shall decide to prolong with no more than two hours the period of voting, in order to allow the voters, who queue up in the respective polling station, to exercise their rights, notifying the district electoral bureau and the Central Electoral Commission about such an extension.

#### **Article 59. Ballot Paper Filling in Procedure**

(1) The ballot paper shall be filled in by the voter in a secret voting booth/room only. A voter who is unable to fill in the ballot paper by him/herself is entitled to invite another person into the voting booth, except for the members of the electoral bureau, representatives of candidates, and persons authorised to observe the election procedures. Such cases of assistance to unable person shall be recorded in the Precinct Electoral Bureau report.

(2) The voter shall affix the stamp with the inscription "Voted" in the circle of only one of the quadrilaterals on the ballot paper, which shall mean that he/she has voted for the respective candidate. The circles in the rest of the quadrilaterals shall remain blank.

(3) Nobody shall be allowed to take an official ballot paper out of the polling station.

(4) Each voter may vote for one electoral competitor only.

(5) If a voter has spoiled a ballot paper by mistake, at his/her request the Precinct Electoral Bureau shall cancel it and issue a new ballot paper. This is allowed to be done just once. A note shall be made on such case in the Protocol prepared on voting results and in the voters' list.

(6) The voter shall insert the ballot paper stamped "Voted" into the ballot box.

#### **Article 60. Ensuring the security of the voting process**

(1) On Election Day, at 07:00 a.m. the chairperson of the Precinct Electoral Bureau, in the presence of no less than half of the bureau members, shall check the ballot boxes and seal them. The chairperson shall also check the integrity of voters' lists, ballot papers and stamps and file a Protocol in duplicate. The Protocol shall be signed by all present Precinct Electoral Bureau members, and one copy of the Protocol is inserted into the ballot box, and the chairperson declares the voting open.

(2) Ballot papers shall be stored in a secure place within the polling station, arranged in packages of 100, and shall be allotted by the precinct chairperson to bureau members to be issued to voters as necessary.

(3) Members of the Precinct Electoral Bureau as well as representatives of the candidates and persons authorised to observe the election procedures shall be required to wear visible badges. People entering the polling station are prohibited to wear or present badges, pins or other symbols of electoral campaigning.

(4) If, for health or other ground reasons, the voter is unable to come to the polling station, upon the person's written request, the Precinct Electoral Bureau shall designate no less than two bureau members to go to the voter's accommodation place to conduct the voting, bringing with them a mobile ballot box and all the materials necessary for voting. The requests may be submitted in writing within 2 weeks prior to the Election Day and until 18:00 of the day preceding the elections. On the Election Day, the requests may be submitted in writing until 15:00, upon the submission of a medical certificate. These persons shall vote as per the voters' list for voting at the place of stay, compiled by the Precinct Electoral Bureau. The persons who are not included in such voters' list, are not eligible to vote at the place of their accommodation. A note shall be made reading "Voted at the place of accommodation" in the voters' list next to the name of such persons. The provisions of this paragraph do not apply to the voting abroad.

(5) Persons detained as per an arrest warrant until a Court sentence is pronounced, persons sentenced to prison (deprivation of liberty) whose sentence is not final; persons under arrest for committing an offence, person sentenced to prison (deprivation of liberty) by a final Court decision, located in penitentiaries shall vote in compliance with paragraph (4), using a mobile ballot box.

(6) If the chairperson of the precinct bureau authorizes a mobile ballot box to be taken out of the polling station, he/she shall notify such fact, as well as the list of voters who requested to vote at place of accommodation to representatives of candidates and persons authorised to observe the election procedures. The latter shall be offered the possibility to accompany the mobile box using own transportation means if necessary.

(7) The chairperson of the Precinct Electoral Bureau shall be responsible for maintaining order on Election Day within the polling station and territory adjacent to it within a radius of 100 meters. The decisions he/she takes to this end are binding for all.

(8) The following persons shall be entitled to attend the election body meetings, be present at votes counting and tabulation, during the activities related to voters' lists, ballot papers, vote certificates, and to filing the Protocols of elections and referendum results:

- a) members and representatives of the superior electoral bodies;
- b) representatives of candidates to electoral bodies;
- c) national and international observers accredited by the respective bodies, as well as their interpreters, as appropriate;
- d) Media representatives.

No other person may remain within the polling section longer than it takes one to vote.

(9) It shall be strictly forbidden to enter a polling station carrying firearms or bladed weapon. Upon the request of the chairperson of the Precinct Electoral Bureau, a security officer may enter the polling station premises only to assist in re-establishing legal order.

## **Chapter 10.**

### **COUNTING THE VOTES AND TABULATING THE ELECTION RESULTS**

#### **Article 61. Votes Counting and Tabulation by Precinct Electoral Bureau**

(1) After the time reserved for voting has expired, the chairperson of the Precinct Electoral Bureau shall announce the end of voting and order the closure of polling station premises. The precinct electoral bureau shall start counting the votes.

(2) Before opening the ballot boxes, all unused ballot papers shall be counted and cancelled by the Precinct Electoral Bureau by affixing the stamp "Cancelled", being subsequently bundled and sealed.

(3) Before counting the votes cast for candidates, the Precinct Electoral Bureau shall determine the number of voters who were issued ballot papers by counting the number of signatures affixed by the voters in the main voters' lists and in the additional lists.

(4) Following the verification the seals on the ballot boxes, the chairperson of the Precinct Electoral Bureau, in the presence of bureau members and of persons authorised to observe the election procedures, shall open the ballot boxes. Mobile ballot boxes shall be opened first, the ballot papers from mobile ballot box are counted, and, subsequently, the other ballot boxes shall be opened.

(5) The polling station must be provided with sufficient tables so that all ballots taken out of ballot boxes may be counted in one place visible to all bureau members and to other people in attendance. Candidates' name tags shall be placed on the tables where votes are counted.

(6) The number of ballot papers taken out of mobile ballot boxes shall be counted first separately, then reconciled with the number of ballots issued for mobile voting, and only after that the obtained number shall be added to other ballot papers in order to count the votes cast for candidates.

(7) According to a procedure determined by the Precinct Electoral Bureau, or upon instructions provided by the Central Electoral Commission or competent District Electoral Council, the Precinct Electoral Bureau members shall unfold the ballots and determine for which candidate the ballot was cast. The ballots for each candidate shall be counted and bundled separately, and the results of the counting, once determined, shall be entered on a special counting sheet and communicated to the superior election body.

(8) Before the number of votes obtained by each candidate is entered on the results Protocol, representatives of candidates and other persons authorised to observe the election procedures shall be allowed to double check the data entered on the special counting sheet.

(9) The Precinct Electoral Bureau shall not include invalid ballots in the total number of counted valid votes.

(10) After the polling station closure, the Precinct Electoral Bureau is considered to be in a meeting to count the votes and complete the bureau Protocols and report. All Precinct Electoral Bureau members shall remain at the polling station and be engaged in the bureau operations throughout this period, unless prevented from doing so by a physical incapacity or other exceptional circumstances.

#### **Article 62. Invalid Ballot Papers**

(1) The following types of ballot papers shall be declared as invalid:

- a) ballot papers with the constituency and polling station identity numbers that do not match the number of constituency and polling station where the ballot was cast;
- b) ballot papers having design than the one legally approved;
- c) ballot papers on which the stamp "Voted" has been affixed in more than one quadrilaterals;
- d) ballot papers on which the stamp "Voted" has not been affixed in any quadrilateral;
- e) ballot papers in which the voters added additional names of candidates or other names;
- f) which have been deformed or smeared, making the voter's option unclear.

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

(3) Prior to declaring a ballot paper as invalid, the chairperson of the Precinct Electoral Bureau shall provide all members of the bureau and persons authorised to observe the election procedures with the possibility to examine it.

(4) If the Precinct Electoral Bureau members have doubts about the validity of a ballot paper, the issue shall be addressed by vote, and the voting results shall be entered in the Protocol of the bureau meeting.

### **Article 63. Precinct Electoral Bureau Protocol and Report**

(1) The Precinct Electoral Bureau shall draw up a Protocol, in duplicate, that contains:

- a) the number of voters included in the voters' list;
- b) the number of voters included in additional lists;
- c) the number of ballot papers issued to voters;
- d) the number of voters who voted; e) the number that shows the difference between the number of ballot papers issued and the number of people who voted;
- f) the number of invalid ballot papers;
- g) the number of valid votes cast for each candidate (or for each issue put up for referendum);
- h) the total number of valid votes cast;
- i) the number of ballot papers received by the polling station bureau;
- j) the number of unused and cancelled ballot papers.

(2) For any types of elections the Central Electoral Commission shall design the sample of the Protocol on vote counting results to be prepared by the Precinct Electoral Bureau. Prior to Election Day, the respective electoral council shall provide all Precinct Electoral Bureaus with the necessary amount of Protocol.

(3) The vote counting results shall be reviewed at the Precinct Electoral Bureau meeting and entered into the Protocol to be signed by the chairperson, deputy chairperson, secretary, as well as by bureau members. The absence of signatures of certain Precinct Electoral Bureau members shall not invalidate the Protocol; however, the reasons for their absence shall be stated in the Precinct Electoral Bureau report.

(4) The Protocol on voting results shall be prepared in several copies in the presence of Precinct Electoral Bureau members, representatives of candidates and other authorised persons. A copy of the Protocol shall be kept at the polling station. Another copy shall be submitted to the District Electoral Council, and a copy shall be immediately posted at the entrance into the polling station, whereas the remaining copies must be disseminated amongst representatives of candidates and observers.



(5) The chairperson of the Precinct Electoral Bureau shall also prepare the bureau report based on the written records regarding the activities carried out during the electoral period. The report shall include a summary of requests and complaints regarding the Precinct Electoral Bureaus activity as well as the decisions taken by the bureau with respect to those complaints. The chairperson shall sign the report and give other members the possibility to provide written comments and additions to it and sign it. Complaints and requests shall be attached to the report.

(6) The Chairperson of the Precinct Electoral Bureau shall hand over to the District Electoral Council, as soon as possible, but no later than 18 hours after the announcement of Polling Station closure, the valid ballot papers separately for each electoral competitor, Protocol, report, invalid, unused or contested ballot papers, as well as requests and complaints in a sealed box (package). The box (package) shall be transported by the chairperson and at least 2 members of the precinct bureau, under police guard. The Precinct Electoral Bureaus established outside the Republic of Moldova shall submit, along with the documents listed above, the additional lists.

(7) Precinct electoral bureau stamps shall be kept in a sealed box (package) at the polling station. After closing the elections, stamps shall be handed over to District Electoral Councils.

#### **Article 64. Tabulating the Voting Results by the District Electoral Council**

(1) Following the receipt of Protocols and reports presenting the voting results in the polling stations from the Precinct Electoral Bureaus, the District Electoral Council shall first establish voters' turnout. The District Electoral Council shall promptly report this figure to the Central Electoral Commission. If the voters' turnout throughout the constituency is less than required to declare the elections valid in that constituency, the District Electoral Council shall notify the Central Electoral Commission about such fact. Either the Central Electoral Commission or the District Electoral Council shall make a public announcement by which it declares the elections invalid for the entire country or for that particular constituency.

(2) Based on Precinct Electoral Bureau Protocols, the District Electoral Council shall establish, with respect to the entire constituency:

- a) the number of voters included in voters' lists;
- b) the number of voters included in additional lists;
- c) the number of ballot papers issued to voters;
- d) the number of voters who voted;
- e) the number that reflects the difference between the number of ballot papers issued and the number of people who voted;
- f) the number of invalid ballot papers;
- g) the number of valid votes cast for each electoral competitor (for each question put up for referendum);
- h) the total number of valid votes cast;
- i) the number of ballot papers received by the District Electoral Council;
- j) the number of unused and cancelled ballot papers.

(3) The District Electoral Council shall record the results of vote tabulation for the entire constituency in a Protocol, which is signed by all District Electoral Council members. The latter shall also have the possibility to provide written comments to be attached to the Protocol. Copies of the Protocol on elections results tabulation

shall be handed to the representatives of candidates and to observers upon their request.

(4) The District Electoral Council shall submit the Protocol containing elections results tabulation in the constituency to the Central Electoral Commission within 48 hours after the Polling Station closure. When submitting the Protocol to the Central Electoral Commission, the District Electoral Council shall display a detailed information at the entrance of its office containing elections results within the constituency.

#### **Article 65. Tabulating the Election Results by the Central Electoral Commission**

(1) In parliamentary, presidential, general local elections and republican referenda, based on the documents submitted by District Electoral Councils, the Central Electoral Commission shall prepare within 5 days a Protocol containing:

- a) the number of voters included in the voters' lists;
- b) the number of voters included in additional lists;
- c) the number of voters who were issued ballot papers;
- d) the number of voters who voted;
- e) the number that shows the difference between the number of ballot papers issued and the number of voters who voted;
- f) the number of invalid ballot papers;
- g) the number of valid votes cast for each candidate (for each question put up for republican referendum);
- h) the total number of valid votes cast;
- i) the total number of printed ballot papers.

(2) In parliamentary elections within the national constituency, in presidential elections and republican referenda, the Central Electoral Commission shall record the final voting results for the entire country in the Protocol to be signed by all Commission members, and prepare a report on the election results. In parliamentary elections within Single Member Constituencies, the Central Electoral Commission shall record the voting tabulation results for the corresponding District Electoral Councils. Copies of Protocols containing the tabulation of election results shall be given to representatives of electoral competitors and observers upon their request.

(3) In case of disagreement with the preliminary voting results, prior to the validation of results by the competent bodies, candidates may submit a request to these bodies to recount the votes. A recounting may be ordered by the body entitled to validate the election results based on grounds which could have affected the results of voting and the assignment of mandates, and shall last 7 calendar days at most following the adoption of the decision on recounting. The recounting is carried out by the same electoral bodies; the electoral bodies guilty of fraud shall be replaced. The Central Electoral Commission shall approve the general procedure of recounting, having issued a decision to this end.

(4) In parliamentary and presidential elections the documents referred to in paragraph (2) shall be submitted to the Constitutional Court to confirm the elections results and validate the mandates of members of Parliament and the mandate of the President of the Republic of Moldova.

#### **Article 66. Announcement of Preliminary Results**

(1) Prior to receiving the voting results from all subordinate electoral councils and bureaus, the election

body responsible for tabulation shall periodically announce the preliminary results as soon as possible after their receipt. In parliamentary, presidential and general local elections, the preliminary results, detailed per polling stations, shall be posted on the official website of the Central Electoral Commission as soon as they are processed.

(2) The election body responsible for tabulation shall make public the overall election results as soon as possible once all the voting results have been received from the subordinate electoral councils and bureaus, only if the complaints submitted to it or to Courts do not affect the election results.

(3) Responsible for tabulating the final results of elections shall be:

a) the Central Electoral Commission – for parliamentary elections, presidential elections, general local elections and republican referenda; or

b) the appropriate District Electoral Council – for local elections and local referenda.

### **Article 67. Storage of Electoral Documents**

(1) The Central Electoral Commission shall keep the electoral documentation in compliance with the provisions of the Law on State Archive Fund of the Republic of Moldova and consistent with the Regulation on organising and operating the Central Electoral Commission Archive, as approved by the decision of the Central Electoral Commission.

(2) After the end of the electoral period, District Electoral Councils shall handle the election documents and materials as follows:

a) submit to the Central Electoral Commission - lists of candidates, a copy of all 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 bureaus, other electoral materials, financial report and delivery act of financial documentation to district (municipality) council (second-level local public authority). In local elections, the Central Electoral Commission shall be submitted the lists of councillors elected in local councils, lists of alternates and downward ranges for each constituency;

b) valid, invalid and cancelled ballots, voters' lists and vote certificates, a copy of each Protocol, reports prepared by District Electoral Councils and by Precinct Electoral Bureaus, special counting sheet, all complaints together with decisions adopted on them, and in general local elections – the lists of councillors elected in local councils, lists of alternates and downward ranges for each constituency shall be submitted to the Court under the authority of which the District Electoral Council is located;

c) one copy of each Protocol and report prepared by District Electoral Councils and by Precinct Electoral Bureaus, ballot boxes and other electoral materials shall be submitted by the District Electoral Council to the Mayoralty where it was operated prior to its dissolution.

(3) After the expire of 6 months, the valid ballot papers, invalid and cancelled ballot papers, as well as vote certificates sent back to the Court shall be destroyed, while the voters' lists shall be sent to the Central Electoral Commission within 10 days from the confirmation of elections legality.

(4) The Central Electoral Commission shall provide access to the documents referred to in this Article as per the Law on access to information and in compliance with the legislation on protection of personal data.

## **Chapter 11.**

### **ELECTIONS OBSERVATION AND MEDIA COVERAGE**

#### **Article 68. Observers**

(1) Upon the request of electoral competitors, the District Electoral Council shall accredit an observer for each polling station to monitor the elections. The candidates' trustworthy persons may also be accredited as observers. If the District Electoral Council rejects an individual proposed for accreditation under this paragraph, it shall notify the electoral competitor that proposed that person about the reasons. The refusal to accredit observers must be justified; it can be challenged in the upstream jurisdiction, and subsequently in Courts.

(2) Upon the request of candidates, the Central Electoral Commission shall accredit an observer to monitor the elections in polling stations established outside the Republic of Moldova. As observers may be accredited both Moldovan citizens living abroad and representatives of international and foreign nongovernmental organisations.

(3) Upon request, the Central Electoral Commission shall accredit as observers representatives of international organisations, of foreign governments and of non-government organisations, having registered their interpreters.

(4) By a decision issued by the Central Electoral Commission or by the District Electoral Councils representatives of qualified public associations of the Republic of Moldova shall be accredited to observe the elections. A "qualified" public association is one which is committed as per its charter to protect human rights and democratic values.

(5) Observers accredited by the Central Electoral Commission shall have the right to monitor election processes throughout the country territory and within all polling stations. Observers accredited by District Electoral Councils shall have that right only on the territory of the respective district. The accredited observers are entitled to monitor the election procedures and to attend all meetings held by electoral bodies, including on Election Day, without interfering with the voting process or in other election procedures, and to report any irregularities observed to the chairperson of the electoral bureau. Observers shall have access to all electoral information, to voters' lists, to the Protocols prepared by the electoral bodies; they may take photos and video by notifying the chairperson of the electoral body, without jeopardising voting secrecy and security, whilst national observers may submit notifications on the revealed irregularities, which are to be considered by the chairperson of the electoral body, by informing the author of the notification on the decision taken. The accredited observers may continue their activity in the second round of elections, as well as during the repeated elections/referendum.

(6) Observers can be accredited before the electoral period starts and can perform their activity on the Election Day and also before, during and after elections. The Central Electoral Commission shall approve the Regulation on accreditation of observers by issuing a decision to this end.

(7) To ensure that international observers work efficiently during the electoral period, the Central Electoral Commission shall create the Protocol Office of Accredited International Observers. The numeric composition and working principles of this Office are defined by a Central Electoral Commission decision.

### **Article 69. General Principles of Media Coverage of Elections**

(1) Broadcasters, within all their programmes, and printed Media founded by public authorities are required to observe the principles of fairness, accountability, balance and impartiality while covering the elections.

(2) Broadcasters and printed Media are required to provide equal, non-discriminatory conditions while granting airtime or advertisement space for electoral advertising.

(3) Public broadcasters shall allocate free airtime to electoral competitors in a fair and non-discriminatory manner, based on objective and transparent principles.

(4) Media service providers shall not adopt privileged treatment towards electoral competitors due to their social status and/or the positions held by their candidates.

(5) During the electoral period, public broadcasters and printed Media shall make clear distinction in their journalistic materials between fulfilling the official duties and the electoral activity carried out by persons who do not fall under Article 13(3).

(6) The aggrieved electoral competitors and/or their candidates shall have the right of reply. The written request on granting the right of reply shall be lodged to the Media service provider within two calendar days after the broadcasting/publication of the information. In case of broadcasters, the refusal to grant the right of reply may be challenged with the Audiovisual Coordinating Council, and in case of printed Media – in Courts. The right of reply shall be granted within 3 calendar days following the submission of the request/appeal, but no later than the day preceding the Election Day, under similar conditions with those when their legitimate rights have been infringed.

(7) Media service providers shall be entitled to cover elections and to inform the public about all electoral issues, free from any interference of public authorities, electoral competitors/candidates or of other entities.

### **Article 70. Peculiarities of Media Coverage of Elections**

(1) During the electoral period, the programmes and printed materials in some way related to electoral competitors and/or candidates shall be broadcasted/published with due regards for the Regulation on Media Coverage of the Electoral campaign, approved by the Central Electoral Commission within the first 7 days of the electoral period. Media representatives shall enjoy the same rights as the national observers.

(2) Within the first 7 days following the approval of the Regulation on Media Coverage of the Electoral Campaign, each broadcaster shall submit to the Audiovisual Coordinating Council a statement on its editorial policy for the electoral campaign, showing the name of the owner/owners of the entity. The statements shall be posted on the website of the Audiovisual Coordinating Council, which shall exercise ex-officio control over compliance with the aforementioned requirement as per the provisions of the Audiovisual Code of the Republic of Moldova.

(3) During the electoral campaign for parliamentary elections within the national constituency, presidential elections and republican referenda, the national broadcasters shall be required, whereas the local/regional ones shall be entitled to organise public debates. During the electoral campaign for parliamentary elections within Single Member Constituencies, general local elections and local referenda, the local/regional broadcasters shall be required, whereas the national ones shall be entitled to organise electoral debates. The broadcasters shall define the format, length and the frequency of electoral debates, being made known to the

electoral bodies and to the candidates at least 3 calendar days before each live broadcast.

(4) During the electoral campaign for parliamentary elections, presidential elections and republican referenda, the national broadcasters, which list is made public by the Audiovisual Coordinating Council, within the first 3 days of the electoral period, shall provide, free-of-charge, 5 minutes of TV airtime and 10 minutes of radio airtime to the candidates to present their electoral programmes and to inform the voters. The respective airtime is granted apart from the airspace allotted for electoral advertising and debates.

(5) In parliamentary elections, presidential elections and republican referenda, the public broadcasters shall allot 1 minute per day free airtime to candidates to place their electoral advertising. As for the paid electoral advertising, each electoral competitor shall be granted airtime not exceeding 2 minutes per day during the electoral campaign for each broadcast outlet. The terms for buying airtime and the respective fees are made known 3 calendar days before airing electoral advertising. The cost of the airtime granted to electoral competitors shall not exceed the usual cost for commercial advertising. Airtime for paid electoral advertising is granted to all candidates at similar broadcasting hours.

(6) Each candidate is liable for the content of broadcast or published electoral advertising materials. Each electoral advertising material shall include the name of the candidate, the date of its printing, edition and the name of the Printing House. Paid electoral advertising shall be accompanied by the logo "Elections".

(7) Under the current law, the refusal to broadcast or print electoral advertising, either free-of-charge or against payment, may be challenged in Court.

(8) Electoral advertising via Internet and mobile phone is categorized as electoral advertising in printed Media.

(9) On Election Day, prior to the closure of polling stations, the Media shall not make public the results of voters' surveys on their electoral choices.

(10) During the electoral period, any opinion polls on voters' political preferences shall be conducted only if the Central Electoral Commission was notified about this in advance. The results of such polls shall be made public no later than 5 days before the Election Day. On Election Day, prior to the closure of all polling stations, the Media shall not make public materials, including interviews with voters, the number of votes received by candidates during the day, and their chances of winning, including the results of exit polls.

(11) Upon the request of electoral bodies, Media outlets established by public authorities shall publish and the broadcasters shall air, free-of-charge, motivational, civic and electoral education spots; carry out voters' awareness raising campaigns on voting procedures and other voting features.

(12) Every 2 weeks, the Audiovisual Coordinating Council shall submit monitoring reports to the Central Electoral Commission addressing the electoral campaign coverage by national broadcasters. The monitoring reports shall include information on compliance with the legal requirements of election coverage within all programmes. 2 days prior to elections, the Audiovisual Coordinating Council shall submit a summary report to the Central Electoral Commission.

## **Chapter 12.** **JUDICIAL PROCEEDINGS**

### **Section 1.** **Complaints concerning the Organisation and Conduct of Elections**

#### **Article 71. Complaints**

(1) Voters and candidates may challenge the actions/inactions and decisions made by the electoral councils and bureaus, as well as the actions/inactions of candidates. A complaint may be lodged with a Court, following a preliminary appeal submitted to the electoral body hierarchically superior to the one, which decision is subject to challenge, except for the complaints related to the actions/inactions of candidates lodged directly to Court, and the complaints referring to the exercise of the right to vote or to the administration of elections lodged to the electoral bureau on the Election Day.

(2) The complaints referring to the organisation and holding of elections shall be considered by the electoral bodies, having complied with hierarchy issues. The Central Electoral Commission shall approve the detailed procedure for complaint consideration during the electoral period, having issued a decision to this end.

(3) Complaints on the electoral campaign coverage by broadcasters, which are under the jurisdiction of the Republic of Moldova, shall be considered by the Audiovisual Coordinating Council in compliance with the provisions of this Code, of the Audiovisual Code of the Republic of Moldova, and the complaints related to printed Media shall be considered by Courts.

(4) The decisions on complaints taken by the electoral bodies and by the Audiovisual Coordinating Council may be appealed in Court.

(5) The complaint shall contain the description of the alleged infringements, evidence, legal ground, the claimant's requirements, signature and identity data of the person who has submitted it. In case of complaints concerning the decisions issued by the electoral bodies, the burden of proving their legality is retained by the respective bodies.

(6) The complaints with respect to financing of electoral campaigns shall be addressed to the Central Electoral Commission in case of electoral competitors running for parliamentary and presidential elections, or to the District Electoral Councils – in case of independent candidates in local elections. The review of complaints related to financing of electoral campaigns unrolled by political parties shall not be subject to the time-bearing periods referred to in Articles 72-74.

#### **Article 72. Submission of Complaints**

(1) Within 3 calendar days following the date of committing the action or adopting the decision, such actions/inactions and decisions issued by electoral bodies may be challenged at their hierarchically superior body, while the actions/inactions of candidates may be challenged directly in Courts. The term for submitting the complaint is calculated starting with the next day of the day when the action/ inaction was committed, identified or when the decision was adopted.(2) In parliamentary elections within Single

Member Constituencies and in local elections, the decisions on the complaints related to the actions/inactions of candidates made by the electoral councils shall be appealed in Court under the authority of which the respective electoral council falls.

(3) Complaints against the actions and decisions of the Central Electoral Commission shall be submitted to Chisinau Court of Appeal without complying with the preliminary procedure within 3 calendar days when the action was committed or when the decision was adopted.

(4) A candidate's complaint cannot be submitted by the member of the respective election body; it may be submitted by the representative of the candidate in the respective election body or by a person empowered by the candidate by a proxy-letter.

(5) If complaint consideration is not under the jurisdiction of the respective election body, the complaint and all its enclosures shall be sent to the appropriate authority for consideration without delay within 2 calendar days at most after its receipt.

### **Article 73. Consideration of Complaints**

(1) Complaints against actions and decisions of the Central Electoral Commission filed during the electoral period shall be considered within 5 calendar days of their filing, but no later than the Election Day.

(2) Complaints against actions and decisions of District Electoral Councils and of Precinct Electoral Bureaus shall be considered within 3 calendar days of their submission, but no later than the Election Day. Complaints against actions/inactions of electoral competitors shall be considered within 5 calendar days of their submission, but no later than the Election Day. While considering the complaints and disputes, the electoral bodies/Courts shall give priority to those that refer to the registration of candidates and to the accuracy of compiling the voters' lists.

(3) Complaints against the electoral campaign coverage by the broadcasters under the jurisdiction of the Republic of Moldova shall be considered by the Audiovisual Coordinating Council within 5 calendar days after their submission, but no later than the Election Day.

(4) Complaints filed with the Court on the Election Day shall be considered on the same day, whereas complaints against decisions of election body on results tabulation and mandates assignment shall be considered by Court concurrently with the confirmation of elections legality and the validation of mandates.

(5) The Court work schedule shall be organised in such a way to allow the submission and consideration of complaints without delays.

(6) Electoral candidates may defend their interests in Court in the process of considering complaints regarding the actions/inactions and decisions of electoral bodies and actions/inactions of electoral competitors through their representative designated according to Article 15(1).

(7) Complaints filed in Court shall be considered pursuant to the Code of Civil Procedure and to the Administrative Litigation Law.

### **Article 74. Courts Decisions on Complaints**

(1) A Court shall adopt and announce its decision pursuant to the Code of Civil Procedure and to the Administrative Litigation Law.

(2) Following the consideration of materials on the confirmation of elections legality and validation of



mandates, the Court shall take a decision confirming the legality of elections in the respective constituency, validate the mandates of the elected councillors and mayors, and the list of alternates.

(3) If the Court has confirmed the elections legality, but tabulation errors have been found in Protocols, ex-officio or upon the request of a complainant, it shall cancel the Protocol in full or in part and eliminate the candidate with a smaller number of valid votes, replacing him/her with the candidate with a higher number of valid votes from the downwards range.

(4) The Court shall not validate the results of local elections in a respective constituency if the detected infringements committed during elections or during tabulation of results have affected the elections results.

(5) Court decision shall be final and binding upon its delivery.

(6) Court decision may be appealed within one day after its delivery, and the Court of Appeal decision may be challenged within one day after its delivery.

(7) The first and the second appeal shall be considered within 3 days of submission.

## **Section 2.**

### **Liability for the Violation of Election Legislation**

#### **Article 75. Legal Liability**

(1) Individuals and legal persons who violate the election legislation provisions, hinder free exercise of citizens' electoral rights, hinder the electoral bodies activity, shall be held liable under the legislation in force.

(2) For the violation of the election legislation, the Central Electoral Commission or the District Electoral Council may apply the following sanctions to the initiative group or to electoral competitors:

- a) warning;
- b) cancelling the registration of the initiative group;
- c) initiating the contravention process as per the legislation;
- d) depriving from state budget allowances as a main or supplementary sanction;
- e) requesting the cancellation of electoral competitor registration.

(3) Warnings are applied by a Central Electoral Commission decision for all types of elections, as well as by a District Electoral Council decision for local elections.

(4) In case of repeated sanctioning through warning during the same electoral period for infringements related to financing of electoral campaign, the Central Electoral Commission shall impose supplementary sanction on political parties registered as electoral competitors, depriving them from state budget allowances for a period from 6 months up to one year.

(5) Cancellation of registration is applied upon the request of the Central Electoral Commission, and in case of local elections, upon the request of the district electoral bureau. This is done by a final Court decision which shall state:

- a) the use of undeclared financial and material funds by the candidate or the spending exceeded the ceiling of financial means allocated from the Election Fund;
- b) the use of undeclared funds from abroad by the candidate;
- c) non-suspension from the position by the candidate that has such obligation. In this case, the registration of the independent candidate shall be cancelled or the respective candidate shall be

eliminated from the list of the electoral competitor;

d) violation of Article 52 (3) by the electoral competitor.

(6) In cases referred to in paragraph (5), the Central Electoral Commission or the District Electoral Council shall address a request to the Court of Appeal of Chisinau to cancel the registration of the electoral competitor by adopting a decision to this end, in parliamentary and presidential elections, or to the Court under which jurisdiction the respective District electoral council falls, in general local elections or new local elections. The Court shall consider the request and issue a decision regarding it within 5 days, but no later than the day preceding the Election Day.

#### **Article 76. Criminal liability**

(1) Shall be considered violations of this Code and be subjects to criminal liability the facts referred to in Articles 181 and 182 of the Criminal Code.

(2) The chairpersons of electoral bodies and other officials are required to notify prosecutor's office or the police, no later than on the second working day since the moment such were detected, any actions containing elements of an offense in terms of organising elections or financing of political parties and of electoral campaigns, they have found about.

#### **Article 77. Administrative Liability**

(1) Shall be considered violations of this Code and shall be subjects to Administrative Liability the facts referred to in Article 47-53 of the Administrative Code.

(2) Infringements shall be detected and considered as per the provisions of the Administrative Code. The chairpersons of electoral bodies and other persons holding conclusive information on committing certain infringements, are required to notify the ascertaining bodies, no later than on the second working day since the moment such were detected, any actions containing elements of an offense in terms of organising elections or financing of political parties and of electoral campaigns, they have found about.

## **TITLE III. PARLIAMENTARY ELECTIONS**

### **Article 78. Applicability of the present Title**

This Title (Articles 78 – 105) shall apply to parliamentary elections only.

### **Article 79. Parliamentary Elections**

(1) The Parliament shall be elected for a four-year term by a universal, equal, direct, secret and freely expressed suffrage.

(2) Parliamentary elections shall be conducted based on a mixed voting system (proportional and majoritarian) in one national constituency and within Single Member Constituencies.

(3) Thus, 50 members of Parliament shall be elected in the national constituency on the basis of proportional representation, and 51 members of Parliament shall be elected within Single Member Constituencies by majority vote, one member from each constituency.

### **Article 80. Constituencies**

(1) Parliamentary elections are organised on the basis of a national constituency, which covers the whole territory of the Republic of Moldova and the polling stations established abroad, as well as on the basis of 51 Single Member Constituencies, including the ones established for localities from the left bank of Nistru River (Transnistria) and abroad.

(2) The Single Member Constituencies shall be approved by the Government based on a decision issued by an independent commission, which composition shall be defined by a Government decision, comprising representatives of the:

- a) Central Electoral Commission;
- b) Legal Committee for Appointments and Immunities of the Parliament of the Republic of Moldova;
- c) President's Office of the Republic of Moldova;
- d) Parliamentary factions and groups;
- e) Extra-parliamentary political parties, which obtained over 2 per cent of valid votes cast during the last parliamentary elections;
- f) People's Assembly of Gagauzia;
- g) Association of National Minorities;
- h) Local Public Authorities;
- i) Bureau for Relations with Diaspora;
- j) Civil society and field-related Academia, including geographers and sociologists.

(3) The independent commission mentioned under (2) shall work based on own Rules of Procedure approved by the Government and shall elect a chairperson and a secretary amongst its members.

(4) The following territorial and demographic criteria shall be taken into account upon the establishment of Single Member Constituencies:

- a) constituencies from the territory of the Republic of Moldova under the jurisdiction of constitutional

authorities shall have as basis a relatively equal number of voters and comprise between 55000 and 60000 voters eligible to vote;

b) deviation of the number of voters amongst Single Member Constituencies shall not exceed 10 per cent;

c) as basis for calculation in case of establishing Single Member Constituencies shall serve the number of voters included in voters' lists at each polling station during the last general elections;

d) a Single Member Constituency shall be created out of localities of a second-level administrative-territorial unit or, for optimal organisation, out of localities of several units of similar level;

e) if the number of voters of a locality is higher than the average number calculated for a Single Member Constituency, several Single Member Constituencies shall be established on the basis of this locality. Setting boundaries of Single Member Constituencies within a first-level administrative-territorial unit is prohibited;

f) Single Member Constituencies where national minorities live densely shall be established, taking into account their interests and the boundaries of the respective administrative-territorial unit;

g) Single Member Constituencies on the territory of ATU Gagauzia shall be established in such a way not to exceed its boundaries; at the same time, it will not be possible to supplement such constituencies with localities located outside it, taking into account the risk of diluting the national minority.

(5) Upon establishing Single Member Constituencies outside the Republic of Moldova certain criteria shall be taken into account, namely:

a) information held by diplomatic missions and consular offices of the Republic of Moldova from the countries of residence;

b) information held by central public authorities, including the relevant official statistics;

c) information obtained following the preliminary registration of citizens living abroad as per the procedure covered by the regulation approved by the Central Electoral Commission;

d) voters' turnout during the previous elections;

e) other relevant data, obtained by central public authorities, upon request, from the authorities of the host country under the law;

f) when defining the boundaries of constituencies established abroad, the Commission shall act in compliance with the regulation approved by Government and take account of relevant geographical areas such as: EU member countries, Norway, Island, Switzerland, Liechtenstein, San Marino, countries from South-eastern Europe that are not EU members, Turkey, Israel; Commonwealth of Independent States, Ukraine, Georgia, Asia, Middle East; North America, South America, Africa, Australia, New Zealand, taking into account the boundaries of states, which would not be crossed internally.

(6) Upon the establishment of Single Member Constituencies for localities from the left bank of Nistru River (Transnistria) the following criteria shall be taken into account:

a) administrative boundaries of administrative-territorial units located on the right and left banks of Nistru River as per the Law on administrative-territorial organisation of the Republic of Moldova;

b) data from the State Registry of Voters, including the ones based on preliminary registration, as per the procedure set in the regulation approved by the Central Electoral Commission.

(7) The boundaries of Single Member Constituencies may not be revised in less than one year before the ordinary elections.

(8) The list of Single Member Constituencies, having stated the numbers and boundaries, shall be published in the Official Gazette of the Republic of Moldova.

### **Article 81. Polling Stations. District Electoral Councils and Precinct Electoral Bureaus**

(1) For administrative purposes, the Central Electoral Commission shall establish at least 55 days prior to Election Day district electoral councils pursuant to Article 28 to be applied accordingly. The duties of district electoral councils shall include those referred to in Article 29 of this Code to be applied accordingly.

(2) For the polling stations established abroad, the Central Electoral Commission shall create a distinct electoral council with the office located in Chisinau Municipality to ensure unrolling election processes for Single Member Constituencies established abroad.

(3) For the polling stations established in localities from the left bank of Nistru River (Transnistria), the Central Electoral Commission shall create a distinct electoral council with the office located in Chisinau Municipality to ensure unrolling election processes for Single Member Constituencies established in localities from the left bank of Nistru River (Transnistria).

(4) The Single Member Constituencies shall be split into polling stations under the provisions of Articles 30-32, to be applied accordingly.

(5) Precinct electoral bureaus shall be created within polling stations as per the provisions of Article 30, Article 31 and Article 33 to be applied accordingly.

(6) District electoral councils shall be created based on Single Member Constituencies and perform their duties on the basis of their territorial competence.

### **Article 82. Candidates for Parliamentary Elections**

People eligible to vote who have attained the age of 18 years before or on Election Day, hold Moldovan citizenship, do not fall within Article 2(61) of the Law on the Status of Member of Parliament and meet the requirements provided herein, may stand as candidates for members of Parliament.

### **Article 83. Setting the Date of Elections**

(1) The parliamentary elections shall be held within 3 months after the expiry of mandate of the previous Parliament or following its dissolution.

(2) The date of parliamentary elections shall be set by a Parliament decision no later than 60 days before the Election Day.

(3) In case of Parliament dissolution, the same Decree of the Moldovan President shall set the date of election of a new Parliament. Early elections shall be conducted within 60 days, but no later than 3 months after the Parliament dissolution.

### **Article 84. Nomination of Candidates from Political Parties**

(1) Candidates for the Members of Parliament position for the national constituency and for each Single Member Constituency shall be nominated as per the charters of political parties and/or electoral blocs.

(2) A political party and/or electoral bloc may submit:

a) the list of candidates for national constituency, which shall contain not less than 30 people and not

more than 55 people;

b) a candidate for each Single Member Constituency.

(3) The Central Electoral Commission shall approve the sample of the list of candidates.

### **Article 85. Registration of Candidates for Members of Parliament position**

(1) The Central Electoral Commission shall register the candidates for a Member of Parliament position from the national constituency.

(2) In parliamentary elections based on Single Member Constituencies, candidates nominated by political parties, as well as independent candidates may stand as candidates in one Single Member Constituency only.

(3) Candidates for a Member of Parliament position for Single Member Constituencies, including independent candidates, shall be registered with District Electoral Councils.

(4) To be registered, the electoral competitors shall submit the documents referred to in Article 49, to be applied accordingly, and the signatures collecting lists for candidates from Single Member Constituencies, pursuant to Article 86.

(5) A person may be included only in one list of candidates, being nominated only by one electoral competitor.

(6) The person included in the list of candidates being nominated by an electoral competitor for elections on the basis of national constituency may stand as candidate in one Single Member Constituency as a nominee of the same electoral competitor or as an independent candidate.

(7) Those persons who stand as candidates for a Member of Parliament position in Single Member Constituencies established abroad shall be registered with the District Electoral Council responsible for organising elections abroad, having the office in Chisinau Municipality.

(8) The persons who stand as candidates for Member of Parliament position in Single Member Constituencies established for localities from the left bank of Nistru River (Transnistria) shall be registered with the District Electoral Council responsible for organising elections within localities from the left bank of Nistru River (Transnistria), having the office in Chisinau Municipality.

### **Article 86. Special Requirements for Signatures collecting lists**

(1) To be registered with the District Electoral Council, the Single Member Constituency candidate shall submit, pursuant to Article 47 and Article 48, signatures collecting lists containing at least 500 signatures and at most 1000 signatures of supporters eligible to vote from the Single Member Constituency where intends to stand as candidate. Notwithstanding this paragraph, a female candidate may be registered is she submits at least 250 signatures and at most 500 signatures of supporters eligible to vote from the Single Member Constituency where she intends to stand as candidate.

(2) If upon verification of signatures collecting lists, the District Electoral Council detects fake signatures and signatures that appear in several signatures collecting lists, as well as signatures collected with the infringement of Articles 47 and 48, such signatures shall be excluded.

(3) If upon scrutiny the submitted number of signatures is found insufficient, or is found insufficient due to the elimination of invalid signatures as per the minimum threshold provided for in paragraph (1) of this Article, the candidate shall not be registered. A decision to that effect shall be conveyed to the candidate

within 24 hours following its adoption.

(4) Upon receiving and registering the necessary documents stipulated in Article 49 by the District Electoral Council, it shall not allow any supplementary signatures collecting lists to be filed.

(5) Signatures supporting the candidates from Single Member Constituencies established abroad may be collected from any constituency.

(6) Signatures supporting the candidates from Single Member Constituencies established in localities from the left bank of Nistru River (Transnistria) may be collected from any constituency.

### **Article 87. Initiative Groups Supporting the Candidates for a Member of Parliament position for Single Member Constituency**

(1) If citizens would like to support a candidate for a Member of Parliament position they shall create an initiative group. The latter shall be created following a meeting attended by the candidate for a Member of Parliament position, the group leader is elected and the list of initiative group members is approved, having stated the members; identity data. The initiative group may support only one candidate for a Member of Parliament position. Members of an initiative group may not be members of another initiative group at the same time.

(2) For political parties and electoral blocs, initiative groups shall be created by the party body which, as per the charter provisions, shall be entitled to nominate candidates for a Member of Parliament position.

(3) The list of initiative group members, stating the name of the group leader, shall be submitted to the election body, no later than 50 days before the Election Day, in person by the individual suggested as candidate for a Member of Parliament position. The list shall comprise the full name, year of birth and domicile of initiative group members.

(4) If the requirements referred to in paragraphs (1)–(3) are met, the election body shall register the initiative group and issue member IDs/badges to its members within 3 days following the date of list submission.

### **Article 88. Amending the Lists of Candidates from the National Constituency**

(1) No later than 14 days before the Election Day candidates shall have the right to recall the entire list of candidates, to replace a candidate, to cancel their decision to include a specific candidate in the list.

(2) The decision to recall or amend the list of candidates is adopted by the entity that nominated the candidate or presented the list of candidates and shall be submitted to the Central Electoral Commission, which shall make it public without delay.

(3) The lists of candidates shall be amended in compliance with the provisions of Article 7(2) b) of the Law on ensuring the Gender Equality.

### **Article 89. Recall of Candidate from the Single Member Constituency**

(1) No later than 14 days before the Election Day, the independent candidate from the Single Member Constituency shall have the right to recall his/her candidacy. In this case, the candidate shall take a decision to this end and file it with the election body, while the latter shall make it public without delay.

(2) No later than 14 days before the Election Day, the candidate from a Single Member Constituency

nominated by a political party, by other socio-political organisation or electoral bloc may be recalled by the political party, socio-political organisation or electoral bloc that nominated him/her. The decision to recall the candidate shall be taken by the same body of the political party, socio-political organisation or electoral bloc that nominated him/her to be submitted to the election body. The latter shall make it public without delay.

(3) If one candidate only was registered in the Single Member Constituency, and this candidate recalled his/her candidacy or failed to participate in elections due to other reasons, partial elections under the present Code shall be organised in this constituency.

### **Article 90. Voters' Lists**

Voters' lists in parliamentary elections shall be compiled pursuant to Chapter 5 (Articles 44 and 45) of this Code, to be applied accordingly.

### **Article 91. Electoral Campaign**

Electoral campaign during parliamentary elections shall start no earlier than 30 days before the Election Day and be carried out pursuant to Chapter 7 (Articles 50-52) of this Code, to be applied accordingly.

### **Article 92. Ballot Papers**

(1) Ballot papers shall be drawn up pursuant to Chapter 8 (Articles 53 and 54) of this Code, to be applied accordingly.

(2) On the ballot paper an independent candidate shall be listed in a separate quadrilateral where his/her first and last name is written along with the word combination "Independent Candidate".

### **Article 93. Voting. Special Requirements for Suffrages**

(1) Voting in parliamentary elections shall be carried out pursuant to Chapter 9 (Articles 55-60) of this Code, to be applied accordingly.

(2) Students and pupils eligible to vote enrolled in an educational institution located in a locality where they have no domicile or residence may vote at any polling station open in that locality, being bound to observe the following requirements:

- a) to present their ID card and ID slip;
- b) to present their student card, which mentions the educational institution of the given locality where the respective student/pupil is enrolled;
- c) to fill in and to sign a statement of personal responsibility to refrain from multiple voting, being informed about criminal liability if this obligation is violated.

(3) Voters specified in paragraph (2) shall be included in the additional list, mentioning the educational institution where they are enrolled, under the heading "Note".

(4) Voters shall vote at the polling station from the Single Member Constituency where they are domiciled. Voters who are not domiciled within the respective Single Member Constituency shall not vote in parliamentary elections.

(5) Until the constitutional control over localities from the left bank of Nistru (Transnistria) is resumed, the voters introduced in voters' lists in Single Member Constituencies created for localities from the left



bank of Nistru River (Transnistria) shall exercise their voting right at any distinct polling station under the constitutional control of Moldovan authorities, under the present Code.

(6) In Single Member Constituencies established abroad, Moldovan citizens who due to different reasons are abroad on the Election Day and did not register in advance, shall vote at any polling station established abroad, pursuant to the Regulation approved by the Central Electoral Commission.

#### **Article 94. Vote Counting and Tabulation of Results**

Vote counting and tabulation of results shall be performed pursuant to Chapter 10 (Articles 61-65) of this Code, to be applied accordingly.

#### **Article 95. Setting Representation Threshold for Elections in the National Constituency**

(1) Following the receipt of Protocols from all constituencies prepared by District Electoral Councils displaying the vote counting results, the Central Electoral Commission shall tabulate the number of valid votes cast for each party, other socio-political organisations, each electoral bloc to establish whether they have reached the minimum threshold of representation.

(2) The minimum threshold of representation represent the following proportions of valid votes cast for the country as a whole:

- a) for a party or socio-political organisation – 6 per cent;
- b) for an electoral bloc – 8 per cent.

(3) Parties, other socio-political organisations, electoral blocs that received fewer votes than the percentage provided in paragraph (2) are eliminated from the procedure of mandate assignment by a decision of the Central Electoral Commission.

#### **Article 96. Counting the Mandates obtained by the Electoral competitor in the National Constituency**

(1) Seats in the Parliament are distributed only to candidates who gained the necessary minimum of votes to pass over the representation threshold outlined in Article 95.

(2) The total number of valid votes cast in the respective parliamentary elections shall be divided by the number of MP seats for the national constituency, obtaining the corresponding election coefficient.

(3) The number of valid votes cast gained by each political party, by other socio-political organisation or by an electoral bloc that passed over the representation threshold referred to in Article 95 shall be divided by the election coefficient, having obtained the total number of seats pertaining to each electoral competitor. The digit after decimal point shall be rounded upwards if it is more than 5 or downwards if it is less than 5.

(4) The number of remaining seats are distributed successively, one to each party, other social political organisations, each electoral bloc, beginning with the electoral competitor that received the highest number of seats, in the downwards order.

#### **Article 97. Electing a Member of Parliament in the Single Member Constituency**

(1) A candidate for a Member of Parliament position in the Single Member Constituency is elected if he/she obtained the highest number of valid votes cast.

(2) If several candidates obtained a similar number of votes the District Electoral Council shall determine the winner by drawing lots, having recorded such fact in a Protocol.

#### **Article 98. Assigning Seats Obtained in the National Constituency**

(1) The Central Electoral Commission shall assign the seats to candidates included in the lists of electoral competitors depending on the order in which they have been recorded in the lists.

(2) Candidates included in the lists of electoral competitors that surpassed the representation threshold referred to in Article 95, but have not been elected shall be declared as alternates. An alternate shall be declared as elected by the Constitutional Court, upon the request of the Central Electoral Commission, if, due to certain reasons, a seat belonging to a political party, to other social and political organization or to an electoral bloc becomes vacant. The alternate may refuse the offered seat, having filed a written application with the Central Electoral Commission to this end.

(3) If a political party, other socio-political organisation or an electoral bloc has obtained a number of seats that exceeds the number of candidates included in the list, this political party, socio-political organisation or electoral bloc shall receive a number of seats that is equal to the number of candidates included in the list.

(4) The remaining seats shall be assigned to other political parties, socio-political organisations or electoral blocs in the manner referred to in Article 96 (4). This procedure shall apply when vacancies occur and the electoral competitor has no alternates.

#### **Article 99. Assigning Seats Obtained in the Single Member Constituency**

(1) Following the receipt of Protocols from all polling stations of a Single Member Constituency prepared by their bureaus, stating the vote counting result, the District Electoral Council shall tabulate the total number of valid votes cast obtained by each candidate with the aim to determine who has been elected.

(2) The Central Electoral Commission shall assign the seats to candidates elected within Single Member Constituencies.

(3) If a candidate elected in the Single Member Constituency has been elected also in the national constituency as per the party list, it shall signify that the candidate was elected in the Single Member Constituency only and will not be taken into account in the process of assigning the seats as per the party list.

#### **Article 100. Confirmation of Results and Mandate Validation by the Constitutional Court**

(1) The Central Electoral Commission shall, within 24 hours of the election results tabulation, submit to the Constitutional Court the documents referred to in Article 65 and the lists of elected members of Parliament.

(2) Within 5 days following the receipt of documents from the Central Electoral Commission, but not before the Courts have made final decisions on complaints submitted according to the legal procedures, the Constitutional Court shall confirm or invalidate, through an opinion, the legality of elections. At the same time, the Constitutional Court shall validate the mandates of the elected members of Parliament and confirm the lists of alternates.

(3) The Constitutional Court shall invalidate the election results if following the partial elections, they failed to elect at least 2/3 of the number of seats.

### **Article 101. Certification of Election Results by the Central Electoral Commission**

(1) The Protocol on election results, along with a Constitutional Court decision on elections compliance with the legislation, and a decision validating at least two-thirds of the seats, shall be submitted by the Constitutional Court, within 2 days, to Parliament. Copies of these documents and lists of alternates confirmed shall be conveyed to the Central Electoral Commission.

(2) If the Constitutional Court confirms the legality of elections in at least 2/3 of Single Member Constituencies, the Central Electoral Commission shall issue ID cards to the elected members of Parliament.

(3) The Central Electoral Commission shall make public the final election results within 24 hours following their receipt from the Constitutional Court.

### **Article 102. Null Elections**

Should the Constitutional Court establish that during elections, on the Election Day and/or during the counting procedures the provisions of this Code were infringed and that those infringements affected the voting results and the assignment of seats, the elections in the respective constituencies shall be declared null.

### **Article 103. Partial Elections**

(1) If following the parliamentary elections a member of Parliament was not elected in a Single Member Constituency, including the case referred to in Article 89(3), the Central Electoral Commission shall organise, within 2 weeks, partial elections in the respective Single Member Constituency.

(2) The mandate of the elected Member of Parliament shall be valid until the expiry of the general mandate of the Parliament.

### **Article 104. Repeated Voting**

(1) If elections have been declared null, within 2 weeks the Central Electoral Commission shall organise repeated elections within the respective constituencies.

(2) The repeated elections shall be organised based on the same voters' lists, with the same electoral bodies and with the participation of the same candidates.

(3) Electoral competitors found guilty for infringing the provisions of this Code shall be sanctioned or excluded from the ballot papers based on a final Court decision, and electoral councils and bureaux which committed such infringements shall be replaced.

### **Article 105. New Elections**

(1) If following the repeated voting the elections are declared null or a seat in Parliament has become vacant, the Central Electoral Commission shall call the date of new elections within 60 days after the last elections were declared null, but no later than within 3 months after that date.

(2) The provisions of paragraph (1) shall apply also when following the partial elections the mandates of at least 2/3 of members of Parliament elected in Single Member Constituencies were not validated.

(3) If a seat in Parliament became vacant within the last 6 months before the expiry of the Parliament mandate, new elections in the vacant Single Member Constituencies shall not be organised.

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

## **TITLE IV.**

# **ELECTIONS OF PRESIDENT OF THE REPUBLIC OF MOLDOVA**

### **Article 106. Applicability of the present Title**

The provisions of this Title (Articles 106–128) shall be applicable only in case of presidential elections.

### **Article 107. Elections of President of the Republic of Moldova**

(1) The President of the Republic of Moldova shall be elected by a universal, equal, direct, secret and freely expressed suffrage for a four-year mandate.

(2) Presidential elections shall be conducted within the national constituency.

### **Article 108. Constituencies and Polling Stations. District Electoral Councils and Precinct Electoral Bureaus**

(1) For the purpose of organising and conducting elections, the Central Electoral Commission shall establish, at least 55 days before the elections, constituencies which correspond to the second-level administrative-territorial units of the Republic of Moldova, autonomous territorial unit Gagauzia, Chisinau and Balti municipalities, and at least 50 days before the elections it shall create the District Electoral Councils, pursuant to Article 28, to be applied accordingly. The District Electoral Councils duties are set forth in Article 29, except for letter f), the provisions of which shall be applied accordingly.

(2) Constituencies shall be divided into polling stations pursuant to Articles 30 and 31, to be applied accordingly.

(3) Precinct electoral bureaus shall be established under the polling stations. The establishment of precinct bureaus and their duties are provided in Articles 30, 31 and 33, to be applied accordingly.

### **Article 109. Setting the Date of Elections**

(1) The elections of President of the Republic of Moldova shall be conducted at least 30 days and at most 60 days before the expiration of the mandate of the president-in-office.

(2) In case the position of President of the Republic of Moldova is vacant (in case of resignation, demission, final impossibility to exercise the duties, or death), the date of elections shall be established within a period of 2 months from the date when the respective vacancy occurred.

(3) The Parliament shall establish the date of elections of President of the Republic of Moldova at least 60 days before the Election Day.

### **Article 110. Special Conditions set for Candidates for the position of President of the Republic of Moldova**

A citizens of the Republic of Moldova eligible to vote, who reached 40 years of age on the day of elections, who lived or lives permanently on the territory of the Republic of Moldova for at least a ten-year period, who masters the state language and meets the conditions provided in the present Code may be elected as

President of the Republic of Moldova.

### **Article 111. Nomination of Candidates for the position of President of the Republic of Moldova**

The nomination of candidates for the position of President of the Republic of Moldova shall start 60 days before the date of presidential elections and shall end 30 days before the date of presidential elections, under the conditions set in Article 46, to be applied accordingly.

### **Article 112. Registration of Candidates**

(1) To be registered as candidates for the position of President of the Republic of Moldova, the Central Electoral Commission should be submitted the documents listed in Article 49 and the signatures collecting lists pursuant to Article 113.

(2) The Central Electoral Commission shall issue to the registered candidates badges of an established design.

### **Article 113. Special Conditions for Signatures collecting lists**

(1) To be registered by the Central Electoral Commission, all candidates for the position of President of the Republic of Moldova shall lodge signatures collecting lists, containing the signatures of at least 15000 and not more than 25000 voters from at least half of the second-level administrative-territorial units of the Republic of Moldova and comply with other provisions of this Code.

(2) The second-level administrative-territorial units of the Republic of Moldova in which at least 600 signatures were collected are considered to be in line with paragraph (1).

(3) If in the process of verification of signatures lists, the Central Electoral Commission identifies fake signatures or repeated signatures in several lists, the respective signatures, as well as those collected with violation of Articles 47 and 48 shall be excluded.

(4) If during the verification of signatures collecting lists it is identified that the necessary number of signatures is not met, or that following the elimination of invalid signatures, the number of signatures falls below the minimum threshold set in paragraphs (1) and (2), the candidate shall not be registered, and the respective decision shall be notified to him/her within 24 hours since its adoption.

(5) No additional signatures collecting lists shall be allowed for submission after the verification of signatures collecting lists by the Central Electoral Commission.

### **Article 114. Initiative Groups Supporting the Candidates for the position of President of the Republic of Moldova**

(1) If citizens launched the initiative to support a candidate for the position of President of the Republic of Moldova, an initiative group shall be established to this end, which should be composed of at least 25 persons and at most 100 persons eligible to vote. The initiative group shall be established during a meeting where the respective candidate is supported, the leader of the initiative group is elected, and the list of initiative group members is approved, stating their identity data. The initiative group may support only one candidate for the position of President of the Republic of Moldova. The members of an initiative group may not be members of another initiative group at the same time. In case of political parties and electoral blocs, the initiative groups

shall be established under similar conditions.

(2) The list of initiative group members, stating the group leader, shall be submitted to the Central Electoral Commission at least 50 days before the date of elections by the person proposed as candidate for the position of President of the Republic of Moldova. The list shall contain full name, year of birth, and domicile of initiative group members.

(3) If the aforementioned conditions are met, the Central Electoral Commission shall register the initiative group and issue badges to the group members within 3 days from the date of submitting the list.

#### **Article 115. Voters' Lists**

The voters' lists for presidential elections shall be developed in line with the provisions of Chapter 5 (Articles 44 and 45), to be applied accordingly.

#### **Article 116. Electoral campaign**

(1) The campaign for presidential elections shall start not earlier than 30 days prior to the date of elections and shall be conducted in line with the provisions set in Chapter 7 (Article 50–Article 52), to be applied accordingly.

(2) The candidate for position of President of the Republic of Moldova may have trustworthy persons in each constituency, who should help him/her unroll the campaign, make campaigning for his/her election, represent his/her interests in the relations with public authorities, voters, and electoral bodies. The trustworthy person shall represent the interests of a single candidate. The number of trustworthy persons shall be established in line with Article 50 (1).

(3) The same trustworthy person may represent the candidate in several constituencies, provided that the number of trustworthy persons in each constituency is in line with the established requirements. The trustworthy person may work only in those constituencies where he/she was designated by the Central Electoral Commission.

#### **Article 117. Ballot Papers**

The ballot papers shall be prepared in line with the provisions of Chapter 8 (Articles 53 and 54), to be applied accordingly.

#### **Article 118. Voting**

Voting during the presidential elections shall be carried out in line with the provisions of Chapter 9 (Articles 55-60), to be applied accordingly.

#### **Article 119. Counting the Votes and Tabulating the Results of Elections**

The vote counting and tabulation of elections results for the position of President of the Republic of Moldova shall be carried out in line with the provisions of Chapter 10 (Article 61-65), to be applied accordingly.

#### **Article 120. The Second Round of Elections. Special Provisions**

(1) If none of the candidates for the position of President of the Republic of Moldova gathered at least half

of the votes of voters who have participated in elections, a second round of elections shall be organised for the first two candidates established as per the downwards number of votes obtained during the first round.

(2) If more candidates have gathered an equal number of votes for accreditation in the second round, the Central Electoral Commission shall organize a drawing of lots, noting this fact in the Protocol. The candidates shall be provided the possibility to decide jointly who of them will run for elections in the second round or to participate in the drawing of lots.

(3) If the two candidates participating in the second round of elections gathered the same number of votes during the first round, the order of including their name in the voting ballot shall be established by drawing the lots.

(4) The second round of elections shall be organised in 2 weeks after the date of the first round, under the conditions of this Code. The information about the conduct of the second round of elections shall be made public by the Central Electoral Commission within 24 hours since the date it was established. The Central Electoral Commission shall establish the date of the second round of elections.

(5) The candidate who obtained the highest number of votes in the second round of elections shall be declared as elected. The votes casted for a candidate shall be considered as votes expressed against the other candidate.

(6) If both candidates obtained the same number of votes, the candidate who has gathered more votes during the first round of elections shall be considered as elected. If both candidates have gathered the same number of votes in the first round of elections, the Central Electoral Commission shall draw the lots, noting this fact in the Protocol.

(7) If one of the candidates withdraws, the remaining candidate shall be considered as elected if he/she gathered at least half of votes of the voters who have participated in elections.

#### **Article 121. Tabulation of elections results**

(1) If after tabulating the elections results it is established that one candidate has gathered at least half of votes of the voters who have participated in elections, the Central Electoral Commission shall declared the elections as valid and the candidate as elected.

(2) Within 3 days after the signature of the Protocol tabulating the elections results, the Central Electoral Commission shall submit a report to the Constitutional Court regarding the results of elections and the acts referred to in Article 65.

#### **Article 122. Confirming the Legality of Elections**

Within 10 days after receiving the acts from the Central Electoral Commission, but not earlier than the final locality by Courts of complaints lodged according to the procedures established by legislation, the Constitutional Court shall confirm or invalidate, through an opinion, the legality of elections.

#### **Article 123. Validation of Mandate of President of the Republic of Moldova**

(1) The Constitutional Court shall confirm the election results and validate the election of a candidate, adopting a decision which shall be made public without delay.

(2) Prior to the validation of the mandate, the candidate elected as President of the Republic of Moldova

shall submit a confirmation to the Constitutional Court that he/she is not member of a political party and holds no other public or private position.

#### **Article 124. Taking of the Oath**

(1) The candidate whose election was validated by the Constitutional Court shall take in front of the Parliament and of the Constitutional Court, within the term provided in Article 79 (2) of the Constitution the following oath: "I swear to devote all my personal strength and abilities to the prosperity of the Republic of Moldova, to abide by the Constitution and the laws of the country, to defend democracy, fundamental human rights and freedoms, the sovereignty, independence, unity and territorial integrity of Moldova".

(2) Since the date the oath is taken, the exercise of the mandate as President of the Republic of Moldova shall effectively start.

#### **Article 125. Invalid Elections**

(1) Elections shall be considered invalid if less than 1/3 of the total number of voters registered in the voters' lists has participated in the first round of elections. The decision to declare the elections invalid shall be adopted by the Central Electoral Commission based on the documents submitted by the District Electoral Councils.

(2) Elections shall be declared valid in the second round of elections regardless of voters' turnout.

#### **Article 126. Null Elections**

If the Constitutional Court found that violations of the present Code were committed during elections and/or counting the votes, which have affected the election results, the respective elections shall be declared null.

#### **Article 127. Repeated Voting**

(1) If elections are declared invalid or null, repeated voting shall be organized.

(2) Within 2 weeks following the declaration of elections as invalid or null, the Central Electoral Commission shall organise repeated voting on the basis of the same voters' lists, the same candidates and within the same councils and bureaus.

(3) The provisions of Article 120 shall apply when conducting the repeated voting after the second round of elections.

(4) The electoral competitors guilty of fraud that affected the results of elections shall be fully eliminated from elections, and the electoral councils and precinct electoral bureaus that committed fraud shall be replaced.

#### **Article 128. New Elections**

(1) New elections shall be conducted:

a) if, after repeated voting, elections were declared invalid or null;

b) if one or two candidates participated in elections and none of them accumulated at least 1/2 of the number of votes cast by the voters who have participated in elections.

(2) The date of the new elections shall be established by the Parliament within 30 days at most after the date of previous ordinary elections or of repeated voting, during which the President of the Republic of Moldova was not elected, and within 60 days at least before the Election Day under the present Code.



# TITLE V. LOCAL ELECTIONS

## **Article 129. Applicability of the present Title**

Provisions of this Title (Articles 129-151) shall be applicable only to the elections of mayors and councillors in local councils.

## **Article 130. Local Elections**

(1) Mayors of towns (municipalities), sectors, villages (communes) and councillors in district, town (municipal), sector and village (commune) councils shall be elected by a universal, equal, direct, secret and freely expressed suffrage, for a four-year term.

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

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

## **Article 131. Constituencies and Polling Stations. District Electoral Councils and Precinct Electoral Bureaus**

(1) For conducting elections of local councils and mayors, each district, administrative-territorial unit with special status, town (municipality), sector, village (commune) shall establish a single constituency. The town (municipality), sector, village (communal) constituencies shall be established by the District Electoral Councils of second-level administrative-territorial units of the Republic of Moldova at least 45 days prior to the Election Day.

(2) The town (municipality), sector, village (communal) electoral councils shall be established by the District Electoral Councils of second-level administrative-territorial units of the Republic of Moldova at least 40 days prior to the Election Day. District Electoral Councils are established and exercise their duties pursuant to Articles 28 and 29 of this Code, to be applied accordingly. In new or partial elections, the Central Electoral Commission shall establish district electoral councils.

(3) Constituencies for the election of local councils and mayors shall be divided into polling stations for which electoral bureaus shall be established. Precinct electoral bureaus are established and exercise their duties pursuant to Articles 30 and 33, to be applied accordingly.

## **Article 132. Special Duties of Electoral Councils**

In locality where only one electoral precinct is established for holding local elections, the District Electoral Council shall exercise the responsibilities of the Precinct Electoral Bureau as well.

## **Article 133. Setting the Date of Elections**

(1) The Parliament shall set the date of general or early local elections, issuing a decision to this end at least 60 days before the Election Day.

(2) The Central Electoral Commission shall set the date of repeated, new and partial elections under the present Code.

**Article 134. Special Restrictions on Suffrages**

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

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

**Article 135. Special Conditions to be Elected**

(1) Moldovan citizens who are eligible to vote, and have attained 18 years of age on or before the Election Day, shall enjoy the right to be elected as councillors to local councils.

(2) Moldovan citizens who are eligible to vote, and have reached 25 years of age on or before the Election Day, shall enjoy the right to be elected as mayors.

**Article 136. Nomination, Submission of Candidacies and Registration of Candidates**

Nomination, submission of candidacies and registration of candidates shall be conducted according to Chapter 6 (Articles 46-49), to be applied accordingly.

**Article 137. Special Conditions for the Submission of Candidacies by Political Parties, by other Socio-political Organisations and by Electoral Blocs**

(1) The number of candidates as councillors included in the lists should contain at least 1/2 of the number of seats available for the respective constituency and at most 5 alternates. If after registration the number of persons recorded in the list of candidates is reduced to the minimum limit, the registration shall not be cancelled. The respective candidate shall be alerted by the electoral body that registered him/her.

(2) The lists of candidates shall be prepared and/or amended in compliance with the provisions set in Article 46(3).

(3) Failure to comply with the conditions set in paragraph (2) shall induce the refusal to register the lists of candidates by the respective election body.

(4) Political parties, other socio-political organisations and electoral blocs may nominate only one candidate for the mayor position per constituency. One person may not stand as candidate in several constituencies of similar level.

(5) A person may run for the position of councillor in councils of first-level and second-level administrative-territorial units of the Republic of Moldova. A person may stand as candidate for both mayor and local councillor, but not in more than one constituency of similar level.

**Article 138. Special Requirements for Nomination of Candidacies by Independent Candidates**

(1) Moldovan Citizens may nominate themselves as independent candidates for election to local council, provided they are supported by two percent of the constituency voters, divided by the number of councillor seats available to be filled through elections, but not less than 50 persons; and for mayor if they are supported by 5 percent of the constituency voters, but not less than 150 voters and not more than 10,000 people.

(2) If, following the verification, the District Electoral Councils find fake signatures in the signatures collecting lists or repeated signatures in other lists, such signatures shall be eliminated.

(3) If, after verification, it is revealed that the necessary number of signatures was not submitted, or following the elimination of invalid signatures, their number was reduced to the minimum limit set in paragraph (1), the independent candidate is not registered and he/she is informed about this decision within 24 hours of its adoption.

(4) The submission of additional signatures collecting lists shall not be accepted after the District Electoral Council received and registered the set of documents outlined in Article 49.

### **Article 139. Voters' Lists**

Voters' lists for local elections shall be compiled pursuant to Chapter 5 (Articles 44 and 45), to be applied accordingly.

### **Article 140. Electoral Campaign**

Electoral campaign shall be carried on during local elections pursuant to Chapter 7 (Articles 50-52), to be applied accordingly.

### **Article 141. Ballot Papers**

For the election of district, town (municipality), sector, village (commune) councils, and of town (municipality), sector, village (commune) mayors separate ballot papers shall be drawn up pursuant to Chapter 8 (Articles 53 and 54), to be applied accordingly.

### **Article 142. Voting**

Voting in local elections shall be conducted pursuant to Chapter 9 (Articles 55-60), to be applied accordingly.

### **Article 143. Counting the Votes and Tabulating the Results of Elections**

(1) Votes shall be counted and local elections results shall be tabulated pursuant to Chapter 10 (Articles 61-67), to be applied accordingly.

(2) The number of votes cast for each candidate running for mayor or councillor positions; full name of the elected mayors and councillors; name of the political party or other socio-political organisation and electoral bloc, which nominated them; or the mention "independent candidate" shall be entered into the Protocols drawn up by the electoral councils and bureaus.

### **Article 144. Allocation of Councillors Seats**

(1) The councillors' seats in district, town (municipality), sector or village (commune) councils shall be assigned by the respective District Electoral Councils.

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

respective constituency.

(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 per the number of seats to be allocated in the constituency. The number of mandates assigned to a political party, other socio-political organisation, or electoral bloc depends on the quantity of numbers contained in that descending range.

(4) An independent candidate shall be considered elected if the number of votes cast for him/her fits within the series of selected numbers 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 most votes.

(6) If there is more than one candidate with the same number of votes for the last non-allocated seat, the District Electoral Council shall allocate the seat by drawing of lots. This fact shall be recorded in the Protocol.

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

(8) If only independent candidates run for councils, the District Electoral Council shall draw up a list with the number of votes cast for the candidates in descending order and allocate each candidate one mandate until the mandates are exhausted.

(9) Candidates included in the lists but not elected shall be declared alternates. When a council mandate belonging to a party, other socio-political organisation, or electoral bloc becomes vacant before the end of term, it will be allocated to one of the alternates of the respective party, socio-political organisation or electoral bloc, in the order of their inclusion in the list. If the list of alternates is exhausted, the replacement of the vacant seat is done by restoring the descending order excluding the number of the respective candidate and including the number following in the range.

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

(11) If only independent candidates are included on the ballot papers, in the event of a vacant seat, the alternate candidate is allocated the seat under paragraph (10) of this Article.

(12) Seats to alternates shall be allocated by the Central Electoral Commission, pursuant to this Article, to the Regulation on the procedure of cancelling and validating the mandates of councillors, approved by the Central Electoral Commission decision and based on documents held by the Central Electoral Commission.

#### **Article 145. Election of Mayor**

(1) A candidate running for mayor shall be considered elected provided that he/she obtained more than half of the valid votes cast by all participating voters.

(2) If none of candidates running for mayor received more than half of the valid votes cast, in 2 weeks, a second-round election shall be conducted between the two candidates who gathered the highest number of votes. These two candidates are listed on the ballot paper in descending order as per the number of accumulated votes in the first round. If several candidates obtained an equal number of votes in the first

round, the District Electoral Council shall draw lots and record it in the Protocols.

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

#### **Article 146. Confirmation of Elections Legality and Mandate Validation**

(1) The District Electoral Councils of the first-level administrative-territorial units shall submit the Protocols on election results to the appropriate sector or municipality Courts. The Protocol of second-level administrative-territorial units shall be submitted to the Courts under which jurisdiction the electoral councils of the second-level administrative-territorial units fall. The District Electoral Council of Chisinau municipality shall submit the respective documents to the sector Court where the District Electoral Council of Chisinau municipality is located.

(2) The Courts, within 10 days after receiving the District Electoral Councils' reports, shall either confirm or invalidate the legality of elections in every district by a decision to be submitted within 24 hours after its adoption to the Central Electoral Commission and to the respective District Electoral Councils, which shall publish the final results.

(3) Concurrently with the confirmation of election legality, the Courts shall validate the mandates of elected councillors and mayors and mention this in the decision. The person elected in the positions referred to in Article 7 of the Law on the Status of Locally Elected Official shall submit his/her consent to Court to be validated in one of those positions. Courts shall also confirm the list of alternates.

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

(5) The District Electoral Council shall issue a document to the elected councillors and mayors certifying the new Members of the Council and the new Mayor according to the design approved by the Central Electoral Commission.

#### **Article 147. Invalid Elections**

The election shall be considered invalid in a given constituency if the voters' turnout is less than 1/4 of the number of people included in the voters' lists. The decision to declare the election invalid shall be adopted by the Central Electoral Commission based on the decisions and documents submitted by the District Electoral Councils.

#### **Article 148. Null Elections**

The elections shall be declared null if infringements of this Code have been committed during the election procedures and if those violations affected the results of voting and seat allocation. A decision in this regard shall be adopted by the Central Electoral Commission based on the decisions taken by appropriate Courts.

#### **Article 149. Repeated Voting**

(1) If in certain constituencies or polling stations, elections have been declared invalid or null, the Central Electoral Commission shall organise within 2 weeks repeated elections with the same voters' lists, same

candidates and involving the same electoral councils and bureaus.

(2) Candidates found guilty of committing infringements of this Code shall be deleted from the ballot papers based on the final Court judgment. The electoral councils and bureaus which committed such infringements shall be replaced.

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

#### **Article 150. New Elections**

(1) New elections shall be conducted if:

a) the local council has resigned, has been dissolved, or its number decreased by more than 1/3 out of 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, as well as due to the deprivation of the right to hold some positions, based on a final Court decision;

c) following the repeated elections the council and/or mayor has not been elected;

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

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

(3) If one of the circumstances set forth in paragraph (1) arises, the local public authority shall notify in writing the Central Electoral Commission within ten days after the circumstance occurred.

(4) The Central Electoral Commission shall set the date of new elections no later than 30 days after the occurrence of the circumstances referred to in paragraph (1), and no earlier than 60 days before the Election Day, provided that new elections will be held simultaneously, at most twice a year, in spring and in autumn.

(5) New elections shall be conducted in compliance with the provisions of this Code.

#### **Article 151. Partial Elections**

(1) The Central Electoral Commission within 2 weeks shall call partial elections in one or several constituencies if, after elections, the number of councillors required by law have not been elected.

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

(3) Partial elections shall be called by a decision of the Central Electoral Commission no more than 60 days before the Election Day.

# TITLE VI. REFERENDUM

## **Article 152. Applicability of the present Title**

The provisions of this Title (Articles 152-212) shall be applicable only to the organisation and conduct of republican and local referenda.

## **Chapter 13. REPUBLICAN REFERENDUM**

### **Article 153. Republican Referendum**

(1) A republican referendum is held to ensure the exercise of people's power and the right to participate directly in the management and administration of public affairs.

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

(3) The decisions adopted through republican referenda have supreme legal power upon their confirmation by the Constitutional Court, and have binding effect throughout the country.

### **Article 154. Types of Republican Referenda**

(1) Depending on the legal nature of questions subject to referendum, republican referenda may be constitutional, legislative, regarding the dismissal of the President of the Republic of Moldova or consultative.

(2) The constitutional referendum subject comprises proposals to revise the Constitution.

(3) The subjects of legislative referendum are draft laws on issues of major importance.

(4) The subjects of consultative referendum are issues of national interest that are brought for public consultations that will require further, final decisions to be taken by competent public bodies. Questions proposed for consultative referendum shall be formulated in neutral, unambiguous language, without suggesting plausible responses.

### **Article 155. Initiating a Republican Referendum**

(1) A republican referendum may be initiated by:

- a) at least 200,000 Moldovan citizens eligible to vote. In case of constitutional referendum, provisions of Article 141 (1) a) of the Constitution shall apply;
- b) at least 1/3 of members of Parliament;
- c) President of the Republic of Moldova;
- d) Government of the Republic of Moldova.

(2) Those referred to in paragraph (1) may initiate any type of referendum provided in Article 154.

*Note: Article 155(2) shall be declared unconstitutional as per Constitutional Court Decision No. 24 of 27.07.2017, in force as of 27.07.2017.*

(3) If a referendum is initiated by those referred to in paragraph (1) a), signatures collecting lists shall be

attached to the proposal on initiating the referendum.

(4) The proposal on initiating a referendum shall include questions subject to referendum stated clearly, avoiding ambiguities, as well as the purpose of conducting the referendum and its suggested date. Mutually exclusive issues shall not be subject to referendum.

#### **Article 156. Restrictions Imposed on Holding a Republican Referendum**

(1) A republican referendum may not be held if the country is under a state of emergency, siege or war, nor within 120 days after the respective status was lifted. If a date for a referendum coincides with a day declared later as a date of emergency, siege or war, then the referendum shall be de jure cancelled 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) A republican referendum may not be held within 60 days before or after the day of parliamentary, presidential, or local general elections, only if they are being held on the same day. On the same day can't be conducted two republican referenda.

#### **Article 157. Issues which May be Subject to Republican Referendum**

(1) The following may be issues for a republican referendum:

- a) adoption of the Constitution of the Republic of Moldova and the revision of the Constitution of the Republic of Moldova;
- b) approval of constitutional laws adopted by the Parliament that revise the provisions on sovereignty, independence and unity of the state, as well as issues related to continuous neutrality of the state;
- c) dismissal of the President of the Republic of Moldova;
- d) other essential issues of public and state interest.

(2) It is binding to organise and hold referenda on the issues stated under paragraph (1) b).

#### **Article 158. Issues which may not be subject to Republican Referendum**

The following shall not be subject to republican referenda:

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

#### **Article 159. Initiating Referendum for Revising the Constitution**

(1) A Referendum for revising the Constitution shall be initiated in compliance with Article 141 of the Constitution.

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



(3) Following the review of constitutionality of issues subject to referendum by the Constitutional Court, the proposal to hold a referendum, along with the Constitutional Court opinion shall be submitted to the Parliament for examination.

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

(5) If both Parliament and citizens initiate at the same time a revision of the same provisions of the Constitution, the parliamentary procedure to consider these provisions shall end.

#### **Article 160. Initiating a Referendum to dismiss the President of the Republic of Moldova**

(1) The referendum to dismiss the President of the Republic of Moldova may be initiated exclusively by the Parliament.

(2) Following the adoption of a decision regarding the dismissal of the President of the Republic of Moldova under the conditions set in Article 89 (1) and (2) of the Constitution, within 5 days the Parliament shall adopt a decision regarding the conduct of a referendum related to the respective issue. The referendum shall be conducted within the deadline provided in Article 89 (3) of the Constitution.

(3) The referendum regarding the dismissal of the President of the Republic of Moldova shall be ensured by the Central Electoral Commission.

#### **Article 161. Decision or Decree on holding a Republican Referendum**

(1) Within 6 months after receiving proposals on initiating a referendum, the Parliament shall adopt one of the following decisions:

- a) call for the referendum within at least 60 days after the decision adoption;
- b) reject the proposal to hold a referendum, in case the latter is initiated by members of Parliament;
- c) solve the issues subject to referendum without conducting the referendum.

(2) The decision or decree on holding a republican referendum shall state the date of the referendum, the title of the draft law or draft decision to be adopted, their body text and/or questions subject to referendum.

#### **Article 162. Setting the date of Republican Referendum**

(1) The date of a republican referendum shall be set forth by a Parliamentary decision if the initiative to hold the referendum belongs to citizens or members of Parliament. The date of a referendum is set forth by the President of the Republic of Moldova if the initiative belongs to him/her and is consultative by its nature.

(2) The referendum shall be called at least 60 days before the referendum date.

#### **Article 163. Initiation of a Republican Referendum by Citizens**

(1) To initiate a republican referendum, citizens shall establish an initiative group at a meeting attended by at least 300 citizens eligible to vote. At least 10 days before the meeting, the organisers shall notify, in writing, the local public authority of the locality where the meeting is to be held, and the time, venue, and purpose of that meeting.

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

(3) A chairperson and a secretary of the meeting shall be elected. The meeting agenda shall include discussions about the feasibility of the referendum and questions to be subject to referendum.

(4) If a majority of participants attending the meeting vote for holding a referendum, an initiative group shall be established to administer the Collecting Signatures. 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 Deputy Chairperson and a secretary who will represent the group and manage its activity.

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

#### **Article 164. Registration of Initiative Group**

(1) The initiative group supporting the holding of a referendum shall be registered with the Central Electoral Commission. For registration, the group shall submit:

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

(2) Within 15 days after receiving the documents referred to in paragraph (1) of this Article the Central Electoral Commission shall make 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 time period for Collecting Signatures, which is set between two and 3 months.

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

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

#### **Article 165. Collecting Signatures**

(1) Beginning on the registration day, members of the initiative group are entitled to freely collect signatures for holding a republican referendum, hereinafter referred to as the signatures collecting list.

(2) Signatures shall be collected according to Article 47, to be applied accordingly.

#### **Article 166. Special Requirements for Signatures collecting lists**

The question(s) proposed for republican referendum shall be written on each signatures collecting list. Collecting Signatures on lists without the text of referendum question(s) being written on them is prohibited.

#### **Article 167. Responsibility for the Accuracy of Signatures collecting lists**

(1) A person who collects signatures must sign every page of signatures collecting lists and note that he/she personally collected the signatures and confirmed the identity of the persons whose names appear on that

sheet by verifying their ID. Each page of signatures collecting lists shall be attested to affixing the stamp of the respective local public authority.

(2) Members of the initiative group must warn all signees that they can sign only one signatures collecting list.

(3) Signatures collecting lists 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 authority, shall be considered null and void.

#### **Article 168. Submission and Verification of Signatures collecting lists**

(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 the initiative group was registered, and the date when the Collecting Signatures was concluded. The Protocols signed by the initiative group members of the together with the signatures collecting lists shall be submitted to the Central Electoral Commission.

(2) Within 15 days of signatures collecting lists submission, the Central Electoral Commission shall check the signature authenticity (in full or randomly) on the submitted lists. Signatures by persons who have signed multiple times shall be eliminated. Signatures collecting lists found in breach of Article 167(1) thereof shall be considered null and void. Upon verification of signatures collecting lists, the Central Electoral Commission shall make a decision on initiating the referendum.

(3) If the required number of signatures was not submitted, the Central Electoral Commission shall make a decision that rejects holding the referendum and cancel the registration of the citizen initiative group.

(4) The Protocol on the verification of signatures collecting lists, the verified signatures collecting lists, and the Central Electoral Commission decision on initiating a referendum shall be submitted to the Permanent Bureau of Parliament within 3 days.

#### **Article 169. Constituencies, Polling Stations, Electoral Councils and Bureaus**

(1) For organising and holding a republican referendum, the Central Electoral Commission shall establish administrative constituencies, which shall correspond to the second-level administrative-territorial units of the Republic of Moldova, and District Electoral Councils pursuant to the provisions of Article 28, to be applied accordingly. In case if a republican referendum is organized on the same day as parliamentary elections, electoral districts and Distract Electoral Commissions are created according to the criteria established by Art. 80 and 81.

(2) The duties of District Electoral Councils shall be those provided in Article 29 of this Code, to be applied accordingly.

(3) Constituencies shall be divided into polling stations, pursuant to Articles 30 and 31 thereof, to be applied accordingly. A Precinct Electoral Bureau shall be established for each polling station and exercise its duties pursuant to Article 30, 31 and 33, to be applied accordingly.

(4) The powers and duties of District Electoral Councils and Precinct Electoral Bureaus shall expire upon the confirmation of republican referendum results by the Constitutional Court.

(5) When the constituency represents only one locality and only one polling station has been created, no precinct electoral bureau shall be established, instead, its responsibilities shall be exercised by the District

Electoral Council.

**Article 170. Support provided to Electoral Councils and Bureaus in Holding Republican Referenda, Organising their Activity, Modifying their Composition and Dissolution**

Support for electoral councils and bureaus in holding republican referenda, administration of their activities, and amendments in composition and dissolution shall be conducted pursuant to Articles 34-37 of this Code, to be applied accordingly.

**Article 171. Lists of Citizens Eligible to participate in Republican Referenda**

The lists of citizens eligible to participate in republican referenda (voters' lists) shall be compiled in accordance with Chapter 5 (Article 44 and Article 45), to be applied accordingly.

**Article 172. Ballot Paper**

(1) Ballot papers shall set up the question or the draft law that is subject to republican referendum. To the right of the question or draft law, two quadrilaterals with the words "pro" and "against" shall be placed horizontally with two circles underneath.

(2) If several questions are brought to republican referendum, each question shall be printed on a different ballot paper. In case several referenda are held at the same time, the ballot papers shall differ by colour.

(3) Ballot papers shall be drawn up in accordance with the Law on the use of languages spoken in the Republic of Moldova.

(4) Ballot papers shall be printed in a quantity that corresponds to the number of people included in the voters' lists.

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

(6) The design and text of ballot papers, and of Protocols of electoral councils and bureaus for the republican referendum, shall be approved by the Central Electoral Commission.

(7) Ballot papers shall be transmitted to District Electoral Councils 3 days prior to the republican referendum and to the Precinct Electoral Bureaus one day prior to the referendum.

**Article 173. Campaigning**

Debates on the questions proposed for referendum shall be conducted pursuant to Article 52 of this Code, to be applied accordingly.

**Article 174. Voting**

(1) Voting in the republican referendum shall be held pursuant to Chapter 9 (Articles 55-60), to be applied accordingly.

(2) Voters shall fill out the ballot paper by affixing the stamp "Voted" inside one of the two circles under the quadrilaterals with the words "pro" or "against", thus expressing their preference.

### **Article 175. Observation of Republican Referendum and Media Coverage**

Observation and coverage of the referendum shall be conducted pursuant to Chapter 11 (Article 68 and Article 69), to be applied accordingly.

### **Article 176. Counting and Tabulation of Republican Referendum Results**

(1) The results of the republican referendum shall be tabulated under Chapter 10 (Articles 61-65) of this Code, to be applied accordingly.

(2) The number of votes cast for “pro” and “against” shall be entered into the Protocol that displays the tabulation of republican referendum results.

(3) The results of republican referendum shall be reviewed by the Central Electoral Commission, which shall take a decision thereto.

### **Article 177. Validation of Republican Referendum Results**

(1) The Central Electoral Commission validation decision and the Protocol on the referendum results shall be submitted to the Constitutional Court.

(2) The Constitutional Court, within ten days, shall consider the documents submitted by the Central Electoral Commission and either confirm or invalidate the results of the republican referendum.

### **Article 178. Adopting, Publishing and Enacting the Decision subject to Republican Referendum**

(1) A republican referendum proposal shall be considered adopted if it gained the majority of voters who participated in the referendum. If a constitutional law is subject to referendum, which contains amendments of provisions on the sovereign, independent and unitary character of the state, or deals with provisions related to the continuous neutrality of the state, it shall be considered adopted if it gained at least half of the voters entered on voters' lists. The decision regarding the dismissal of President of the Republic of Moldova shall be considered as adopted through the republican referendum if the number of voters was equal or higher than the number of voters who elected the President of the Republic of Moldova, but not less than half of the number of voters who have participated in the referendum.

(2) The adopted referendum proposal shall be published in a special issue of the Official Gazette of the Republic of Moldova. The date of adoption is considered to be the day when the referendum was held. The referendum proposal shall take effect upon its publication in the Official Gazette or on the date specified in its body text.

### **Article 179. Cancelling or Amending the Decision Adopted through a Republican Referendum**

A decision adopted by a republican referendum shall be cancelled or amended through republican referendum, or through the procedures provided for the Constitution revision. The respective provisions do not cover the decision for the dismissal of President of the Republic of Moldova.

### **Article 180. Documents for Republican Referendum**

Referendum documents shall be stored pursuant to Article 67 of this Code to be applied accordingly.

### **Article 181. Invalid Republican Referendum**

The Central Electoral Commission shall declare a referendum invalid if less than 1/3 of citizens entered in voters' lists participated in the referendum.

### **Article 182. Null Republican Referendum**

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

### **Article 183. Repeated Republican Referendum**

(1) If the referendum is declared null, the Central Electoral Commission within one month shall organise a repeated referendum, throughout the entire country or in certain administrative-territorial units.

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

(3) The repeated republican referendum shall be organised and conducted pursuant to this Title and Code.

### **Article 144. New Republican Referendum**

A new republican referendum for the same proposal can be held, but this must occur at least two years later after the date of the previous referendum.

## **Chapter 14. LOCAL REFERENDUM**

### **Article 185. Local Referendum**

A local referendum is the vote of people on issues of specific concern for the village (commune), sector, town (municipality), district, or special status territorial- administrative unit. Mayors of villages (communes) and towns (municipalities) are recalled through local referenda.

### **Article 186. Restrictions on holding Local Referenda**

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

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

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

(4) Local referenda on recalling a mayor may be initiated one year after the respective mayor has been in office, or one year after the last referendum on his/her mandate was held. A referendum to recall a mayor may not be initiated 6 months before the end of his/her term.

### **Article 187. Issues subject to Local Referenda**

(1) Issues that are of special importance for the respective locality, and that fall only within the jurisdiction of local public authorities, may be subject to local referenda.

(2) The text of the issue proposed for local referendum shall be drafted in a neutral manner, without any ambiguities or language which might suggest an answer. It is not permitted to formulate mutually exclusive issues.

(3) 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 duties, and does not act in accordance with current laws or breaches moral and ethical norms, and such facts have been confirmed in the established manner.

### **Article 188. Issues that may not be subject to Local Referenda**

The following issues may not be submitted to local referenda:

- a) those of national interest, which fall under the jurisdiction of Parliament, Government or other central public authorities, pursuant to the provisions covered by the Constitution and legislation;
- b) those of internal and external policy of the state;
- c) those which are contrary to the provisions of the Constitution and of the legislation of the Republic of Moldova;
- d) taxes and budget;
- e) extraordinary or emergency measures for ensuring public order, people's health and security;
- f) electing, appointing or dismissing persons for/on/from positions which fall under the jurisdiction of Parliament, Government or President of the Republic of Moldova;
- g) recalling a mayor who has been dismissed by a final Court decision;
- h) issues falling under the jurisdiction of Courts and Prosecutor's office;
- i) amendments to administrative-territorial subordination of localities, except for the cases provided in the Law on special legal status of Gagauzia (Gagauz-Yeri).

### **Article 189. Setting the Date of Local Referenda**

The date of a local referendum is established by the Central Electoral Commission at the proposal of a village (commune), sector, town (municipality), District Electoral Council, or representative authority of the special status administrative-territorial unit.

### **Article 190. Initiating Local Referenda**

A local referendum may be initiated by:

- a) 1/2 of the elected councillors, while in case of recalling the mayor, a local referendum is initiated by secret voting of two thirds of elected councillors;
- b) mayor of the village (commune), town (municipality), except where a referendum to recall a mayor is being initiated;
- c) representative authority of the special status administrative-territorial unit;
- d) 10 per cent of citizens eligible to vote who are residents of the respective administrative-territorial unit.

### **Article 191. Registration of Initiative Group**

(1) If the initiative to hold a referendum comes from citizens, an initiative group shall be established, including no less than 20 citizens eligible to vote and residing in the respective administrative-territorial unit. At least 30 citizens should attend the meeting for establishing the initiative group. At least 3 days before the meeting, the initiators shall notify the mayor in writing about the time, venue and purpose of the meeting.

(2) An initiative group is registered by the local public authorities within 5 days following the submission by the group of: a written statement requesting registration, the Protocol of group establishment, and the question(s) subject to referendum. Where a referendum on recalling the mayor is being initiated, the initiative group is to be registered by the sector (district) or municipal Court where the respective locality is located.

(3) The decision confirming registration shall contain the time period for signature collection of between 30 and 60 days, and the questions subject to local referendum.

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

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

### **Article 192. Collecting Signatures**

(1) Members of initiative group registered pursuant to Article 191 shall have the right to collect signatures that support holding a local referendum.

(2) Signatures shall be collected according to Article 47 of this Code, to be applied accordingly.

(3) For holding a local referendum, at least 10 per cent of signatures of those eligible to vote and residing within the respective administrative-territorial unit are required.

### **Article 193. Special Requirements for Signatures collecting list**

The question(s) proposed for referendum shall be written on each page of signatures collecting lists. Collecting Signatures on lists without the referendum question is prohibited.

### **Article 194. Responsibility for the Accuracy of Signatures collecting lists**

(1) The person collecting the signatures shall sign every page of signatures collecting lists and make a note stipulating that he/she personally collected the signatures and confirmed the identity of the persons whose names appear on that sheet by verifying their ID. Each page shall be authenticated by affixing the stamp of the respective local public authority.

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

(3) Signatures collecting lists 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 validated by a stamp from local public authorities, shall be considered null and void.

### **Article 195. Submission and Verification of Signatures collecting lists**

(1) Signatures collecting lists shall be submitted, after authentication, to the local council or to the



representative authority of the special status administrative-territorial unit. Where a local referendum to recall the mayor is being initiated, signatures collecting lists are submitted to the sector (district) or municipal Court where the respective locality is located.

(2) Signatures collecting lists submitted by an initiative group shall be verified within 15 days. Signatures by persons who have signed the signatures collecting lists multiple times shall be deleted. If upon verification it is established that the required number of signatures has not been collected, then the procedure shall be ceased and the initiative group registration shall be cancelled.

#### **Article 196. Adoption and Publication of the Decision on Holding Local Referendum**

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

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

a) a proposal on the date of holding the referendum that can be held at least after one month and no later than 45 days of the day the decision was adopted;

b) questions subject to referendum;

c) the reasons for recalling the mayor, where a referendum to that effect is proposed.

(3) The decision to conduct a local referendum shall be made public within 3 days following its adoption.

#### **Article 197. Electoral Constituencies and Polling Stations**

(1) For holding local referenda, the following constituencies shall be established as appropriate: villages (communes), sector, towns (municipalities), district or special status administrative-territorial unit.

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

(3) Polling stations shall be established by respective District Electoral Councils at least 20 days before holding a local referendum based on the Mayoralty proposal.

(4) Polling stations shall be established pursuant to administrative-territorial principles, by dividing localities into polling stations between 30 and 3,000 voters. Polling stations shall be numbered.

(5) Where the electoral district includes only one locality and only one polling station has been established, the District Electoral Council shall exercise the duties of the Precinct Electoral Bureau.

#### **Article 198. Establishment of Electoral Councils and Bureaus for Holding Local Referenda**

(1) District Electoral Councils of 5-11 members for local referenda shall be established by the Central Electoral Commission, at the proposal of local councils or representative authorities of special status administrative-territorial unit, political parties, other socio-political organisations represented in Parliament no later than 25 days prior to the date of a local referendum. The establishment manner and their functions are referred to in Articles 28 and 29.

(2) Precinct electoral bureaus of 5-11 members established for local referenda shall be formed by District Electoral Councils at the proposal of local public authorities, political parties, other socio-political organisations

represented in Parliament no later than 20 days prior to the date set of a local referendum. The establishment manner and their functions are referred to in Articles 30 and 33.

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

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

(5) During the first session of the second-level administrative-territorial unit, the district electoral council established to hold the local referendum, the deputy chairperson and the secretary of the council shall be elected by the majority of its members. During the first session of the village (commune), town (municipal) electoral council and Precinct Electoral Bureau, the chairperson, deputy chairperson, and the secretary of the bureau shall be elected.

(6) Within 2 days of the date of their establishment, electoral councils and bureaus shall make public their personnel composition, address, and contact details.

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

#### **Article 199. Cumulating Duties by Electoral Councils and Bureaus**

If the local referendum is held at the same time with elections (local, parliamentary, presidential) or with a 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 duties of the councils and bureaus for holding the referendum.

#### **Article 200. Support for Electoral Councils and Bureaus in Holding Local Referendum, Administration of their Activity, Modifying the Composition and Dissolution**

Support for electoral councils and bureaus in holding local referendum, their activity administration, modifying the composition and dissolution shall be conducted pursuant to Article 34-37 of this Code, to be applied accordingly.

#### **Article 201. Duties of Electoral Councils and Bureaus for Holding Local Referenda**

Electoral councils and bureaus established to conduct local referenda shall exercise the duties provided in Articles 29 and 33 of this Code, to be applied accordingly.

#### **Article 202. Lists of Citizens Eligible to Participate in Local Referenda**

The lists of citizens eligible to participate in local referenda (voters' lists) shall be prepared pursuant to Chapter 5 (Articles 44-45), to be applied accordingly.

#### **Article 203. Ballot Papers**

(1) The ballot papers shall display the question brought to local referendum, and to the right of the text

two quadrilaterals shall be placed horizontally with the words “pro” and “against”, with two circles underneath.

(2) If several questions are brought to a local referendum, each question shall be printed on a different ballot. If several referenda are held at the same time or the referendum is held at the same time with elections, the ballot papers shall differ by colour.

(3) Ballot papers shall be drawn up pursuant to the Law on the use of languages spoken in the Republic of Moldova.

(4) Ballot papers shall be printed in quantities that correspond to the number of voters in the voters' lists.

(5) Ballot papers addressing the same question shall be printed in the same format, with the same font, on paper of similar colour and density.

(6) The design of ballot papers and protocols of electoral councils and electoral bureaus for holding local referenda shall be approved by the Central Electoral Commission, whereas the text of the ballots shall be approved by the District Electoral Councils.

(7) Ballot papers shall be passed over to Precinct Electoral Bureaus 2 days prior to the date of local referendum.

#### **Article 204. Campaigning**

Free and comprehensive discussions regarding the issues proposed for local referendum shall be conducted pursuant to Article 52 of this Code, to be applied accordingly.

#### **Article 205. Voting**

(1) Voting in a local referendum shall be held pursuant to Chapter 9 (Articles 55-60), to be applied accordingly.

(2) Voters shall fill in the ballot paper by affixing the stamp “Voted” inside one of the two circles under the quadrilaterals with the words “pro” and “against”, thus expressing their preference.

#### **Article 206. Counting and Tabulation of Local Referendum Results**

(1) Local referendum results shall be tabulated pursuant to Chapter 10 (Articles 61-65), to be applied accordingly.

(2) The number of the votes cast for “pro” and “against” shall be entered separately on the Protocol on results tabulation.

(3) The results of the referendum shall be considered by the District Electoral Council which shall adopt a decision to this end.

#### **Article 207. Validation of the Local Referendum Results**

(1) The District Electoral Council, within 2 days after tabulation of results, shall submit to the Court of the respective territory a report on holding a local referendum, to which 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) Within 10 days after receiving the documents referred to in paragraph (1) of this Article, the Court shall confirm or not the local referendum legality and its results.

(3) Within 24 hours after its adoption, the Court judgment shall be transmitted to the Central Electoral Commission and District Electoral Council established for holding the local referendum, which shall publish the final results thereof.

**Article 208. Adopting the Decision through Local Referendum, its Cancelling or Amendment**

(1) A local referendum proposal shall be considered adopted by local referendum if it gained the majority of votes cast by voters who participated in the referendum. The decision on the revocation of mayor is considered adopted through a local referendum, if it received the same number of votes or more votes than the votes received by the mayor when he/she was elected, but not less than half of votes of persons 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 Electoral Commission calls the date of new elections for mayor, pursuant to Title V (Article 129-151), to be applied accordingly.

(3) An 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 209. Invalid Local Referendum**

The referendum shall be declared invalid if less than 1/3 of voters included in the voters' lists have voted. The Central Electoral Commission shall adopt a decision declaring a referendum invalid based on the documents submitted by the District Electoral Councils.

**Article 210. Null Local Referendum**

The Court shall declare local referendum null throughout the entire constituency or only in some polling stations, if serious violations of this Code occurred during the voting or vote counting and affected the results of the referendum.

**Article 211. Repeated Local Referendum**

If a local referendum is declared null, the authorities that adopted the decision to hold the referendum shall organise, within 2 weeks, a repeated referendum subject to the provisions of this Title and this Code. The councils and bureaus established to conduct the local referendum held accountable for infringing the provisions of this Code shall be replaced.

**Article 212. New Local Referendum**

A new local referendum on the same issue may be held no earlier than in one year after the previous referendum.

# TITLE VII. FINAL AND TRANSITORY PROVISIONS

## **Article 213. Entry into Force**

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

## **Article 214. Transitory Provisions**

After the present Code has been enacted:

1. The Parliament, within 10 days, shall adopt a decree on setting up the Central Electoral Commission (permanent) pursuant to the provisions of Section I, Chapter 3 (Articles 16-22) of this Code.
2. The authorities referred to in Article 16(1) shall submit to the Parliament, within 5 days, candidacies for setting up the Central Electoral Commission.
3. The Government:
  - a) within a month:
    - shall submit proposals to Parliament aimed at bringing the legislation in line with the present Code;
    - shall provide the Central Electoral Commission with premises, financial means and resources;
  - b) shall include in the draft State Budget Law for the 1998 fiscal year the funds necessary for the Central Electoral Commission activity and for organising and holding elections.
4. Elections to Parliament of the XIV-th legislature shall be held on 22 March 1998, pursuant to the Decree of President of the Republic of Moldova No.371-II dated 18 November 1997. All the terms related to elections to Parliament of the XIV-th legislature shall start to run at the date of Code publication.
5. Central Electoral Commission:
  - a) shall develop and pass its Rules of Procedure within 10 days after being established;
  - b) shall submit the draft budget necessary to carry out its activity and hold elections to the Government;
  - c) after establishment, shall begin carrying out its duties referred to in Article 22.
6. No electoral bodies shall be established and operated unless are covered by this Code.

## **Article 215. Final Provisions**

On the date of enacting this Code, the following laws shall be repealed: Law No.1040-XII of 26 May 1992 on Referendum, Law No.1609-XII of 14 October 1993 on electing the Parliament, Law No.308-XIII of 7 December 1994 on Local Elections, Law No.833-XIII of 16 May 1996 on Elections of President of the Republic of Moldova, Law No.1133-XIII of 2 April 1997 on Recalling the Village (Commune), Town Mayor.

SPEAKER OF PARLIAMENT

No.1381-XIII.

Chisinau, 21 November 1997.

Dumitru MOȚPAN

# ELECTORAL CODE OF THE REPUBLIC OF MOLDOVA

str. Vasile Alecsandri, nr. 119, mun. Chişinău, MD-2012, Republica Moldova

Tel. +373 22 251 451, fax +373 22 234 047

[info@cec.md](mailto:info@cec.md), [www.cec.md](http://www.cec.md)