

## **ELECTORAL CODE OF THE REPUBLIC OF MOLDOVA**

The will of the people shall be the basis for State power. This shall be expressed in 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 organisation and conduct of Elections to the Parliament, of the President of the Republic of Moldova, of local public administration authorities, Regional Elections as well as the manner of organisation and conduct of referendums.

The Parliament shall adopt this Organic Law.

### **TITLE I GENERAL PROVISIONS**

#### **Chapter I TERMS AND GENERAL PRINCIPLES**

##### **Article 1. General terms**

For the purposes of this Code, the following general terms shall be defined:

*Campaign poster* — photographs and other materials used by electoral competitors, candidates, trustworthy persons and/or participants in the referendum for the purposes of electoral campaigning or by the initiative groups and nominated candidates for pre-election campaigning;

*Electoral campaigning* — calls, declarations as well as the preparation and dissemination of information activities that have the aim to encourage voters to vote for some or for other electoral competitors or for one of the referendum options;

*Pre-election campaigning* — calls, statements, actions to nominate candidates in elections, preparation for the collecting signatures in support of candidates /for referendum initiation and collecting signatures, including all actions undertaken by the nominated candidate;

*Voter* — citizen of the Republic of Moldova eligible to vote;

*Elections* — in the absence of any specification, elections to the Parliament (hereinafter also - *Parliamentary Elections*), of the President of the Republic of Moldova (hereinafter also - *Presidential Elections*), of local public administration authorities (hereinafter also - *Local Elections*) as well as Referendums;

*General Elections* – any type of elections that are held, as a general rule, on a single day, on Sunday, in accordance with the act of establishing Elections, throughout the country;

*Early Elections* — elections held in the event of dissolution of the Parliament or early termination of the terms of office of the President of the Republic of Moldova;

*Invalid Elections* — thus declared by the decision of the Central Electoral Commission where the electoral body finds that the elections participation rate is below the limit laid down by the present Code;

*New Elections* — elections other than Early and Partial Elections;

*Void Elections* — elections declared void by the Constitutional Court - in case of Parliamentary Elections, Presidential Elections and Republican Referendum, or by the Central Electoral Commission — in case of Local Elections and Local Referendums, if infringements to the present Code have been committed in the process of elections and/or counting of votes, having influenced the results of voting and the seats allocation;

*Partial Elections* — elections held in case if following the General Local Elections, the Mayors or the established number of local councillors have not been elected in one or more electoral districts;

*Regional Elections* — elections held in the Autonomous Territorial Unit of Gagauzia for the position of Governor (Bashkan) of Gagauzia, for the People's Assembly of Gagauzia, and the referendum on questions which, in accordance with Law no. 344/1994 on the specific legal status of Gagauzia (Gagauz-Yeri), fall within the jurisdiction of the Gagauzia;

*Electoral bloc of parties* — voluntary union of two or more political parties, established for the purposes of joint participation in elections and registered by the Central Electoral Commission;

*Electoral campaign* — the period of activity conducted, under the conditions laid down in the present Code, in order to determine the voters to vote in order to choose one or another electoral competitor or to support one or another option to the referendum;

*Candidate* — a person nominated to run for an elective public office position on behalf of duly registered political parties or electoral blocs of parties;

*Nominated candidate* — person submitting an application or proposed by political parties, electoral blocs of parties or initiative groups to be registered as an electoral competitor or candidate on the list;

*Independent candidate* — person submitting his/her application for holding an elective public office position independently from duly registered political parties and electoral blocs of parties;

*Certification of training/specialisation in electoral field* — Procedure for attesting knowledge and competences in electoral matters, carried out by the Centre for Continuous Electoral Training, in accordance with the Regulation approved by the Central Electoral Commission, confirmed by the corresponding qualification certificate;

*Electoral district* — Administrative electoral unit in which the elections are being organized and held;

*National district* — National electoral district in which Parliamentary Elections, Presidential Elections and Republican Referendums are being organized and held;

*Code of conduct* — Agreement concluded between the electoral competitors/participants in the referendum and the representatives of the Media institutions on the conduct and coverage of the electoral campaign, excluding the damage of the dignity and image of the electoral competitors/participants in the referendum;

*Collector* — member of the initiative group collecting signatures in support of the candidate nominated for an elective position, including in support of his/her own application, or to initiate a referendum;

*Electoral participant* — political party, electoral bloc of parties, electoral competitor, nominated candidate, initiative group and participant in the referendum, who offers and/or benefits from the financial (material) support for the electoral

campaign and/or its own activity, as well as a person who conducts only electoral campaign or promotion activities, which do not involve financial costs;

*Electoral competitor:*

a) political party, electoral bloc of parties and person who runs for the position of the Member of the Parliament and is registered by the Central Electoral Commission — in Parliamentary Elections;

b) a candidate that runs for the position of the President of the Republic of Moldova as well as the political party or the electoral bloc of parties that nominated the candidate, registered by the Central Electoral Commission – in Presidential Elections;

c) political parties, electoral bloc of parties and person applying for the position of Mayor or councillor in the local council and are registered by the District Electoral Councils — in Local Elections;

d) political party, electoral bloc of parties and person that runs for the position of Governor (Bashkan) of Gagauzia or a Member of the People’s Assembly of Gagauzia, registered by the Central Electoral Council of Gagauzia – in regional elections;

*Central Electoral Commission* — independent and apolitical public authority, established for the implementation of the electoral policy, that has the task to ensure the organisation and conduct of elections, oversee and control of compliance with legal requirements on the financing of political parties and electoral campaigns;

*Complainant*— a party who submits complaints under the provisions of the present Code;

*Complaint* — written request, including a preliminary request, submitted by complainant, under this Code;

*Statement of stay* — actions by which the citizen eligible to vote declares his/her place of stay on Elections Day, to be included in the basic Voter’s List for the Parliamentary Elections, Elections of President of the Republic of Moldova and the Republican Referendums;

*Detachment* — partial or complete suspension of tasks and duties at the permanent workplace, simultaneously with hiring the person as an electoral official within the electoral bodies, maintaining the salary at the permanent workplace, in accordance with the labour legislation and the present Code;

*Nomination of candidates* — Procedure followed by political parties, electoral blocs of parties on adopting decisions on the candidatures for elective positions, conducted during the meetings of the competent bodies of political parties, electoral

blocs of parties, in accordance with their Statutes or Founding Agreements, under the conditions laid down in the present Code;

*Domicile* — place where the natural person has his/her usual residence, confirmed by the Identity Card;

*Electoral Right* — constitutional right of the citizen to elect and be elected and to vote on the most important issues of the State and society as a whole and/or on local issues of particular interest;

*Electoral equipment* — ballot booths, ballot boxes, computers and other items with which the premises of the polling station are being equipped;

*Electoral education* — educational, apolitical activity carried out by civil society organisations and groups, by educational institutions, Media and other interested subjects, seeking to increase the degree of knowledge of citizens on the political and electoral processes, for the exercise of a conscious and freely expressed vote. Electoral education may be freely run by interested subjects, through seminars, training courses, roundtables, information camps, public electoral debates and other educational actions 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 material support by other forms, of electoral competitors/participants in the referendum, including voluntary activities and services provided free of charge to electoral competitors/participants in the referendum by natural and/or legal persons, where applicable, by the State;

*Financing of the initiative groups* — direct and/or indirect funding and material support by other forms, of initiative groups, including voluntary activities and services provided free of charge to the initiative groups, by natural and/or legal persons;

*Financing of political parties* — direct and/or indirect financing, namely, offering, allocating or transmitting to political parties the financial, material or other types of resources, including voluntary activities and free of charge services provided to political parties, by natural and/or legal persons, and the provision of funds in the form of allocations from the State budget;

*Elective public position* — public dignity positions or capacity of local elected official that is taken by the directly obtained mandate, as the result of elections, under the conditions of this Code. The general regime governing the public dignity office or local elected officials, the legal status of the persons holding those positions and

other relations arising from the performance of those duties shall be governed by special laws;

*Electoral officials* — natural person that work or worked, under the requirements set out in this Code, as a member of the electoral body, an employee of the electoral body Office and/or employee in the public institutions and other organisational structures established by the Central Electoral Commission;

*Initiative group* — group consisting of citizens eligible to vote, registered under the conditions of this Code, to gather signatures in support of a candidate nominated to an elective position or to initiate a referendum;

*List of candidates* — list of candidates appointed by political parties or by the electoral blocs of parties to run in elections;

*Signatures collecting list* — list containing the signatures of voters supporting the candidate nominated to a public elective position or the initiation of a referendum, under the conditions laid down in this Code;

*Basic Voter's List* — list comprising all citizens eligible to vote who have their domicile or temporary residence in the area of a polling station;

*Supplementary Voter's List* — Voter's List where are included voters eligible to vote in the relevant polling station, but have not been included on the basic Voter's List of the respective polling stations;

*Locality* — territorial-administrative unit organised in accordance with the law (rayon, municipality, town, village (commune), administrative-territorial unit with special status);

*Premises of the polling station* — the place where the voters exercise their right to vote and where, as a general rule, the Precinct Electoral Bureau has its headquarters;

*Minimum number of special places for campaign posters* — specially designed places for campaign posters, situated in a locality. The boards for campaign posters shall be equally placed on the entire territory of the locality. The offered space for campaign posters, must be equally distributed among all electoral competitors/participants in the referendum or initiative groups;

*Observer* — person accredited under the provisions of this Code, who may represent local, foreign or international organisations or institutions and exercising the task of observing the process of organisation and conduct of elections;

*Operator of the State Automated Information System 'Election'* — a person authorised under the established procedure to process the personal data of the voter physically present in the polling station, on the Elections Day and to record participation in voting, for non-admission of multiple vote;

*Electoral body* — body organising the conduct of Parliamentary Elections, Elections for the position of President of the Republic of Moldova, Elections of local public administration authorities, Regional Elections and Referendums;

*Participant in the referendum* — political party, electoral bloc of parties, President of the Republic of Moldova or Mayor in respect of which the referendum for dismissal/removal has been initiated, which shall be registered with that electoral body for participation in the electoral campaign for referendum;

*Electoral period* — the period between the day on which the act on setting the date of voting was adopted and the day on which the results of the elections are confirmed by the competent bodies, but not more than 120 days;

*Person authorised to attend electoral procedures* — Electoral official, operator of the State Automated Information System 'Election', representative of the electoral competitor/participant in the referendum by the electoral bodies, observer accredited by the electoral bodies and, where appropriate, his/her interpreter, as well as a journalist authorised by the Media institutions and subsequently confirmed by the Central Electoral Commission;

*Report on the financing of the initiative group* — Report of the initiative group on flows of funds, services and actions carried out free of charge, by natural and legal persons, voluntary activities, during the period of collection of signatures and other relevant information;

*Report on the financing of electoral campaigns* — Report of the electoral competitor/participant in the referendum on money flows, including accumulated incomes, sources of their origin, expenditure incurred during the electoral campaign, services and actions carried out free of charge by natural and legal persons, voluntary operations and other relevant information;

*Report on financial management* — Report of the political party on incomes received under the conditions established in the Regulation on the financing of the activities of political parties, approved by the Central Electoral Commission, and in the Law No 294/2007 on political parties, concerning their source of origin, expenditures incurred during the period of management and other relevant information;

*Referendum* — a voting in which the people express their opinion in the most important issues of the State and society as a whole, seeking to resolve them, or to consult citizens on local issues of particular interest, as well as the dismissal of the President of the Republic of Moldova or the dismissal of the Mayor of a locality;

*State Register of Voters* — single integrated information system of voters' record keeping, an integral part of the State Automated Information System 'Elections', intended for the collection, storage, updating and analysis of information related to the citizens of the Republic of Moldova who have reached the age eligible to vote;

*Register of electoral officials* — database for the national record keeping of electoral officials, an integral part of the State Automated Information System 'Elections' indicating their names and forenames, the year of birth, the profession (occupation), position, place of work, telephone number, home/temporary address, the subject who appointed/nominated him/her and, in the event of participation in elections, indicates the date and type of those elections and their position in the electoral bodies or in the electoral bodies offices. The procedure for entering and evidence of data in the register shall be established by the Central Electoral Commission Regulation;

*Administrative resources* — human, financial and material resources equally available to persons holding public dignity position and responsible public positions, public officials, resulting from the control of such persons over the staff, funds and allocations from the national public budget, from access to public resources or from the management by such persons of movable and immovable property, falling under the public domain of the State or of territorial-administrative bodies;

*Temporary residence* — place where the natural person has his/her temporary or secondary accommodation, confirmed by the identity card;

*Removal* — early termination of the term of office by referendum, under the conditions laid down in this Code, or recall, by the Court, of the mandate of the persons holding an elective public position as well as ceasing to act as a member of the electoral body;

*Polling station* — electoral unit into which electoral district is divided, according to the number of voters and which shall be established by the electoral bodies, under the conditions laid down in this Code;



The *State Automated Information System “Elections”* — information system managed by the Central Electoral Commission intended for automation of the electoral process;

*Treasurer* — person responsible for the finances of the political party, of the electoral competitor, of the participant in the referendum or the initiative group;

*Repeated voting* — elections organised by the Central Electoral Commission where the elections have been declared invalid or void within the time-limits and under the requirements laid down in this Code.

## **Article 2.** Principles of participation in elections

(1) The citizen of the Republic of Moldova shall participate in elections by universal, equal, direct, secret and freely expressed suffrage.

(2) Participation in elections is free and voluntary. No one is entitled to exert pressure neither on the voter in order to force him/her to participate or not in elections, nor on expression of his/her free will.

(3) Citizens of the Republic of Moldova residing abroad shall enjoy full electoral rights under the provisions of the present Code. The Government of the Republic of Moldova, the Central Electoral Commission, the diplomatic missions and consular offices are required to create conditions in order for citizens to exercise their electoral rights freely.

## **Article 3.** Universal suffrage

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

## **Article 4.** Equal suffrage

Each voter is entitled to only one vote in each elections. Each vote shall have equal legal power.

## **Article 5.** Direct suffrage

The voter votes only in person. Voting on behalf of another person shall be prohibited.

## **Article 6.** Secret suffrage

Voting in elections shall be secret, thus excluding the possibility of influencing the voter's free will.

**Article 7.** Freely expressed suffrage

No one is entitled to exert pressure on the voter to make him/her vote or not vote and to prevent him/her from expressing his/her will independently.

**Article 8.** Elections Day

(1) Elections shall take place on a single day, on Sunday, in accordance with the act establishing the elections, throughout the country's territory or of the concerned locality.

(2) By derogation from paragraph (1), in certain electoral districts or polling stations elections may be conducted, for objective reasons (pandemics, exceptional circumstances, ensure the right to vote under unusual conditions, the large number of voters registered to the polling stations from abroad etc.) for two days period (Saturday and Sunday), which shall be established by the decision of the Central Electoral Commission at least 25 days before the Elections Days.

(3) Detailed electoral procedures aimed to secure voting, storage and ensure the integrity, during the two days, of used and unused ballot papers, the rules intended to ensure the confidentiality of information from the Voter's Lists on the participation of voters in elections etc., shall be established by Regulation approved by the Central Electoral Commission.

**Article 9.** Place where the right to vote is exercised

(1) The right to vote shall be exercised in the locality where the voter has his/her domicile, except for the cases provided by the present Code.

(2) In case the voter has both a domicile and a temporary, during the period of validity of his/her temporary residence, he/she shall vote in the locality where he/she has the temporary residence.

**Article 10.** Voting for a single electoral competitor

The voter shall vote for a single electoral competitor in each elections and, in the context of a referendum, to expresses his/her opinion on a single option.

**Article 11.** Principle of stability of electoral law

(1) The electoral system and the procedure for establishing Electoral Districts or Electoral Management Bodies are not subject of amendment at least one year before the national voting.

(2) Draft normative acts on amendment of the Electoral Code shall be transmitted to the Central Electoral Commission to issue a notice.

**Article 12.** Calculation of timeframes

(1) For the purposes of this Code, the reference to the day (days) for the calculation of the timeframes for conducting electoral procedures and actions shall be considered a calendar day or calendar days, unless the timeframes are being expressly established in working days. If the calculation of timeframes is determined by the Elections Day, E-Day shall not be taken into account.

(2) For calculating the periods for conducting electoral procedures and activities shall also be included the public nonworking holidays and those declared as resting days, in accordance with the Labour Code.

(3) If the electoral procedures and actions must be conducted at/by the electoral body, the deadline shall expire at the time and the date fixed by the concerned electoral body.

(4) In order to ensure uniform application of the provisions on the calculation of timeframes in accordance with this Code, for the organisation and conduct of any type of elections, the Central Electoral Commission shall approve the Calendar Program of Electoral Activities, setting the timeframes in calendar days for their execution.

**Article 13.** The State Automated Information System “Elections”

(1) The State Automated Information System “Elections” is designed to automate the electoral process in order to:

- a) ensure the transparency of electoral procedures and actions undertaken by the electoral bodies;
- b) record the participation in voting and to prevent multiple vote;
- c) obtain operatively trustworthy data on the voting results;
- d) streamline the processes of collecting, distributing and transmitting information and data on the performed electoral procedures;
- e) reduce budgetary expenditure and optimise the use of human resources for the organisation and holding of elections and referendum;

f) develop and standardise the electoral processes related to the conduct of the electoral bodies tasks.

(2) The State Automated Information System “Elections” interacts with other information systems managed by other public authorities and institutions, consisting of information sub-systems (function blocks) whose technical requirements, functionalities and implementation stages are governed by administrative acts of the Central Electoral Commission, adopted in accordance with the methodological regulatory framework on the creation, management, maintenance, development and operation of the State information systems, approved by the Government.

(3) In the process of implementing and developing information sub-systems, parts of the State Automated Information System “Elections”, the Central Electoral Commission works with other public entities whose competence and obligation relates to offering information, technical-material, organisational, organisational, regulatory and other types of support, in accordance with the relevant regulatory framework.

(4) Under paragraph (3), the Central Electoral Commission may benefit from the assistance and support of international organisations from the electoral field.

## **Chapter II**

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

#### **Article 14.** Right to elect

Moldovan citizens who have reached the age of 18, including on the Elections Day, shall have the right to vote, except for those deprived of this right by the Court decision of establishing the measure of judicial protection.

#### **Article 15.** Right to be elected

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

#### **Article 16.** Restrictions on the exercise of electoral rights

(1) Shall not have the right to vote persons who do not meet the conditions laid down in Article 14.

(2) Cannot be elected:

- a) active duty military persons;
- b) persons referred to in paragraph (1);
- c) persons who are sentenced to prison (deprivation of liberty) by a final Court decision, as well as individuals who have 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) private persons who are deprived of the right to hold responsible public positions by final judicial decision. The electoral bodies shall be informed of the existence of the prohibition by the Ministry of Justice, the National Integrity Authority and/or the Ministry of Internal Affairs.

(3) Candidates in elections, where appropriate, the participants in the referendum who, due to the hold position, are required to observe the legal rules governing conflicts of interest, incompatibility and other restrictions and limitations provided for by special legal rules, including in order to prevent the unlawful use of administrative resources during the electoral period, shall suspend their activity in that position, from the beginning of the electoral campaign. The persons who fall under these provisions are:

- a) Deputy Prime Ministers, Ministers and the ex officio Members of Government;
- b) Secretary General of the President of the Republic of Moldova Office, Secretary General of the Parliament, Secretary General of the Government, Deputy General Secretaries of the Government, State Secretaries, Secretaries General of Ministers;
- c) Heads and Deputy Heads of central public authorities and organisational structures falling within their sphere of competence;
- d) Chairpersons and Deputy–Chairpersons of rayons;
- e) Mayors and Deputy Mayors;
- f) Praetors and Deputy Praetors;
- g) Secretaries of Local councils and of City Halls;
- h) officials/employees that have the obligation to suspend their employment relationships in accordance with the specific legal rules governing their activity.

## **TITLE II COMMON PROVISIONS**

### **Chapter III ELECTORAL BODIES**

#### **Article 17.** The system of electoral bodies

(1) For the purposes of the organisation and holding of elections and referendums, the following bodies shall be established:

- a) Central Electoral Commission;
- b) District Electoral Councils of the second and first level;
- c) Precinct Electoral Bureaus;
- d) Central Electoral Council of Gagauzia.

(2) In the system of electoral bodies, the Central Electoral Commission is the hierarchical superior electoral body which operates on permanent basis.

(3) The second-level district electoral councils represent the electoral bodies which act on a permanent basis, with the exception of the district electoral councils established for the polling stations opened abroad and for the localities situated on the left bank of Dniester River. The permanent activity of the second-level district electoral councils shall be carried out under the conditions laid down in Article 35 (3).

(4) The first-level district electoral councils and the Precinct Electoral Bureaus represent the electoral bodies which are established and work during the electoral period.

(5) The principle of gender equality shall be observed during the establishment of electoral bodies and in the procedure for appointing members and the election of the Chairperson and the Secretary.

(6) The Central Electoral Council of the Gagauzia is an integral part of the electoral bodies system of the Republic of Moldova and shall exercise the duties of the central electoral body during the regional elections, under the conditions of this Code and local legislative acts. In the event of Elections to the Parliament, Elections for the position of President of the Republic of Moldova, Elections the local public administration authorities and referendums, the Central Electoral Council of the Gagauzia shall perform the duties of the second-level district electoral council in accordance with the provisions of this Code.

## **Section 1**

### **Central Electoral Commission**

#### **Article 18. Mission of the Central Electoral Commission**

The mission of the Central Electoral Commission is to create optimal conditions for the unhindered exercise, by citizens of the Republic of Moldova, of constitutional rights to elect and be elected within the framework of free and fair elections, including compliance with legislation on the financing of political parties and electoral campaigns.

**Article 19.** The Statute of the Central Electoral Commission

(1) In the performance of its duties, the Central Electoral Commission shall act in accordance with the principle of impartiality and political neutrality, shall have organisational, functional, operational and financial independence in accordance with the provisions of this Code.

(2) In its activity the Central Electoral Commission it is governed by the Constitution of Republic of Moldova, by the present Code and of other normative acts, including the Regulation on the activity of the Central Electoral Commission, approved by its decision, and by international standards and good practice in electoral matters.

(3) The Central Electoral Commission shall be a collegial body, composed of 7 members, operating on permanent basis during the term of office, in accordance with the provisions of this Code.

(4) The Central Electoral Commission is a legal person governed by public law, has its own budget, has treasury accounts and seal with the image of the state coat of arms and other necessary attributes. The headquarter of the Commission, including its legal address for correspondence, and other contact details shall be determined in the regulations governing its activity.

(5) In order to implement the electoral policy, the Central Electoral Commission may establish public institutions or other organisational structures under the conditions of the relevant regulatory framework.

(6) In relations with the official authorities of foreign States, the Central Electoral Commission shall act within the limits of its competence. The Commission may participate in the activities of the specialized international organisations and become a member of them.

**Article 20.** Establishment, composition and terms of office of the members of the Central Electoral Commission

(1) The members of the Central Electoral Commission shall be appointed as follows:

- a) one member is appointed by the President of the Republic of Moldova;
- b) one member is appointed by the Supreme Council of Magistracy;
- c) one member is appointed by Government, on the proposal of the Ministry of Internal Affairs;
- d) four members are appointed by the Parliament as follows:

- two members proposed by the parliamentary majority;
- a member proposed by the parliamentary opposition. If there is no joint appointment from the opposition, the opposition faction with the largest number of MPs on the date the Parliament was established, shall appoint the Member of the Commission;
- one member proposed by civil society organisations, representative for the electoral field.

(2) The authorities referred to in paragraph (1) shall conduct the procedure for selecting candidates for the position of member of the Central Electoral Commission, on criteria of competence and professionalism, in accordance with their own rules and in compliance with the requirements of Article 22 (1). The administrative acts on the nomination of members by these authorities shall be sent to the Commission and be published in the Official Gazette of the Republic of Moldova within 10 days from their adoption or, where appropriate, issue.

(3) The Central Electoral Commission shall be considered duly established if at least 5 members are appointed.

(4) After being nominated in office, at the first meeting of the Commission in which he/she participates, but no later than 15 days after his/her nomination, the member of the Central Electoral Commission shall take the following oath: "I swear to observe the Constitution and laws of the Republic of Moldova, 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".

(5) The term of office of the member of the Central Electoral Commission shall be 6 years. The term of offices shall begin on the date of entry into force of the administrative act of appointment and duties shall be performed from the date on which the oath is taken. Each member of the Commission may hold two consecutive mandates.

(6) If the term of office of the members of the Central Electoral Commission expires during the electoral period, the term of office shall be automatically extended until the end of that period.

(7) In the event of the early termination of the term of office of a member, the authority which appointed him/her shall appoint a new member of the Central Electoral Commission under the conditions laid down in this Code.

(8) During their term of office, the members of the Central Electoral Commission cannot make statements or take actions liable to impair the



independence of their positions and cannot benefit from the positions they hold in order to obtain political, economic or other benefits.

**Article 21.** Procedure for the election of the President and the Secretary of the Central Electoral Commission

(1) The Chairperson and the Secretary of the Central Electoral Commission shall be elected from among the members of the Commission, by secret vote, by an absolute majority of the votes of its members, by the adoption of a decision to that effect. The procedure for election of the Chairperson and the Secretary is laid down in the Regulation governing the activities of the Central Electoral Commission.

(2) Each member of the Central Electoral Commission shall have the right to submit nominations for the positions of Chairperson and Secretary, including to propose and support his own nomination, by vote.

(3) The meeting to elect the Chairperson and the Secretary of the Central Electoral Commission shall take place no later than 15 days after the vacancy of these positions has occurred. In case the vacancy has intervened during the electoral period, the meeting to elect the new management shall be held within 3 days after the vacancy has occurred.

(4) The meeting of the Central Electoral Commission to elect the Chairperson and the Secretary will be chaired by two members of the Commission, chosen by a simple majority of the votes of its members, which will have the task to organise and supervise the procedure for discussing the candidatures and their election.

(5) If, after the first voting, the candidate for the position of Chairperson or Secretary of the Central Electoral Commission did not meet an absolute majority of votes, the Repeated voting shall be organised, in which may also take part the members who ran for the same position in the first round of voting.

(6) In the absence of the Chairperson of the Central Electoral Commission, and in the event of occurrence of the vacancy de jure, until the election of a new Chairperson, the duties of the Chairperson shall be performed by the Secretary.

**Article 22.** The Status of the Members of the Central Electoral Commission

(1) Can be nominated for the position of a member of the Central Electoral Commission, a person who cumulatively fulfils the following conditions:

- a) holds the nationality of the Republic of Moldova;
- b) has at least 5 years of professional experience in the electoral field or 8 years in the legal or public administration fields;

- c) has an impeccable reputation;
- d) has no prohibition from holding a public service or public dignity position, prescribed by the National Integrity Authority Act;
- e) in the last 5 years, he/she does not have any registrations, in the professional integrity record, on the negative result of the test on the professional integrity, for infringing the obligation referred to in Article 7 (2) lit. a) of Law no. 325/2013 on the assessment of institutional integrity.

(2) During their term of office, the members of the Central Electoral Commission shall not have the right:

- a) to be members of political parties;
- b) to participate and/or contribute in any way to the activities carried out by political parties, electoral competitors, initiative groups or participants in the referendum, with the exception of exercising the responsibilities provided by this Code;
- c) to make statements in favour of or against the persons referred to lit. b).

(3) Prior to his/her appointment, candidates for the position of Member of the Central Electoral Commission are subject to verification under the conditions laid down in Law No 271/2008 on the verification of holders and candidates for public office. Information on the results of the verification shall be published by the authority that issued the administrative act for nomination.

(4) Members of the Central Electoral Commission hold public dignity positions by nomination and are subjects to the provisions of Law No 199/2010 on the regulations governing public officials.

(5) The rights and obligations of Members of the Central Electoral Commission are laid down in the Regulation on the activity of the Central Electoral Commission.

### **Article 23.** End of term of the Central Electoral Commission Member

(1) Membership of the Central Electoral Commission shall cease in the event of:

- a) expiry of the term of office;
- b) resignation;
- c) dismissal;
- d) the definitive impossibility to perform his/her duties for more than 60 consecutive days, established by the Commission's decision and brought to the knowledge of the authority which appointed him/her;
- e) death.

(2) The Member of the Central Electoral Commission shall be dismissed of his duties by the authority which appointed him in the event of:

- a) adoption of final Court order convicting him/her for committing an intentional offence;
- b) loss of nationality of the Republic of Moldova;
- c) the application of a measure of legal custody in the form of tutorship;
- d) it has become final the act establishing that the latter has issued/adopted an administrative act, a direct conclusion or through a third party of a legal act, taking or participating in a decision breaching the legal provisions governing the conflict of interests;
- e) incompatibility status confirmed by a final decision establishing such status;
- f) the failure to submit the declaration of assets and personal interests or the refusal to submit it, in accordance with Article 27 (8) of Law No 132/2016 on the National Integrity Authority;
- g) irrevocable order issued by the Court on the confiscation of unjustified wealth;
- h) failure to comply with the requirements of Article 22 (2);
- i) ascertaining the impossibility of exercising the powers in accordance with paragraph (1) d) of this article.

(3) In accordance with paragraph (2), the authority which appointed the Member of the Central Electoral Commission, ex officio or at the notification from responsible bodies, initiates the dismissal procedure, issuing an administrative act to that effect.

(4) The administrative revocation decision can be challenged directly by the Chisinau Court of Appeal, in accordance with the procedure laid down by the Administrative Code.

#### **Article 24. Remuneration of members of the Central Electoral Commission**

(1) Members of the Central Electoral Commission shall be remunerated in accordance with the relevant regulatory framework. For the electoral period, in the parliamentary, presidential, general local elections and Republican Referendum, they receive a monthly allowance in the amount of a basic salary (for the given position) and a monthly allowance of 35 % of the average salary is fixed for the new local elections and local referendums.

(2) In exceptional cases, with the agreement of the members of the Central Electoral Commission, working time may derogate from the extended limit laid down in Article 104 of Labour Code No 154/2003.

**Article 25.** The general duties of the Central Electoral Commission

As a specialized body in electoral matters, the Central Electoral Commission shall:

- a) study the procedure of organizing and conduct of elections in order to improve the legislative acts in this area and electoral procedures;
- b) submit to the Government and the Parliament proposals concerning the opportunity of amending the electoral legislation;
- c) draw up and approve regulations and instructions for the improvement of electoral procedures;
- d) formulate and deliver opinions on draft normative acts sent to the Central Electoral Commission for reference by other public authorities, as well as opinions on notification regarding the control of constitutionality of normative acts from electoral matters;
- e) draw up and approve annual activity plans of the Commission, strategic plans and reports on activities carried out in accordance with approved activity plans and publishes them on its official website;
- f) adopts development strategies to set objectives for its field of activity;
- g) maintain and manages the State Automated Information System “Elections”, draws up and approves normative acts concerning the operation of the information sub–systems, an integral part thereof;
- h) establishes second–level District Electoral Councils with permanent status;
- i) implement electoral and civic education programmes, including through the Centre for Continuous Electoral Training;
- j) prepare information programmes for voters, including during the electoral period;
- k) offer to Media outlets information on the conduct and organisation of elections and ensure that the electoral procedures are transparent;
- l) offer consultations to interested subjects on electoral and civic education activities hold during elections;
- m) organise, through the Centre for Continuous Electoral Training, the specialised training of electoral officials and other subjects involved in the electoral process, by their request;
- n) approve a Regulation that describes the procedure of attestation/certification of knowledge and competences in electoral field, performed by the Centre for Continuous Electoral Training;
- o) conduct post-electoral analyses activities, following the conduct of national electoral events, including public events, in order to identify legislative or other kinds of loopholes, and analyse the electoral frauds, including the alleged ones, take measures to prevent and/or remove them, make conclusions and recommendations to that effect and submit them to the subjects who have the power to implement them;

- p) initiate validation procedure of the Member of Parliament mandate in case the seat becomes vacant, in accordance with the procedure laid down in this Code;
- q) cancel or declare vacant local councillor mandate, in the cases laid down by Law No 768/2000 on local election, by Law No 436/2006 on local public administration and other related normative acts;
- r) assigns the local councillor's mandate, in case the seat becomes vacant, in line with the Regulation approved by Central Electoral Commission decision;
- s) ascertain contraventions and conclude protocols on contraventions, in accordance with the Contravention Code;
- t) apply or request the application of penalties regulates by this Code, by Law No 294/2007 on political parties and by other related legislative acts, for infringements of electoral law, and shall notify the competent bodies regarding the acts subject to contravention or criminal liability;
- u) collaborates with governmental and non-governmental international organisations, foreign electoral authorities for experience exchange and identifying best practices in electoral matters;
- v) participate in regional and international electoral associations and decide on its membership, as well as on participation and registration fees related to its membership;
- w) has the right to access the information held by public authorities at all levels, the state registers and the data held by private companies and licenced banks, including personal data, in compliance with the legislation on the protection of personal data;
- x) processes personal data as an operator, under the conditions laid down by Law No 133/2011 on the protection of personal data;
- y) ensure, jointly with the Central Electoral Council of the Gagauzia, the exercise and protection of the electoral rights of citizens of the Republic of Moldova, in the process of organising and conducting regional elections and offers necessary information and methodological assistance, contributes to the professional development of employees of the electoral bodies.

**Article 26. Duties of the Central Electoral Commission in the field of oversight and control of the financing of political parties and electoral campaigns**

- (1) As an independent oversight and control body on the financing of political parties and electoral campaigns, Central Electoral Commission shall:
- a) draw up and adopt the administrative acts necessary for the implementation and observing the legislation on the financing of political parties and electoral campaigns;
  - b) develops guidance documents (forms, guides, methodological rules), approved by the Chairperson of the Central Electoral Commission order, for the purposes of assisting the financial activity and training of political parties, electoral

competitors, participants in the referendum or initiative groups on their rights, obligations and responsibilities in the financial administration process;

c) collect and systematise reports on the financial management of political parties, audit reports of political parties, electoral campaigns financing reports submitted by electoral competitors or participants in the referendum and initiative groups financing reports;

d) examine and checks the information contained in the reports submitted under the present Code and the Law No 294/2007 on political parties, adopt executory decisions on the investigation results;

e) ensure the publication on its official website of the information and reports submitted in accordance with the provisions of this Code and of Law No 294/2007 on political parties;

f) examine the notifications and complaints on the Law infringements related to the political parties, electoral campaigns and initiative groups financing;

g) in order to ensure compliance with legislation on the financing of political parties, electoral campaigns and initiative groups, central and local public administration authorities and other institutions or bodies, regardless of the legal form of organisation;

h) cooperate and provides information assistance for the development of independent studies on monitoring political parties, electoral campaigns and initiative groups financing;

i) study and monitor the application of legislation on the financing of political parties, electoral campaigns and initiative groups, submit proposals to the Parliament and the Government to amend the regulatory framework in this field;

j) submit to the Parliament yearly, by 1 of June, a report on the financing of political parties, electoral campaigns and/or the initiative groups;

k) shall carry out other oversight and control duties of compliance with legislation on the financing of political parties, electoral campaigns and initiative groups, in line with the provisions of this Code and of Law No 294/2007 on political parties.

(2) The duty of exercising oversight and control of the financing of electoral campaigns as described in this Article shall apply accordingly to the activities performed by initiative groups.

**Article 27.** Duties of the Central Electoral Commission during the electoral period

During the electoral period, the Central Electoral Commission shall:

a) oversee the enforcement of the provisions of this Code and other normative acts containing provisions relating to the conduct of elections and referendums;

b) approve the Calendar Programme of the electoral activities and oversee the execution within the prescribed timeframes of the measures and actions stipulated by it;

c) coordinate the activities of all electoral bodies on the organisation and holding of elections, under the conditions of this Code;

d) establish Electoral Districts and the District Electoral Councils, oversee the activities of lower electoral bodies;

e) issue decisions on the activities of electoral bodies, electoral procedures, arrangements for organisation and conduct of elections and technical and administrative aspects;

f) decide on the detachment from professional duties and/or convening of members of the electoral councils, approve the state of personnel and determine the number of electoral officials of the electoral councils and Precinct Electoral Bureaus who may be detached/convened, including the period for which they are detached/convened;

g) on the basis of data provided by the Public Service Agency, publishes the list of political parties who are entitled to participate in elections;

h) publishes the number of councillors, depending on the number of inhabitants of the district as on 1 January of the year in which the elections take place, according to the data from the State Population Register presented by the Public Services Agency;

i) ensure the compilation and verification of the Voter's Lists, by collaborating with the central and local public administration authorities, with Ministry of Foreign Affairs and European Integration, with diplomatic missions and consular offices;

j) distribute funds required for holding elections and coordinates the technical and material endowment of elections;

k) establish the model of ballot papers, documents, forms and other related elections documents, and the model of the stamps used by the electoral bodies, including the technical parameters and/or standards for the electoral equipment;

l) draw up documents for the optimisation and standardisation of the electoral procedures on the organisation, layout and endowment of the premises of the polling stations with necessary equipment and tools, for the proper conduct of the voting process;

m) examine communications from public authorities concerning the organisation and holding of elections;

n) address issues on participation in elections, of citizens that on the day of voting are abroad;

o) review of observance of the gender equality principle in the electoral process;

p) collaborates with the Media and civil society associations with to organize electoral and civic education events for voters and information activities on the conduct of the electoral process;

- q) provide voters with electoral information through Media outlets and any time on request;
- r) organise preliminary consultations with political parties, electoral blocs of parties and the Media outlets representatives and ensures the signing by them of the Code of Conduct, before the beginning of the electoral campaign;
- s) examine claims and complaints under the provisions of this Code and the Administrative Code, adopt executory decisions on this matter;
- t) ensures the conduct of the second round of elections, Repeated voting, early elections, new and partial elections under the terms of this Code;
- u) systemize information related to the voters presence in elections, makes the preliminary tabulation of elections and brings the final results to public knowledge;
- v) tabulate the elections at national level and, where appropriate, present the report on the results of the elections to the Constitutional Court.

**Article 28.** Collaboration of the Central Electoral Commission with other bodies in the process of organisation and conduct of elections

(1) As a body specialised in electoral matters, the Central Electoral Commission shall work with central and local authorities and with certain bodies which, in the process of organising and carrying out elections, have the following additional responsibilities, in accordance with their field of activity:

- 1) Ministry of Internal Affairs:
  - a) ensures the safety of all persons participating in elections;
  - b) ensures public safety and order in the locations and premises of the electoral competitors or other subjects meetings with voters, including with regard to compliance with the public health measures set out in decisions taken by the Extraordinary National Public Health Commission;
  - c) assists the electoral authorities and local public administrations with a view to preserve material assets at the electoral councils and Precinct Electoral Bureaus, escorts the transportation of ballot papers, and ensures the integrity of ballot papers and of other electoral documents;
  - d) the prevention, counteraction and ascertain contravention offences and infringements in the electoral process;
  - e) assists the Chairpersons of the Precinct Electoral Bureaus to ensure public order on the Elections Day, inside the premise of the polling station and within the range of 100 metres from it;
  - f) conduct instructions to electoral officials concerning protective measures against fires and actions to be undertaken in the event of fire;
  - g) ensure the intervention capacity of subordinate forces and means to operative react in the event of fire and/or emergency;



h) offer support to electoral authorities to ensure compliance with administrative acts on the financing of electoral competitors and the delegation, where appropriate, of qualified staff to establish working groups for that purpose;

2) Ministry of Infrastructure and Regional Development:

a) monitoring the uninterrupted electricity supply of all the electoral bodies premises;

b) ensure access to the premises of the polling stations;

c) granting, by request of the local public administration authorities and/or the electoral bodies, of information concerning hiring transport agents in the territory to provide transportation service;

3) Ministry of Foreign Affairs and European Integration:

a) the provision of necessary support, within the limits of its competence and legal framework, to the organisation and holding of elections in the polling stations established abroad;

b) provide with personnel and logistical assistance in the process of establishing and working of the Precinct Electoral Bureaus from abroad;

c) cooperation for the accreditation of foreign Media outlets by the Ministry of Foreign Affairs and European Integration to cover the electoral process from the Republic of Moldova;

d) coordination of the transport, transmission and return to/from the Precinct Electoral Bureaus from abroad of the ballot papers and all the materials related to the organisation and conduct of the elections;

4) Reintegration Policies Bureau, together with the local public administration authorities from the Security Zone and the delegation of the Republic of Moldova to the Joint Control Commission, undertake, within the perimeter which is under the effective control of the Republic of Moldova authorities, all the possible measures to facilitate:

a) presenting proposals for the organisation for the voters from the localities situated on the left bank of Dniester River of polling stations on the territory of the Republic of Moldova, which is subject to the constitutional jurisdiction of the central government authorities;

b) assist in public disclosure of information on the addresses of polling stations and premises of the Precinct Electoral Bureaus, of the contact details;

c) ensure that voters have access to the electoral process and to the concerned electoral bodies;

d) offer support for public awareness on the time and place of voting for voters from the localities situated on the left bank of Dniester River;

e) the organisation and conduct of the information campaign and electoral education for voters from the localities situated on the left bank of Dniester River;

5) Security and Intelligence Service:

a) secure activities related to the manufacture of the ballot papers matrix, printing and distributing ballot papers, destruction of matrix;

b) not allowing unauthorised access to the technical means used for printing ballot papers and other electoral documents, including to the printing process;

c) within the limits of existing competence and legal framework, ensure the information security of connections within the State Automated Information System “Elections”, including the cyber security of the activity of the Central Electoral Commission on the organisation and conduct of elections;

d) within the limits of its competence and legal framework, inform the Central Electoral Commission of irregularities in the process of financing of electoral campaigns and/or of initiative groups;

6) Ministry of Finance:

a) provide assistance to the electoral bodies in the control of observance of legislation on the financing of the initiative groups and the financing of electoral campaigns, as well as the delegation of qualified staff to establish a working group for that purpose;

b) drafting and approval of the Regulation on granting interest-free loans to the electoral competitors for campaigning;

7) National Bank of Moldova — oversee free and equal access of electoral competitors, participants in the referendum and the initiative groups to banking services;

8) Licenced banks from the country — ensure free and equal access of electoral competitors, participants in the referendum and the initiative groups to banking services;

9) Public Property Agency — ensure the functionality of State printing house for the purpose of providing printing services for ballot papers;

10) Public Service Agency:

a) updating of data related to the citizens from the State Register of the population;

b) presenting, at the request of the Central Electoral Commission, of information on the population record and other data relevant for the proper organisation of elections;

c) issue, at the request of the citizens of the Republic of Moldova, within a reasonable time, but not later than the Elections Day, of the identity documents necessary to vote;

11) National Regulatory Agency for Electronic Communications and Information Technology — oversee the operation of mobile and fixed communications networks within the area of the premises of the electoral councils and of the Precinct Electoral Bureau;

12) Information Technology and Cyber Security Service:

a) ensure secure connection within the information network, component part of the State Automated Information System ‘Elections’;

b) ensure cybernetic security of the information system at the head office of the Central Electoral Commission within the limits of the telecommunications system of public administrations;

13) SOE 'Radiocommunications' — ensuring the uninterrupted broadcasting of national radio and television programmes covering elections, in accordance with legislation;

14) JSC 'Moldtelecom':

a) at the request of local public administration authorities, enterprises, institutions, organisations and electoral officials — to ensure connection (including network removals), in accordance with technical possibilities, of fixed telephone and Internet networks in the premises of electoral councils and Precinct Electoral Bureaus, on contract basis;

b) ensure the uninterrupted operation of fixed telephone networks, in particular on the premises of the District Electoral Councils and the Precinct Electoral Bureaus;

15) electricity distribution system operators — ensure uninterruptible electricity supply to the premises of the District Electoral Councils and of Precinct Electoral Bureaus, according to the territorial area of their activity;

16) Local Public Administration authorities:

a) ensure the update of the orders on the designation of persons, from Local Public Administration authorities, responsible for the Voters' Lists;

b) ensure the updating of the Voter's Lists by the persons designated for that purpose;

c) adopt decisions on the setting and guarantee of a minimum of reserved places for electoral posters and ensure a minimum number of premises for meetings with the voters, being made available, in accordance with the deadline laid down in the Calendar Programme, approved by the decision of the Central Electoral Commission;

d) ensure the observance of the principle of gender equality in the process of designating persons in the composition of the electoral bodies;

e) within the limits of its competence, ensure that persons with disabilities have access to the premises where the polling stations are located;

f) ensure, at the local level, the access roads to polling stations;

g) examine, together with the representatives of the Agency for Technological Surveillance, the state of fire protection within the premises where the polling stations will be located and the places where meetings with voters will be conducted, and to ensure compliance with the legal requirements of fire safety and civil protection.

(2) In the process of organisation and conduct of elections, the Central Electoral Commission may also establish, by decision, other additional responsibilities, depending on the field of activity, for certain Central Public Authorities and Local public administration authorities and for certain institutions or bodies, regardless of the legal form of organization. The decision of the Commission adopted for that purpose shall be binding for all Central and Local

public administration authorities, for natural and legal persons, regardless of their field of activity and the legal form of organisation.

### **Article 29.** Office of the Central Electoral Commission

(1) The Central Electoral Commission shall be assisted by an Office, the structure and staff-limit of which shall be approved by it. The staffing shall be approved by the Chairperson of the Commission.

(2) The staffing is made up of public servants, subject to the provisions of Law nr.158/2008 on the civil service and the status of civil servant, contracted staff, engaged in auxiliary activities, subject to the rules of labour legislation. The staff shall be appointed or hired by the Chairperson under the law provisions.

(3) The remuneration of permanent employees of the Central Electoral Commission shall be carried out in accordance with the relevant regulatory framework. For the electoral period, during the Parliamentary, Presidential, General Local Elections and Republican Referendum, shall be established a monthly allowance in the size of a basic salary (for the given position) and for the new local elections and local referendums, shall be fixed a monthly allowance of 35 % from the average salary. .

(4) In exceptional cases, with the agreement of the employee, working time may derogate from the extended limit laid down in Article 104 of Labour Code No 154/2003 and Law No 158/2008 on the civil service and the status of the public servant.

(5) During the electoral period, regardless of the type of electoral event, the Central Electoral Commission shall hire, where appropriate, by individual contract, employees within the Commission Office, detaching those persons from their permanent employment duties.

### **Article 30.** Financing of the Central Electoral Commission

(1) The Central Electoral Commission shall be financed from the State budget up to the limit of the budgetary allocations approved by the annual budget law.

(2) The budget of the Central Electoral Commission shall be drawn up, approved and managed in accordance with the principles, rules and procedures laid down by the Law No 181/2014 on public finances and budgetary–fiscal responsibility.

(3) The Chairperson of the Central Electoral Commission shall organise and implement the internal management control system and is subject to the managerial responsibility for the administration of public finances and public assets, in accordance with the principles of good governance.

**Article 31. Meetings and activities of the Central Electoral Commission**

(1) The meetings of the Central Electoral Commission shall be convened by its Chairperson on his/her own initiative or at the request of three members of the Commission. If the Members of the Commission request that the meeting shall be convened, the decision to convene meeting shall be taken no later than 48 hours after the request has been made.

(2) Meetings at the Central Electoral Commission shall be deliberated if the absolute majority of its members attend it.

(3) All the Central Electoral Commission meetings shall be opened to the representatives of Media and to the public. Information on the meetings shall be published at least 24 hours before they are being held, with the exception of meetings held during the electoral period, when they are announced on a short notice, due to the fact that the issues need an urgent examination.

(4) The Central Electoral Commission shall ensure the transparency of electoral procedures, which enables the Media and the people to assess the Commission's activities.

**Article 32. Administrative acts of the Central Electoral Commission**

(1) The Central Electoral Commission shall adopt decisions with the vote of an absolute majority of its members. Decision on amendment and repeal of previous decisions are passed under the same conditions.

(2) The decisions of the Central Electoral Commission, adopted within the limits of its competence, shall be administrative acts of individual or regulatory character, binding for lower electoral bodies, for public authorities, enterprises, institutions and organisations, regardless of the legal form of organisation, persons with responsible public positions, political parties and their bodies, electoral competitors and other subjects to which they are addressed and for all citizens.

(3) Decisions of the Central Electoral Commission of individual character shall enter into force on the date of its adoption or on the date indicated in the text thereof, and normative nature decisions shall enter into force in accordance with Article 56 of Law No 100/2017 on normative acts.

(4) Decisions shall be signed by the Chairperson of the Central Electoral Commission and, in his absence – by the Secretary. In the event if both Chairperson and Secretary are absent, the decisions of the Central Electoral Commission shall be signed by the Chairperson of the meeting.

(5) The decisions of the Central Electoral Commission shall be published on its official website within 24 hours of its adoption, and normative decisions shall also be published in the Official Gazette of the Republic of Moldova.

(6) Members of the Central Electoral Commission who disagree with the passed decisions shall have the right to express their separate opinions in writing, within 24 hours of their adoption, which shall be attached to those decisions.

### **Article 33.** Centre for Continuous Electoral Training

(1) The Centre for Continuous Electoral Training is a public institution founded by the Central Electoral Commission, which carries out training, educational, research and information activities in the electoral field.

(2) Under the conditions laid down in the Regulation approved by the Central Electoral Commission, the Centre for Continuous Electoral Training trains and certifies the electoral officials and other categories of subjects interested and/or trained involved in the electoral process.

(3) The Centre for Continuous Electoral Training develops and implements programmes of electoral and civic education for all categories of citizens.

(4) The Centre for Continuous Electoral Training has legal personality, has a seal with the image of the State Coat of Arms, its own heritage, administrative, scientific and training autonomy.

(5) The Centre for Continuous Electoral Training shall be financed from the account of the means provided separately in the budget of the Central Electoral Commission. Other sources of financing not prohibited by law, which will become part of the budget of the Central Electoral Commission and therefore of the national public budget, are also accepted.

(6) The Regulation on the activity of the Centre for Continuous Electoral Training are approved by the Central Electoral Commission.

(7) The remuneration of permanent employees of the Centre for Continuous Electoral Training shall be carried out in accordance with the relevant regulatory

framework. For the electoral period, during the Parliamentary, Presidential, General Local Elections and Republican Referendum, shall be established a monthly allowance in the size of a basic salary (for the given position) and for the new local elections and local referendums, shall be fixed a monthly allowance of 35 % from the average salary.

(8) In exceptional cases, with the agreement of the employee, working time may derogate from the extended limit laid down in Article 104 of Labour Code No 154/2003.

## **Section 2**

### **Electoral Districts and District Electoral Councils**

#### **Article 34.** Establishment of the Electoral districts

(1) Central Electoral Commission shall establish the permanent electoral districts, which, as a general rule, correspond to the size of the second-level administrative-territorial units of the Republic of Moldova, the autonomous territorial unit of Gagauzia, the municipalities of Chisinau and Balti. Under similar conditions, the Commission establishes second-level electoral districts for the polling stations from abroad and those for the localities situated on the left bank of Dniester River.

(2) At least 55 days before the Elections Day, the Central Electoral Commission shall make public the name and number allocated to the second-level electoral districts.

(3) The first-level electoral districts correspond, as a general rule, to the borders of the first-level territorial-administrative units of the Republic of Moldova and are established under the conditions laid down in Title V and Chapter XV.

#### **Article 35.** Establishment of the District Electoral Councils

(1) The Central Electoral Commission shall establish the second-level District Electoral Councils, which act on permanent basis, are composed of an odd number of members, of at least 7 persons and a maximum of 11 persons.

(2) In the case of Parliamentary, Presidential Elections, Republican Referendums and General Local Elections, the nominal composition of the second-level District Electoral Council shall be confirmed by the Central Electoral Commission at least 50 days before the Elections Days.

(3) In the composition of the second-level District Electoral Council, with permanent status, the Chairperson is appointed to perform his/her duties in accordance with Law No 158/2008 on the civil service and the status of civil servant. For the duration of his/her duties, the restrictions provided for in Article 22 (1) of this Code shall apply to the Chairperson of the District Electoral Council.

(4) The other members of the second-level district electoral council shall be appointed at least 55 days before the Elections Day as follows:

a) two members are appointed by the Court within whose jurisdiction the electoral council is located;

b) two members are appointed by the second-level local council, within whose jurisdiction the District Electoral Council is located;

c) one member shall be appointed by each political party represented in the Parliament.

(5) For the position of a member of the electoral council, of any level, shall be nominated persons who have attended training courses at the Centre for Continuous Electoral Training and hold corresponding qualification certificates, valid at the date of their confirmation as members. Candidatures for the second-level District Electoral Councils, proposed by local Courts and local councils must have university studies in Law or Public Administration.

(6) In the event of local elections and referendum, first-level District Electoral Council shall be established by the second-level District Electoral Councils or, where appropriate, by the Central Electoral Commission. Those electoral councils consist of an odd number of members, of at least 7 persons and a maximum of 11 persons and are established at least 40 days before the Elections Day.

(7) For the establishment of the first-level district electoral councils, at least 45 days before the Elections Day, the candidatures of 2 members shall be proposed by the first-level local council and, if those proposals are missing, the remaining seats shall be supplemented by the Central Electoral Commission of the persons entered in the Register of Electoral Officials. Nominations of the other members shall be submitted by the political parties represented in the Parliament – one from each political party. In the limit of possibilities, persons with university studies in Law or Public Administration shall be include in the composition of the District Electoral Councils.

(8) If political parties fail to submit their candidatures for the District Electoral Council, at least 5 days before the expiry of the period for establishment the District Electoral Council, the necessary number of seats shall be completed by the local councils. If the later do not submit their candidates, as well as if after the nomination of the candidates by all the subjects entitled to do it, the number is



insufficient, or the District Electoral Council consist of an even number, the remaining seats shall be filled by the Central Electoral Commission from the persons entered into the Register of Electoral Officials.

(9) Within 3 days of the date of confirmation of the nominal composition of the second–level District Electoral Council, its members choose the Secretary of that council. Within the same timeline since the confirmation, the members of the first–level District Electoral Council choose the Chairperson and Secretary of that council. The results of these elections shall be communicated immediately to the Central Electoral Commission and, where appropriate, to the corresponding second–level District Electoral Council.

(10) During the electoral period, the District Electoral Council shall adopt decisions with the vote of the absolute majority of the members.

(11) The Peculiarities of the District Electoral Council’s organisation and functioning are laid down in the Regulation of its activity, approved by decision of the Central Electoral Commission.

(12) For polling stations opened aboard, the Central Electoral Commission will establish a separate electoral council, with the headquarter in Chisinau Municipality, which will ensure the organization of electoral processes in the out of country polling stations.

(13) For the polling stations opened for the localities from the left bank of Dniester River, the Central Electoral Commission will establish a separate electoral council, with the headquarter in Chisinau Municipality, which will ensure the organization of electoral processes in the polling stations created for the localities from the left bank of Dniester River.

(14) The District Electoral Council shall be assisted during the electoral period of an Office, the staffing of which is approved by the Central Electoral Commission on the proposal from the electoral council.

### **Article 36.** Central Electoral Council of Gagauzia

(1) The composition of the Central Electoral Council of Gagauzia is approved by the People’s Assembly of Gagauzia in accordance with Article 12 (3) lit. d) of Law No 344/1994 on the special legal status of Gagauzia (Gagauz–Yeri) and local normative acts. In the event of Elections to the Parliament, for the position of the President of the Republic of Moldova and the Elections of Local Public Administrations authorities, as well as in the case of a Referendum, the Central Electoral Council of the Gagauzia, composed of a Chairperson and a Secretary, shall

perform the duties of the District Electoral Council and shall be supplemented with members in accordance with Article 35 of this Code.

(2) The Chairperson and Secretary of the Central Electoral Council of Gagauzia shall be chosen by the members of that council. The Central Electoral Commission shall confirm their status as persons that hold public dignity positions, by a decision, under the present Code and in accordance with Law No 199/2010 on the status of persons with public dignity positions.

(3) The current funding of the Central Electoral Council of Gagauzia and the funding necessary for the organisation and conduct of regional elections shall be made by from the budget of Gagauzia. The financing necessary for the organisation and holding of elections to the Parliament, the position of President of the Republic of Moldova, the Elections to Local Public Administration authorities as well as for the conduct of referendums, shall be covered from the budget of the Central Electoral Commission, from the funds provided for elections.

(4) During the period of its activity, the Central Electoral Council of Gagauzia is assisted by an Office, the structure and staff limit of which are being approved by it. During the electoral period, the Central Electoral Council of Gagauzia is entitled to employ additional staff, on the basis of individual employment contracts, for a determined period, within the limits set by the Central Electoral Commission.

(5) The Central Electoral Council of Gagauzia has access to the State Register of Voters in accordance with the conditions laid down by the Central Electoral Commission.

(6) The Chairperson and Secretary of the Central Electoral Council of the Gagauzia may participate, without any right to vote, in the meetings of the Central Electoral Commission.

(7) During the period between the elections, the Chairperson of the Central Electoral Council of Gagauzia shall perform the duties provided for in Article 37 (2).

(8) During the term of their offices, the Chairperson and the Secretary of the Central Electoral Council of Gagauzia, are subjects to the conditions of eligibility, the guarantees and restrictions laid down in Article 20 (8), Article 22 (1)-(4) and Article 23.

(9) The term of office of Chairperson and Secretary of the Central Electoral Council of Gagauzia may end before the expiry of the term, under the conditions laid down in Article 22 of Law 199/2010 on the status of persons with public dignity

positions and in the event of a recall, in accordance with the requirements laid down in the local normative acts.

### **Article 37.** Duties of the District Electoral Council

(1) During the electoral period, the District Electoral Council shall be responsible for the following tasks:

a) supervise the enforcement of implementation of the provisions of this Code and of other legislative acts containing provisions related to the conduct of elections;

b) establish, under the conditions of this Electoral Code, first-level Electoral Districts and the polling stations, first-level District Electoral Councils and the Precinct Electoral Bureaus and shall supervise their activities;

c) proposes the detachment, where appropriate, the convocation of members of the second-level District Electoral Council and approve the staffing for its Office;

d) decide on the detachment or, where appropriate, the convocation of the members of the first-level electoral councils and of the members of the Precinct Electoral Bureaus, for the duration of their activity in those councils and bureaus;

e) distribute funds to the Precinct Electoral Bureaus, where appropriate, to the first-level District Electoral Councils, as well as provide them materials and electoral documents forms, necessary for the organisation and proper conduct of the electoral process;

f) examine communications and notifications on the organisation and holding of elections, submitted by Local Public Administration authorities, enterprises, institutions and organisations involved in the electoral process and undertakes measures on the side of those communicated or notified issues;

g) decide on the registration requests of the initiative groups, of the independent candidates and of the candidates/lists of candidates from political parties, in local elections, inform the public about them;

h) receive, examine and publish the reports on the financing of the electoral campaigns of the independent candidates in local elections, as well as those relating to the financing of the initiative groups, registered for collecting signatures for the support of those candidates;

i) ensure public access to statements on the assets and personal interests of electoral competitors registered in local elections, in accordance with the provisions of this Code;

j) considers claims and complains concerning the decisions and actions/inactions of Precinct Electoral Bureaus, where appropriate, of first-level District Electoral Councils;

k) considers claims and complaints concerning the actions/inactions of electoral competitors and registered initiative groups, as well as those related to the financing of the electoral campaigns of independent candidates in local elections;

l) collect and systematise information from Precinct Electoral Bureaus on opening polling stations, voters participation, as appropriate, occurrence of

incidents in the polling stations, preliminary elections and transmit it, by State Automated Information System ‘Elections’ or other means, to the Central Electoral Commission;

m) tabulate the results at the district level, transmit the documents and electoral materials to the Central Electoral Commission, ensure that the documents and electoral materials are displayed on its premises and at the headquarters of Local Public Administration authorities, under the terms of this code and the instruction approved by the Commission for that purpose;

n) approve, by decision, the minutes of the results of local elections conducted in the concerned electoral district, confirms or refute the legality of elections;

o) declare the elected candidates, along with confirmation of the legality of local elections assign and validate the mandates of the elected Mayors and local councillors, confirm the list of alternate candidates, by adopting decisions in his regard;

p) shall assist the superior electoral bodies in the process of oversight and control of financing the electoral campaigns and political parties;

q) carry out other duties related to the organisation and conduct of elections.

(2) The Chairperson of the second-level District Electoral Council shall perform the following tasks:

a) represent the electoral council in relations with the Central Electoral Commission, other public authorities, enterprise, institutions, Media outlets, political parties, electoral competitors and citizens;

b) ensure the preservation of goods received from the Local Public Administration Authorities and the Central Electoral Commission, bearing material liability according to the law;

c) manages funds allocated to the council;

d) issue administrative acts, within the limits of its competence, with a view to the organisation of the Council’s activities;

e) conclude, on behalf of the council, contracts for the organisation and conduct of permanent activity within the district, as well as individual employment contracts, service contracts for the period of carrying out of some permanent activities;

f) inform the members of the Council, voters and the concerned subjects of the enforcement, within the limits of established competences, of the decisions of the Central Electoral Commission and of other administrative acts on the application of electoral procedures;

g) participate in the procedures for updating the data and information contained in the State Register of Voters and in the procedures for verification and updating of Voter’s Lists from the concerned electoral district;

h) contribute, within the limits of set duties, to the achievement of the Central Electoral Commission tasks of oversight and control of compliance with legislation on the financing of political parties and the electoral campaigns;

i) assist in the organisation and conduct of the activities of electoral and civic education organised by the Central Electoral Commission and the Centre for Continuous Electoral Training;

j) provide assistance in the process of training and certifying electoral subjects by the Centre for Continuous Electoral Training;

k) monitor the observance of gender equality principle by the subjects participating in the electoral process, through checking the documents, systematisation and presentation of statistical data for that purpose;

l) perform other duties provided in this Code, in the Regulation on the activity of the Electoral Council, approved by the Central Electoral Commission, as well as other regulatory acts in electoral field.

### **Section 3**

#### **Polling stations and Precinct Electoral Bureaus**

##### **Article 38. Establishing polling stations and Precinct Electoral Bureaus**

(1) To conduct voting and vote counting, the Electoral Districts are divided into polling stations.

(2) The polling stations shall be established in localities by the District Electoral Councils, based on the proposals made by the Mayors of towns (municipalities) and villages (communes), at least 35 days before the Elections Days, and shall have a minimum of 30 and a maximum of 3000 voters. At the proposal of the Mayors of towns (municipalities) and villages (communes), the ceiling of 3000 voters may be exceeded with up to 10 %. For elections of all level and for Republican Referendum, polling stations shall be established within the same period. The premises of the polling stations are established, as a general rule, on the ground floor of the public owned buildings and are endowed in such a way as to facilitate the access of elderly and disabled people.

(3) Special polling stations may be established in hospitals, health resorts, maternity hospitals, asylums and camps for elderly people. Those polling stations must include at least 30 voters.

(4) Military personnel shall vote at the polling station from the locality where the military units are located.

(5) In the event of new local, partial elections, local referendum, when no second-level District Electoral Council is established, the polling stations and the Precinct Electoral Bureaus shall be established by the first-level District Electoral Council.

(6) The District Electoral Council shall number the polling stations from the district and shall make public the information on the boarders of each polling station, the address of the Precinct Electoral Bureaus, the address of the voting place 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 from municipalities, towns, communes and villages.

(8) The local public administration authorities shall provide the Precinct Electoral Bureaus with information and support, necessary for the performance of their duties as provided for in this Code.

(9) Precinct Electoral Bureaus shall be established by the District Electoral Councils at least 25 days before the Elections Days, starting from an odd number of members, of at least 5 persons and a maximum of 11 persons.

(10) The members of the Precinct Electoral Bureau shall be appointed as follows:

- a) 3 members are appointed by the local council;
- b) one shall be appointed by each political party represented in the Parliament.

(11) If political parties do not submit their candidatures within the Precinct Electoral Bureau no later than 5 days before the expiry of the deadline for establishment of the Precinct Electoral Bureau, the required number of members shall be completed by the local council. If the later do not submit their candidates, as well as if after the nomination of the candidates by all the subjects entitled to do it, the number is insufficient, or the Precinct Electoral Bureau consist of an even number, the remaining seats shall be filled by the District Electoral Council, on the proposal of Central Electoral Commission, from the persons entered into the Register of Electoral Officials.

(12) In respect of the duties of a member of the electoral Precinct Electoral Bureau, only persons who have attended courses in the Centre for Continuous Electoral Training and have duly valid educational certificates at the date of confirmation. Where possible, persons with higher legal studies or in the field of public administration shall be composed of Precinct Electoral Bureaus.

(13) Within two days following the establishment of the Precinct Electoral Bureau, its members shall in elect the Chairperson and the Secretary of the Precinct Electoral Bureau, immediately communicating the results of those elections to the District Electoral Council and make public the information on the composition of the Precinct Electoral Bureau, the premises and the contact details.

(14) The Precinct Electoral Bureau shall adopt decisions with the absolute majority vote of the members.

(15) The Peculiarities of the Precinct Electoral Bureau's organisation and functioning are laid down in the Regulation of its activity, approved by decision of the Central Electoral Commission.

(16) For the purposes of ensuring the electoral right, the Central Electoral Commission may establish polling stations and Precinct Electoral Bureaus in other cases as well.

**Article 39.** Peculiarities of the establishment and functioning of polling stations from abroad and Precinct Electoral Bureaus from abroad

(1) For Parliamentary, Presidential Elections and Referendum, within the diplomatic missions and consular offices of the Republic of Moldova, may be organised one or more polling stations for voters that on Elections Day will be abroad.

(2) The polling stations established abroad shall operate in accordance with the peculiarities regulated in this Code and shall be organised at least 35 days before the Elections Day.

(3) In addition to the polling stations referred to in paragraph (1), with the agreement of the competent authorities of the concerned countries, may be organised polling stations for a locality or several localities in which, according to the data from the Ministry of Foreign Affairs and the European Integration, there are at least 500 citizens of the Republic of Moldova that have provisional or permanent residence.

(4) The opening of the polling stations referred to in paragraph (1) and (3) shall be established by the Central Electoral Commission, with the preliminary opinion of the Ministry of Foreign Affairs from the competent authorities of the concerned country and the existence of technical and logistic possibility for ensuring the voting process.

(5) The legal ground for the establishment of polling stations is the dynamic of voters participation in polling stations from abroad in the last 3 elections, taking also into account the additional data on the preliminary registration of citizens of the Republic of Moldova from abroad and the information provided by the Ministry of Foreign Affairs and European Integration on the number and location of citizens of

the Republic of Moldova from abroad (collected on the basis of the consular record or other relevant data). The Regulation on the establishment of polling stations from abroad and preliminary registration shall be approved by the Central Electoral Commission.

(6) Precinct Electoral Bureaus from abroad shall include an odd number of members of at least 5 persons and no more than 15 persons. The members of the Precinct Electoral Bureau from abroad shall be nominated by the relevant subjects, as follows:

a) 2 members are proposed by the European Ministry of Foreign Affairs and Integration. They shall perform ex officio the duties of Chairperson and Secretary of the Precinct Electoral Bureau concerned;

b) one member shall be proposed by each political party represented in the Parliament.

(7) If political parties do not submit their candidatures within the Precinct Electoral Bureau no later than 5 days before the expiry of the deadline for establishment of the Precinct Electoral Bureau, as well as if after the nomination of the candidates by all the subjects entitled to do it, the number is insufficient, or the Precinct Electoral Bureau consist of an even number, the candidatures shall be submitted by the District Electoral Council, on the proposal of the Ministry of Foreign Affairs and European Integration. If the latest also doesn't submit the candidatures, the remaining seats shall be completed by the Central Electoral Commission from the persons entered into the Register of Electoral Officials.

(8) From the moment the date of elections is being established, on the information resources of the Central Electoral Commission shall be periodically published relevant information on the out of country voting and until the establishment of the polling stations from abroad, shall be published information on the number and possible locations of polling stations from abroad.

(9) The peculiarities of the organisation and operation of Precinct Electoral Bureaus from abroad are regulated by the Central Electoral Commission, in coordination with the Ministry of Foreign Affairs and European Integration.

**Article 40.** The peculiarities of the establishment and operation of the polling stations for voters residing in localities from the left bank of Dniester River and of Precinct Electoral Bureaus for localities from the left bank of Dniester River

(1) In Parliamentary, Presidential Elections and Republican Referendums, the Central Electoral Commission, at least 35 days before the Elections Days, shall organise, for voters residing in localities from the left bank of Dniester River, polling



stations on the territory of the Republic of Moldova, which is under the constitutional jurisdiction of the authorities of the central public administration authorities.

(2) For establishing the polling station referred to in paragraph (1), the Central Electoral Commission shall take into account the data from the State Register of Voters related to the dynamics of voter' participation in the last 3 elections and, in addition, the information or proposals of the bodies responsible for implementing the policy of reintegration and security, which, when drawing up those proposals, will take into account the territorial-administrative organisation, the specific of access and communication routes, the possibility of ensuring voters accessibility to the electoral process and to concerned electoral bodies.

(3) The responsible electoral body shall establish distinctive polling stations for voters residing in localities from the left bank of Dniester River, belonging to the concerned electoral district, established by the Central Electoral Commission, on the basis of the approved Regulation. Those polling stations shall be subordinated to the Electoral Council established in accordance with the provisions of Article 35.

(4) For establishing the Precinct Electoral Bureaus for voters residing in localities from the left bank of Dniester River, the provisions of Article 38 shall be applied accordingly. The competence to propose the candidacies of the members in the composition of Precinct Electoral Bureaus for voters residing in localities from the left bank of Dniester River belongs to the local public administration body that manages the administrative-territorial unit in which this polling station is being located.

(5) The Peculiarities of the organisation and operation of Precinct Electoral Bureaus for voters residing in localities from the left bank of Dniester River shall be regulated by the Central Electoral Commission.

#### **Article 41. Duties of the Precinct Electoral Bureau**

During the period of its operation, the Precinct Electoral Bureau shall perform the following duties:

a) the receipt and storage of Voter's Lists, ensuring the integrity and access to data from the lists, under the conditions laid down in this Code;

b) consider the requests related to errors from the Voter's Lists, make the necessary changes and issue certificates with the right to vote, to the voters in accordance with the provisions of this Code;

c) prepare Supplementary Voter's Lists and lists for voting at the place of stay, under the conditions laid down in this Code and under the Regulation approved by the Central Electoral Commission;

- d) establish the number of ballot papers to be printed for the polling station opened inside the country;
- e) ensure the receipt, storage and integrity of ballot papers, certificates with the right to vote and other elections related documents (materials), necessary for the organisation of its activity and for the conduct of the electoral procedures;
- f) nominates the members to be detached, where appropriate, to be convened and makes proposals to the District Council Councils on hiring/appointment of personnel in the Precinct Electoral Bureau Office;
- g) confirm the representatives of the electoral competitors/participants in the referendum within the concerned Precinct Electoral Bureau;
- h) display the lists of candidates on the premises of Precinct Electoral Bureau;
- i) inform voters, who have their domicile or temporary residence within the area of the polling station, on the date and place of voting and the premises of the polling station;
- j) ensure the preparation of the premises for voting, setting up the ballot boxes and voting booths, the storage and integrity of the electoral stamps, as well as of other necessary electoral equipment, in accordance with the procedure laid down by the Commission;
- k) organise the voting on the Elections Day;
- l) take measures to ensure the order within the premises of the polling stations;
- m) tabulates votes in the polling station, draw up minutes and reports and delivers them, together with other electoral documents (materials), to the District Electoral Council;
- n) systematise and delivers to the District Electoral Council the information on the opening of the polling station, the data on voters' participation, as well as the data necessary to establish the preliminary results of elections, by the State Automated Information System 'Elections' and other means;
- o) assist the superior electoral bodies in the process of oversee and control and of the financing of electoral campaigns;
- p) performs other duties provided by this Code, by the Regulation on the activity of Precinct Electoral Bureaus, approved by the Commission, and by other normative acts in electoral matters.

**Article 42.** Incompatibilities and restrictions in the activity of the Electoral Council and Bureau activity

- (1) In the performance of his/her duties, a member of the Electoral Council or Bureau shall:
- a) not have the right to engage in any activity as another subject involved in the electoral process;

b) in local elections, not be the husband (wife), relatives by blood or by marriage of the first degree of the candidate running in elections in the electoral district in whose area the electoral body is located;

c) if he/she is judge nominated in the composition of the Electoral Council, he/she may not examine electoral complaints from the concerned District as from the date on which the council was established;

d) not make statements or campaigning in favour of or against electoral competitors, participants in the referendum or initiative groups, or to express any option in the referendum;

e) may not support, either financially or by any other means, directly or indirectly, any electoral competitor, participant in the referendum or initiative group.

(2) Failure to comply with the incompatibilities and restrictions laid down in paragraph (1) of this Article shall serve as a basis for the removal of the member, by replacing him/her with another member nominated by the subject having this powers, or by application of other sanctions laid down in Article 102 (6)

#### **Article 43.** Changing the composition of the Electoral Council and Bureau

(1) The membership of the Electoral Council or Bureau shall be ceased:

a) by request;

b) by removal;

c) in the event of death.

(2) The member of the Electoral Council or Precinct Electoral Bureau shall be removed by the body which has appointed him/her, on the grounds of breach of the prohibitions laid down in Article 42, including for the violation of the electoral rights of the 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, as established by decision of the electoral body to which he/she belongs. If the decision is complained, the removal takes place after the confirmation, by the superior electoral body.

(3) If a member of the District Electoral Council or of the Precinct Electoral Bureau breaches the provisions of this Code and of other normative acts in the electoral matters, the Central Electoral Commission or, where appropriate, the electoral council shall apply to him/her the sanctions provided for in Article 102 (6).

(4) If a Member quits or is being removed from the Electoral Council or Precinct Electoral Bureau, instead of him/her, another member shall be appointed or nominated, in accordance with the procedure laid down in this Code.

#### **Section 4**

**Organising the activity of the Electoral Councils and Bureaus.  
Their dissolution**

**Article 44.** Offering support and ensuring technical and material needs for the activity of electoral councils and bureaus

(1) Public administration authorities, enterprises, institutions and organisations, regardless of the legal form of organisation, persons holding responsible public positions, political parties and their bodies, must offer support to the Electoral Councils and Precinct Electoral Bureaus for the performance of their duties, to provide them information and materials necessary for their activities. The support from the public authorities and from their exponents is granted only on request and cannot be disproportionate to the existing requirements.

(2) Local public administration authorities, enterprises, institutions and organisations, regardless of the legal form of organisation, shall provide to the Electoral Councils and Precinct Electoral Bureaus with the appropriate premises for their activity as well as technical and logistical equipment necessary for the organisation and conduct of elections and for tabulation of voting results.

(3) Outside the electoral period, the local public administration authorities shall make available to the Chairperson of the second-level District Electoral Council a venue for his/ her permanent activity.

(4) The entities referred to in Article 28 shall, within the limits of their functional powers and their additional responsibilities, provide the necessary support to the Electoral Councils and Precinct Electoral Bureaus in the process of organisation and conduct of elections.

(5) The Electoral Council and the Precinct Electoral Bureau may notify the public administrations authorities, enterprises, institutions and organisations, regardless of the legal form of organisation, persons holding responsible public positions, political parties and their bodies, on the organisation and conduct of elections issues, the latter being required to examine the notification and reply within 3 days since the receipt of the notification, but not beyond the Elections Day.

(6) Failure to comply with the provisions of paragraph (1)-(4) of this article serves as basis for notifying the ascertaining authorities, in accordance with the conditions laid down in Article 104.

(7) The Chairpersons of the Electoral Councils and of the Precinct Electoral Bureaus shall ensure the storage and the return of the goods received from the

Central Electoral Commission, local public administration authorities or from other entities, bearing material liability for the caused damage.

**Article 45.** The detachment and convocation of the electoral officials.  
Remuneration and guarantees of electoral officials

(1) The Central Electoral Commission shall establish by decision the number of members of the electoral bodies and staff of their Offices that may be detached, where appropriate, convened, as well as the timeframe for such detachment or convocation.

(2) As a general rule, the District Electoral Council shall adopt, at the first meeting, a decision on the nomination of some members to be detached or, where appropriate, to be convened, within the limits established by the Central Electoral Commission in accordance with paragraph (1). The decision shall also include a proposal for approval of the staffing of the Council's Office. That decision shall be forwarded immediately to the electoral body which established the concerned electoral council, but not later than 3 days after the Council was created.

(3) As a general rule, the Precinct Electoral Bureau shall adopt, at the first meeting, a decision on the nomination of some members to be detached or, where appropriate, to be convened, within the limits established by the Central Electoral Commission in accordance with paragraph (1). The decision shall be forwarded immediately, but no later than 3 days after the establishment of the Precinct Electoral Bureau, to the District Electoral Council, which shall decide, in accordance with its jurisdiction, on the detachment/convocation of members of the Precinct Electoral Bureaus.

(4) The detachment or, where appropriate, the convocation and approval of staffing shall be performed by the electoral body which established the concerned Electoral Council and/or the Precinct Electoral Bureau.

(5) For the activity performed during the electoral period, persons detached from budgetary institutions or other budgetary units and those convened, shall receive an allowance, calculated on the basis of the average monthly wage for the previous year, which shall be paid from the funds allocated for elections.

(6) For the members of the electoral bodies and for the staff of the District Electoral Council, detached from the budgetary institutions, shall be kept their salary at their permanent place of work.

(7) Public servants that perform as members of the electoral bodies and as staff of these bodies, for the electoral period, shall keep their salary as public servants.

(8) For the activity performed during the electoral period, including on Elections Day, for the non-detached and non-convened members of electoral bodies is established a monthly allowance equal to 20 % of the average monthly wage for the previous year, that shall be paid from the funds allocated for elections.

(9) The Electoral Council shall be assisted by an Office, the staffing of which shall be approved by the Central Electoral Commission on the proposal of the District Electoral Council. The staffing shall include accountants (including one chief accountant), specialists (consultants, operators) and other technical personnel. For the activity performed during the electoral period, the staff of the District Electoral Council shall receive an allowance calculated on the basis of the average monthly wage for the previous year and paid from the funds allocated for elections.

(10) Depending on the type of the elections, the Precinct Electoral Bureau is assisted by an Office that includes operators of the State Automated Information System "Elections" and other technical personnel. The Electoral Council shall adopt a decision by which it appoints the staff, at the Precinct Electoral Bureau proposal, and shall establish the period of employment of the staff who assists the Precinct Electoral Bureau.

(11) As the basis for payment of the allowance, under the conditions laid down in paragraph (5), (8)-(10) serve the decisions on establishment, changing the electoral bodies' composition and detachment or, where appropriate, convocation of electoral officials.

(12) In the case of simultaneous organisation of two electoral events and in the situations laid down in Articles 8 (2) and Article 158, electoral officials are entitled to an increase with 10 % of the allowance laid down in paragraph (5), (8)-(10).

(13) Where necessary, may be concluded individual contracts of employment or services contracts, for the period in which specific activities are being performed. Expenditure shall be made from the funds for elections.

(14) Under tax legislation provision, the allowance paid to non-detached and non-convened electoral officials, for the activity performed within the electoral bodies, shall be treated as a non-taxable source of income.

(15) As a general rule, members of the electoral bodies and staff of these bodies shall benefit of a day off, immediately after the Elections Day, under the conditions laid down in the Labour Code.

**Article 46.** Dissolution of the Electoral Councils and Bureaus

(1) The first-level District Electoral Council and the Precinct Electoral Bureaus established under the conditions of this Code shall cease their activities and shall be automatically be dissolved on the date of confirmation of the results of the elections and validation of the mandates by the competent authority, but only after all the complaints submitted during the electoral period have been solved.

(2) The members of second-level District Electoral Council, with the exception of the Chairperson, shall cease their activity on the date of confirmation of the elections results and validation of the mandates, but only after all the complaints submitted during the electoral period have been solved.

**Chapter IV**

**MATERIAL SUPPORT OF ELECTIONS. DUTIES RELATED TO THE  
MANAGEMENT OF FUNDS ALLOCATED FOR ELECTIONS AND  
FINANCIAL REPORTING**

**Article 47.** Ensuring the necessary resources for holding elections

(1) Expenditure for the organisation and conduct of elections shall be covered from the State budget, within the limit of the Central Electoral Commission allocations, approved by the annual budget law.

(2) Expenditure for the organisation and conduct of elections represent an integral part of the budget of the Central Electoral Commission. Keeping accounting records of expenses for the organisation and holding of elections and referendum and the financial reporting on the management of the allocated funds shall be made in accordance with Accounting Law no. 113/2007 and with the rules approved by the Ministry of Finance.

(3) The Central Electoral Commission estimates the costs for the organisation and conduct of elections on the basis of the expenditure incurred during the previous elections and approve, by decision, the estimated cost. The expense estimation shall include, as separate lines, the expenses for the Central Electoral Commission activity, for the activity of the Centre for Continuous Electoral Training, and for the

activities of the District Electoral Councils, including the expenditure referred to in paragraphs (4) and (5), according to the type of the electoral event to be held.

(4) The Centre for Continuous Electoral Training shall estimate the expenses for trainings held during the electoral period and present them for the approval of the Commission, in accordance with paragraph (3).

(5) The District Electoral Councils shall be financed from the State budget, under the limit established by the Central Electoral Commission. The method of distribution and use of the allocated funds shall be determined by the Central Electoral Commission, on the basis of the expenses estimation, approved by the Central Electoral Commission.

(6) For the polling stations established abroad and for voters from the localities situated on the left bank of Dniester River, the expenses shall be estimated by the Central Electoral Commission.

(7) The decision on the approval of expense estimation shall be submitted, no later than 7 days after its adoption, to the competent authorities, in order to ensure the funds necessary for the organisation and holding of elections.

(8) The unused funds for the organisation and conduct of elections shall be reimbursed to the State budget.

**Article 48.** Duties related to the management of funds allocated for elections

(1) The electoral bodies shall be responsible for the efficient use, in accordance with the approved budgetary limits, of funds allocated for the elections, and for ensuring the budgetary-financial discipline, according to the legislative framework for keeping accounting records and financial reporting.

(2) The peculiarities of accounting records of expenses for the organisation and holding of elections, including the responsibilities of the Chairperson of the District Electoral Councils on keeping accounting records and the financial reporting on the management of funds allocated, are regulated by the Instruction approved by the Central Electoral Commission.

(3) The Chairperson of the Central Electoral Commission shall organise and implement the financial management and internal control system and shall bear managing responsibility for funds allocated for elections.



(4) The Director of the Centre for Continuous Electoral Training shall have funds allocated for trainings, educational and information activities during the electoral period, being responsible for their efficient management.

(5) The Chairperson of the District Electoral Council shall manage funds allocated to the concerned Council, being responsible for the efficient management of funds allocated for elections.

(6) Breach of discipline and of budgetary-financial responsibilities on the management of funds allocated for elections, entails legal responsibility in accordance with legislation.

#### **Article 49.** Reporting on expenditures related to the conduct of elections

(1) After the end of the electoral period, but no later than 45 days after the election results have been confirmed, the District Electoral Councils shall present to the Central Electoral Commission its financial report on the management of allocated funds. The financial report shall be signed by the Chairperson of the second-level District Electoral Council or, where appropriate, by the first-level District Electoral Council and the chief-accountant of the concerned electoral council.

(2) The Central Electoral Commission shall submit to the Parliament a report on the management of funds allocated for the elections.

(3) Under paragraph (2), the report on the management of funds allocated for the elections has to be submitted to the Parliament no later than 30 days after the approval of the audit report, by the Court of Auditors.

### **Chapter V** **FINANCING OF THE INITIATIVE GROUPS** **AND OF THE ELECTORAL CAMPAIGNS**

#### **Article 50.** Principles of funding of the initiative groups, of electoral competitors and of participants in the referendum

The funding and material support, in any form, of the initiative groups and electoral campaigns shall be carried out in accordance with the following principles:

a) the principle of legality, by compliance with the provisions of this Code and the related legal framework;

b) the principle of equal opportunities or equal treatment in the electoral process, including by ensuring the gender balance and access for persons with special needs;

c) the principle of transparency of revenues and expenditures, by presenting correct and objective reports on the financing of electoral campaigns and of the initiative groups and their subsequent publication, by the electoral competitors, initiative groups, independent candidates and participants in the referendum;

d) the principle of independence of the initiative groups, independent candidates, electoral competitors and participants in the referendum towards donors;

e) the principle of the integrity of the electoral campaign;

f) the principle of proportionality in the conduct of electoral procedures, including in the application of sanctions by the electoral bodies.

### **Article 51.** Material support of the State for electoral campaigns

(1) State material support for electoral campaigns shall be carried out by granting State budget allocations to political parties, under the Law No 294/2007 on political parties, free broadcasting time, interest-free loans and other forms provided for by legislation.

(2) In any type of elections, with the exception of referendums, the Central Electoral Commission shall set, by a decision, the amount of interest-free loans that may be granted to the electoral competitors.

(3) In parliamentary and local elections, the amount of interest-free loans shall be set for political parties, electoral blocs of parties and separately for independent candidates, regardless of the number of registered candidates and/or the elective positions for which they are running. In the case of presidential elections, the amount of non-interest loans shall be fixed on a single basis for all electoral competitors.

(4) The Regulation on granting and reimbursement of interest-free loans to electoral competitors for electoral campaign is being approved by the Ministry of Finance.

(5) State budget loans shall 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. Both the agent and the electoral competitor that appointed them shall have equal liability. The application for a loan shall be submitted to the Ministry of Finance.

(6) The loans received from the State budget shall be partially cleared by the State on the basis of the total number of votes received electoral competitor in the concerned Electoral District. The amount of money, determined by dividing the amount of loan by the number of voters who took part in voting, then by multiplying the obtained result by the valid number of votes cast for the relevant electoral competitor, will be cleared from the State budget.

(7) An electoral competitor who withdrew its candidature is obliged to reimburse the loan allocated from the State budget for the conduct of its electoral campaign within 2 months after the withdrawal of the candidature.

(8) Political parties, electoral blocs of parties and independent candidates shall reimburse the interest-free loans, up to the amount determined in accordance with paragraph (6), within 3 months after the Elections Day.

(9) The provisions of paragraphs (2)-(8) do not apply to the initiative groups and participants in the referendum.

(10) Political parties which have established initiative groups, electoral blocs of parties and/or have nominated candidates in elections who are entitled to receive allocations from the State budget, shall have the right to transfer to the bank accounts with the reference “Electoral Fund” / “Intended for initiative group” at most 70% of the amounts allocated from the State budget, which are present in the political party’s account at the beginning of the electoral period, complying with the national general ceiling of the funds which may be transferred for each type of elections.

**Article 52.** Reimbursement of expenses related to the organization and conduct of elections

(1) In case of circumstances leading to the end of the Mayor’s term of office, before the expiry of the 12 months period from the date of passing the decision on mandate validation, the electoral competitor that has appointed the candidate elected as a Mayor, shall reimburse the expenditure regarding the organisation and holding of elections, covered from the State budget.

(2) The provisions of this Article shall not apply be applied for the request of resignation on grounds of:

- a) the detection, according to the medical certificate, of contraindications which do not allow the performance of duties for a period longer than 5 months;
- b) establishing the degree of disability for a period longer than 5 months;
- c) other circumstances which do not depend on the will of the candidate elected as a Mayor.

(3) The mechanism and the amount of funds to be reimbursed under this Article, shall be determined by the decision of the Central Electoral Commission.

(4) The costs for organisation and conduct of elections must be reimbursed by the candidate elected as a Mayor. If the elected candidates have been nominated by political parties or electoral bloc of parties, they shall reimburse the costs. If the

political parties receive allocations from the State budget, the amount of established expenditure shall be deducted from the amount of the allocations, in accordance with the decision of the Central Electoral Commission.

**Article 53.** The general ceiling of funds which may be transferred to the account marked “Electoral Fund”/”Intended for initiative group”

(1) The general ceiling, at the national level, of funds which may be transferred to the account marked „Electoral Fund” or „Intended for initiative group” represents 0.1 % of the revenues provided for by the Law on the State budget for that year.

(2) in the context of any type of elections or referendum, the general ceiling of resources which may be transferred to the account marked “Electoral Fund” / ”Intended for initiative group” shall be established by decision of the Central Electoral Commission.

(3) For setting the general ceiling on the resources which may be transferred to the account marked „Electoral Fund”/”Intended for initiative group”, the Central Electoral Commission shall determine the coefficient in accordance with the following formula: the general ceiling of funds per country calculated in accordance with paragraph (1) shall be divided by the total number of voters from the country, determined at the date of passing the decision referred to in paragraph (2).

(4) The general ceiling on the resources which may be transferred to the „Electoral Fund” of the electoral competitor/participant in the referendum shall be established by the Central Electoral Commission by multiplying the coefficient fixed in accordance with paragraph (3) by the total number of voters from the country. The maximum ceiling for each Electoral District shall be determined by the Central Electoral Commission by multiplying the coefficient laid down in paragraph (3) by the number of voters from that district. The data concerning the number of voters shall be those established on the date of adoption of the Commission’s decision under the conditions laid down in paragraph (2).

(5) The general ceiling on funds that may be transferred to the account marked „Intended for initiative group” shall be set by the Central Electoral Commission by multiplying the coefficient laid down in paragraph (3) by the maximum number of signatures required to be collected by the initiative group in support a candidate for an elective function or to initiate a referendum.

**Article 54.** Terms and conditions for offering financial support for initiative groups and electoral campaigns

(1) The following sources may be used to finance the initiative groups and electoral campaigns:

- a) own funds accumulated in the political party's accounts by the date of beginning of electoral period (fees, donations, allowances, other incomes provided by the law);
- b) donations;
- c) interest-free loans from the state.

(2) The financing of initiative groups and electoral campaigns by natural or legal persons shall be carried out in accordance with the conditions laid down in this Chapter and by the Regulations on the financing of the initiative groups and electoral campaigns approved by the Central Electoral Commission.

(3) Responsibility for compliance with the terms and conditions of financial support for the initiative groups or electoral campaigns, of the record of contributions and incurred expenses, including the drawing up and submission within the time-limits of reports on the financing of the initiative groups and reports on the financing of electoral campaigns, under the conditions laid down in this Chapter and by the relevant regulatory acts, shall be on:

- a) leaders of political parties, where appropriate, the other persons nominated in accordance with their establishment acts - if they nominate candidates in elections, establish initiative groups or register as participants in the referendum;
- b) persons having the right of representation/the governing bodies of the electoral blocs of parties, nominated in accordance with their establishment agreements - if they nominate candidates in elections, establish initiative groups or register as participants in the referendum;
- c) candidates for the position of the President of the Republic of Moldova;
- d) independent candidates;
- e) leaders of the initiative groups that nominate and/or support the candidates in elections or the initiation of a referendum;
- f) persons responsible for finances (treasures) of the initiative groups, of electoral competitors or of participants in the referendum, confirmed under the conditions laid down in Article 55.

(4) For infringement of the provisions of this Code and other legislative acts concerning the financing of the initiative groups and the electoral campaigns, the subjects referred to in paragraph (3) may be subject to legal liabilities, including administrative or criminal offences, in accordance with legislation.

(5) It shall be prohibited financing or material support in any form of initiative groups or electoral campaigns by:

a) citizens of the Republic of Moldova who have not reached the age of 18 and citizens in respect of whom judicial custody measures have been introduced in the form of guardianship;

b) natural persons who are not citizens of the Republic of Moldova;

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

d) legal persons which, during the three years preceding the start of the electoral period, have concluded public procurement contracts on works, goods or services under Law No 131/2015 on public procurement or have received State Aid, under the Law No 139/2012 on State Aid;

e) non-commercial organizations, trade unions, associations or foundations from the Republic of Moldova or from abroad, charity or religious organisations;

f) public authorities financed from the national public budget, public self-management authorities/institutions, state enterprises and joint-stock companies founded by central and local public administrative authorities, state or municipal enterprises that fell under the Law No 246/2017 on State and municipal enterprises, or other legal persons financed from the national public budget or that have State-owned capital, except for the cases when the granted service or material support is specifically provided by the legislation;

g) foreign legal persons, including with foreign or mixed capital

h) other States or international organisations, including international political organisations.

(6) Electoral competitors, participants in the referendum and initiative groups are prohibited from:

a) offer voters/supporters money, goods, including food products, alcoholic beverages and tobacco products, to provide services or offer other benefits, including humanitarian aid or other charitable actions, in order to determine the voter/supporter to exercise or not to exercise his/her electoral rights in elections;

b) to use for personal purposes funds entered in the account marked “Electoral Fund”/“Intended for the initiative group”;

c) to use other funds than those from the account marked “Electoral Fund”/“Intended for the initiative group”;

d) to use undeclared financial and material funds or to exceed the expenditures other the general ceiling provided in Article 53;

e) to use administrative resources except for the case referred to in Article 70 (6);

f) to receive funds in the account marked “Electoral Fund” later than the day before the elections.

(7) The amounts collected under paragraphs (5) and (6) shall be transferred into the State budget on the basis of a decision of the Central Electoral Commission. The evaluation methodology shall be approved by the Commission with the opinion from the Ministry of Finance.

(8) Materials and items of electoral campaigning referred to in Article 181<sup>1</sup> (3) of Criminal Code No 985/2002 do not fall under the category of goods provided by the paragraph (6) lit. a).

(9) Within 7 days after the start of the electoral period, Media service providers who have submitted statements to cover the elections are required to publish the conditions under which they offer advertising space (including the price/minute) and other related services to electoral competitors, to participants in the referendum or to the initiative groups, by informing the Central Electoral Commission and the Audiovisual Council. The Central Electoral Commission shall publish that information on its official page. During the electoral period, Media service providers are required to submit, to the Central Electoral Commission, weekly information on the incomes obtained from political/electoral advertising of every political party/electoral bloc of parties/electoral competitor.

(10) Within 5 days after the start of the electoral period, advertising broadcasters who own or manage fixed or mobile advertising devices are obliged to publish the conditions under which they offer advertising space and other related services to electoral competitors, referendum participants or initiative groups, informing the Central Electoral Commission. The Central Electoral Commission shall publish that information on its official page. During the electoral period, broadcasters who own or manage fixed or mobile advertising devices are required to submit, to Central Electoral Commission, weekly information on the incomes obtained from political/electoral advertising of every political party/electoral bloc of parties/electoral competitor.

(11) Public authorities and institutions are required to provide support to the Central Electoral Commission and the District Electoral Councils for the purpose of oversee and control of observance of legal provisions on the financing of the initiative groups and the electoral campaigns.

(12) The provisions of paragraph (5) shall not be interpreted and applied in such a way as to limit direct or indirect financing, offered openly and transparently, in order to support the efforts to promote democratic values, international standards for free, democratic and fair elections.

**Article 55.** Person responsible for finance (treasurer)

(1) The electoral competitor, participant in the referendum or the initiative group shall nominate and appoint for confirmation a person responsible for its finances (treasurer) as follows:

a) to the Central Electoral Commission — in the case of the initiative groups and the electoral competitors in the Parliamentary and Presidential Election, in the case of political parties and electoral blocs of parties nominating candidates in local and regional elections and in the case of participants in referendums at all levels;

b) to the District Electoral Council — in the case of initiative groups and independent candidates in local elections.

(2) A request for confirmation of the treasurer may be submitted to the electoral body, simultaneously with the lodging the documents for the registration as an electoral competitor, of participating in a referendum or of an initiative group or, subsequently, after its registration in that capacity.

(3) In order to be confirmed by the electoral body as a treasurer, the nominated person must have specialised studies economics or accounting and not hold public dignity positions.

(4) The electoral competitor, a participant in the referendum or the initiative group shall have the right to appoint as a treasurer a person responsible for its finances, on the basis of a contract submitted to the electoral body for confirmation, in accordance with paragraph (1).

(5) The status of treasurer is incompatible with any other subject involved in the electoral process. During an electoral event, several initiative groups or several electoral competitors/participants in the referendum may not nominate the same person as a treasurer, regardless of the level of the Electoral District in which he/she is running, unless the case when political parties constitute an electoral bloc of parties.

**Article 56.** Regime of bank accounts marked „Electoral Fund”/”Intended for initiative group”

(1) The electoral competitor, a participant in the referendum or the initiative group, within 3 days of its registration, opens a bank account marked „Electoral Fund”/ ”Intended for initiative group”, transferring to it its own funds and funds received, in accordance with the law, from natural persons who are citizens of the Republic of Moldova or from domestic legal persons. For the purposes of opening the account marked “Electoral Fund”/“Intended for initiative group”, the electoral competitor, the participants in the referendum or the initiative group must to be subjects to fiscal records in the manner established in Article 162 (1) a) of Tax Code No 1163/1997.

(2) Banks shall open for the electoral competitor, participant in the referendum or for the initiative group, an account marked „Electoral



Fund”/”Intended for the initiative group” after the registration of the electoral competitor, participant in the referendum or the initiative group, but no later than 3 days after the application has been submitted to the bank. The opening and close of those accounts shall be free of charge.

(3) In the case of political parties and electoral blocs of parties, the account marked „Electoral Fund”/”Intended for initiative group” may be also opened until the registration of the electoral competitor, participant in the referendum or the initiative group. The funds shall be received to this account only after the electoral competitor, the participant in the referendum or the initiative group has been registered. Transfers of funds from this account shall be made only after the electoral competitor, the participant in the referendum or the initiative group has been registered, but not earlier than 30 days before the Elections Day.

(4) Within 24 hours of opening the account marked „Electoral Fund”/”Intended for the initiative group”, the electoral competitor, the participant in the referendum or the initiative group, shall inform, in writing, the Central Electoral Commission or, where appropriate, the Electoral Council and communicate those banking data.

(5) Within 3 days of its registration, the electoral competitor, the participant in the referendum or the initiative group who does not open a bank account marked „Electoral Fund”/”Intended for initiative group”, shall inform the Central Electoral Commission in writing or, where appropriate, the Electoral Council and conducts only electoral campaign or promotion activities which do not involve any financial costs.

(6) The political parties and the electoral blocs of parties which have appointed candidates in local elections, open a single bank account marked „Electoral Fund” and propose a person responsible for finance (treasurer) for confirmation to the Central Electoral Commission in accordance with Article 55. All funds related to the financing of the electoral campaign of registered candidates, nominated by political parties and by electoral blocs of parties, shall be managed through this account.

(7) If several types of elections are organised on the same day, competitors shall open separate accounts for each type of election.

(8) All the expenses for the activity of initiative groups and for electoral campaigns shall be covered from the account marked „Electoral Fund”/”Intended for initiative group”.

(9) The financial means from the account marked „Electoral Fund”/”Intended for initiative group” may be used only after being declared to the Central Electoral Commission and, in the case of independent candidates in local and regional elections, to the District Electoral Council.

(10) The cash receipt and/or transfer of funds to/from the account, marked “Electoral Fund” or “Intended for initiative group”, shall be carried out exclusively in national currency.

(11) The Bank in which accounts marked “Electoral Fund”/“Intended for initiative group” are being opened, shall inform daily, by electronic means, the Central Electoral Commission or, where appropriate, the District Electoral Council on the money flow and on the balance on the respective bank accounts. The information submission procedure referred to in this paragraph shall be determined by the Central Electoral Commission. The information shall be presented at the request of the Commission or, where appropriate, at the request of the District Electoral Council. The Bank also submits the documents referred to the operations from those bank accounts.

(12) After the expiry of the deadline set for the collection of signatures or after completion of the process of collecting signatures, the Initiating Group shall inform the bank accordingly, in order to suspend the operations from the account marked “Intended for initiative group” and perform closing actions for that account, in accordance with the banks’ internal procedures.

(13) In the case of electoral competitors and participants in the referendum, the latest payments from the account marked „Electoral Fund” shall be made on Monday, immediately after the Elections Day. On the following Tuesday, banks shall suspend operations on the account marked „Electoral Fund” and take the closing actions or, where appropriate, suspend the account, in accordance with the banks’ internal procedures.

(14) It is prohibited to receive cash and/or transfer of funds to the account, marked “Electoral Fund” or “Intended for initiative group”, after the submission of final report, in accordance with Article 58.

(15) Following submission and examination of the final reports, the electoral competitor, the participants in the referendum or the initiative group shall be required to transfer the balance from the account marked “Electoral Fund”/“Intended for the initiative group” to the State budget and to suspend or close the account, in accordance with the internal procedures of the banks, with the following exceptions:

a) in the case of initiative groups established by political parties, the balance of the account marked „Intended for the initiative group” may be transferred to the

bank account of the political party or to the account marked „Electoral Fund”, immediately communicating that fact to the Commission. The balance may also be transferred by written application, submitted, within 3 days from the expiry of the period laid down in paragraph (12), to the bank in which was opened the account marked „Intended for initiative group”;

b) in the case of initiative groups established by citizens to support candidates in elections, the balance from the account marked “Intended for the initiative group” may be transferred to the account marked “Electoral Fund” of the candidate supported and registered as an electoral competitor, by immediately communicating that fact to the Commission or, where appropriate, to the District Electoral Council. The balance may also be transferred to the bank in which was opened the account marked „Intended for initiative group”, by written application, submitted within 3 days from the expiry of the period laid down in paragraph (12).

c) in the case of political parties, the balance of the account marked “Electoral Fund” may be transferred to their bank account, by immediately communicating that fact to the Commission. The balance may also be transferred, by written request, submitted within 3 days from the expiry of the period laid down in paragraph (13), to the bank in which was opened the account marked “Electoral Fund”;

d) the provisions of lit. a) and c) shall apply also to electoral blocs of parties, under the condition that they have provided the procedure in this regard, in the agreements establishing the electoral blocks.

(16) In the event of failure to comply with the provisions of paragraph (15), the Central Electoral Commission or, where appropriate, the District Electoral Council, within 3 days from the expiry of the period laid down in paragraph (15) lit. a) to c), may order, by decision, the closure of the account marked „Electoral Fund”/”Intended for initiative group” of the electoral competitor or of the participant in the referendum or of the initiative group and to oblige the Bank to transfer the balance from the account marked „Electoral Fund”/”Intended for initiative group” to the State budget, after charging all the fees.

(17) From the moment the decision of the Central Electoral Commission establishing the second round of elections or Repeated voting is adopted, the suspension of operations in the account marked “Electoral Fund” shall be cancelled by the bank, at the request of the electoral competitor.

#### **Article 57. Rules on donations**

(1) The donations to the initiative groups, to electoral competitors or participators in the referendum may be of the following types:

a) cash donation from the activity of employee, entrepreneurial activity, scientific or creation activity carried out by citizens of the Republic of Moldova,

scholarships, pensions, social benefits or other legal incomes, with the exception of social assistance;

b) donations in the form of properties, goods, merchandise, objects or services offered free of charge or on more advantageous terms than the commercial or market value. Those donations are reflected according to the market value and fall within the limits of the donations set out in paragraph (4). In order to prevent the use of funds, by bypassing the accounts marked „Electoral Fund”/”Intended for initiative group”, it is prohibited to donate properties, goods, merchandise, objects or services, the final destination of which was adjusted during the electoral period, and involved the use of funds which are not reflected in the accounts marked „Electoral Fund”/”Intended for initiative group” for use in electoral campaigns.

(2) The initiative groups, the electoral competitors and the participants in the referendum have the right to accept cash donations only directly into the account marked „Electoral Fund”/”Intended for initiative group”.

(3) Political parties which have established initiative groups and/or nominated candidates in elections shall have the right only to accept donations directly into the account marked “Electoral Fund”/“Intended for the initiative group”, in accordance with the rules laid down in this Code. The political party may transfer to its account marked „Electoral Fund”/”Intended for initiative group” its own funds, held in its account at the date of the start of the electoral campaign or of the period for collecting signatures, under the condition of submitting the financial report to the Central Electoral Commission, indicating the data provided for in Article 58 (1).

(4) Donations may be made by natural and legal persons subject to the restrictions laid down in Article 54 (5), under the following terms:

1) natural persons who are citizens of the Republic of Moldova:

a) have the right to donate, during the period of activity of the initiative groups and during electoral campaigns up to 6 average monthly wages for the year in question, but not more than 30 % of their annual income recorded in the preceding calendar year;

b) in case they hold the position of public dignity, public servants, including officials with special status, or employees in public organisations under the Law No 133/2016 on the declaration of personal assets and interests, may make donations up to a maximum ceiling of 10 % of their annual income, but not more than 6 average monthly wages for the year in question;

c) if the donor receives only scholarships or other social benefits, the ceiling for the donation may not exceed one average monthly wage for the year in question;

d) shall make donations, in the course of a financial year, to one or more initiative groups, electoral competitors or participants in the referendum within the limits of the ceilings laid down in lit. a) to c);

e) shall make cash donations up to one average monthly wage for the year in question. Donations in cash may be used only after they have been deposited in the account marked „Electoral Fund”/”Intended for initiative group”. The procedure for the receiving and deposit of cash donations shall be established by the Central Electoral Commission;

f) shall make donations exceeding the limit laid down in lit. (e), but up to the ceilings laid down in lit. a) and b), exclusively by bank transfer. Donations by bank transfer shall be registered in the account marked „Electoral Fund”/”Intended for the initiative group”, under the provisions of Article 56 (10). In the case of foreign currency donations, made by transfer from bank accounts opened in foreign banks, the foreign currency shall be purchased by the bank and its equivalent in national currency shall be registered in the account marked „Electoral Fund”/”Intended for initiative group”;

2) legal persons:

a) shall make donations to the account marked “Electoral Fund” and “Intended for initiative group” cumulatively up to 12 average monthly wage for the year in question;

b) shall make money donations to the account marked “Electoral Fund”/“Intended for initiative group” only by transfer, together with an affidavit regarding the absence of the restrictions prescribed in Article 54 (5) lit. d), f) and (g);

c) shall present for storage to the entities referred to in paragraph (2) the information provided by the State Tax Service concerning the lack of arrears with the state budget.

(5) Donations exceeding the established ceilings, as well as amounts received in breach of the provisions of paragraph (4) point 2), shall be transferred into the State budget, by decision of the Central Electoral Commission.

(6) The peculiarities of contributions in the form of donations, conditions and accounting arrangements and the procedure for declaring them, shall be determined by the regulations approved by the Central Electoral Commission.

**Article 58.** Reports on the financing of political parties, initiative groups and electoral campaigns

(1) Political parties and electoral blocs of parties that nominate candidates in elections, electoral competitors, the participants in the referendum and the initiative groups, whose electoral campaign or the collection of signatures activity involves financial and material resources, submit reports which will contain information on accumulated incomes and incurred expenditures, together with the donor’s name and forename, the State identification number (IDNP), domicile address, date of birth, place of work, position (occupation/activity field), if the case, the membership in the

electoral party, donors' revenue or financing source - for natural persons, or the name and state identification number (IDNO) – for legal persons. The copies of related primary documents should be attached. The model of reports and the procedure for their filling and submission shall be approved by the Central Electoral Commission.

(2) The services and actions referred to in Article 57 (1) lit. b), carried out free of charge by natural and legal persons as well as voluntary activities performed during the period of collecting signatures and during the electoral campaign of the candidate, of electoral competitor or participant in the referendum, shall be evaluated by each of them at the market price and must be indicated in the financial report in accordance with the procedure established by regulations approved by the Central Electoral Commission.

(3) In the case of parliamentary, presidential, regional, local elections and Republican Referendum, regardless of their type, political parties and electoral blocs of parties nominating candidates in election, the participants in the referendum, the initiative groups, candidates for the position of President of the Republic of Moldova and the independent candidates, with the exception of those referred to in paragraph (4), submit to the Central Electoral Commission the reports on accumulated incomes and incurred expenditures during the electoral campaign, respectively, during the period of initiative groups' activity, signed by the responsible persons, in compliance with the following terms:

- a) on a weekly basis, according to the graphics approved by the Commission in the Calendar Programme;
- b) within 3 days after the Elections Day (Wednesday) for the entire electoral campaign (final report);
- c) in the case of the initiative groups, the final report for the entire period of work of the initiative group shall be presented no later than 3 days after the date of submission or, where appropriate, the deadline for submission of the signatures collecting lists to the Commission.

(4) Independent candidates in regional and local elections and initiative groups established for collecting signatures to support the candidates, shall submit to the concerned District Electoral Council the reports on accumulated incomes and incurred expenditures during the electoral campaign, respectively, during the period of initiative groups' activity, signed by the responsible persons, in compliance with the following terms:

- a) on a weekly basis, according to the graphics approved by the Commission in the Calendar Programme;
- b) within 3 days after the Elections Day (Wednesday) for the entire electoral campaign (final report);

c) in the case of the initiative groups, the final report for the entire period of work of the initiative group shall be presented no later than 3 days after the date of submission or, where appropriate, the deadline for submission of the signatures collecting lists to the District Electoral Council.

(5) Reports on the financing of political parties, initiative groups and electoral campaigns must be presented compulsorily, by automated reporting electronic means, through the IT subsystem “Financial Control”, part of the State Automated Information System “Elections” and, at the request of the Central Electoral Commission - on paper support.

(6) Reports on the financing of political parties, initiative groups and electoral campaigns, received under paragraph (3) and (4), shall be checked beforehand by the Central Electoral Commission or, where appropriate, by the District Electoral Council for completeness of the information and for meeting the requirements for their preparation.

(7) If the information submitted by the initiative group, the electoral competitor, the participants in the referendum, under the terms of paragraph (1) and (2), is incomplete and/or the corresponding documents have not been attached to the report, the Central Electoral Commission or, where appropriate, the District Electoral Council shall be entitled to request from the subject that submitted it, for additional data and/or documents. The later must present it within the indicated deadline, but not later than 48 hours from the date of the request.

(8) No later than 24 hours after receiving and accepting the reports, checked in accordance with paragraph (6), the Central Electoral Commission shall place them on its official website, in accordance with the law on the personal data protection. The District Electoral Councils shall send the reports to the Central Electoral Commission and the corresponding local public administrative authorities to publish them on their official websites, under the same conditions.

(9) For the purposes of compliance with the legislation on access to information, freedom of expression and the protection of personal data, the information contained in the financial reports of the initiative groups or electoral competitors shall be made public, with the exception of the IDNP, the date of birth, domicile or temporary residence of the natural person.

(10) Reports on the financing of political parties, initiative groups and electoral campaigns shall be verified and analysed by the Commission or, where appropriate, the District Electoral Council, which shall take a decision to that effect.

(11) For the purposes of verifying and examining reports, the Central Electoral Commission or, where appropriate, the District Electoral Council shall have the right to request and receive from natural and legal persons, regardless of the form of organisation of the legal person, the necessary information within the limits of their powers (including personal data, information relating to commercial, bank, tax secrets etc.). The notified subjects are obliged to present the requested information within the established term, but no later than 48 hours from the moment of registration of the request. Upon request and depending on the nature of the requested information, this period may be extended by the Central Electoral Commission or, where appropriate, by the District Electoral Council, but the time-limit shall not exceed 3 days in total.

(12) In order to clarify reasonable suspicions, the Central Electoral Commission or, where appropriate, the District Electoral Council may cooperate or notify the public authorities that hold public information systems and/or have control powers, to provide the necessary information or carrying out additional checks, within the limits of the functional competence.

**Article 59.** Basic principles of oversight and control of the financing of political parties, initiative groups and electoral campaigns

(1) The purpose of oversight the financing of political parties, initiative groups and electoral campaigns is to verify how the initiative groups, the electoral competitors and the participants in the referendum comply with the regulatory framework during the period in which they operate, including checking the correctness, completeness of information and the time limit for submitting financial reports with the necessary annexes, within the limits of what is declared and presented by the subject.

(2) The purpose of control of the financing of the initiative groups and the electoral campaigns is to verify how the initiative groups, the electoral competitors and the participants in the referendum observe the regulatory framework during the period in which they operate, including by verifying the content of the financial reports and primary accounting documents, if they correspond to the conducted campaign activities and to the presentation of all the revenues and expenditures from the period of initiative groups operation and from the electoral campaign.

(3) Oversight and control of the financing of political parties, initiative groups and electoral campaigns shall be carried out at the premises of the Commission or on the spot. In the event of disagreement by the body subject to the control or by the owner (administrator) of the property where the on the spot control is to be carried out, an action shall be filed in the court to authorize the on-site financial



control without the consent of the entity subject to control or the owner (administrator) of the property.

(4) The Central Electoral Commission or, where appropriate, the District Electoral Council shall approve, by decision, the results of the oversight of the funding of the initiative groups and the electoral campaigns, which shall be reflected in the report on the elections results.

(5) The control of the financing of political parties, initiative groups and electoral campaigns shall be carried out on the basis of a set of methods and shall provide organisation and control operations, as well as well as capitalizing on its results, such as: factual verification, documentary checks, full verification, partial verification, thematic verification, operational verification, cross-check. The results of the control shall be announced within 6 months from the moment of confirmation of the election results and can be extended if necessary.

(6) The process of planning, organisation and conduct of control of the financing of political parties, initiative groups and electoral campaigns is stipulated in regulations approved by the Central Electoral Commission.

(7) In the oversight and control process concerning the financing of political parties, initiative groups and electoral campaigns, the Central Electoral Commission may request further documents and/or additional explanations which it considers necessary and the responsible persons shall be required to submit them within the time-limits set by the Commission.

(8) Oversight and control of the financing of political parties, initiative groups and electoral campaigns may be carried out on several occasions if new circumstances attesting the existence of evidence of breach of the legislative framework have subsequently been detected.

(9) Repeated control of the financing of political parties, initiative groups and electoral campaigns may be carried out also in the context of the consideration of complaints and notifications.

(1) Repeated control of the financing of political parties, initiative groups and electoral campaigns shall be approved by the decision of the Central Electoral Commission.

## **Chapter VI VOTERS' LISTS**

### **Article 60. State Register of Voters**

(1) The Central Electoral Commission is the owner of the State Register of Voters and manages and updates it. The method of compilation, management and updating of the State Register of Voters is laid down by the Regulation approved by the Central Electoral Commission.

(2) The State Register of Voters shall be updated automatically on the basis of the State Register of the Population. At the request of the Commission, the authority holding the State Registry of the Population shall provide, free of charge, other data or information necessary for the updating of the State Register of Voters.

(3) In the State Register of Voters, shall be recorded for each voter the following data:

- a) surname, first name and patronymic;
- b) date, month and year of birth;
- c) State identification number (IDNP);
- d) sex;
- e) domicile address (country, locality, street, house, bloc, apartment);
- f) the temporary residence address (country, locality, street, house, bloc, apartment);
- e) identity document series and number (identity card, passport);
- h) the number of the polling station where he/she is allocated in accordance with domicile or in which he/she has expressed his/her will to vote and the address of the polling station;
- i) the date of the last amendment of personal data;
- j) other references on the basis of confirmatory documents.

(4) Citizens of the Republic of Moldova eligible to vote who have been removed from the register at the place of domicile or temporary residence in the Republic of Moldova, including those who have established their domicile or temporary residence abroad, remain on the register of voters, with the mention “without residence”.

(5) On the basis of the information provided by the bodies holding it (Public Service Agency, Ministry of Justice, Ministry of Defence), persons who have lost their electoral rights shall be recorded in the State Register of Voters with the corresponding marking. Persons who have lost the electoral rights do not appear on the Voters' Lists.

(6) The data and information contained in the State Register of Voters are exclusively intended for the electoral process and are accessible on the official web page of the Central Electoral Commission, each voter having access only to his/her personal information.

**Article 61. Voters' Lists**

(1) The Voters' Lists represent documents authenticated by the Central Electoral Commission, that include all citizens eligible to vote who have their domicile or temporary residence on the territory of a polling station. Voter may be included only in one Voter's List and in single polling station. The voter who has both domicile and residence address shall be included, during the period of validity of his/her temporary residence, on the Voter's List corresponding to the polling station where he/she has his/her temporarily residence. The Regulation on the compilation, administration, spreading and updating of the Voters' Lists shall be approved by the Central Electoral Commission.

(2) The basic Voter's List shall contain the following data:

- a) the name and date of the electoral event;
- b) the locality, polling station number and number of the Electoral District;
- c) surname and first name, year of birth of the voter;
- d) domicile/temporary residence of the voter;
- e) State identification number (IDNP), identity document series and number;
- f) column 'Note';
- g) columns for signature by the Precinct Electoral Bureau Member and voter.

(3) The Voters' Lists shall be drawn up by polling station on the basis of the information from the State Register of Voters. The list of a polling station shall be ordered alphabetically, according to the surname, first name of the voters or in line with the street name, the house/block number, in growing order, the surname and the first name of the voters. The allocation of voters to the polling stations shall be done by the registrars from the local public administration authorities, authorised for that purpose, in accordance with the procedure laid down by the Regulation on the State Register of Voters, approved by the Central Electoral Commission.

(4) For persons performing military service, the Voters' Lists shall be drawn up on the basis of data submitted by the commanders of the concerned military units. Soldiers who have their place of residence outside military premises and members of their families shall be entered on the Voters' Lists of the home.

(5) For the polling stations created in health resorts, rest-homes, and in hospital facilities and other inpatient medical facilities, the Voters' Lists shall be drawn up on the basis of the voters declaration on his/her place of stay or data submitted by the management of those institutions.

(6) For the polling stations established outside Moldova, the Voters' Lists shall be drawn up in accordance with the procedure laid down in the Regulation on

compilation, administration, spreading and updating of the Voters' Lists, approved by the Central Electoral Commission.

(7) If the voter changes his/her place of residence or will not be present at his/her domicile or temporary place of residence during the Elections to the Parliament, for the position of President of the Republic of Moldova and Republican Referendum, the Precinct Electoral Bureau to which the voter is being allocated according to the basic Voter's List, at the request of the voter and on the basis of the identity document, accepted for voting, shall issue him/her a certificate for the right to vote. The voter shall confirm the receipt of the certificate for the right to vote, by signing in a special register maintained by the Precinct Electoral Bureau. The reference on the issue of the certificate for the right to vote shall be made by the Precinct Electoral Bureau under the heading 'Note', which indicates the date of issue, the voting certificate number and the name of the member of the Precinct Electoral Bureau which issued it.

(8) Persons eligible to vote who, after the last participation in the elections, changed their place of residence are entitled, no later than 25 days before the next Parliamentary, Presidential Elections or Republican Referendum, to declare their new place of stay in order to be included on the Voters' Lists of the polling station corresponding to that place of stay. The procedure for declaring a stay is laid down by the Regulation approved by the Central Electoral Commission.

(9) The Voter's Lists shall be transmitted by the Central Electoral Commission to the local public administration authorities at least 22 days before the Elections Day, in a stamped copy, with the application of other protective marks on each page. The Voter's List shall be forwarded immediately to the Precinct Electoral Bureau in order to ensure the verification by voters, representatives of the electoral competitors/participants in the referendum and observers. After making the changes, at least 7 days before the Elections Days, the lists shall be printed repeatedly and shall be forwarded at the latest simultaneously with the ballot papers, in 2 stamped copies, with the application of other protective marks on each page, one of which shall be sent for storage to the Mayors' Office, through the Precinct Electoral Bureau.

(10) Modifications to the Voters' Lists may be requested from the Central Electoral Commission or the Precinct Electoral Bureau at least 7 days before the Elections Days. The Precinct Electoral Bureau shall immediately notify the registrars of local public administration authorities on the requested changes, by attaching the supporting documents. The registrar shall verify the data and, where appropriate, carry out the corresponding marks in the State Register of Voters.

(11) For the second round, the same basic Voter's Lists are being used. The Supplementary Voter's Lists shall be drawn up separately for each round of elections.

### **Article 62. Verification of the Voters' Lists**

(1) Voter's Lists containing the names, forenames, year of birth and domicile/temporary residence of each voter shall be made available at the premises of the polling stations no later than 20 days before the Elections Day. Within the same period, the voters are being informed by all available communication means (Media, telephone, posters, internet) of the possibility of verifying the Voter's Lists at the premises of the Precinct Electoral Bureau.

(2) The voter may check his/her data through the information resources of the Central Electoral Commission, in accordance with the procedure established in that regard.

(3) Voters, representatives of the electoral competitors, participants in the referendum and observers shall be offered the opportunity to get acquainted with the Voter's Lists and to verify whether the data on voters are correct. They shall have the right to submit requests for inclusion on or exclusion from the list and to correct errors committed when entering their personal data or data of other voters, no later than 7 days before the Elections Day. Requests shall be examined within 24 hours by the notified electoral body. The decisions on the submitted request may be challenged by interested subjects in the Court, according to the established procedure, if their request to correct or include the data in the list was rejected.

(4) The Voter's Lists used on the Elections Day, that contain the full data on voters from that polling station, in accordance with Article 61 (2), shall be forwarded to the Precinct Electoral Bureaus, at the latest simultaneously with the ballot papers. Access to the Voters' Lists shall be permitted on the basis of a confidentiality declaration, the model of which is being approved by the Central Electoral Commission.

(5) The Central Electoral Commission shall draw up and approve: the procedure for compilation, verification and updating Voter's Lists, by expressly regulating the manner in which the lists are being transmitted to the Precinct Electoral Bureaus; the terms and conditions for including/excluding voters in/from the Voters' Lists by the members of the Precinct Electoral Bureau; the rules for the subsequent submission of the final Voter's Lists and other necessary aspects.

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

## **CONFIRMATION OF ELECTORAL COMPETITORS REPRESENTATIVES**

### **Article 63.** Nomination of candidates

(1) In Parliamentary and Presidential Elections, the procedure for the nomination of candidates shall start 60 days before the Elections Days and ends 30 days before the Elections Days. In local elections, candidates shall be nominated after the District Electoral Councils have been established in accordance with Article 157, but not earlier than 60 days before the Elections Days.

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

- a) political parties registered until the set of the date of elections, in accordance with their statutes (regulations) and legislation;
- b) electoral blocs of parties;
- c) citizens of the Republic of Moldova who submit their own applications (independent candidates, candidates for the position of President of the Republic of Moldova).

(3) The procedure for nomination of candidates shall comprise:

a) in the case of political parties and electoral blocs of parties – the approval, within the meetings of the bodies authorised in accordance with the statutory provisions, respectively, with the agreements for establishing them, confirmed by minutes (extracted from the minutes), of the decisions/orders on the nomination of candidates/lists of candidates for elective public positions. In presidential elections – establish initiative groups for the collection of signatures to support the nominated candidates, as well as prepare and submit the necessary documents for registration as an electoral competitor, under the conditions of this Code;

b) in the case independent candidates/candidates for the position of President of the Republic of Moldova — submit an application for an elective public position, where appropriate, to establish the initiative group to collect signatures to support the candidate, as well as prepare and submit the necessary documents for registration as an electoral competitor, under the conditions of this Code.

(4) The procedure for nomination of candidates shall also include the stage of collection of signatures by the persons who present their own candidature and/or by initiative groups to support candidates to elective positions.

(5) The subjects listed in paragraph (2) cannot take decisions on the initiation of the procedure for nomination of candidates/of their own candidature, before the beginning of the nomination period referred to in paragraph (1) and the documents

drawn up for that purpose, before the beginning of the period referred to in paragraph (1), shall be considered null.

**Article 64.** Peculiarities of the creation and registration of electoral blocs of parties

(1) The electoral blocs of parties for all types of elections shall be registered by the Central Electoral Commission.

(2) In the case of Parliamentary, Presidential and Local Elections, the acts necessary to register the electoral blocs of parties shall be submitted with the Central Electoral Commission no later than 30 days before the beginning of the candidates nomination period.

(3) Political parties may agree on the establishment of an electoral bloc of parties, recording their decision to participate in its establishment, approved in accordance with their statutes (regulations), in minutes.

(4) The electoral blocs of parties shall be created on the basis of the establishment agreement, approved by registered political parties that have decided to participate in the creation of an electoral bloc of parties, in the manner provided for by law, before the Elections date has been set.

(5) The agreement to establish the electoral bloc of parties shall include:

- a) the constituent parts of the electoral bloc of parties;
- b) the full name, abbreviated name of the block and, where appropriate, the electoral symbol in graphic format, together with its textual description;
- c) the person/body having the right of representation and the contact details;
- d) the manner of withdrawing of one of the parts from the electoral bloc of parties and/or association with another political party;
- e) the procedure for nominating the candidate (candidates)/list (lists) of candidates and the procedure for amending the list (lists) of candidates, where appropriate, the procedure for establishing the initiative group;
- f) the manner and procedure for distributing the allocations from the State budget;
- g) the manner of reimbursement of the credit requested and offered from the State budget for the conduct of the electoral campaign and of the expenses connected with the organisation and holding of elections in accordance with Articles 51 and 52;
- h) the procedure for the liquidation (cessation of activity) of the electoral bloc of parties;
- i) where applicable, documents drawn up in Art. 68 (1);
- j) other provisions which do not contravene the rules of this Code.

(6) Within 5 days after the receipt of the acts, the Central Electoral Commission shall adopt a decision on the registration or refusal to register the electoral bloc of parties. In the event of refusal to register the electoral bloc of parties, the constituent political parties may nominate their candidates on their own

(7) Political parties which have established the electoral bloc of parties shall not be entitled to appoint the candidate (candidates)/list (lists) of candidates on their own.

(8) If, after the end of the period of nomination of candidates, in the composition of the bloc of parties, remains only one constituent party, the block is not considered as being automatically dissolved.

**Article 65.** Collection of signatures in support of the candidate  
for the position of President of the Republic of Moldova  
and of the independent candidate

(1) For the purposes of this Article, signatures shall be collected only to support candidates for the position of the President of the Republic of Moldova and for independent candidates for the position of Member of the Parliament of Moldova, councillor in local council and/or the Mayor.

(2) Signatures shall be collected in accordance with the general requirements laid down in this Article and the special conditions laid down in Titles III to V, corresponding to the type of elections for which the candidate is supported, as well as those laid down in the administrative acts adopted by the Central Electoral Commission for that purpose, including by ensuring compliance with the legislation on the protection of personal data.

(3) Shall have the right to collect signatures independent candidates, candidates for the position of President of the Republic of Moldova and the members of the initiative group (collectors), established to support those candidates in elections. In Presidential Elections, the establishment and registration of the initiative groups for the collection of signatures shall be compulsory. In Parliamentary and Local Elections, the independent candidate may choose not to establish an initiative group if he/she decides to collect signatures by himself/herself.

(4) The manner for establishing and registering the initiative groups to support candidates for one of the elective positions listed in paragraph (1) is laid down by Titles III to V and in the administrative acts of the Commission adopted for that purpose. The initiative group, established under the terms laid of this Code, shall be registered at:



a) the Central Electoral Commission — in case of supporting the candidate for the position of President of the Republic of Moldova or an independent candidate for the position of Member of the Parliament of the Republic of Moldova;

b) the District Electoral Council — in case of supporting an independent candidate for the position of councillor in local council and/or Mayor.

(5) The collection of signatures shall begin on the date of nomination of the candidate under the conditions laid down in Article 63. The electoral body shall issue the signatures collecting lists and the badges for the collectors on the date of registration of the initiative group and/or on the date of independent candidate addressing.

(6) Signatures shall be collected on the basis of the signatures collecting lists, the model of which is being approved by the Central Electoral Commission. The signatures collecting lists shall be issued by the electoral body which has the power to register the candidate.

(7) The signatures collecting lists shall include the elective position for which signatures are collected, the candidate's surname and forename, the year of birth, the profession (occupations), the place of work and the person who appointed him/her, as well as the surname and forename of the collector.

(8) In the signatures collecting list, the candidate's supporter shall fill in the personal data and apply the signature by himself/herself. If the supporter cannot, for objective reasons, fill in the requested data in person, that information shall be completed by the collector. The signature on the signatures collecting list shall be applied by the supporter in person, if this is not possible - by its representative.

(9) The collector shall be responsible for the authenticity of the data on drawn up signatures collecting list. On each signatures collecting list, the collector states that the signatures were collected by him/her and that he/she confirms the authenticity of the signatories and then signs.

(10) For infringement of the provisions on the procedure for collecting signatures and on the protection of personal data, the collector is liable according to the law.

(11) The supporter of the candidate can only be a person who, at the time of signing the signatures collecting list, is eligible to vote. A voter may support several candidates, including for several elective duties, by signing for them. A voter cannot support the same candidate, by signing, twice or more times.

(12) Depending on the type of held elections, the signatures are being collected:

a) in any locality in the national electoral district — in Parliamentary Elections;

b) in any locality from at least half of the number of localities from the second-level administrative-territorial units, established in accordance with Law No 764/2001 on the administrative and territorial organisation of the Republic of Moldova – in Presidential Elections;

c) in the locality/localities of the Electoral District in which he/she submits the candidature – in local elections.

(13) The signatures collecting list will only contain signatures of supporters who are allocated in a single district in which elections are to be held. In Elections for the position of President of the Republic of Moldova, the signatures collecting list shall contain only signatures of supporters from the same second-level administrative-territorial unit.

#### **Article 66.** Submission of the signatures collecting lists

(1) The signatures collecting lists shall be submitted with the relevant electoral body together with the documents necessary for registering candidates. The procedure for receiving documents and signatures collecting lists is laid down in regulations on the peculiarities of the nomination and registration of candidates for each type of elections, approved by the Central Electoral Commission.

(2) If the candidate is being supported for the Parliamentary, Presidential or Local Election, the lists including the signature of supporters shall be submitted, no later than 30 days before the Elections Days, to the corresponding electoral body for verification. It is prohibited to lodge additional signatures collecting lists after the electoral body has received and registered the signatures collecting lists.

(3) After receiving the signatures collecting lists, the electoral body shall verify the signatures in accordance with Article 67. Verification of the signatures collecting lists is carried out simultaneously with the examination of documents submitted for candidates, under the conditions and time-limits laid down in Article 68.

#### **Article 67.** Verification of signatures collecting lists

(1) The electoral body shall verify the authenticity of the data entered and the signatures on the signatures collecting lists within the amount limit laid down in Articles 113, 139 and 164.

(2) In order to check the signatures collecting lists, the electoral body shall use the electronic application. The Guide for the application's operation shall be approved by the order of the Chairperson of the Central Electoral Commission.

(3) In the process of verification of signatures collecting lists, shall be entitled to attend, upon request submitted to the electoral body, the following subjects – candidates and/or leaders of initiative groups, as well as accredited observers. Candidates for elections and/or leaders of the initiative groups shall have the right to attend only the process of checking the signatures collecting lists which they have submitted. The conditions for attending the process of checking the signatures collecting lists are laid down in the guide provided for in paragraph (2).

(4) The signatures collecting lists shall be completely invalidated if they:

- a) they are of a different model or series (number) than those issued by the electoral body to the collector;
- b) are not being signed by the collector in the manner laid down in Article 65 (9);
- c) do not contain the surname and forename of the candidate in support of which the signatures are being collected.

(5) The signature from the signatures collecting list shall be invalidated if the supporter:

- a) enters the personal data but did not applied the signature in accordance with the procedure laid down in Article 65 (8);
- b) is not eligible to vote at the date of signature application on the signatures collecting list;
- c) has entered his/her data from the expired identity document;
- d) is being allocated in another Electoral District than the one on the territory of which the signatures were collected;
- e) entered incorrect identity data on the signatures collecting list, which do not enable to identify him/her.

(6) The manner in which the signatures collecting lists are drawn up, the procedure for collecting signatures and the time limit for submitting and verifying them and the responsibilities of the collectors are laid down in a regulation approved by the Central Electoral Commission.

#### **Article 68.** Registration of electoral competitors

(1) To be registered as an electoral competitor, the political parties, the electoral blocs of parties, the independent candidates or the candidates for the position of President of the Republic of Moldova shall, no later than 30 days before

the Elections Days, submit the following documents to the Central Electoral Commission or the District Electoral Councils:

a) the decision confirmed by the minutes or, if appropriate, by the extract from the minutes of the meeting of the central or territorial body of the political party or of the electoral bloc of parties, on the nomination of the candidate (list of candidates drawn up in accordance with Articles 111 and 163).

b) the signatures collecting lists containing the sufficient amount of signatures of the supporters of the independent candidate or of the candidate for the position of President of the Republic of Moldova, in accordance with Articles 113, 139 and 164;

c) the candidate's personal data;

d) a statement by the candidate that he/she consented to run for the position he/she was appointed;

e) the statement of personal assets and interests for the last year before the elections, according to the model approved by the Central Electoral Commission. The declaration shall be published in accordance with the procedure laid down in the regulation approved by the Central Electoral Commission;

f) the candidate's affidavit confirming that:

- he/she does not fall under the restrictions laid down in Article 16 (2) lit. c), d);

- in his/her regard, no final acts were issued, regarding the declaration of assets and personal interests, incompatibility statuses and the confiscation of unjustified assets, acts that are not prescribed

g) the health certificate of the applicant for the position of President of the Republic of Moldova, issued by the medical institution where he/she is registered;

h) a statement by the candidate for the position of President of the Republic of Moldova or the Mayor position concerning the suspension, during the term of office, of duties incompatible with the duties of President of the Republic of Moldova or the Mayor, in case the person will be elected and validated;

i) the statement on the suspension from the held position, from the beginning of the electoral campaign - for persons falling within Art. 16 (3);

j) a copy of the diploma, for candidates for the position of President of the Republic of Moldova and Mayor;

k) as the case, the electoral symbol in electronic and printed format;

l) a copy of the candidate's identity document.

(2) The models or technical specifications of the documents referred to in paragraph (1) and the manner of filling and/or submitting them shall be laid down by the regulations on the peculiarities of the nomination and registration of candidates for each type of elections, approved by the Central Electoral Commission.

(3) The lists of candidates for Parliamentary and Local Elections shall be drawn up in accordance with the minimum quota of representation of 40 % for both

sexes. The ranking of candidates on the lists shall be in accordance with the formula: minimum 4 candidates for every 10 places.

(4) The representatives of the political parties, the electoral blocs of parties, the candidates for the positions of the President of the Republic of Moldova and the independent candidates shall submit the documents required for registration only after the Central Electoral Commission, the concerned District Electoral Council publish the information about the place (premises) and time for receiving documents. The timeframe between the moment when the decision establishing the place and time for the receipt of the documents was adopted and the hour fixed for the receipt of the documents shall be at least 24 hours. If representatives of several political parties, of several electoral blocs of parties, submit at the same time all the documents necessary for registration with the concerned electoral body, the order for the receipt of documents shall be established up by the draw of lots, in accordance with the regulation approved by decision of the Central Electoral Commission.

(5) Within 7 days of receipt of the documents referred to in paragraph (1), the electoral body shall register or refuse to register the candidates nominated to run in elections. Decisions adopted by the electoral bodies in this regard may be challenged under the conditions laid down in Chapter XIII.

(6) Within the same elections, a person may apply for more than one elective position, but of different categories/levels and only on behalf of one political party or electoral bloc of parties or as an independent candidate.

(7) Candidates registered in elections may not be employed and may not perform activities in any electoral bodies, during elections.

(8) The electoral body which registered the candidates shall issue badges to the registered candidates as soon as possible and no later than 3 days after the registration.

(9) The electoral body which has registered candidates has to publish, in Media outlets financed from the state budget, its decisions on the registration of independent candidates or lists of candidates.

(10) After the expiry of the deadline for registering candidates, the concerned electoral body shall publish the full the list of candidates registered by it, indicating the last names, first names, the year of birth, political affiliation, the profession (occupation) of the candidates and the name of the political party or electoral bloc of parties nominating them. The lists of candidates shall be made available for consultation in each polling station.

(11) If an electoral competitor submits a list of candidates nominated for elections which do not meet the requirements of paragraph (3), and in the case of existence of restrictions provided for in paragraph (1) lit. f), the Central Electoral Commission or the District Electoral Council shall refuse to register it.

**Article 69.** Appointment and confirmation of representatives in the electoral bodies and Courts

(1) Each electoral competitor may appoint, for the electoral period, one representative in the electoral bodies who have registered them and in the lower-level electoral bodies. Each political party and electoral bloc of parties may nominate, for the electoral period, one representative in the Central Electoral Commission.

(2) The representatives of the electoral competitors shall be confirmed by those electoral bodies no later than 3 days after being appointed. The proposed candidates must be persons eligible to vote. Candidates in elections may not be appointed as representatives.

(3) The representatives of the electoral competitor shall be entitled to participate in all electoral operations, in all meetings of the electoral body which confirmed him/her, including on the Elections Days. Representatives may represent the interests of the electoral competitor also in other authorities involved in the electoral process. They shall have access to all electoral information, to the Voters' Lists, to the minutes drawn up by the electoral bodies, may take pictures and shoot videos, with the notification of the Chairperson of the electoral body and without endangering the secrecy and security of voting. The status of the representatives of the electoral competitors and their other rights and obligations shall be established by the regulation approved by the Central Electoral Commission.

(4) The representative nominated and confirmed by the electoral body under the provisions of this article may defend the interests of an electoral competitor in electoral litigations and under the terms of the Administrative Code and the Code of Civil Procedure. During the Presidential Election, the representatives of the electoral competitors confirmed in the established manner may also carry out their activity in the second round of elections.

**Chapter VIII**  
**ELECTORAL CAMPAIGNING.**  
**RIGHTS AND OBLIGATIONS OF ELECTORAL COMPETITORS**

**Article 70.** Electoral Campaigning

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

(2) The exercise of that right may be made subject to formalities, conditions, restrictions or penalties provided for by law, which are necessary measures for a democratic society, national security, territorial integrity or public security, for the protection of public order and the prevention of crime, the protection of health, the protection of morality, the protection of reputation, the protection of the rights of others, to prevent the disclosure of confidential information or to guarantee the authority and impartiality of the judicial power.

(3) Regardless type of election, the electoral campaign begins on the date of registration of the electoral competitor, but no earlier than 30 days before the Elections Day, and ends on the date on which the electoral competitor's registration is being cancelled or the day of Friday before the Elections Day. In Presidential and Local Elections, candidates who have passed in the second round of elections may conduct an electoral campaign after the establishment of the date of the second round of elections by the decision of the Central Electoral Commission, but no later than 10 days before the Elections Days.

(4) In electoral programmes, in electoral campaigning materials, electoral campaigning activities and electoral advertising which concern, in one way or another, initiative groups, electoral competitors and participants in the referendum shall not be used the images of religious cults or their component parts, foreign officials, state institutions or public authorities from abroad, international organizations. It is prohibited to combine colours and/or sounds referring to symbols of another State, to use materials that contain foreign historical personalities, symbols of foreign countries or international organisations or images of foreign officials, if they lead to contesting and defaming the state and the people, incitement to war aggression, national, racial or religious hatred, incitement to discrimination, territorial separatism, public violence, as well as other manifestations threatening the constitutional regime. By derogation, those provisions shall not apply in cases concerning the commitments assumed by the Republic of Moldova on the basis of international agreements concluded with the European Union.

(5) Shall be prohibited the organized transportation of voters to the polling station on the Elections Day for the purpose of determining them to exercise their electoral rights or the organisation of transportation of voters to the polling station, during the electoral period.

(6) Candidates shall be prohibited from using administrative resources, including by launching or participating in the launching of infrastructure projects or public procurements carried out from the national public budget, the use of public equipment, means and goods, during the electoral period. Public authorities/institutions and similar institutions shall be prohibited from transmitting/offering to electoral competitors of public goods or other favours, than on the basis of a contract, under equal conditions for all electoral competitors.

(7) The placement, in equal conditions, of electoral advertising on advertising boards, including on publicly owned ones, shall be approved by the Central Electoral Commission on the basis of a regulation.

(8) Responsibility for the broadcasted or published content of electoral advertising materials shall lie with the initiative group, the electoral competitor or the participant in the referendum. Advertising materials must comply with the requirements laid down in Article 9 of Law No 62/2022 on advertising.

(9) Each advertising material of independent candidates, who states on its own responsibility that they have not use the typographical services of the specialised entities and have not opened the bank account marked „Electoral Fund”, must contain the following information: Last name/first name of the electoral competitor, the date of printing, the number of copies and the words “printed on his/her own technical equipment”.

(10) The local public administration authorities are required, within 3 days before the start of the electoral campaign, to establish and ensure a minimum number of special places for electoral campaign posters, a minimum of locations for holding meetings with voters. Such decisions/orders shall be immediately displayed at the premises of those authorities and shall be brought to the attention of interested subjects by Media of the other available means of communication.

(11) Electoral competitors may organise meetings with voters. The local public administration authorities are being required to ensure that such meetings take place under equal terms and conditions. The electoral bodies may be notified in the event of found irregularities on the organisation and holding of meetings with voters.

(12) Electoral campaigning is allowed only until Friday before the Elections Day.

(13) For the purposes of the electoral campaign, competitors shall be prohibited from organising concerts, competitions, other events or manifestations involving performers, domestic or foreign creative and/or artistic personnel,



displaying slogans or other messages during such performances and/or distributing materials containing the electoral competitor's symbols or other identification elements, as well as participating in such events for the purpose of political promotion.

(14) the provisions of this article shall also apply to participants in the referendum.

**Article 71.** Trustworthy persons of electoral competitors

(1) Competitors may have trustworthy persons, eligible to vote, in each Electoral District. Trustworthy person assist electoral competitors in holding their electoral campaigns, campaign in favour of candidates and represent their interests in their relations with the public authorities, the voters, the District Electoral Councils and the Precinct Electoral Bureaus.

(2) The number of trustworthy persons, the confirmation procedure, their rights and obligations shall be determined by this Code and by the regulation on the activity of trustworthy persons, approved by the Central Electoral Commission.

(3) Trustworthy persons of electoral competitors in the Parliamentary and Presidential Elections and those of participants in the Republican Referendum shall be confirmed by the Central Electoral Commission. Trustworthy persons of the electoral competitors and of the participants in the referendum in local elections and local referendums shall be approved by the corresponding District Electoral Council. The corresponding electoral body confirms, by decision, the trustworthy persons of the electoral competitors/participants in the referendum.

(4) Electoral competitors may, at least 7 days before the day of the vote, request the electoral body to approve additional trustworthy persons, the suspension of their duties or their replacement by other persons, in compliance with the number criteria and the conditions laid down in this Article and the rules approved by the Central Electoral Commission.

(5) Decisions of the electoral body concerning confirmation, refusal of confirmation and/or substitution of trustworthy persons may be challenged under the conditions laid down in Chapter XIII.

(6) During the Presidential Elections and Local Elections, trustworthy persons of electoral competitors, confirmed in the established manner, may also perform their activity during the second round of elections.

(7) Trustworthy persons of electoral competitors holding public positions are prohibited to use the public means and resources in the electoral campaign.

(8) The provisions of this article shall also apply to participants in the referendum.

**Article 72.** Rights and obligations of electoral competitors/participants in the referendum

(1) The electoral competitors/participants in the referendum shall participate, on a basis of equality in the electoral campaign, enjoy equal rights in the use of Media, under the conditions laid down in Chapter XII.

(2) Candidates, except for the cases provided for in Article 16 (3), shall be entitled, during the electoral campaign, to be suspended from their duties held under the terms of labour law and/or other laws governing their activity. During the electoral period, candidates may not be dismissed or transferred to any other job or position without their consent.

(3) The electoral competitor may withdraw its candidature by written request to the electoral body which registered it, but no later than 10 days before Elections Days. In the case of candidates appointed by political parties and electoral blocs of parties, the requests for withdrawal from the race shall be submitted to the electoral body within the same time limit, by concerned political parties and electoral blocs of parties.

(4) After the expiry of the deadline referred to in paragraph (3), registration of an electoral competitor may be cancelled by the electoral body which has registered it under the Court decision, in the event of his/her death or the fulfilment of the conditions laid down in Article 16 (2) and 102 (5). If the electoral competitor withdraws his/her candidature or the registration is being cancelled after ballot papers are being printed, the Precinct Electoral Bureau shall apply the stamp marked “withdrawn” in the ballot paper.

(5) Political parties and electoral blocs of parties shall make changes to the registered lists, under the conditions and deadlines laid down in Article 68 (3), Articles 111, 115 and 163.

**Chapter IX**  
**BALLOT PAPERS**

**Article 73.** Model and text of ballot papers

(1) Regardless of type of elections, the ballot paper model shall be established by the decision of the Central Electoral Commission. The text of the ballot paper for the Parliamentary Elections, the Presidential Elections and the Republican Referendum shall be approved by the Central Electoral Commission and the text for the Local Elections and the Local Referendum shall be approved by the decision of the corresponding District Electoral Council.

(2) The voters are being registered in ballot papers in the order resulted from the daily draw of lots performed by the concerned electoral body, in accordance with the procedure laid down by the regulation approved by the Central Electoral Commission.

(3) The ballot paper shall be divided into quadrangles, corresponding to the number of electoral competitors participating in the elections. The dimensions of the quadrangle must be sufficient to include the candidate's last name and first name, the name of the political party, the electoral bloc of parties that submitted the list of candidates or the concerned candidates or the words "independent candidate" and, optional, the electoral symbol of the electoral competitor. Until the beginning of the electoral campaign, the electoral symbol may be changed, at the request of the competitor. Shall not be accepted identical or similar identification elements of the electoral competitors. In the case of independent candidates with the same last name and first name, it shall be indicated the father's name, as the case – the year of birth.

(4) The electoral symbol of the electoral competitor that submitted the list of candidates or the respective candidate, or the independent candidate, shall be printed on the left side of each quadrangle, at their request. The candidates' electoral symbols shall be submitted to the competent electoral body together with the documents for registration of electoral competitors. Regardless of the type of elections, political parties and electoral blocs of parties shall present the electoral symbol to the Central Electoral Commission in the requested format. Independent candidates shall submit the electoral symbol, if available, to the electoral body having the power to register them.

(5) The ballot paper for referendums contains the text of the question on which the voters must decide in the referendum, and two squares with the words "YES" and "NO" shall be placed horizontally to the right from the text.

(6) In each quadrangle, on the right, at the same distance from the top and bottom, a circle with the diameter of 15 mm shall be printed, in which the voter shall apply the stamp marked "voted" if he/she votes for an electoral competitor or to decide on one of the options set out in the referendum.

(7) The ballot papers shall be prepared in Romanian. In order to facilitate the participation in elections of ethnic minorities, the ballot papers shall be also prepared in another language, at the request of the electoral bodies from the concerned district.

(8) Where several types of elections are being organised simultaneously, the ballot papers must be of different colours.

#### **Article 74.** Preparation of ballot papers

(1) Ballot papers shall be printed in accordance with the instruction approved by the Central Electoral Commission. Members of the Commission shall be present and the representatives of the electoral competitors/participants in the referendum may assist during the preparation of ballot paper matrix, printing the ballot papers and the destroying of the matrix.

(2) Ballot papers shall be printed on opaque (matt) paper no later than 5 days before the Elections Day, in an amount corresponding to the number of voters. On each ballot paper shall be apply two numbers, corresponding to the order number of the Electoral district and the serial number of the concerned polling station.

(3) Printed ballot papers shall be stored at the District Electoral Council premises and shall be delivered to the Precinct Electoral Bureau on the basis of an delivery-acceptance act, on the day before the Elections, with the exception of those laid down in paragraph (7).

(4) The place where ballot papers are being stored shall be protected by police forces. Only the Chairperson of the relevant District Electoral Council or the Chairperson of the Precinct Electoral Bureau, together with at least two members of the Council or the Bureau, shall have access to ballot papers.

(5) The representatives of the electoral competitors/participants in the referendum, observers and voters have the right to become acquainted with the models of the ballot papers at the premises of the concerned Precinct Electoral Bureau.

(6) For the domestic polling stations, ballot papers shall be sent to the District Electoral Councils by the Central Electoral Commission, no later than 2 days before the Elections Days.

(7) Central Electoral Commission shall send the ballot papers to the Precinct Electoral Bureaus from abroad at least 5 days before the Elections Days, according to the number of voters estimated on the basis of the information provided by the Ministry of Foreign Affairs and European Integration and information gathered by

the Central Electoral Commission, but no more than 5000 ballot papers in each Precinct Electoral Bureau, per each day of elections.

## **Chapter X VOTING**

### **Article 75. Time and place of voting**

Voting shall be held on the Elections Day from 07.00 to 21.00. The Precinct Electoral Bureau shall inform the public on the time and place of voting no later than 10 days before the Elections Days.

### **Article 76. Conditions of voting**

(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 will find another premises, notifying the voters about this fact.

(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) Persons eligible to attend the voting process, shall not be obliged to leave the premises of the polling station during the period, the voting is being suspended.

(4) The electoral procedures for the storage of ballot papers, lists and election documents, and the preparation and transmission of the minutes, in the event of suspension of voting shall be determined by a regulation approved by the Central Electoral Commission.

### **Article 77. Organisation of the voting**

(1) The premises of the polling stations shall be endowed in such a way as to ensure compliance with the requirements of accessibility, legality, transparency, efficiency and solemnity of the voting process. The solemnity of the process shall be ensured by singing the national anthem at the opening of the polling station and

displaying state symbols in the polling station. The terms for ensuring the infrastructure of the polling station shall be determined by the instruction approved by the Central Electoral Commission.

(2) The voting shall be carried out in specially arranged premises with desks for ballot paper issuance and voting booths or rooms for secret voting and ballot boxes. The ballot boxes must be placed in such a way as when approaching them the voters shall enter first the voting booths for secret voting. The premises of the polling station shall have a sufficient number of voting booths for secret voting.

(3) 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 to the ballot boxes.

(4) The polling station premises must be arranged in such a way to allow the Precinct Electoral Bureau members and other persons authorised to assist at the election procedures to continuously observe all aspects of voting procedure, including voter identification, issuance of ballot papers and voters' casting ballot papers into ballot boxes, votes counting and preparation of minutes.

(5) The local public administration authorities must provide the electoral bodies with premises that observe the rules established in the regulations on the accessibility of the electoral process for persons with disabilities, approved by the Central Electoral Commission. Local public administrations authorities shall provide to the polling voting booths, ballot boxes and other necessary materials, in accordance with the instructions referred to in paragraph (1).

(6) Precinct Electoral Bureau shall be responsible for organising voting, ensuring the secrecy of the expression of the voters' will, the endowment of the premises and maintenance of the due order.

### **Article 78. Voting**

(1) Each voter vote in person. Voting instead of other persons shall be prohibited. Voter shall present the ID to the Precinct Electoral Bureau that shall record his/her presence and verify the inclusion on the basic Voter's List. Subsequently, a member of the Precinct Electoral Bureau hands out the ballot paper to the voter. After receiving the ballot paper, the voter shall sign in the Voters' List besides his/her name.

(2) Voters from the territorial range of the polling station who are not included in the basic Voters' List are being registered in a supplementary voters' list upon

presentation of the document certifying their domicile or temporary residence in the territorial range of the corresponding polling station. Those voters confirm on their own responsibility, by signing, abstaining from multiple voting and the fact that they are informed of the criminal liability in case of violation of this obligation.

(3) In the Parliamentary, Presidential Elections and Republican Referendum, the Supplementary Voter's List shall also be entered:

a) voters that came to the polling station with a certificate for the right to vote. The certificate for the right to vote shall be retained by the Precinct Electoral Bureau and shall be attached to the Supplementary Voter's List;

b) the persons detained on the basis of an arrest order until a Court sentence is being pronounced, persons sentenced to prison (deprivation of liberty) whose sentence is not final; persons under arrest for committing a contravention offence, persons sentenced to prison (deprivation of liberty) by a final Court decision, located in penitentiaries from other localities than the place where he/she has his/her registered domicile or temporary residence;

c) voters who do not have a domicile or temporary residence registration;

d) voters who on the Elections Day are in sanatoriums and rest homes, in hospitals and other stationary curative institutions located in a locality other than the place where they registered their domicile or temporary residence, but located on the territory of the Republic of Moldova;

e) citizens of the Republic of Moldova eligible to vote from abroad that on the Elections Day come to the relevant polling station;

f) citizens eligible to vote in the localities situated on the left bank of the Dniester River, who have their domicile or temporary residence in localities which are temporarily outside the sovereign control of the constitutional authorities of the Republic of Moldova, as confirmed by the ID, in the corresponding reference;

g) students and pupils eligible to vote, enrolled in educational institutions in a locality where they do not have domicile or temporary residence registration;

h) military personnel from military units, on the basis of data submitted by the commanders of those military units, under the terms of Article 61(4);

i) Precinct Electoral Bureau officials which on Elections Day perform their activity at the corresponding polling station, without the need to present the certificate for the right to vote.

(4) According to paragraph (3) lit. g), students and pupils eligible to vote, enrolled in educational institutions from a locality in which they do not have domicile or temporary residence registration, may vote at any open polling station in that locality, being required to submit the identity document and the student/pupil card form the educational institution from the corresponding locality.

(5) In local elections and local referendums, the Supplementary Voter's List shall also be entered:

a) the persons detained on the basis of an arrest order until a Court sentence is being pronounced, persons sentenced to prison (deprivation of liberty) whose sentence is not final; persons under arrest for committing a contravention offence, persons sentenced to prison (deprivation of liberty) by a final Court decision, only if they have their registered domicile or temporary residence in the administrative-territorial unit where the corresponding institution is located;

b) voters who on the Elections Day are in sanatoriums and rest homes, in hospitals and other stationary curative institutions, only if they have their registered domicile or temporary residence in the administrative-territorial unit where the corresponding institution is located;

c) electoral officials, in the polling station where they perform their activity, only if they have their registered domicile or temporary residence in the administrative-territorial unit where the polling station is located.

(6) Voting is done, according to the procedure established by the Central Electoral Commission, on the basis of one of the following identity acts:

a) Identity Card of the citizen of the Republic of Moldova, confirming the domicile or temporary residence of voter on the territory of the polling station;

b) temporary Identity Card with the confirmation of the Republic of Moldova citizenship, domicile or temporary residence of the holder;

c) passport of the citizen of the Republic of Moldova, including with an expired period of validity.

(7) The Chairperson of the Precinct Electoral Bureau shall keep a record of the major events which occurred during voting and counting of votes, registering that information in the Precinct Electoral Bureau's activity report. At the request of the members of the Precinct Electoral Bureau, of persons authorised to assist to elections procedures or of any voter, the Chairperson shall make note of their comments and objections relating to the voting procedure in a document attached to the minutes of the Precinct Electoral Bureau.

(8) The Precinct Electoral Bureau shall decide on extending the voting time by a maximum of 2 hours to enable the voters who queue up in the respective polling station, to exercise their rights, notifying the District Electoral Council and the Central Electoral Commission about such an extension..

#### **Article 79. Ballot paper filling in procedure**

(1) The ballot paper shall be filled in by the voter only in a secret voting booth. A voter who is unable to fill in the ballot paper by him/herself is entitled to invite another person into the voting booth to help him/her, except for the electoral officials of the electoral bureau, representatives of electoral competitors/participants in the



referendum, and persons authorised to assist to the election procedures. Such cases shall be recorded separately in the Precinct Electoral Bureau report.

(2) The voter applies the stamp marked “voted” inside the circle of a single quadrangle of the ballot paper, which means that he/she voted for the corresponding electoral competitor or for one of the referendum options. The circles from other quadrangles must remain blank.

(3) Shall be prohibited to take pictures or the public and demonstrative display of the filled in ballot paper or removal of the ballot handed in to cast the vote, from the polling station premises.

(4) A voter shall vote only for a single electoral competitor or one of the referendum options.

(5) If the voter did not fill in properly the ballot paper, at his/her request, the Precinct Electoral Bureau cancels the ballot and issues, only once, a new ballot paper. That case shall be mentioned in the report on the votes counting results, being indicated under the heading "number of unused and cancelled ballots", as well as in the Voters' List.

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

**Article 80.** Ensure the security of the voting process

(1) On Elections Day, between 06.30 and 07.00, the Chairperson of the Precinct Electoral Bureau, in the presence of at least half of the members of the Precinct Electoral Bureau, checks the ballot boxes and seals them. He/she checks the existence of the Voter's Lists, the ballot papers and the stamps and draws up a protocol in two copies. The protocols shall be signed by all the present members of the Precinct Electoral Bureau, a copy shall be placed in the ballot box, after the Chairperson declares the voting opened.

(2) Ballot papers shall be stored in a secure place inside the polling station, in packages of 100 and, where necessary, shall be distributed by the Chairperson of the Precinct Electoral Bureau to the members of the Bureau to be issued to the voters.

(3) Electoral officials from the Precinct Electoral Bureau, representatives of the electoral competitors/participants in the referendum and the persons authorised to observe electoral procedures are required to wear visible identity badges. People entering the polling station shall be prohibited to wear or present badges, electoral symbols or other signs of electoral campaigning.

(4) If, for health or other ground reasons, the voter is unable to come to the polling station in the territorial range of which he/she has his/her domicile or temporary residence, upon his/her written request, the Precinct Electoral Bureau shall nominate no less than two members of the bureau to go to the voter's accommodation place to conduct voting, taking 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 Elections Day and until 14:00 of the day preceding the Elections Day. On the Elections Day, the requests may be approved by the Precinct Electoral Bureau until 14:00, upon the submission of a medical certificate. The procedure for voting at the place of stay shall be established by the Central Electoral Commission. The provisions of this paragraph shall not apply to the polling stations opened abroad and to those organised for voters from the localities situated on the left bank of Dniester River.

(5) Persons detained as per 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 contravention offence, person sentenced to prison (deprivation of liberty) by a final Court decision, located in penitentiaries shall vote in compliance with paragraph (4), by using a mobile ballot box.

(6) If the Chairperson of the Precinct Electoral Bureau authorizes a mobile ballot box as well as the list of voters who requested to vote at place of accommodation to be taken out of the polling station, he/she shall notify such fact to representatives of electoral competitors/participants in the referendum and persons authorised to observe the elections procedures. Those persons are offered the opportunity to accompany the mobile ballot box, by using their own means of transport, where necessary.

(7) Chairperson of the Precinct Electoral Bureau shall have the responsibility for insurance of public order, on the Elections Day, in the area of the polling station and within 100 metres around the polling station premises. Decisions taken to that effect shall be binding for everyone. Failure to comply with the orders of the Chairperson of the Precinct Electoral Bureau entails contravention liability.

(8) The following persons shall be entitled to be present at the electoral bodies meetings, votes counting and tabulation, at the activities related to Voters' Lists, ballot papers and other electoral documents and at the drawing up of the protocols on voting results:

- a) members and representatives of the superior electoral bodies;
- b) representatives of the electoral competitors/participants in the referendum in the electoral bodies;

c) national and international observers accredited by the concerned electoral bodies and their interpreters, where appropriate;

d) journalists authorized by the media institutions and subsequently confirmed by the Central Electoral Commission.

(9) No other person may remain inside the polling station for longer period than it is necessary for voting. Within 100 metres from the voting premises, including, inside the other spaces/rooms of the building where the polling station is located, shall be permitted the continuous or permanent presence only of the representatives of law enforcement authorities, nominated to maintain the public order and security of the electoral process.

(10) Shall be prohibited to enter a polling station carrying firearms or bladed weapons. By exception to that prohibition, representatives of the police may enter the polling station with firearms only if they cast their vote in that polling station or have been called by the Chairperson of the Precinct Electoral Bureau to re-establishing the legal order.

## **Chapter XI**

### **VOTES COUNTING AND ESTABLISHING RESULTS OF ELECTIONS**

**Article 81.** Counting and tabulation of votes by the Precinct Electoral Bureau

(1) After the expiry of the time reserved for voting, the Chairperson of the Precinct Electoral Bureau shall declare the voting closed and order the closure of the polling station. The Precinct Electoral Bureau shall begin the counting of votes.

(2) Before the opening of the ballot boxes, all the remaining unused ballot papers shall be counted and cancelled by the Precinct Electoral Bureau, in accordance with the procedure laid down by the Central Electoral Commission, and shall be separately bundled and sealed.

(3) Before counting the votes cast for electoral competitors or votes expressed for the referendum options, 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 basic voters' lists and in the supplementary voters' lists.

(4) In case of holding voting under Article 8 (2), after the expiry of the time reserved for voting and closing of the polling station on the first Elections Day, the Precinct Electoral Bureau shall count only the unused ballot papers and shall fix the number of voters to whom the ballot papers have been issued, in correspondence

with paragraph (3). The result of that counting shall be recorded in minutes, signed by the members of the Precinct Electoral Bureau. The counting of votes obtained by the electoral competitors on the first Elections Day shall not be performed, since the ballot papers from the ballot boxes shall be counted after the end of voting on the second Elections Day.

(5) Following the verification the seals on the ballot boxes, the Chairperson of the Precinct Electoral Bureau, in the presence of poll workers 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 these boxes shall be counted, and, subsequently, the other ballot boxes shall be opened and the ballots from these boxes shall be counted.

(6) 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 members of the Precinct Electoral Bureau and to other present persons. On the tables where votes are being counted shall be placed the name tags with the name of the electoral competitors and, in the event of a referendum - with options "YES" and "NO" ("DA" and "NU").

(7) The number of ballot papers taken out of mobile ballot boxes shall be counted first separately, than the obtained number shall be compared with the number of ballots issued for this purpose, and only after these ballots shall be added to other ballot papers in order to count the votes obtained by the candidates. or, in the event of a referendum, those expressed for the options "YES" or "NO".

(8) In accordance with a procedure established by the Central Electoral Commission, the members of the Precinct Electoral Bureau have to verify ballot papers and determine for which electoral competitors or for which referendum option the vote has been cast. The ballot papers issued for each electoral competitor or referendum option shall be separately counted and bundled and the results, once fixed, shall be recorded in the minutes on the votes counting results.

(9) Before signing the minutes on the votes counting results, the members of the Precinct Electoral Bureau shall offer the persons authorised to observe elections procedure the opportunity to check the data from the minutes.

(10) The Precinct Electoral Bureau shall not include the invalid ballot papers in the total number of valid casted votes.

(11) After the polling station is being closed, the Precinct Electoral Bureau shall be in a meeting during the counting the votes and filling the minutes and report of the Precinct Electoral Bureau. All the Precinct Electoral Bureau electoral officials

shall remain inside the polling station and be engaged in the bureau's electoral operations throughout this period, except for extraordinary and objective circumstances.

**Article 82. Invalid ballot papers**

(1) Shall be declared invalid the ballot papers:

- a) in which the identification number of the district and the identification number of the polling stations do not correspond to those of the concerned district or polling station;
- b) of other model than the established one;
- c) in which the stamp marked "Voted" has been applied in several quadrangles;
- d) in which the stamp marked "Voted", has not been applied in any circle of any quadrangle;
- e) on which the stamp marked "Voted" has been applied for an electoral competitor who has withdrawn or has been excluded from the electoral race;
- f) that 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 stamp marked "Voted" several times in a single quadrangle, or affixed the stamp outside the quadrangle's circle or on the candidate's electoral symbol or sign.

(3) Prior to declaring a ballot paper as invalid, the chairperson of the Precinct Electoral Bureau shall provide all the members of the bureau and persons authorised to observe the elections 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 Minutes of the bureau meeting.

**Article 83. Minutes and report of the Precinct Electoral Bureau**

(1) The Precinct Electoral Bureau shall draw up a minute in three copies, containing:

- a) the number of voters included on the basic Voters' Lists;
- b) the number of voters included on the supplementary Voters' Lists;
- c) the number of voters who received ballot papers;
- d) the number of voters who voted;
- e) the difference between the number of ballot papers received by the voters and the number of voters who voted;
- f) the number of ballot papers declared invalid;

- g) the number of votes cast per electoral competitor (for each option on which the voters have to express their opinion within the Referendum);
- h) the total number of valid casted votes;
- i) the number of ballot papers received by the Precinct Electoral Bureau;
- j) the number of unused and cancelled ballot papers, as well as those filled in incorrectly and cancelled.

(2) The model and procedure for filling in the minutes on the votes counting results by the Precinct Electoral Bureau shall be established by the Central Electoral Commission, for all types of elections.

(3) The votes counting results shall be considered in a deliberative meeting of the Precinct Electoral Bureau and shall be recorded in minutes, which shall be signed by all the members of the Precinct Electoral Bureau. The member of the Precinct Electoral Bureau is not entitled to refuse to sign the minutes and, if he/she disagrees with the content of the minutes, he/she may express in writing his/her separate opinion that shall be attached to the minutes. The refusal by the member of the Precinct Electoral Bureau to sign the minutes on the votes counting results has no influence on the validity of the document. The refusal by the member of the Precinct Electoral Bureau and the other reasons for the absence of the signature shall be mentioned in the Precinct Electoral Bureau's report.

(4) The minutes on the votes counting results shall be drawn up in the presence of the members of the Precinct Electoral Bureau, representatives of the electoral competitors/participants in the referendum and other authorised persons. A copy of the minutes shall be kept at the Precinct Electoral Bureau, one shall be presented to the District Electoral Council and one shall be posted immediately at the entry into the polling station. The copies of the minutes on the votes counting the results, authenticated by the Chairperson of the Precinct Electoral Bureau, must be handed to the persons authorized to assist to the electoral operations.

(5) The Chairperson of the Precinct Electoral Bureau shall ensure that the Bureau's report is filled in on the basis of written records on the activities performed by the bureau during the electoral period. The report shall include a summary of requests and complaints on the Precinct Electoral Bureaus activity as well as the decisions taken by the bureau on those complaints. The Chairperson shall sign the report and offer the other members the possibility to provide written comments and completion on it and to sign it.

(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 ballot papers, Voters' Lists, stamps and other electoral documents (materials), according to the procedure established by the

Central Electoral Commission. The security and integrity of electoral documents (materials) in the process of transportation to the District Electoral Council shall be ensured by the Chairperson of the Precinct Electoral Bureau, two members of the bureau and representatives of police.

(7) Minutes drawn up by the Precinct Electoral Bureaus from abroad, together with all requests on the electoral procedures performed by the Precinct Electoral Bureau, shall be sent, by electronic means, to the District Electoral Council no later than 24 hours after the closure of the polling stations. The accuracy of the data from those minutes shall be confirmed by telephone and, in case of sufficiently proven inconsistencies and shortcomings, they are being corrected by the respective District Electoral Council.

**Article 84.** Tabulation of voting results by the District Electoral Council

(1) After receiving the minutes and reports on the votes counting results from the Precinct Electoral Bureaus, the electoral council shall first determine the number of voters who have participated in elections and communicate that figure to the Central Electoral Commission. If the voters' turnout throughout the district is less than required to declare the elections valid in that district, the District Electoral Council shall notify the Central Electoral Commission about such fact. Central Electoral Commission shall make a public announcement by which declares the elections invalid for the entire country or for that particular district.

(2) Based on the minutes of the Precinct Electoral Bureaus, the District Electoral Council shall establish, with respect to the entire district:

- a) the number of voters included on the basic Voters' Lists;
- b) the number of voters included on the supplementary Voters' Lists;
- c) the number of voters who received ballot papers;
- d) the number of voters who voted;
- e) the difference between the number of ballot papers received by the voters and the number of voters who voted;
- f) the number of ballot papers declared invalid;
- g) the number of votes cast per electoral competitor/for each option on which the voters have to express their opinion within the referendum;
- h) the total number of valid casted votes;
- i) the number of ballot papers received by the District Electoral Council;
- j) the number of unused and cancelled ballot papers, as well as those filled in incorrectly and cancelled.

(3) The District Electoral Council record in minutes the voting results on the entire Electoral District, which must be signed by all the members of the electoral council. The district electoral council member is not entitled to refuse to sign the

minutes and, if he/she disagrees with the content of the minutes, he/she may express in writing his/her separate opinion that shall be attached to the minutes. The refusal by the member of the District Electoral Council to sign the minutes on the voting results has no influence on the validity of the document. The refusal by the member of the District Electoral Council and the other reasons for the absence of the signature shall be mentioned in the District Electoral Council's report. Copies of the minutes on the voting results per district, authenticated by the Chairperson of the District Electoral Council, must be given to the persons authorized to assist in the electoral operations.

(4) The electoral council shall hand over the minutes on the voting results on the district level to the Central Electoral Commission within 48 hours after the closing of the polling stations. Along with the presentation of the minutes to the Central Electoral Commission, the District Electoral Council shall display, at the entrance of its premises, detailed information on the election results per district.

(5) In local elections and local referendums, the District Electoral Council shall approve, by decision, the minutes of the local election results in the concerned electoral district, confirm or deny their legality. In the event of confirmation of the of the elections legality, the Councils declares the elected candidates, allocates and validates the mandates of elected Mayors and elected councillors, confirms the list of alternate candidates, by adopting decisions to that effect. The above mentioned acts and the electoral documents relating to the tabulation of voting results shall be submitted to the Central Electoral Commission, in accordance with terms and procedure laid down in Titles V and VI.

**Article 85.** Tabulation of voting results by the Central Electoral Commission

(1) In Parliamentary, Presidential, General Local Elections and Republican Referendum, based on the documents submitted by District Electoral Councils, the Central Electoral Commission shall prepare within 5 days a minutes containing:

- a) the number of voters included on the basic Voters' Lists;
- b) the number of voters included on the supplementary Voters' Lists;
- c) the number of voters who received ballot papers;
- d) the number of voters who voted;
- e) the difference between the number of ballot papers received by the voters and the number of voters who voted;
- f) the number of ballot papers declared invalid;
- g) the number of votes cast per electoral competitor/for each option on which the voters have to express their opinion within the referendum;
- h) the total number of valid casted votes.



(2) In Parliamentary, Presidential Elections and Republic Referendum, the Central Electoral Commission shall record in a minutes the voting results by country in a minutes, in accordance with paragraph (1), signed by the members of the Commission, and shall draw up a report on the elections results.

(3) In case of disagreement with the preliminary voting results, prior to the confirmation of results by the competent bodies, electoral competitors may submit a request to these bodies to recount the votes. A recounting may be ordered by the Constitutional Court in case of Parliamentary, Presidential Elections and Republic Referendum or by the Central Electoral Commission – in local elections and referendum, under the conditions of chapter XIII. Recounting shall be done by the same electoral bodies, replacing the electoral officials guilty of fraud. The general recount procedure shall be approved by the decision of the Central Electoral Commission.

(4) The acts referred to in paragraph (2) shall be submitted to the Constitutional Court to confirm the results of the elections and/or validate the mandates of Members of the Parliament and mandate of the President of the Republic of Moldova.

(5) In General Local Elections, the Central Electoral Commission shall record the voting results by country in a minutes signed by the members of the Commission and shall draw up a report on the elections results.

#### **Article 86.** Announcement of preliminary results

(1) Until receiving the voting results from all lower electoral councils and bureaus, the electoral body responsible for tabulation of the elections results shall publish regularly the preliminary results as soon as possible after their receipt. In Parliamentary, Presidential, General Local Elections and Republican Referendum, preliminary results, detailed by polling stations, shall be placed on the information resources of the Central Electoral Commission, immediately after processing them.

(2) After receiving the voting results of the votes of all the lower level councils and bureaus, the electoral body responsible for tabulation of the voting inform the public, as soon as possible, on the general elections results, if the complaints submitted to this electoral body or to the Courts do not affect the elections results.

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

a) The Central Electoral Commission — in Parliamentary, Presidential, General Local Elections and Republican Referendum;

b) the District Electoral Council — in Local Elections and Local Referendums.

**Article 87. Storage of electoral documents**

(1) The electoral documents (materials), with the exception of those referred to in paragraph (2) of this article, shall be stored at the Central Electoral Commission in accordance with the provisions of Law No 880/1992 on the Archival Fund of the Republic of Moldova and the Regulation on the organization and operation of the Central Electoral Commission Archive, approved by the decision of the Central Electoral Commission..

(2) Following the expiration of the 3 months period, after the confirmation of the elections results, the valid ballot papers, invalid ballot papers and cancelled ballot papers, Voter's Lists and as well as the certificates for the right to vote that were submitted for temporary storage to the territorial police inspectorates, shall be destroyed.

## **Chapter XII ELECTIONS OBSERVATION AND MEDIA COVERAGE**

**Article 88. Observers**

(1) Status of an observer shall be incompatible with that of an electoral official working within the electoral body, of a candidate in election, of a member of the initiative group, of a representative or a trustworthy person of the electoral competitor or of a participant in the referendum and that of a treasurer.

(2) Observers may be:

a) national observers — citizens of the Republic of Moldova who have the right to vote, accredited by the electoral bodies under this Code, at the request of the civil society associations and of training and research institutions in the electoral field from the Republic of Moldova, that have the mission to observe the organisation and conduct of elections;

international observers — citizens of the Republic of Moldova eligible to vote, and of foreign citizens representing foreign electoral authorities, training and research institutions in electoral field, international organisations, foreign State governments and foreign civil society organisations, and international experts in electoral matters, accredited by the Central Electoral Commission under this Code, that have the mission to observe the organisation and conduct of elections.

(3) May request the accreditation of observers of public associations/non-governmental organizations which deal with the protection of human rights or democratic values in accordance with their statute or other internal acts. Upon request, the District Electoral Councils also accredit national observers.

(4) International observers shall observe the electoral process at the invitation of the Central Electoral Commission addressed to the subjects referred to in paragraph (2) lit. b), which accredits them and, where appropriate, confirms their interpreters.

(5) The subjects referred to in paragraph (2) may submit requests for accreditation before the beginning of the electoral period but no later than 7 days before the Elections Day. Observers may operate until the confirmation of the elections results and validation of mandates.

(6) Not later than 5 days - in the event of accreditation requests of national observers and a maximum of 10 days - in the event of accreditation request of international observers, but at the latest on the day before the Elections Day, the electoral body, usually in the presence of the applicant or his/her representative, shall adopt a decision by which it accredits or rejects the candidature of the person proposed for observing elections.

(7) In case of rejection of submitted candidature, the electoral body must communicate the reasons for its decision to the subject which has requested the accreditation. The refusal to accredit observers must be justified and may be challenged under the conditions laid down in Chapter XIII.

(8) Observers accredited by the Central Electoral Commission may monitor the electoral process throughout the country and in all the polling stations, including those opened abroad. Observers accredited by District Electoral Councils may perform their activity only within the territory of concerned Electoral District.

(9) The accredited observers are entitled to monitor the election procedures and to attend all meetings held by electoral bodies, including on Elections 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 minutes prepared by the electoral bodies; they may take photos and shoot videos by notifying the Chairperson of the electoral body, without jeopardising voting secrecy and security and personal data protection. National observers may submit notifications on the revealed irregularities, which shall be considered by the electoral body, by informing the author of the notification on the taken decision. Observers have the right to inform the public opinion of the made findings. On Elections Day the observers are not allowed to present the findings that would favour or disadvantage certain electoral competitors/participants in the referendum.

(10) The records on the accredited observers and their notifications shall be carried out through the information application State Automated Information System “Elections”.

(11) The procedure for the accreditation of observers, their rights and obligations shall be established by the regulation approved by the Central Electoral Commission.

**Article 89.** General principles on Media coverage of the elections

(1) The provisions of this article shall apply to Media outlets, with the exception of those founded by political parties.

(2) The media institutions are required to respect the fairness, balance and impartiality principles in elections coverage. They must provide airtime or space for electoral advertising under equal and non-discriminatory conditions to the initiative groups, electoral competitors and participants in the referendum.

(3) Media outlets shall not adopt preferential treatment in respect of the initiative groups, electoral competitors and participants in the referendum due to their social status and/or the positions held by their candidates.

(4) During the electoral period, Media outlets shall make a clear distinction in their journalistic materials between the performance of official duties and the electoral activity of persons who do not fall under the Article 16 (3).

(5) Electoral contestants (candidates) or referendum participants who consider that their rights have been violated shall have the right to reply. The written request on granting of the right to reply shall be submitted to the media institution within 2 days since the dissemination/publication of the information. In case of media service providers, the refusal to grant the right to reply may be challenged to the Audiovisual Council, and in the case of print media institutions – to the Central Electoral Commission. The right to reply shall be granted within 3 days after submitting the request/complaint, under equal/similar conditions to those in which the legitimate rights were violated.

(6) Media institutions are entitled to cover elections and to inform the public about all electoral aspects free of interference from public authorities, electoral competitors/candidates, initiative groups, participants in the referendum or other entities. The journalists authorized by media institutions and confirmed by the Central Electoral Commission have access to the meetings of the electoral bodies, to the electoral procedures and to the electoral information under the same conditions as observers.

**Article 90.** Peculiarities of Media coverage of the elections

(1) During the electoral period, electoral audiovisual programmes and written materials that refer in one or another way to the initiative groups, electoral competitors (candidates in elections) and participants in the referendum shall be distributed/published in accordance with the Regulation on Media coverage of the elections, approved by the Central Electoral Commission.

(2) In audiovisual media services, initiative groups, electoral competitors (candidates in elections), their participants in the referendum, their representatives and trustworthy persons may not have direct or indirect interventions and cannot be targeted by third parties in audiovisual programmes other than electoral programmes, which are expressly established in the editorial policies statements of Media service providers. Audiovisual programs with an electoral character are considered the following:

a) news programmes — informative headings or groups of information, marked by unique acoustic and visual signals, in which may be broadcasted information on voting technique, the electoral system, other aspects of the electoral process, opinion polls and the campaign activities of the initiative groups, the electoral competitors and the participants in the referendum;

b) electoral information programmes — programmes organised on the initiative of the media service provider, in which the initiative groups, electoral competitors (candidates in elections), participants in the referendum or their representatives may present political programmes and in which various issues of public interest may be discussed;

c) elections promotion programmes — programmes broadcasted within the air time limit offered to the initiative groups, the electoral competitors and the participants in the referendum under this Code;

d) electoral debates — programmes in which the initiative groups, electoral competitors (candidates in elections), the participants in the referendum or their representatives are called to express their views on the topics proposed for discussion by the media service provider;

e) electoral advertising programmes — programmes intended exclusively for the dissemination of electoral advertising.

(3) The audiovisual programmes referred to in paragraph (1) shall be produced and broadcasted only during the electoral period and, where appropriate, during the electoral campaign, in accordance with the provisions of the Audiovisual Media Services Code and Regulation on Media coverage of the elections.

(4) During the electoral period, the political advertising and public interest messages shall be broadcasted in accordance with the procedure laid down in the regulation approved by the Central Electoral Commission.

(5) Within the first 7 days following the start of the electoral period, media service providers shall submit to the Audiovisual Council a statement on the editorial policy for covering elections or a notification informing that they shall not participate in the election coverage. Statements that correspond to the legislation shall be approved by the Audiovisual Council and shall be published on its official website and on the official web pages of media service providers. The control over compliance with the editorial policy shall be performed by the Audiovisual Council ex officio, according to the provisions of the Audiovisual Media Services Code.

(6) During the electoral campaign for all type of elections, audiovisual media service providers are required to organise debates if they have included in their editorial policy statements the commitments to organize of electoral debates and they have been adopted by the Audiovisual Council. The format, duration, frequency and time of broadcasting electoral debates shall be established by media service providers, by ensuring strict or proportional equality, as indicated in the editorial policy statement. Electoral debates shall be broadcasted during the prime time, laid down by the Code of audiovisual media services of the Republic of Moldova.

(7) During the electoral campaign for the Parliamentary, Presidential Elections and Republican Referendum, national media service providers which will cover the electoral campaign, the list of which is being updated and made public by the Audiovisual Council, shall grant, free of charge, 5 minutes of TV airtimes and 10 minutes of radio airtime to each political party, electoral bloc of parties and independent candidate registered as electoral competitors or participant in a referendum. These airtimes shall be offered for the purpose of presenting the electoral programs and informing the voters. These airtimes shall be fully granted during the first 15 days after the start of the electoral campaign and cannot be used for the purpose of broadcasting electoral advertising.

(8) In Parliamentary, Presidential Election and Republican Referendum, public media service providers shall grant, free of charge, one minute of air time per day, for electoral advertising, to political parties, electoral blocs of parties and independent candidates registered as electoral competitors or participants in the referendum.

(9) To each initiative group, for the duration of its activities, and to each electoral competitor or participant in the referendum, during the electoral campaign, shall be offered a maximum of 2 minutes per day for payed electoral advertising by each audiovisual media service provider. The fee for the electoral advertising may

not exceed the fee of commercial advertising applied during the period of 6 months prior to the Elections Day. Payed air time for electoral advertising shall be offered under equal conditions, within the hours established by media service providers in the editorial policy statements. Media service providers that do not participate in elections coverage do not have the right to place paid electoral advertising.

(10) Within 3 days of request, media service providers shall provide air time in accordance with the order established in the editorial policy statement.

(11) The refusal to broadcast or publish, under the conditions laid down in this Code, paid or free of charge electoral advertising may be challenged before the Court.

(12) During the electoral period, the procedures for organising and conducting opinion polls on the political preferences of voters and exit-polls shall be laid down by regulation approved by the Central Electoral Commission. Only authorised opinion polls may be published. The broadcasting and coverage of the results of unauthorised opinion polls shall be punished in accordance with the legislation.

(13) On Elections Day, before 21.00, Republic of Moldova local time, the Media outlets shall not publish the results of opinion polls on voters' political preferences, interviews on the number of votes received by the electoral competitors during the day and their chances, as well as the results of the exit-polls.

(14) Media outlets founded by public authorities, that cover elections, shall publish free of charge, and the public and private audiovisual media service providers, whose editorial policy statements have been approved, broadcast free of charge, at the request of electoral bodies, messages of public interest under the conditions laid down in Chapter III of Law No 62/2022 on advertising.

(15) During the electoral period, the Audiovisual Council monitors the manner in which media service providers observe the editorial policy statements on elections coverage. Depending on the technical possibilities, shall be monitored, as a matter of priority, the generalist media services and news providers which, according to the measurements taken by the specialised institution, have had the highest audiences during the last three months before the month in which the date of elections was established.

(16) During the electoral period, the Audiovisual Council shall present publicly monitoring reports, on weekly basis, and shall adopt decisions based on the monitoring results. Within 3 days after elections (on Wednesday), the Audiovisual Council presents publicly a monitoring report for Saturday and Sunday, during which the electoral campaigning is prohibited. The monitoring reports, as well as

the balance report, are presented to the Central Electoral Commission and are posted on the official web page of the Audiovisual Council and on the official web pages of the monitored media service providers, no later than the day after the public presentation.

(17) Within two weeks after elections, the Audiovisual Council shall publicly present a final report on the coverage of the elections by audiovisual media service providers.

## **Chapter XIII JUDICIAL PROCEEDINGS**

### **Section 1 Complaints on the organisation and conduct of elections**

#### **Article 91. Complaints**

(1) Under this Code, a complaint shall mean a request (notification) in written form, including a preliminary request, by which:

- a) it is requested the review, partial or complete cancelation, or the issuance of an administrative act by the electoral body, performing an action or obliging the electoral body to take no action;
- b) are challenged the actions/inactions, which are considered as illegal, of subjects that are being registered, accredited or confirmed or that are to be registered, hereinafter referred to as electoral subjects;
- c) are challenged facts considered as a violation of the coverage of the electoral campaign, broadcasting or placing electoral advertising;
- d) are challenged the facts considered as breach of the regulatory framework relating to the financing of political parties, electoral campaigns of nominated candidates, initiative groups and participants in the referendum;
- e) are formulated criticisms in regards to other violations of electoral law.

(2) Complaints submitted under the conditions of this Code shall be examined by the electoral bodies in accordance with their hierarchy. In the cases established by this Code, as well as by other normative acts, complaints shall be examined by other bodies (authorities) within the limits of the conferred powers.

(3) Under the paragraph (2), the legality of administrative acts of the electoral body and its actions/inaction are being challenged directly to the hierarchically superior electoral body. After observing the preliminary procedure, the decision of the issuing electoral body, where appropriate, the decision of the hierarchically superior electoral body, in the part of adopting a new solution on the preliminary



request, shall be challenged directly in the Court in which territorial jurisdiction the respective electoral body is located.

(4) The complaints provided for in paragraph (1) lit. b) shall be submitted to the electoral body which has registered, accredited or confirmed or shall register, accredit or confirm the electoral subjects whose actions/inactions are being challenged. Decisions of the electoral body on such complaints are being challenged under paragraph (3).

(5) Administrative litigation actions on the legality of the decisions of the Central Electoral Commission and the decisions of the Audiovisual Council that do not relate to the elections coverage, as well as those regarding their actions/inactions, shall be submitted to the Chisinau Court of Appeal, without following the preliminary procedure.

(6) Complaints on financing of political parties, electoral campaigns and of other competitors or electoral subjects shall be submitted to the Central Electoral Commission, with the exception of complaints on the financing of independent candidates, the initiative groups in local elections and the of Mayor registered as a participant in the local referendum, which are being addressed to the District Electoral Councils.

(7) The complaints on media coverage of elections shall be considered by the Audiovisual Council in accordance with the provisions of this Code and the Code of Audiovisual Media Services.

(8) Complaints concerning the preparation and/or placement of the electoral advertising, including the content of such advertising, shall be considered by the electoral bodies in the part concerning the actions/inaction of subjects that are being registered/confirmed or which shall be registered/confirmed by the electoral bodies.

(9) Complaints submitted after the Elections Day may refer to the violation of the right to vote, the organisation of electoral procedures on the Elections Day and/or establishing of the voting results by the electoral bodies, and other infringements by which the complainants' rights have been violated and influenced the voting results.

(10) The procedure of considering complaints during the electoral period and complaints relating to the financing of political parties and electoral campaigns shall be approved by the decision of the Central Electoral Commission.

## **Article 92.** Form and content of the complaint

(1) The complaint may be submitted in writing, sent by post or sent electronically to the competent authority.

(2) The complaint shall contain the following mandatory information:

- a) the name of the authority from which the consideration is requested;
- b) last name, first name or the name of the complainant, as well as other identification and contact details;
- c) description of the facts invoked as alleged infringements, in particular the violated rights, with the exception of complaints submitted under the conditions of Article 91 (1) lit. d) and paragraph (6), indicating the legal grounds, as the case may be, listing and attaching the evidence confirming the alleged facts, as well as the requirements of the complainant;
- d) the date when the complaint was submitted and the signature of the complainant or his/her representative.

(3) The complainant has the right to withdraw his/her complaint, to amend the requests from the complaint and/or to supplement it, except of its object, by submitting a written request to the competent authority. In the event of a change in the object of the dispute, the complaint shall be considered as a new one. The complaint may be withdrawn until the decision has been adopted by the competent authority and the amendment and/or supplementing the complaints may be made up to the deadline allowed for submitting complaint under the conditions laid down in Article 95.

(4) When submitting complaints on media elections coverage, the complainant shall take into account of the requirements regarding the form and content established by the Audiovisual Media Services Code and the Administrative Code.

(5) The form and content of complaints submitted to the Court must observe the requirements laid down by the Administrative Code.

### **Article 93.** Conditions for admissibility of complaints

(1) The electoral bodies shall verify ex officio whether the conditions for admissibility of the complaint are being met. If it is inadmissible, the complaint shall be declared as such, by the decision of the electoral body.

(2) The complaint shall be declared inadmissible in particular where:

- a) has been submitted by another subject than that established in Article 94 (1) and (2) or by a unauthorised person;
- b) the procedure for considering the preliminary request was not followed;
- c) it was submitted after the expiry of the deadline laid down in this Code;

d) fails to comply with the requirements regarding the form and content and the complainant has not corrected the deficiencies within the time limit established by the electoral body;

e) the complainant cannot claim the violation of his/her electoral rights, with the exception of complaints submitted under Articles 91 paragraph (1) lit. d) and paragraph (6);

f) there is a decision on an electoral complaint between the same subjects, with the same object and on the same legal grounds;

g) it was submitted simultaneously with another electoral body, another competent authority or Court, in accordance with Article 99.

#### **Article 94. Right to submit a complaint**

(1) The subjects submitting a complaint shall be the voter, the nominated candidate, the initiative group, the electoral bloc of parties, the electoral competitor or a participant in the referendum who claim violation of their legitimate rights under this Code and other normative acts in electoral matters. Political parties entitled to participate in elections under the Article 27 lit. g), shall be granted to submit a complaint.

(2) Electoral officials, observers and the civil society associations that have requested the accreditation of observers may submit complaints against the electoral body that has applied to them sanctions provided for in Articles 102 (6) and (8). In those cases, the legality of the decision shall be challenged to hierarchically superior electoral body.

(3) The complainants shall submit the request and/or take part in the procedure for considering complaints in person or through authorised representatives under the Administrative Code or, where appropriate, under the Code of Civil Procedure. The submission of the request and/or participation in the procedure for considering complaints within the electoral bodies shall be determined by the decisions approved by the Central Electoral Commission.

(4) The Central Electoral Commission or, where appropriate, the District Electoral Council or the Audiovisual Council may initiate ex officio the procedure for consideration of the infringements referred to in Article 91 (1), lit. c) and (d).

#### **Article 95. The deadline for submitting a complaint**

(1) The general period for submitting complaints during the electoral period shall be 3 days, which shall be calculated from the day following the day when the action was committed, inaction was identified or the decision was adopted.

(2) In the cases provided for in this Code or other normative acts, complaints may not be submitted later than on Elections Day or on another determined or ascertainable date (circumstance).

(3) In the event of divergence between the rules of this Code and other normative acts, the provisions of this Code shall be applied in the part related to the deadlines for submitting complaints during the electoral period.

(4) Complaints referred to the facts that fall under Article 91 (1) lit. d) shall be submitted to the corresponding electoral body, within 3 days of the identification of offences, including after the Elections Day, but no later than the mandates are being validated.

(5) The complaints on of the elections coverage by media service providers shall be submitted to the Audiovisual Council within 3 days after the identification of infringements or broadcasting the audiovisual programme by which the complainant's rights have been violated.

(6) The request for granting the right to reply and to challenge the refusal to offer the right to reply shall be submitted within the periods laid down in Chapter XII.

(7) Requests for cancellation the registration, accreditation or confirmation of electoral subjects shall be submitted to the competent electoral body no later than 5 days before the Elections Day. Requests submitted after that deadline shall be considered simultaneously with tabulation and confirmation of the elections results.

(8) The submission of actions under administrative litigation, as well as the exercise of appeals against the Courts acts, shall be carried out within the period established in paragraph (1).

(9) Complaints registered with the electoral bodies in accordance with Article 91 (9) may be submitted within 3 days from the Elections Day.

(10) Requests for the recount of votes shall be submitted within 3 days after public presentation of the preliminary voting results. The Central Electoral Commission or, where appropriate, the Constitutional Court shall order the votes recounting if the presented offences are likely to influence the election results and, subsequently, to influence the allocation of mandates. Shall be considered justified the requests for votes recounting, where a difference of up to 10 % is established between the valid votes casted for electoral competitors/between votes casted during the referendum, as well as when the entered data or corrections made in the votes counting minutes bring into question their compliance and truthfulness.

(11) Submission of complaints shall not suspend the enforcement of acts issued by the electoral bodies or other competent authorities, if administrative acts in electoral field do not provide otherwise or the authority or, where appropriate, the Court has not ordered the suspension of the execution of the disputed acts, under the provisions of Administrative Code.

**Article 96. Burden of proof**

(1) Each complainant shall prove the facts on which he/she grounds his/her claims and is responsible for the truthfulness and quality of the presented evidence.

(2) The complainant has the obligation to confirm the compliance with the deadline for submitting the complaint in accordance with Article 95.

(3) In the event of a complaint against the decisions of the electoral bodies, the burden of proving the legality rests on these bodies.

**Article 97. Competencies of the public authorities  
regarding the consideration of complaints**

(1) When submitting a complaint, shall be taken into account the competences of the public authorities in considering complaints, the type of elections, the alleged infringements and the place where they were committed and the submitted requirements.

(2) Starting from the provisions of this Code and other related normative acts, the competence to consider complaints rests with:

1) District Electoral Councils — complaints submitted under the provisions of this Chapter. The Electoral Councils shall be responsible for considering:

a) requests for cancellation — in respect of electoral subjects that were registered, accredited or confirmed by the concerned Electoral Council;

b) complaints against the decisions of the Precinct Electoral Bureaus approving the minutes on votes counting results and/or of the reports on their activities performed during the electoral period;

c) complaints against the decisions of the first-level District Electoral Councils approving the minutes on voting results at the district level and/or report on their activities performed during the electoral period, and against the decision on the declaration of the elected candidates, the allocation and validation of the mandates of local elected representatives, confirmation of alternate candidate lists in local elections;

2) Central Electoral Commission — complaints submitted under the provisions of this Chapter. The Central Electoral Commission shall be also responsible for considering:

a) requests for cancellation — in respect of electoral subjects registered, accredited or confirmed by the Commission;

b) requests for votes recounting— in the event of disagreement with the preliminary voting results in local elections and local referendums;

c) complaints against decisions of the electoral bodies concerning voting results and/or on approval of the report on their activities performed during the electoral period;

d) complaints against the decisions on declaration of the elected candidates, the allocation and validation of the mandates of local elected representatives, confirmation of alternate candidate lists in local elections;.

3) Audiovisual Council — complaints submitted under the provisions of this Chapter and requests provided for in the Audiovisual Media Services Code.

(3) If the consideration does not fall within the competence of that body, the complaint and the attached materials shall be transmitted for examination in accordance with immediate competence, but no later than 2 days after the date of receipt, except for the case referred to in Article 93 (2) lit. g) and Article 99.

(4) After the dissolution of the Precinct Electoral Bureaus or, where appropriate, of the District Electoral Councils, they shall be substituted by the Central Electoral Commission in the procedures for consideration of electoral complaints.

#### **Article 98. Jurisdiction to consider complaints**

(1) According to the administrative litigation procedure, the competent Courts shall consider appeals in electoral field as follows:

1) The Courts in the first hearing shall solve complaints against the actions/inaction and the decisions of the electoral bodies, after examining the preliminary request;

2) The Chisinau Court of Appeal shall solve in the first hearing:

a) complaints against actions/inaction and administrative acts of the Central Electoral Commission;

b) complaints against the actions/omissions and decisions of the Audiovisual Council;

3) Courts of Appeal shall solve the appeals against the Courts acts on the electoral complaints;

4) The Supreme Court of Justice shall solve the appeals against the Courts of Appeal acts adopted on electoral complaints.

(2) Administrative litigation action submitted with the competent Court shall be considered in accordance with the provisions of this Code and the Administrative Code.

(3) During the electoral period, the Courts working schedules shall be arranged in such a way to ensure the submission and consideration of complaints without delay.

(4) Actions related to the guarantee of the freedom of expression right and of the balance between insurance of the right to freedom of expression, defence of honour and dignity, professional reputation and private and family life, submitted during the electoral period shall be considered by the ordinary Court, in accordance with Law No 64/2010 on freedom of expression within the deadlines laid down in Article 100.

#### **Article 99. Resolution of conflicts of jurisdiction**

(1) If the same complaint is submitted simultaneously to several electoral bodies, it shall be considered by the electoral body, which is the hierarchically superior to the body of which actions/inactions and decisions are being challenged. Complaints on action/inactions of electoral competitors, participants in the referendum or the initiative groups, as well as of other electoral subjects shall be submitted to the electoral body which has registered, accredited or confirmed them. Conflicts of jurisdiction between electoral bodies shall be examined by the Central Electoral Commission, in accordance with the procedure approved by the Commission under the conditions laid down in Article 91 (10).

(2) If the complaint is addressed to the electoral bodies and to the Court, the complaint shall be considered by the Court, unless the preliminary consideration procedure has not been followed.

(3) In the cases referred to in paragraphs (1) and (2), the electoral bodies which receive the complaints, but do not proceed to their consideration on the merits, declares them inadmissible under the terms of Art. 93.

(4) In the case of complaints regarding the financing of electoral campaigns of the candidates nominated by political parties or electoral blocs of parties, in which is addressed the request to apply the sanction in the form of cancellation of their registration, the electoral body that registered the candidates shall start the consideration of this request only after the complaint resolution by the Central Electoral Commission, in the part related to the facts considered by the complainant as violations of the financing of the electoral campaign, as well as on the ground of findings and solutions issued by the commission, as a result of the consideration.

(5) If the complaint refers to facts considered to be illegal, but their consideration falls within the competence of several authorised bodies (electoral bodies), the body which received the complaint shall initiate the consideration of the complaint based on its competence and on the other reported aspects it shall send it to the responsible authorities in accordance with Article 97 (3).

**Article 100.** Deadline for complaints consideration

(1) During the electoral period, the competent authorities shall examine the complaints within 3 days of submission, but no later than the Elections Day. When considering the electoral complaints, the Courts shall apply the same time limit, including in appeal proceedings.

(2) By derogation from paragraph (1), the consideration period of time shall not exceed:

a) the deadline established for registration, accreditation or confirmation of the electoral subjects by the electoral bodies;

b) the period of 3 days before the Elections Day, for requests of registration cancellation, accreditation or confirmation of electoral subjects or, where applicable, is simultaneously with the tabulation of voting results and confirmation of the election results;

c) or is simultaneously with the examination of the elections results, in the event of complaints on financing of the electoral campaigns of electoral competitors and of other electoral subjects.

(3) Consideration of complaints on financing of the activity of political parties shall not be subject to the prescription periods laid down in this chapter. When considering complaints concerning the financing of the activities of political parties, shall be applied the rules of this Code and of Law No 294/2007 on political parties, as well as the provisions of the Regulation on the financing of the activities of political parties, approved by the Central Electoral Commission.

(4) Complaints submitted on the Elections Day shall be considered on the same day, with the exceptions laid down in this Chapter and those submitted after the end of voting shall be examined simultaneously with the tabulation and confirmation of voting results, including the validation of the elected candidates mandates.

(5) Requests for votes recounting, submitted in the event of disagreement with the preliminary voting results shall be examined within 3 days of the date of submission. If recounting is being ordered, the procedure shall be organised within



5 days, in accordance with the conditions laid down by the Central Electoral Commission.

(6) Complaints submitted between the two rounds of elections shall be examined within 3 days of the submission or, as the case may be, simultaneously with the establishing and confirmation of elections results and validation of the mandates of candidates elected in the second round of elections.

(7) When considering complaints and disputes, the competent authorities and Courts shall give priority to those related to registration, accreditation or confirmation of electoral subjects, and to those related to refuse or cancellation of their registration, accreditation or confirmation, including those concerning the correctness of Voters' Lists compilation and exercising the right to vote.

(8) The District Electoral Councils, where appropriate, the Constitutional Court confirms the results of the elections, validates the mandates of elected candidates and confirms the lists of alternate candidates, only after the final resolution of complaints.

(9) For justified reasons related to the complexity of the object of the appeal and/or the conduct of the subjects submitting the complaint, the general time-limit may be extended by a maximum of 2 days. That extension shall be applied only if it is communicated, together with the reasons for the extension, to the participants in the litigation in written form, including by email, at the latest on the final day of the expiry of the initial established examination period.

#### **Article 101. Resolution of complaints**

(1) Decisions on the complaint shall be adopted by the absolute majority of votes of the members of the electoral body, in accordance with the procedure laid down in the Regulation on the activity of that body.

(2) After considering the dispute, the electoral body is entitled to adopt the following resolution:

- a) to declare the complaint inadmissible;
- b) to accept fully or partially the complaint;
- c) to reject the complaint as unfounded;
- d) to ascertain the violation of the electoral legal framework and/or to order the parties to remove the established infringements;
- e) to apply or request the application of sanctions for the found violations.

(3) In case of challenging the decisions taken by the lower electoral bodies, the superior electoral body shall have the right to:

- a) declare the complaint inadmissible;
- b) reject the complaint and maintain in force the decision of the lower electoral body;
- c) to admit the complaint and amend or, where appropriate, repeal fully or partially the decision of the lower electoral body, issuing a new decision.

(4) In case of complaints concerning the coverage of elections by media service providers, the Audiovisual Council shall adopt decisions and undertake necessary measures in accordance with the procedure laid down in the Audiovisual Media Services Code, with the exception of time limits and procedures that shall be applied in accordance with this Code.

(5) The decisions of the electoral bodies and decisions of the Audiovisual Council adopted under the conditions of this Chapter shall be enforceable immediately after being adopted, except for the cases of suspending their enforcement. Enforcement of the electoral bodies decisions adopted under the conditions laid down in Article 102 (5) shall be suspended de jure, from the moment of challenging the legality of those decisions.

(6) Courts shall adopt and pronounce judgments and decisions, as well as issue the resolution in accordance with the provisions of the Administrative Code and the Civil Procedure Code.

(7) Judicial acts issued under the conditions of this chapter shall be final and enforceable as soon as they are being pronounced, unless their enforcement is being suspended.

## **Section 2**

### **Liability for violations of electoral law**

#### **Article 102. Legal liability**

(1) Natural and legal persons, initiative groups, electoral competitors and participants in the referendum, as well as other subjects involved in the electoral process which fail to comply with the provisions of normative acts in electoral matters, hinder free exercise of citizens' electoral rights, hinder the electoral bodies activity, shall be liable under the legislation in force.

(2) For violations of electoral normative acts, the Central Electoral Commission or, where appropriate, the District Electoral Council, ex officio or at the request of another competent authority or at the request of complainant, may apply or request the application of the following main or complementary sanctions:

- a) warning;

- b) depriving of free and/or paid air time, for a period between 24 and 48 hours, which shall be applied only after the warning sanctions has been applied;
- c) depriving from the State budget allocations;
- d) contravention sanction, in accordance with the Contravention Code, which falls under the competence of the Central Electoral Commission;
- e) cancel the registration, accreditation or confirmation of electoral subjects;
- f) request the ex officio removal of political parties under the Law No 294/2007 on political parties.

(3) The warning sanction may be applied by the decision of the Central Electoral Commission for breach of legislative acts in electoral matters, other than those laid down in paragraph (5) – for all types of elections, as well as by the decision of the District Electoral Council – in local elections and local referendums.

(4) The Central Electoral Commission shall apply to political parties registered as electoral competitors the complementary penalty of depriving them of State budget allocations, for a period between 2 months and one year, only if the warning sanction is repeatedly applied during an electoral period for offences on the financing of the initiative groups and/or the electoral campaign.

(5) The cancelation of the registration shall be applied by the decision of electoral body that registered the electoral subject if it finds:

- a) the use of undeclared financial and material funds exceeding 1 % of the maximum ceiling of funds that may be transferred in the account marked “Electoral Fund” or the account “Intended for the initiative group”;
- b) exceeding the ceiling of the account “Electoral Fund” or of the account “Intended for the initiative group”;
- c) the use of foreign funds, except for donations from citizens of the Republic of Moldova with income obtained outside the country;
- d) failure to suspend from his/her duties of the candidate that has such obligation. In such a case, the registration of an electoral competitor, an independent candidate shall be cancelled or the respective candidate shall be withdrawn from the list of an electoral competitor.

(6) In case of infringement of the provisions of this Code and of other normative acts in electoral matters by electoral officials, the Central Electoral Commission or, where appropriate, the District Electoral Council shall apply, under the decision, the following sanctions:

- a) a warning;
- b) removal from the composition of the electoral bodies and their offices;
- c) exclusion from the register of electoral officials;
- d) deprivation of the right to carry out any activity within the electoral bodies for a period of 1 to 4 years.

(7) For infringement of normative acts concerning the elections coverage by media service providers, the Audiovisual Council shall apply the sanctions laid down in the Audiovisual Media Services Code.

(8) In the case of the observer's infringement of the electoral regulatory framework, the electoral body that accredited the observer has the right to apply, by adopting a decision to this effect, taking into account the seriousness of the infringement, one of the following sanctions: warning or cancellation of accreditation. For the purposes of this article, any act of electoral campaigning for or against a political party or electoral competitor, an initiative group, participant in the referendum, the options on the questions that the voters must decide on in the referendum, or the attempt to influence the voter's choice, as well as non-compliance with the observer's obligations.

(9) The Central Electoral Commission may ask the Public Service Agency for ex officio removal of the political parties under the Law No 294/2007 on political parties.

#### **Article 103. Criminal liability**

(1) Facts referred to in the Criminal Code shall be regarded as infringements of this Code and shall be subjects to criminal liability.

(2) The Chairpersons of the electoral bodies and other persons holding responsible positions shall be required to inform immediately, but no later than 48 hours after the finding is made, the prosecutor bodies or the internal affairs bodies on the actions containing elements of a offence in terms of organising and conduct of elections or the financing of political parties and of electoral campaigns, which they have found about.

#### **Article 104. Contravention Liability**

(1) Facts referred to in the Contravention Code shall be regarded as infringements of this Code and shall be subjects to criminal liability.

(2) Contravention offences shall be detected and investigated in accordance with the provisions of the Contravention Code. The Chairpersons of the electoral bodies and of other persons having conclusive information about the committed contravention offences shall be required to inform immediately the ascertaining bodies, but no later than 48 hours after the finding is made, on any facts containing elements of an offense in terms of organising and conduct of elections or financing of political parties and of electoral campaigns, that they have found about.

### **TITLE III PARLIAMENTARY ELECTIONS**

#### **Article 105.** Applicability of this Title

The provisions of this title shall apply only to Parliamentary Elections.

#### **Article 106.** Elections to Parliament

(1) The Parliament shall be elected by universal, equal, direct, secret and freely expressed suffrage, for a 4 years term.

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

#### **Article 107.** Electoral Districts and District Electoral Councils

For the purposes of the organisation and holding of Parliamentary Elections, the Central Electoral Commission shall establish Electoral Districts, in accordance with Articles 34 and 35, to be applied accordingly.

#### **Article 108.** The polling stations and the Precinct Electoral Bureaus

The polling stations and the Precinct Electoral Bureaus shall be established in accordance with Article 38–40, to be applied accordingly.

#### **Article 109.** Candidates for the position of a Member of the Parliament

Persons eligible to vote that have attained the age of 18 years including on Elections Day, hold Moldovan citizenship and meet the requirements provided by this Code, may stand as candidates for Members of Parliament.

#### **Article 110.** Setting the date of Elections

(1) Parliamentary elections shall be held no later than 3 months after the expiry of the mandate of the Parliament or the dissolution of the previous Parliament.

(2) The date of Parliamentary Elections shall be set by the decision of the Parliament, at least 70 days before the Elections Days.

(3) In the event of dissolution of the Parliament, by the same decree of the President of the Republic of Moldova shall be set the date of Elections of a new

Parliament. The Early Elections shall take place after at least 60 days, but no later than 3 months after the dissolution of the Parliament.

**Article 111.** Nomination of candidates from political parties or electoral blocs of parties

(1) Candidates for the position of Member of Parliament shall be nominated under the Article 63, the statutory provisions of political parties or agreements for the creation of electoral blocs of parties.

(2) The political party or the electoral bloc of parties shall send the list of candidates, which shall not be less than 51 persons and shall not exceed 111 persons.

(3) The template of the list of candidates shall be approved by the Central Electoral Commission.

(4) The lists of candidates for Parliamentary Elections shall be approved in accordance with the statutory provisions of political parties or agreements on the establishment of electoral blocs of parties.

(5) Lists of candidates shall be drawn up in accordance with Article 68 (3).

(6) Failure to comply with the conditions laid down in paragraphs (2) - (5) of this Article and Article 112 (2), shall entail the refusal of registration of the lists of candidates or persons on the list, by the corresponding electoral body.

**Article 112.** Registration of electoral competitors

(1) In order to be registered, candidates on the lists of political parties, electoral blocs of parties and independent candidates shall personally submit the documents to the Central Electoral Commission in accordance with Article 68, to be applied accordingly.

(2) The same person may be included on a single list of candidates by a political party, an electoral bloc of parties or can run as independent candidate.

**Article 113.** Specific requirements for signatures collecting lists

(1) In order to be registered by the Central Electoral Commission, the independent candidate shall submit signatures collecting lists containing at least 2000 and at most 2500 signatures of supporters eligible to vote. By derogation from that provision, a female candidate shall present signatures of at least 1000 and at most 2500 signatures of supporters eligible to vote.

(2) The procedure for collecting signatures to support the independent candidate for the position of Member of Parliament, the submission and verification of the signatures collecting lists shall be performed in accordance with Articles 65–67 and with the Regulation approved by the Central Electoral Commission, which shall be applied accordingly.

(3) If, after verification, it is established that the required number of signatures was not submitted or, after the invalidation of the signatures collecting lists and/or the signatures from these lists, their number was reduced below the minimum ceiling laid down in paragraph (1), the independent candidate shall not be registered and the respective decision shall be communicated to him/her within 24 hours of its adoption.

(4) It is prohibited for an independent candidate to submit additional signatures collecting lists after the Central Electoral Commission has received and registered all the documents provided for in Article 68.

**Article 114.** Initiative groups for the support of the independent candidate  
for the position of Member of the Parliament

(1) In order to collect signatures on the signatures collecting lists in accordance with Article 113, the independent candidate may establish an initiative group.

(2) The initiative group shall be established following the meeting of citizens eligible to vote, where it is decided to support the independent candidate for the position of Member of Parliament, is elected the leader of the group and is approved the list of members of the initiative group, indicating their identity data. The independent candidate must participate in the meeting establishing the initiative group and may be chosen as the leader of the group. The leader of the group shall coordinate the activity of collecting the signatures of candidates' supporters, shall verify the authenticity of the signatures, conformity of compilation and systematization of signatures collecting lists.

(3) Before opening the meeting, the members of the meeting are being registered by filling in a list, their last name, first name, year of birth, domicile and apply their signatures.

(4) The list of members of the initiative group, in which the head of that group is also indicated, shall be submitted with the Central Electoral Commission by the independent candidate.

(5) The Central Electoral Commission shall adopt a decision on registration of the initiative group and shall issue the badges for the members of the registered initiative group, no later than 3 days after the date on which the list of members has been submitted.

(6) The detailed procedure concerning the setting and registration of the initiative group shall be laid down in the Regulation approved by the Central Electoral Commission.

#### **Article 115.** Amending the list of candidates

(1) Electoral competitors shall be entitled to request, at least 10 days before the Elections Day, the following changes to the list of candidates:

- a) change the place or withdraw of the candidate from the registered list;
- b) withdraw the entire list of candidates;
- c) before the beginning of the electoral campaign, the replacement of one candidate from the registered list by his withdrawal and the appointment of another candidate, supplementing the list of candidates within the limit laid down in Article 111 (2).

(2) Under paragraph (1) of this Article, the decision on the withdrawal or changes in the list of candidates shall be taken by the political party or the electoral bloc of parties which submitted the list of candidates, in compliance with Article 7 (2) lit. b) of Law No 5/2006 on ensuring equal opportunities for men and women and of Article 68 (3) of this Code, and shall be submitted to the Commission.

(3) The lists of candidates shall be amended by the decision of the Central Electoral Commission in maximum 3 days.

(4) The Central Electoral Commission shall refuse to make changes which do not meet the requirements laid down in paragraphs (1) and (2), by issuing a decision to that effect.

#### **Article 116.** Withdrawal of the independent candidate

(1) An independent candidate is entitled to withdraw his/her application, no later than 10 days before the Elections Days. In that case, the request for the withdrawal of the independent candidate must be submitted personally to the Central Electoral Commission.

(2) The decision on the withdrawal of an independent candidate from the race shall be adopted by the Central Electoral Commission no later than 3 days after the request has been made, in accordance with paragraph (1).



**Article 117. Voters' Lists**

The Voters' Lists for Parliamentary Elections shall be compiled in accordance with the provisions of Chapter VI, to be applied accordingly.

**Article 118. Electoral campaign**

The electoral campaign for parliamentary elections shall be conducted in accordance with the provisions of Chapter VIII, to be applied accordingly.

**Article 119. Ballot papers**

Ballot papers shall be drawn up in accordance with the provisions of Chapter IX, to be applied accordingly.

**Article 120. Voting**

Voting in Parliamentary Elections shall be held in accordance with the provisions of Chapter X, to be applied accordingly.

**Article 121. Votes counting and establishing the elections results**

Votes counting and establishing the results of Parliamentary Elections shall be carried out in accordance with the provisions of Chapter XI, to be applied accordingly.

**Article 122. Setting the representation threshold**

(1) After receiving the minutes of the District Electoral Councils on the votes counting results from all Electoral districts, the Central Electoral Commission shall tabulate the number of valid expressed votes, obtained by each electoral competitor, in order to determine whether they have reached the minimum threshold of representation.

(2) The minimum representation threshold shall be the following percentages of valid votes expressed overall per country:

- a) for an electoral bloc of parties - 7 %;
- b) for a political party - 5 %;
- c) for an independent candidate - 2 %.

(3) Electoral competitors who received fewer votes than the percentage provided in paragraph (2) shall be excluded from the procedure of mandate assignment, by the decision of the Central Electoral Commission.

**Article 123.** Counting the Mandates obtained by the electoral competitor

(1) The number of mandates obtained by each competitor shall be calculated by the Central Electoral Commission by successively dividing the number of valid votes given to each competitor, besides independent candidates, with 1,2,3,4 etc., up to the figure that corresponds to the number of seats established for the Parliament.

(2) From the results of all the divisions and the number of valid votes cast for independent candidates, it should be selected in descending order as many numbers as there are seats to be allocated. The number of the mandates assigned to each political party or electoral bloc of parties is equal to the quantity of numbers obtained by them from this descending row.

(3) Independent candidate shall be considered elected if the number of valid obtained votes represents at least two per cent from the valid votes casted across the country.

**Article 124.** Assigning the Members of Parliament seats

(1) The Central Electoral Commission shall assign the seats to electoral competitors according to 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 122, but have not been elected shall be declared as alternates. An alternate candidate shall be declared as elected by the Constitutional Court, upon the request of the Central Electoral Commission, if, for whatever reasons, a seat belonging to a political party or to an electoral bloc of parties becomes vacant. The alternate candidate may refuse the offered seat, by submitting a written application with the Central Electoral Commission.

(3) If a political party or an electoral bloc of parties obtains a number of seats that exceeds the number of candidates included in the list, the concerned political party or the electoral bloc of parties shall receive a number of seats that is equal to the number of candidates included in the list.

(4) The remaining seats shall be reassigned to other political parties or electoral blocs of parties in the manner laid down in Article 123 (1). The same procedure shall apply to subsequent vacancies for the position of Member of

Parliament, if the electoral competitor does not have alternate candidates or if became vacant the MP mandate obtained by an independent candidate.

**Article 125.** Confirmation of elections results and validation of MPs mandates

(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 85 and the lists of elected Members of Parliament and alternate candidates.

(2) Within 10 days of receipt of the acts referred in paragraph (1) from the Central Electoral Commission, but not before the Courts have made final decisions on complaints submitted according to the established procedures, the Constitutional Court shall confirm or deny the legality of elections. At the same time, the Constitutional Court shall validate, by a decision, the mandates of the elected members of Parliament and confirm the lists of alternates.

**Article 126.** Establishing the elections results

(1) The minutes on the election results, together with the decision of the Constitutional Court confirming the legality of elections and validation of at least 2/3 of the number of MP's mandates, shall be transmitted to the Parliament within 2 days after adopting the decision. A copy of the decision and the lists of established alternate candidates shall be sent to the Central Electoral Commission and to the President of the Republic of Moldova. The decision of the Constitutional Court is published in the Official Gazette of the Republic of Moldova.

(2) The Central Electoral Commission shall order the publication of the final results of the elections within 24 hours of receipt of the acts from the Constitutional Court.

**Article 127.** Invalid Elections

The Central Electoral Commission shall declare the elections invalid if less than 1/3 of the voters included in the Voter' Lists have participated.

**Article 128.** Void Elections

If the Constitutional Court establishes that, in the process of elections and/or during the counting, have been committed infringements of this Code that have influenced the results of the elections and the allocation of seats, the elections shall be declared void.

**Article 129.** Repeated voting

(1) If elections have been declared invalid or void, within 2 weeks the Central Electoral Commission shall organize repeated elections with the same Voters' Lists, the same candidates, with the same electoral councils and bureaus.

(2) Electoral competitors found guilty for infringing the provisions of this Code shall be sanctioned or excluded from the race under a final Court decision, and electoral officials from the electoral councils and bureaus which committed such infringements shall be replaced.

(3) The repeated voting shall be considered valid regardless of voters' turnout.

**Article 130.** New elections

(1) If after the repeated voting the elections have been declared void, the Central Electoral Commission shall set the date of new elections at least after 60 days and not more than 3 months after the last elections were declared void.

(2) In the event of early elections, if even after the repeated voting, elections are declared void, the President of the Republic of Moldova shall set by decree the date of New Elections, observing the term indicated in Article 110 (3).

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

**TITLE IV  
ELECTIONS OF THE PRESIDENT  
OF THE REPUBLIC OF MOLDOVA**

**Article 131.** Applicability of this Title

The provisions of this title shall apply only to Elections of the President of the Republic of Moldova.

**Article 132.** Elections of the President of the Republic of Moldova

(1) The President of the Republic of Moldova shall be elected by universal, equal, direct, secret and freely expressed suffrage, for a 4 years term.

(2) Presidential Elections shall be conducted within the National Electoral District.

**Article 133.** Electoral Districts and District Electoral Councils

For the purposes of the organisation and holding of Presidential Elections, the Central Electoral Commission shall establish Electoral Districts, in accordance with Articles 34 and 35, to be applied accordingly.

**Article 134.** The polling stations and the Precinct Electoral Bureaus

The polling stations and the Precinct Electoral Bureaus shall be established in accordance with Article 38–40, to be applied accordingly.

**Article 135.** Setting the date of Elections

(1) Presidential Elections shall be held within 2 months from the date on which the vacancy for the position of President of the Republic of Moldova occurred, in accordance with Article 90 of the Constitution of the Republic of Moldova.

(2) The date of Elections of the President of the Republic of Moldova shall be set by the decision of the Parliament, at least 60 days before the Elections Days.

**Article 136.** Special requirements set for the candidates for the position of the of the Republic of Moldova

(1) 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 possess the state language, has higher education, graduated with a bachelor's degree or equivalent, and meets the conditions provided by this Code.

(2) The Central Electoral Commission shall verify the submitted documents and shall establish if the special requirements set for the candidates for the position of the Republic of Moldova are being met. The knowledge of Romanian Language shall be verified by the Central Electoral Commission, in accordance with Article 18 (1) of the Law on the citizenship of the Republic of Moldova No 1024/2000. The procedure for assessing the level of knowledge of Romanian Language by the candidate for the position of President of the Republic of Moldova shall be established by the decision of the Central Electoral Commission.

**Article 137.** Nomination of candidates

The nomination of candidates for the position of President of the Republic of Moldova shall start 60 days before the Elections Days and shall end 30 days before the Elections Days, under the Article 63, to be applied accordingly.

**Article 138.** Registration of candidates

(1) In order to be registered, candidates for the position of President of the Republic of Moldova shall personally submit the documents provided for in Article 68, to the Central Electoral Commission.

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

**Article 139.** Special requirements for signatures collecting lists

(1) In order to be registered by the Central Electoral Commission, all candidates for the position of President of the Republic of Moldova shall submit signatures collecting lists containing at least 15000 and at most 25000 signatures of voters from at least half of the number of second-level administrative-territorial units of the Republic of Moldova and correspond to other provisions of this Code.

(2) The second-level territorial-administrative units of the Republic of Moldova in which at least 600 signatures have been collected shall be deemed to comply with paragraph (1).

(3) The procedure for collecting signatures to support the candidate for the position of President of the Republic of Moldova, the submission and verification of the signatures collecting lists shall be performed in accordance with Articles 65–67 and with the Regulation approved by the Central Electoral Commission, to be applied accordingly.

(4) If upon verification it is established that the required number of signatures is not submitted or, after the invalidation of the signatures collecting lists and/or the signatures from these lists, their number was reduced below the minimum ceiling laid down in paragraph (1) and (2), the candidate shall not be registered and the respective decision shall be communicated to him/her within 24 hours of its adoption.

(5) It is prohibited to submit additional signatures collecting lists after the Central Electoral Commission has received and registered all the documents provided for in Article 68.

**Article 140.** The initiative groups

(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, 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 it is decided to

support the respective candidate, is elected the leader of the group and is approved the list of members of the initiative group, indicating 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 shall not be members of another initiative group at the same time. In case of political parties and electoral blocs of parties, the initiative groups shall be established under similar conditions.

(2) Before opening the meeting, the members of the meeting are being registered by filling out in a list, their last name, first name, year of birth, domicile and application of their signatures.

(3) The list of members of the initiative group, in which the head of that group is also indicated, shall be submitted with the Central Electoral Commission by the candidate appointed for the position of President of the Republic of Moldova, at least 50 days before the Elections Day.

(4) The Central Electoral Commission shall register the initiative group and issue the badges for the members of this group, no later than 3 days after the date on which the list of members has been submitted, if the requirements laid down in paragraphs (1) - (3) are being met.

(5) In the case of political parties and electoral blocs of parties, the initiative group shall be established under the same conditions.

(6) The detailed procedure concerning the establishment and registration of the initiative group shall be laid down in the Regulation approved by the Central Electoral Commission.

#### **Article 141. Voters' Lists**

The Voters' Lists for the Presidential Elections shall be compiled in accordance with the provisions of Chapter VI, to be applied accordingly.

#### **Article 142. Electoral campaign**

(1) The electoral campaign for the Presidential Elections shall be conducted in accordance with the provisions of Chapter VIII, to be applied accordingly.

(2) In the case of the second round, the electoral campaign shall begin on the date set by the Central Electoral Commission, but no later than 10 days before the date of the corresponding elections.

#### **Article 143. Ballot papers**

Ballot papers shall be drawn up in accordance with the provisions of Chapter IX, to be applied accordingly.

**Article 144. Voting**

Voting in Presidential Elections shall be held in accordance with the provisions of Chapter X, to be applied accordingly.

**Article 145. Votes counting and establishing the elections results**

Votes counting and establishing the results of Presidential Elections shall be carried out in accordance with the provisions of Chapter XI, to be applied accordingly.

**Article 146. 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, positioned according to the decreasing number of votes obtained in the first round.

(2) If several candidates have received an equal number of votes in order to access the second round, the Central Electoral Commission makes the drawing of lots, recording that fact in minutes. Candidates are able to decide by mutual agreement 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 received 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 date of the second round of elections shall be set by the decision of the Central Electoral Commission, immediately after the processing the voting results of the first round of elections. The information on the conduct of the second round of elections shall be made public by the Central Electoral Commission within 24 hours after the date decision was approved.

(5) The candidate who obtained the highest number of votes in the second round of elections shall be declared as elected.



(6) If both candidates obtained the same number of votes, the candidate who has received more votes during the first round of elections shall be considered as elected. If both candidates have received the same number of votes in the first round of elections, the Central Electoral Commission shall conduct the draw the lots, recording that fact in a minutes.

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

**Article 147.** Establishing the 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 declare the elections as valid and the candidate as elected.

(2) The Central Electoral Commission shall submit to the Constitutional Court the acts referred to in Article 85, within 24 hours after the tabulation of elections results.

**Article 148.** Confirmation the legality of elections

Within 10 days of receipt of acts from the Central Electoral Commission, but not before the Courts have made final decisions on complaints submitted according to the established procedures, the Constitutional Court shall confirm or deny, through an opinion, the legality of elections.

**Article 149.** Validation of the President of the Republic of Moldova Mandate

(1) The Constitutional Court confirms the results of elections and validates the election of a candidate, by adopting a decision which shall be immediately published.

(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

**Article 150.** Taking the Oath

(1) The candidate whose election was validated by the Constitutional Court take the oath before the Parliament and the Constitutional Court, within the period laid down in Article 79 (2) of the Constitution of the Republic of Moldova.

(2) The exercise of the mandate of the President of the Republic of Moldova shall effectively start from the day the oath is taken.

#### **Article 151. Invalid elections**

(1) Elections shall be considered invalid if less than 1/3 of the number of persons registered in the Voters' Lists have participated in the first round of elections. In the second round, the elections shall be declared invalid if less than 1/5 of the number of persons registered in the Voters' Lists have participated.

(2) The decision on the declaration of invalid elections shall be adopted by the Central Electoral Commission on the basis of acts submitted by the District Electoral Councils.

#### **Article 152. Void Elections**

If the Constitutional Court establishes that in the process of elections and/or the counting of votes have been committed infringements of this code that have influenced the results of elections, the elections shall be declared void.

#### **Article 153. Repeated voting**

(1) If elections are declared invalid or void, shall be held the repeated voting.

(2) Within 2 weeks after the declaration of invalid or void elections, Central Electoral Commission shall order repeated voting with the same Voters' Lists, the same candidates, with the same Electoral Councils and Bureaus.

(3) In case of holding repeated voting after the second round of elections, shall be applied the provisions of Article 146.

(4) Electoral competitors found guilty for infringing the provisions of this Code shall be sanctioned or excluded from the race under a final decision, and electoral officials from the Electoral Councils and Bureaus which committed such infringements shall be replaced.

(5) The repeated voting shall be considered valid regardless of voters' turnout.

#### **Article 154. New elections**

(1) New elections shall take place:

a) if, after repeated voting, the elections have been declared invalid or void;

b) if one or two candidates have participated in the elections and none of them has received at least 1/2 of the number of votes of voters who participated in elections.

(2) The date of the new elections shall be set by the Parliament no later than 30 days after the previous ordinary elections or repeated voting during which the President of the Republic of Moldova was not elected, at least 60 days before the Elections Days, in accordance with this Code.

## **TITLE V REGIONAL AND LOCAL ELECTIONS**

### **Article 155.** Peculiarities of the organisation of regional elections

(1) The particularities of the organization and conduct of regional elections shall be established by the normative acts of the People' Assembly of Gagauzia, in accordance with the provisions of Law no. 344/1994 on the special legal status of Gagauzia (Gagauz-Yeri) and of this Code.

(2) The financing of the electoral campaign of the electoral competitors in the regional elections, its oversight and control is carried out under the conditions of this Code and of the local normative acts. The reports on the accumulated income and expenditures incurred during the electoral campaign, submitted in accordance with art. 58 (3), shall be transmitted by the Central Electoral Commission to the Central Electoral Council of Gagauzia for information and decision-making according to its competence.

(3) Voters' Lists for regional elections are compiled based on the State Register of Voters, according to the criteria laid down in this code.

(4) Complaints submitted in the context of regional elections shall be considered under the conditions of this Code and local normative acts. The decisions of the Central Electoral Council of Gagauzia taken during the electoral period of the regional elections shall be challenged directly at the Comrat Court of Appeal.

(5) The national observers for the regional elections shall be accredited by the Central Electoral Council of Gagauzia, and the international ones – by the Central Electoral Commission.

### **Article 156.** Local elections

(1) The Mayors of towns (municipalities), villages (communes) and councillors in the rayon, towns (municipalities), villages (communes) councils shall

be elected by universal, equal, direct, secret and freely expressed suffrage, for a 4 years term.

(2) The Central Electoral Commission shall notify the public by a decision on the number of local councillors laid down under this Code and Law No. 436/2006 on local public administration.

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

**Article 157.** Electoral Districts and polling stations. District Electoral Councils and Precinct Electoral Bureaus

(1) For the election of local councils and Mayors, each rayon, territorial-administrative unit with special status, town (municipality), village (commune), shall represent a single Electoral District. The first-level electoral districts, which correspond, as a rule, to the boundaries of the first-level administrative-territorial units of the Republic of Moldova, shall be established by the second-level District Electoral Councils at least 45 days before the Elections Day.

(2) The District Electoral Councils of the town (municipality), village (commune), named as first-level District Electoral Councils, shall be established by the second-level District Electoral Councils at least 40 days before the Elections Days. The procedure for the establishment and their duties are regulated by Articles 34 and 37, to be applied accordingly. In new or partial elections, and if the second-level District Electoral Councils are not established, first-level Electoral Districts and District Electoral Councils shall be established by the Central Electoral Commission.

(3) The first-level Electoral Districts for the elections of local councillors and Mayors shall be divided into polling stations, for which the Precinct Electoral Bureaus shall be established. Precinct Electoral Bureau shall be established and shall perform their duties under the Articles 38 and 41, to be applied accordingly.

**Article 158.** The special duties of the electoral council

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. The members of that Electoral Council are entitled to an increase of 5 % of the allowance established under the Article 45.

**Article 159.** Setting the date of Elections

(1) The General Local Elections shall be held on the last Sunday of October or on the first Sunday of November.

(2) The Elections date shall be set by the Central Electoral Commission at least 70 days before the Elections Days.

(3) The date of Repeated voting, New and Partial Elections shall be set by the Central Electoral Commission under this Code.

**Article 160.** Special restrictions of the right to vote

(1) Voters who do not have their domicile or temporary residence in the respective administrative-territorial unit shall not participate in the Elections of the local council and the Mayor.

(2) The period for domicile or temporary residence registration shall not be less than 3 months before the date of the first round of elections.

**Article 161.** The special conditions to be elected

1) Moldovan citizens who are eligible to vote, and have attained 18 years including on Elections Day, shall enjoy the right to be elected as councillors to local councils.

(2) Moldovan citizens who are eligible to vote, have reached 23 years including on Elections Day and have graduated at least the general compulsory education provided for in Article 13 of the Education Code no. 152/2014, shall enjoy the right to be elected as Mayors.

**Article 162.** Nomination and registration of candidates

Candidates shall be nominated and registered under the conditions laid down in Chapter VII that shall be applied accordingly.

**Article 163.** Special conditions for the nomination of candidates by political parties and electoral blocs of parties

(1) The number of candidates who are running for the councillor position, included in the lists shall contain at least 1/2 of the number of mandates established for the concerned electoral district and a maximum of seven alternate candidates.

(2) The lists of candidates shall be drawn up and/or amended in compliance with Article 68 (3).

(3) Failure of the concerned electoral body to comply with the conditions laid down in paragraphs (1) and (2) shall entail refusal to register the lists of candidates.

(4) Political parties and electoral blocs of parties may nominate a single candidate for Mayor in each Electoral District. A person shall not stand as candidate in several Electoral Districts of the same level or in the Chisinau and the Balti Municipalities at the same time.

(5) A person may run for the position of councillor both in the council of first-level administrative-territorial units and in the council of 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 district of similar level.

**Article 164.** Special requirements for the submission of applications by the independent candidates

(1) The citizen of the Republic of Moldova may apply as an independent candidate to be elected in the local council if he/she is being supported by 2% of the number of voters from that district, divided by the number of councillor seats available to be filled through elections, but not less than 50 persons and for Mayor if he/she is being supported by 1% voters from the district, but not less than 100 voters.

(2) The procedure for collecting signatures to support the independent candidate, the submission and verification of the signatures collecting lists, shall be performed under Articles 65-67 and under the Regulation approved by the Central Electoral Commission, to be applied accordingly.

(3) If during the verification it is established the lack of the required number of signatures or, after the invalidation of the signatures collecting lists and/or the signatures from these lists, their number was reduced below the minimum ceiling laid down in paragraph (1), the candidate shall not be registered and the grounded decision on the refusal to register the independent candidate shall be communicated to him/her within 24 hours of its adoption.

(4) It is prohibited to submit additional signatures collecting lists after the District Electoral Council has received and registered all the documents provided for in Article 68.

**Article 165.** Amending the list of candidates

(1) Electoral competitors shall be entitled to request, at least 10 days before the Elections Day, the following changes to the list of candidates:

- a) change the place or withdraw the candidate from the registered list;
- b) withdraw the entire list of candidates;
- c) before the beginning of the electoral campaign, the replacement of one candidate from the registered list by his withdrawal and the appointment of another candidate, supplementing the list of candidates within the limit laid down in Article 163 (1).

(2) Under paragraph (1) of this Article, the decision on the withdrawal or changes in the list of candidates is to be taken by the political party or the electoral bloc of parties which submitted the list of candidates, in compliance with Article 7 (2) lit. b) of Law No 5/2006 on ensuring equal opportunities for men and women and of Article 68 (3) of this Code, and shall be submitted to the Commission.

(3) The lists of candidates shall be amended by the decision of the Central Electoral Commission in maximum 3 days.

(4) The District Electoral Council shall refuse to make changes which do not meet the requirements laid down in paragraphs (1) and (2), by issuing a decision to that effect.

#### **Article 166.** Withdrawal of the independent candidate

(1) An independent candidate is entitled to withdraw his/her application, no later than 10 days before the Elections Days. In that case, the request for the withdrawal of the independent candidate must be submitted personally to the corresponding District Electoral Council.

(2) The decision on the withdrawal of an independent candidate from the race shall be adopted by the corresponding District Electoral Commission no later than 3 days after the request has been made, in accordance with paragraph (1).

#### **Article 167.** Voters' Lists

The Voters' Lists for local elections shall be compiled in accordance with Chapter VI, to be applied accordingly.

#### **Article 168.** Electoral campaign

(1) The electoral campaign for local elections shall be conducted in accordance with the provisions of Chapter VIII, to be applied accordingly.

(2) In the case of the second round, the electoral campaign shall begin on the date set by the Central Electoral Commission, but no later than 10 days before the date of the corresponding elections.

**Article 169.** Ballot papers

For elections to the rayon, towns (municipalities), villages (communes) councils and Mayors of towns (municipalities), villages (communes) shall be drawn separate ballot papers in accordance with Chapter IX, to be applied accordingly.

**Article 170.** Voting

Voting in local elections shall be conducted under the conditions laid down in Chapter X, to be applied accordingly.

**Article 171.** Votes counting and establishing the elections results

(1) Votes counting and establishing the results of Parliamentary Elections shall be carried out in accordance with the provisions of Chapter XI, to be applied accordingly. Shall be drawn up separate minutes for the elections of the Mayor and the elections of local councillors.

(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, electoral bloc of parties, which nominated them, or the mention "independent candidate" shall be entered into the minutes drawn up by the electoral councils and bureaus.

**Article 172.** Allocation of Councillors Seats

(1) The councillors' seats in rayon, town (municipality), village (commune) councils shall be allocated by the corresponding District Electoral Councils.

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

(3) From the results of all the divisions and from the number of valid votes cast for independent candidates, it shall be selected in descending order as many numbers as the amount of seats to be allocated in the electoral district. The number of mandates assigned to a political party, electoral bloc of parties, depends on the quantity of numbers contained in that descending row.



(4) An independent candidate shall be considered elected if the number of votes cast for him/her fits within descending row.

(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 minutes.

(7) If a political party, electoral bloc of parties is being allocated a number of mandates exceeding the number of candidates on its list, the extra numbers from the descending row of the respective organisation shall be eliminated and replaced by descending numbers of other candidates.

(8) If only independent candidates were included in the ballot paper for the election of the councils, the District Electoral Council shall draw up a list candidates with the number of votes received by them in descending order and allocate each candidate one mandate until the mandates are being finished.

(9) Candidates included in the lists but not elected shall be declared alternate candidates. When a councillor mandate belonging to a political party, electoral bloc of parties becomes vacant before the end of term, it will be allocated to one of the alternate candidates of the respective political party or electoral bloc of parties, in the order of their inclusion in the list. If the list of alternate candidates is finished, the replacement of the vacant seat shall be done by restoring the descending row, excluding the respective electoral competitor and including the decreasing number of another electoral competitor in the row.

(10) If the seat allocated to an independent candidate becomes vacant, the vacancy shall be completed by restoring the descending row, excluding the number belonging to the respective candidate and including the number following in the row.

(11) If only independent candidates are included on the ballot papers, in the event of a vacant seat, the alternate candidate shall be allocated the seat, under paragraph (10).

(12) Seats to alternate candidates shall be allocated by the Central Electoral Commission, under this Article, the Regulation approved by the Central Electoral Commission decision and based on documents held by the Commission.

**Article 173. Election of Mayor**

(1) A candidate running for Mayor shall be considered elected if 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, within 2 weeks, a second-round of elections shall be conducted between the two candidates who received the highest number of votes. These two candidates are listed on the ballot paper in descending order as per the number of votes received in the first round. If several candidates obtained an equal number of votes in the first round, the District Electoral Council shall conduct the draw the lots, recording that fact in a minutes.

(3) The date of the second round of elections shall be set by the decision of the Central Electoral Commission, immediately after processing the voting results of the first round of elections, but not later than 10 days before the respective elections. The information on the conduct of the second round of elections shall be made public by the Central Electoral Commission within 24 hours after the date decision was approved.

(4) The candidate who obtained the highest number of votes in the second round of elections shall be declared as elected. If both candidates obtained the same number of votes, the candidate who has received more votes during the first round of elections shall be considered as elected. If both candidates have received the same number of votes in the first round of elections, the District Electoral Council shall conduct the draw the lots, recording that fact in a minutes.

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

**Article 174. Confirmation of the legality of elections and mandate validation**

(1) The District Electoral Councils of the first-level administrative-territorial units shall submit the minutes on elections results to the second-level District Electoral Councils or, where appropriate, to the Central Electoral Commission.

(2) District Electoral Council, within 10 days after receiving the reports, minutes and other electoral documents from the Precinct Electoral Bureaus, where appropriate, from the first-level District Electoral Councils, but not before the Courts have made final decisions on complaints submitted according to the established procedures, confirms or denies by a decision the legality of the elections in the concerned electoral district and shall forward it, within 24 hours after adoption, to

the Central Electoral Commission and the concerned second-level District Electoral Councils, that shall publish the final results.

(3) Once the legality of elections has been confirmed, the concerned District Electoral Councils shall establish the elected candidates, shall allocate and validate the mandates of the councillors and Mayors, and shall confirm the list of alternate candidates, by adopting a decision to that effect. The person elected at the same time for the position of Mayor and councillor shall submit to the District Electoral Council his/her consent to be validated in one of those two positions.

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

(5) The badge for the local elected official is prepared and issued in line with the procedure established by the Law no. 256/2004 on the adoption of the Regulation on the local elected official badge and the Regulation on the local elected official pin.

#### **Article 175. Invalid Elections**

(1) Elections shall be considered invalid in certain districts if less than  $1/4$  of the number of persons registered in the Voters' Lists have participated. In the second round, the elections shall be declared invalid if less than  $1/5$  of the number of people registered in the Voters' Lists have participated.

(2) The decision on the declaration of invalid elections shall be adopted by the Central Electoral Commission on the basis of acts submitted by the District Electoral Councils.

#### **Article 176. Void Elections**

Elections shall be declared void if infringements of this Code have been committed during the election procedures and if those violations affected the results of voting and seats allocation. A decision in this regard shall be adopted by the Central Electoral Commission based on the decisions taken by appropriate District Electoral Councils.

#### **Article 177. Repeated voting**

(1) If in certain districts or polling stations, elections have been declared invalid or void, the Central Electoral Commission shall order the organization, within 2 weeks, of repeated voting with the same voters' lists, same candidates and the same Electoral Councils and Bureaus.

(2) Electoral competitors found guilty of committing infringements of this Code shall be sanctioned or withdrawn from the ballot papers based on the final decision and the electoral officials from the electoral councils and bureaus which committed such infringements shall be replaced.

(3) Repeated voting shall be conducted in strict accordance with the provisions of Chapters X and XI and shall be considered valid regardless of voters' turnout.

#### **Article 178. New elections**

(1) New elections shall be conducted if:

a) if the council has been dissolved or its composition has reduced by more than 1/3 out of the number established by the Central Electoral Commission under the terms of this Code and Law No 436/2006 on local public administration;

b) if the Mayor's term of office has early terminated in accordance with Law No 768/2000 on the status of local elected official;

c) if even after repeated voting the councillor and/or the Mayor were not elected;

d) if upon administrative-territorial reorganisation, in the newly established administrative-territorial units it is necessary to elect the local public administration authorities (councillors, Mayors).

(2) In the last year before the end of the office term new elections for the position of Mayor shall not be organized. New elections for the position of the local councillor shall not be organised during the last half of its term of office.

(3) If one of the circumstances set forth in paragraph (1) arises, the local public administration authority shall notify in writing about this fact the Central Electoral Commission within 15 days after the circumstance occurred.

(4) The Central Electoral Commission shall set the date of New Elections no later than 30 days after establishing the occurrence of the circumstances referred to in paragraph (1), and no earlier than 60 days before the Elections 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 179. Partial elections**

(1) If, after elections, the established number of councillors has not been elected, the Central Electoral Commission shall, within 2 weeks, call for Partial Elections in one or more districts.

(2) In order to fill the vacant mandates, Partial Elections shall be conducted on the terms of Titles I, II and V.

(3) The date of the Partial Elections shall be set by the decision of the Central Electoral Commission at least 60 days before the Elections Days.

## **TITLE VI**

### **REFERENDUM**

#### **Article 180.** Applicability of the present Title

The provisions of this Title shall be applicable only to the organisation and conduct of republican and local referendums.

## **Chapter XIV**

### **REPUBLICAN REFERENDUM**

#### **Article 181.** Republican Referendum

(1) A Republican Referendum is held to ensure the exercise of people's power and its direct participation in the management and administration of public affairs.

(2) The Republican Referendums is being conducted by universal, equal, secret and freely expressed suffrage, pursuant to the Constitution of the Republic of Moldova and to this Code.

(3) The acts adopted through Republican Referendum have legal power upon their confirmation by the Constitutional Court, and are enforceable throughout the country.

#### **Article 182.** Types of Republican Referendum

(1) Depending on the legal nature of questions subject to referendum, Republican Referendum may be constitutional, legislative, on the dismissal of the President of the Republic of Moldova or consultative.

(2) Proposals regarding the revision of the Constitution are subject to the Constitutional Referendum.

(3) Draft laws or some of their provisions of particular importance for society and the state are subject to the Legislative Referendum.

(4) Issues of particular national interest shall be submitted to the Consultative Referendum, in order to consult the people's opinion on these issues.

### **Article 183.** Initiating a Republican Referendum

(1) A republican referendum may be initiated by:

a) at least 100,000 Moldovan citizens eligible to vote. In case of Constitutional Referendum, provisions of Article 141 (1) lit. a) of the Constitution of the Republic of Moldova shall apply;

b) at least 1/3 of Members of Parliament;

c) President of the Republic of Moldova;

d) Government.

(2) The subjects referred to in paragraph (1) lit. a) shall initiate Constitutional, Legislative or Consultative Referendums. The subjects referred to in paragraph (1) lit. b) may initiate any type of referendum provided for in Article 182. The subjects referred to in paragraph (1) lit. c) may initiate only Consultative Referendums and those referred to in paragraph (1) lit. d) may initiate Constitutional and Consultative Referendums.

(3) If the referendum is initiated by the subjects referred to in paragraph (1) lit. a), to the proposal to hold the referendum shall be attached the signatures collecting lists provided for in Article 197 (1).

(4) The proposal to hold the referendum must include the issues to be submitted to the referendum, clearly set out, excluding their ambiguous interpretation, the goal and expected date for its conduct. Questions of a different nature and mutually exclusive issues shall not be submitted to the referendum.

### **Article 184.** Restrictions on holding the Republican Referendum

(1) The Republican Referendum shall not be conducted in the event of establishment/declaration of a state of emergency, of siege or of war, or within the 120 days after the respective status was lifted. If the period in respect of which it was established/declared the state of emergency, of siege or of war overlaps with the date of the Republican Referendum, set before the establishment/declaration of that state, the referendum shall be cancelled de jure or postponed to another day, in compliance with the time limits laid down in this Code. The decision to postpone a republican referendum shall be adopted by the body which issued the decision to hold the referendum.

(2) The Republican Referendum shall not be conducted on the day of Parliamentary, Presidential and General Local Elections, nor within 60 days before or after the day the elections are being held. On the same day can't be conducted two Republican Referendum.

**Article 185.** Issues which may be subject to Republican Referendum

(1) The Republican Referendum shall be subject to the issues concerning:

- a) the revision of the Constitution;
- b) approval of the constitutional laws adopted by the Parliament for the review of the provisions on the sovereign, independent and unitary character of the State and those relating to the State's permanent neutrality;
- c) the dismissal of the President of the Republic of Moldova;
- d) approving laws of particular importance for society and the State;
- e) other important issues of the society and the State.

(2) The text of the question on which voters must decide in the Republican Referendum shall be drafted in a neutral, unambiguous manner, without misleading or suggesting the answer. It is not allowed to ask mutually exclusive questions.

(3) The organisation and holding of the referendum on the issues referred to in paragraph (1) lit. b) and c) shall be mandatory.

**Article 186.** Issues that shall not be subjects to Republican Referendum

The Republican Referendum shall not be subject to the issues concerning:

- a) tax and budget;
- b) amnesty or mercy;
- c) extraordinary or emergency measures to ensure public order, health and safety of the population;
- d) electing, appointing or dismissing persons for/on/from certain positions which fall under the jurisdiction of Parliament, President of the Republic of Moldova and Government;
- e) jurisdiction of the Courts and public prosecutor's office.

**Article 187.** Initiating referendum for the revision of the Constitution

(1) A Referendum for revising the Constitution shall be initiated in compliance with Article 141 of the Constitution of the Republic of Moldova.

(2) The proposal to hold a referendum for the revision of the Constitution shall be submitted to the Constitutional Court, which is required to present an opinion on the initiative to review the Constitution, within 10 days.

(3) Once the Constitutional Court has reviewed the constitutionality of the initiative for revision of the Constitution, the proposal to hold the referendum, to which shall be attached the opinion of the Constitutional Court, shall be submitted for examination by the Parliament.

(4) The revision of the Constitution may not be made subject to the referendum if it leads to the violation of fundamental human rights and freedoms of the citizens 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 188.** Initiation of the referendum on dismissal of the President of the Republic of Moldova

(1) The Referendum on the dismissal of the President of the Republic of Moldova shall be initiated exclusively by the Parliament.

(2) After the passing of the decision on suspending the duties of the President of the Republic of Moldova in accordance with Article 89 (1) and (2) of the Constitution of the Republic of Moldova, the Parliament, within 5 days, shall pass a decision on holding the referendum on the matter in question. The referendum shall be conducted within the time-limit laid down in Article 89 (3) of the Constitution of the Republic of Moldova.

(3) The referendum shall take place at least after 30 days after the decision on suspending the duties of the President of the Republic of Moldova was passed.

**Article 189.** Decision on holding the Republican Referendum

(1) Within 3 months of receiving the proposal to initiate the referendum, the Parliament adopts one of the following decisions:

a) call for the referendum, which shall take place at least 60 days after passing the decision;

b) reject the proposal on conducting referendum, if it is initiated by the Members of the Parliament;

c) resolution of questions subject to the referendum without holding it, except in the case provided for in Article 187 (5).



(2) The decision on holding the Republican Referendum shall state the date of its conduct, the name of the draft law to be adopted, its text and/or the questions on which voters must decide within the referendum.

**Article 190.** Setting the date of the Republican Referendum

The date of the Republican Referendum shall be set by the decision of the Parliament, at least 60 days before the date of its holding, upon the proposal from the subject with the right to initiate the referendum.

**Article 191.** Initiation of the 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 organizers shall notify, in writing, the Central Electoral Commission and the local public administration authority of the locality where the meeting is to be held, about the time, venue, and purpose of this meeting.

(2) Before opening the meeting, the members of the meeting are being registered by filling out in a list, the last name, first name, domicile and apply their signatures.

(3) A Chairperson and a Secretary of the meeting shall be elected. The agenda for the meeting shall include the discussion of the appropriateness of organising the Republican Referendum and the formulation of the questions on which the voters shall decide.

(4) If the proposal for holding a referendum is being adopted with the majority of votes of the participants attending the meeting, an initiative group shall be established to administer the signatures collecting. The initiative group shall be composed of at least 100 citizens eligible to vote. The members of the group shall elect from among its members the executive board, including a Chairperson, a Deputy Chairperson and a Secretary who will represent the group and manage its activity.

(5) During the meeting shall be drawn up the minutes, containing the results of voting on the issues included in the agenda. The Chairperson and Secretary of the meeting shall sign the meeting acts: list of participants, the minutes, the accurately and correctly formulated questions to be addressed to voters during the referendum or, as the case may be, the draft Law, as well as the list of initiative group members including their identity data.

**Article 192.** Registration of the initiative group

(1) The initiative group for holding the Republican Referendum shall be registered by the Central Electoral Commission. For registration, the following documents shall be submitted to the Commission:

- a) acts of citizens' meeting where was established the initiative group;
- b) the statement of the members of the initiative group on the consent to participate in the collection of signatures of referendum supporters;
- c) the request for registration of the initiative group.

(2) Within 15 days after the filing of the documents referred to in paragraph (1) or after the receipt of the opinion in accordance with Article 193 (3) and (5), the Central Electoral Commission shall adopt a decision on the registration of the initiative group or the refusal to register it. The decision on registration of the initiative group sets out the period for collecting the signatures of the Republican Referendum supporters, which may not be less than 2 months and not more than 3 months.

(3) After the registration of the initiative group, its members shall receive badges and signature collecting lists, according to the templates set by the Central Electoral Commission.

(4) Information on the registration of the initiative group and the issues to be submitted to the Republican Referendum shall be made public through Media.

**Article 193.** Specific requirements for the initiation of the legislative referendum by citizens

(1) The initiative group for the conduct of the legislative referendum shall submit to the Central Electoral Commission the text of the draft Law in Romanian Language, drafted in accordance with the requirements of the legislative technique provided for by Law No 100/2017 on normative acts, as well as the information note.

(2) After receiving the documents of the initiative group for the conduct of the legislative referendum, the Central Electoral Commission shall, within a maximum of 3 days, forward the draft law and the information note to the Ministry of Justice for an opinion and expertise of the project.

(3) The Ministry of Justice shall, within 30 days, carry out the procedure for offering an opinion and expertise on the draft law, in accordance with the legal requirements relating the drafting of a normative act.

(4) The initiative group for the conduct of the legislative referendum may adjust the draft law to the requirements set out in the opinion of the Ministry of Justice, provided that they do not substantially change the concept approved at the citizens' meeting.

(5) In accordance with the opinion of the Ministry of Justice, the Central Electoral Commission shall adopt, under the Article 192 (2), a decision on registration of the initiative group or the refusal to register it.

#### **Article 194.** Collecting signatures

(1) From the date of initiative group registration, but no earlier than the date of issue of the signatures collecting lists, its members have the right to collect the signatures of the supporters of the Republican Referendum on the signatures collecting lists.

(2) Signatures shall be collected under the conditions laid down in this Chapter and by the regulation approved by the Central Electoral Commission for that purpose. The provisions of Article 65 shall be applied correspondingly, to the extent that they do not contravene the special requirements related to the collection of signatures of the supporters of the republican referendum.

#### **Article 195.** Specific requirements for signatures collecting lists

(1) On each sheet of the signatures collecting lists shall be printed the question on which the voters will have to decide during the Republican Referendum. It is prohibited to collect signatures on lists which do not contain the text of the questions.

(2) In Constitutional or Legislative Referendum, the draft law shall be printed on each signatures collecting list. If it is voluminous, the draft law shall be printed separately and shall be attached to the signatures collecting list, which shall include the name of the draft and the information note or its summary.

(3) In Constitutional Referendum, the signatures collecting list will contain only signatures of the supporters who have their domicile in the same second-level administrative-territorial unit.

(4) A supporter of a Republican Referendum shall be only the person who, at the time of affixing signature on the signatures collecting list, is eligible to vote.

(5) On the signatures collecting list, the supporter of the Republican Referendum fills in the personal data by himself/herself and affixes his/her signature. If the supporter of the Republican Referendum cannot, for objective

reasons, fill in the required data in person, that information shall be fill in by the collector, the signature on the list being directly affixed by the supporter and, if this is not possible, by a representative of the latter.

**Article 196.** Responsibility for the accuracy of the signatures collecting lists

(1) The collector shall be responsible for the authenticity of the data on the drawn up signatures collecting list. On each signatures collecting list, the collector shall make a note attesting that the signatures have been collected by him/her personally and that he/she confirms the authenticity of the signatures and then signs it.

(2) The collector is required to warn every citizen that he/she is entitled to sign only on a single signatures collecting list.

(3) For the violation of the provisions establishing the procedure for collecting signatures, as well as the provisions concerning the protection of personal data, the collector is liable according to the law.

**Article 197.** Submission and verification of signatures collecting lists

(1) No later than the last day of the period for collecting signatures, the initiative group draws up minutes, in which indicates the date of registration of the initiative group, the number of collected signatures and the closing date for the collection of signatures. The minutes, signed by the members of the initiative group, and the signatures collecting lists shall be submitted to the Central Electoral Commission. After receiving and recording signatures collecting lists, the Commission shall not permit the submission of additional signatures collecting lists.

(2) Within 30 days of submission of the signatures collecting lists, the Central Electoral Commission shall verify the authenticity of the signatures on the submitted lists, within the limit of the number laid down in Article 183. In order to check the signatures collecting lists, the electoral body shall use the electronic application.

(3) Members of the initiative group executive board and the accredited observers shall be entitled to assist in verification of the signatures collecting lists submitted to the Commission. The members of the executive board of the initiative group shall only be entitled to assist in checking the signatures collecting lists which they have drawn up. The requirements for assisting at the verification of the signatures collecting lists shall be established in the guide laid down in Article 67 (2).

(4) After checking the signatures collecting lists, the Central Electoral Commission shall issue a decision on the initiation of the Republican Referendum. The Central Electoral Commission minutes on the verification of the signatures collecting lists and the decision on the initiation of the referendum shall be sent to the Permanent Bureau of the Parliament within 3 days.

(5) If the necessary number of signatures has not been submitted, the Central Electoral Commission shall adopt a decision rejecting the proposal to organise the Republican Referendum and cancel the registration of the initiative group.

(6) The signatures collecting list shall be invalidated entirely if:

- a) is of a different template or series (number) than that issued to the collector by the Commission;
- b) is not being signed by the collector;
- c) does not contain the text of the question.

(7) The signature from the signatures collecting list shall be invalidated if the supporter:

- a) recorded personal data but did not affix the signature;
- b) is not eligible to vote at the date of signing on the signatures collecting list;
- c) entered his/her data from an expired identity document;
- d) is being assigned to another second-level Electoral District than the territory where signatures have been collected, in the case of the constitutional republican referendum;
- e) entered incorrect identity data on the signatures collecting list, thus not being possible identify him/her.

**Article 198.** Electoral districts, polling station, Electoral Councils and Bureaus

(1) For the purposes of the organisation and holding Republican Referendum, the Central Electoral Commission shall establish administrative Electoral Districts that correspond to the second-level administrative-territorial units of the Republic of Moldova and respectively, District Electoral Councils, in accordance with Articles 34, to be applied accordingly.

(2) The duties of the District Electoral Councils are those provided for in Article 37, to be applied accordingly.

(3) The electoral districts shall be divided into polling stations under Article 38-40, to be applied accordingly. Precinct Electoral Bureaus shall be established and perform their duties in accordance with Article 38-41, to be applied accordingly.

**Article 199.** Support to the Electoral Councils and Bureaus, activity management, changing in their composition and dissolution

In Republican Referendum, support to the Electoral Councils and Bureaus, the activity management, changing in their composition and dissolution shall be performed in accordance with Article 44-46, to be applied accordingly.

**Article 200.** Registration of participants in the Republican Referendum

(1) After publication by the Central Electoral Commission of the list of political parties entitled to participate in the Republican Referendum, drawn up in accordance with Article 27 lit. g), but not earlier than 60 days and not later than 30 days before the date of holding of the Republican Referendum, those political parties shall submit to the Central Electoral Commission the application for registration as a participant in a referendum, signed by the person authorised in accordance with statutory rules.

(2) The application shall be accompanied by the following documents:

a) minutes of the meeting of the body empowered in accordance with the statutory rules on participation in the Republican Referendum;

b) the declaration of the selected option in the Republican Referendum: 'YES' or 'NO';

c) a copy of the political party statute, with all amendments and additions, registered with the Public Services Agency;

d) a request for confirmation of the representative entitled to an advisory vote and/or the person responsible for finance (treasurer) as appropriate.

(3) The registration of electoral blocs of parties shall be made in accordance with the conditions laid down in Article 64.

(4) The peculiarities of the registration of participants in the referendum shall be approved by the decision of the Central Electoral Commission.

(5) The Central Electoral Commission shall, within 3 days, consider the application and the attached documents and adopts a decision on the registration of the political party or of the electoral bloc of parties as a participant in the Republican Referendum or on the grounded refusal of registration.

**Article 201.** Voters' Lists

The Voters' Lists shall be compiled in accordance with the provisions of Chapter VI, to be applied accordingly.

**Article 202.** Electoral campaign

The electoral campaign for the Republican Referendum shall start at the earliest 30 days before the date of the referendum and shall be conducted in accordance with the provisions of Chapter VIII, to be applied accordingly.

**Article 203.** Ballot papers

(1) Ballot papers shall be drawn up in accordance with the provisions of Chapter IX, to be applied accordingly.

(2) In the ballot paper shall be printed the text of the question or the draft law that is subject to the Republican Referendum. To the right of the question or draft law, two quadrilaterals with the words “YES” and “NO” shall be placed horizontally with two circles underneath.

(3) If several questions are brought to the referendum, for each question shall be printed a different ballot paper, having different colour.

(4) Ballot papers shall be printed in a quantity that corresponds to the number of persons included in the Voters’ Lists.

(5) Ballot papers having the same question shall be of the same format, shall be printed with the same font, on paper of the same colour and density.

(6) The template and text of ballot papers, and of minutes of Electoral Councils and Bureaus for conducting the Republican Referendum, shall be approved by the Central Electoral Commission.

(7) Ballot papers shall be distributed to District Electoral Councils, 3 days prior to the Republican Referendum and to the Precinct Electoral Bureaus one day prior to the referendum.

**Article 204.** Voting

(1) Voting in the Republican Referendum shall be conducted under the requirements laid down in Chapter X, to be applied accordingly.

(2) The voter fill in the ballot papers by applying the stamp marked “voted” inside a single circle under the quadrangle containing the words “YES” or “NO”, thereby expressing his/her option.

**Article 205.** The monitoring of the Republican Referendum and its Media coverage

The monitoring of the Republican Referendum and Media coverage of organisation and conduct of referendum shall be performed under the requirements laid down in Chapter XII, to be applied accordingly.

**Article 206.** Votes counting and establishing the Republican Referendum results

(1) Votes counting and establishing the Republican Referendum results shall be performed under the conditions laid down in Chapter XI, to be applied accordingly.

(2) The minutes of the Republican Referendum's results shall include separately the number of „YES” votes and the number of „NO” votes.

(3) The results of the Republican Referendum shall be considered by the Central Electoral Commission, which shall adopt a decision on it.

**Article 207.** Confirmation of the results of the Republican Referendum

(1) The Central Electoral Commission, within 24 hours after tabulation of the Republican Referendum results, shall submit to the Constitutional Court a report on the results of the referendum and the documents provided for in Article 85.

(2) Within 10 days, the Constitutional Court shall examine the documents submitted by the Central Electoral Commission and confirm or deny, by a decision, the results of the Republican Referendum.

**Article 208.** Adopting, publishing and entry into force of the decision subject to a Republican Referendum

(1) A republican referendum decision 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 received at least half of the votes of the persons included in 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 by which the President of the Republic of Moldova was elected,



but not less than half of the number of voters who have participated in the referendum.

(2) The decision adopted through referendum shall be published in a special edition 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 decision shall enter into force upon its publication in the Official Gazette or on the date specified in it.

**Article 209.** Cancelling or amending the decision adopted through a Republican Referendum

A decision adopted by a Republican Referendum shall be cancelled or amended also 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 210.** Documents of the Republican Referendum

The documents of the Republican Referendum shall be stored under the pursuant to Article 87, to be applied accordingly.

**Article 211.** Invalid Republican Referendum

The Central Electoral Commission shall declare invalid the Republican Constitutional and Legislative Referendum if less than 1/3 of persons included in the Voters' Lists have participated in it.

**Article 212.** Void Republican Referendum

Constitutional Court shall declare void the Republican Referendum if in the process of voting and/or during the counting of votes, have been committed serious infringements of this Code that have influenced the results of the referendum as a whole.

**Article 213.** Repeated voting

(1) If the Republican Referendum has been declared void, the Central Electoral Commission shall, within 2 weeks, organise the repeated voting on the basis of the same Voter's Lists and the same Electoral Councils and Bureaus.

(2) Participants in a referendum found guilty for infringing the provisions of this Code shall be sanctioned and members of the Electoral Councils and Bureaus which committed such infringements shall be replaced.

**Article 214. New Republican Referendum**

A New Republican Referendum on the same issue may be conducted after the expiry of at least 2 years from the date of the previous Republican Referendum.

**Chapter XV  
LOCAL REFERENDUM**

**Article 215. Local referendum**

The local referendum represents consultation of citizens in questions of particular interest for village (commune), town (municipality), rayon, territorial-administrative unit with special status. The Mayor of the village (commune), town (municipality) can also be dismissed by a local referendum.

**Article 216. Restrictions on holding the local referendum**

(1) The local referendum shall not be conducted in the event of establishment/declaration of a state of emergency, of siege or of war. If the period in respect of which it was established/declared the state of emergency, of siege or of war overlaps with the date of the Local Referendum, set before the establishment/declaration of that state, the referendum shall be cancelled de jure or postponed to another day, in compliance with the time limits laid down in this Code.

(2) The local referendum shall not be conducted on the day of Parliamentary, Presidential and General Local Elections, nor within 60 days before or after the day the elections are being held. On the same day, in the same locality shall not be conducted two Local Referendums.

(3) The decision to postpone the local referendum shall be adopted by the Central Electoral Commission on the proposal from the local council or the representative authority of the administrative-territorial unit with special status which issued the act of the organisation of the referendum.

(4) The local referendum to dismiss the Mayor shall be initiated after the expiration of one year from his/her entry into office or from the date of the previous local referendum for the dismissal of the same Mayor. The dismissal of the Mayor shall not be conducted during the last year of his/her mandate.

(5) Voters who don't have domicile or temporary residence registration in the corresponding administrative-territorial unit shall be prohibited to participate in the local referendum.

**Article 217.** Issues which may be subjects to Local Referendum

(1) The Local Referendum shall be subject to local issues of particular importance falling solely within the legal powers of local public administration authorities.

(2) The text of the question on which voters must decide in the Local Referendum shall be drafted in neutral, unambiguous manner, without misleading or suggesting the answer. It is not allowed to ask mutually exclusive questions.

(3) The dismissal of the Mayor by referendum shall be initiated only in the situation when he/she fails to observe the local community's interests and does not adequately perform the local elections duties provided for by law, violates the moral and ethical rules, facts that should be confirmed in the established manner.

**Article 218.** Issues that shall not be subjects to Local Referendum

(1) The Local Referendum shall not be subject to issues:

a) concerning national interest, falling within the competence of the Parliament, Government or other central public administrations authorities, in accordance with the duties laid down by the Constitution of the Republic of Moldova and the legislation;

b) concerning the internal and external policy of the State;

c) which come in contradiction with the provisions of the Constitution of the Republic of Moldova and the legislation of the Republic of Moldova;

d) concerning tax and the budget;

e) concerning extraordinary or emergency measures to ensure public order, health and safety of the population;

f) concerning electing, appointing or dismissing and revocation of persons for/on/from certain positions which fall under the jurisdiction of Parliament, President of the Republic of Moldova and Government;

g) concerning the revocation of the mayor, dismissed on the basis of the final decision of revocation issued by the court;

h) concerning the jurisdiction of the Courts and public prosecutor's office.

(2) By derogation from paragraph (1), the merger of several localities of the same level may be subject to the local consultative referendum.

**Article 219.** Setting the date of the Local Referendum

The date of the Local Referendum shall be set by the Central Electoral Commission within 30 days of the date of adoption of the decision on holding the referendum, at least 60 days before the date of the referendum, provided that, when several referendums are being initiated, they shall take place at the same time, not more than 2 times a year, in spring and autumn.

#### **Article 220.** Initiation of Local Referendum

The Local Referendum shall be initiated by:

- a) 1/2 of the number of elected councillors and in the event of the dismissal - 2/3 of the number of elected councillors;
- b) the Mayor of the village (commune), town (municipality), except for the cases when it is initiated a referendum for the dismissal of the Mayor;
- c) the representative authority of the administrative-territorial unit with special status;
- d) 10 % of the number of citizens eligible to vote who have their domicile on the territory of the corresponding administrative-territorial unit.

#### **Article 221.** Registration of the initiative group

(1) If the initiative for holding the Local Referendum comes from citizens, it shall be established an initiative group of at least 20 citizens eligible to vote who have their domicile on the territory of the corresponding administrative-territorial. At least 30 persons shall participate at the meeting for the establishment of the initiative group. At least 3 days before the meeting, initiators shall be required to notify the Mayor, in writing, on the time, venue and purpose of the meeting.

(2) In the event initiation of the Local Referendum in accordance with Article 220 lit. d), the initiative group shall be registered by the Central Electoral Commission within 7 days of the submission of the application for registration, the establishment minutes and the text of the question on which the voters must decide during the referendum.

(3) In the registration decision shall be set the period for collecting signatures requested by the initiative group, which may not be less than 30 days or longer than 60 days, as well as the question on which voters have to decide during the Local Referendum.

(4) In the event of registration of the initiative group, Central Electoral Commission shall issue to its members the signatures collecting lists and badges.

(5) The information on the registration of the initiative group shall be made public.

### **Article 222.** Collecting signatures

(1) From the date of initiative group registration, but no earlier than the date of issue of the signatures collecting lists, its members have the right to collect the signatures of the supporters of the Local Referendum on the signatures collecting lists.

(2) Signatures shall be collected under the conditions laid down in this Chapter and by the regulation approved by the Central Electoral Commission for that purpose. The provisions of Article 65 shall be applied correspondingly, to the extent that they do not contravene the special requirements related to the collection of signatures of the supporters of the Local Referendum.

(3) For the organisation of the Local Referendum, it is necessary to collect signatures of at least 10 % of the number of citizens eligible to vote that have their domicile on the concerned administrative-territorial unit.

### **Article 223.** Specific requirements for signatures collecting lists

(1) On each sheet of the signatures collecting lists shall be printed the question/questions on which the voters will have to decide during the Local Referendum. It is prohibited to collect signatures on lists which do not contain the text of the questions.

(2) The signatures collecting list will contain only signatures of supporters that have their domicile in a single Electoral District in which the Local Referendum shall be organised.

(3) A supporter of a Local Referendum shall be only the person who, at the time of affixing signature on the signatures collecting list, is eligible to vote.

(4) On the signatures collecting list, the supporter of the Local Referendum fills in the personal data by himself/herself and affixes his/her signature. If the supporter of the Local Referendum cannot, for objective reasons, fill in the required data in person, that information shall be fill in by the collector, the signature on the list being directly affixed by the supporter and, if this is not possible, by a representative of the latter.

### **Article 224.** Responsibility for the accuracy of the signatures collecting lists

(1) The collector shall be responsible for the authenticity of the data on the drawn up signatures collecting list. On each signatures collecting list, the collector shall make a note attesting that the signatures have been collected by him/her personally and that he/she confirms the authenticity of the signatures and then signs it.

(2) The collector is required to warn every citizen that he/she is entitled to sign only on a single signatures collecting list.

(3) For the violation of the provisions establishing the procedure for collecting signatures, as well as the provisions concerning the protection of personal data, the collector is liable according to the law.

#### **Article 225.** Submission and verification of signatures collecting lists

(1) No later than the last day of the period for collecting signatures, the group of initiative draws up minutes, in which indicates the date of registration of the group of initiative, the number of collected signatures and the closing date for the collection of signatures. The minutes, signed by the members of the initiative group, and the signatures collecting lists shall be submitted to the authority which registered the initiative group. After receiving and recording signatures collecting lists, that authority shall not permit the submission of additional signatures collecting lists.

(2) Within 15 days of submission of the signatures collecting lists, the authority which registered the initiative group shall verify the authenticity of the signatures on the submitted lists, within the limit of the number laid down in Article 222 (3). In order to check the signatures collecting lists, that authority shall use the electronic application.

(3) Members of the initiative group nominated in this regards and the accredited observers shall be entitled to assist in verification of the signatures collecting lists submitted based on a request addressed to the authority that registered the corresponding initiative group. The members of the initiative group shall only be entitled to attend the checking of signatures collecting lists submitted by them. The requirements for assisting at the verification of the signatures collecting lists shall be established in the guide laid down in Article 67 (2).

(4) The signatures collecting list shall be invalidated entirely if:

- a) is of a different template or series (number) than that issued to the collector by the electoral body;
- b) is not being signed by the collector according to the Article 224 (1);
- c) does not contain the text of the question.

(5) The signature from the signatures collecting list shall be invalidated if the supporter:

- a) recorded personal data but did not affix the signature;
- b) is not eligible to vote at the date of signing on the signatures collecting list;
- c) entered his/her data from an expired identity document;
- d) is being assigned to another Electoral District than the territory of the district where signatures have been collected;
- e) entered incorrect identity data on the signatures collecting list, thus not being possible identify him/her.

(6) After verification of the signatures collecting lists, the Central Electoral Commission shall draw up an information note on the outcome of the verification of the signatures collecting lists and shall adopt a decision concerning:

- a) the conduct of the Local Referendum in the event of meeting the necessary number of signatures set out in Article 222 (3);
- b) reject the initiative to hold the Local Referendum and cancel the registration of the initiative group if the necessary number of signatures has not been submitted.

#### **Article 226.** Adoption and publication of the decision on holding the Local Referendum

(1) After the expiration of 15 days after the adoption of the decision to initiate the Local Referendum under the requirements laid down in Article 220 lit. a) and (b), the concerned local council or the representative authority of the administrative-territorial unit with the special status shall adopt a decision on holding the Local Referendum or the refusal to conduct it.

(2) The decision on holding the Local Referendum shall include:

- a) the issues subjects to the referendum;
- b) the reasons for the dismissal of the Mayor, in the event of a referendum for the dismissal of the Mayor.

(3) The decision on the holding the Local Referendum shall be submitted to the Central Electoral Commission to set the date.

(4) The complaint against the local council's decision shall be submitted within 3 days of its communication and shall be examined in accordance with the procedures laid down for electoral disputes.

(5) The decision on holding the Local Referendum shall be published within 3 days of its adoption.

**Article 227.** Electoral districts and polling stations

(1) In order to hold Local Referendum, there shall be established, as the case Electoral Districts for village (commune), town (municipality), rayon, administrative-territorial with the special status and polling stations in accordance with Articles 34 and 38, to be applied accordingly.

(2) The Electoral Districts shall be established by the Central Electoral Commission at least 45 days before the date of the Local Referendum, on the proposal from the local public administration authorities.

(3) The polling stations shall be established at least 35 days before the date of the Local Referendum by the concerned District Electoral Councils, on the proposal of the Mayors of the towns (municipalities), villages (communes).

(4) District Electoral Council shall also perform the duties of Precinct Electoral Bureau in localities where a single polling station was established for the Local Referendum.

**Article 228.** Establishing electoral Councils and Bureaus  
to hold the Local Referendum

(1) Central Electoral Commission shall establish the District Electoral Councils for the holding Local Referendum, composed of 5-11 members, at the proposal of local councils or authorities representing administrative-territorials with special status, of the political parties represented in the Parliament, at least 40 days before the date of the Local Referendum. The procedure for establishing and their duties are laid down in Articles 34 and 37.

(2) For the conduct of Local Referendum, the District Electoral Councils shall establish the Precinct Electoral Bureaus, composed of 5-11 members, at the proposal of local public administration authorities, of political parties represented in the Parliament, at least 25 days before the date of the Local Referendum. The procedure for establishing and their duties are laid down in Articles 38 and 41.

(3) In the composition of the councils and the Precinct Electoral Bureaus for the conduct of the Local Referendum it is prohibited to include local councillors and members of the initiative group.

(4) At the first meeting, each District Electoral Council and Precinct Electoral Bureau shall elect a Chairperson and a Secretary, with the vote of the majority of the members.



(5) Within 2 days of the date of establishment, the Electoral Councils and Bureaus shall make public the information on their composition, headquarter and contact details.

**Article 229.** Commutation of duties by the Electoral Councils and Bureaus

In case the local referendum is held simultaneously with the elections (Local, Parliamentary, Presidential) or simultaneously with the Republican Referendum, the Electoral Councils and Bureaus, established under the requirements of Chapter III that organise elections, shall also perform the duties of Electoral Council and Bureau that conduct referendum.

**Article 230.** Support to the Electoral Councils and Bureaus, activity management, changing in their composition and dissolution

In Local Referendum, support to the Electoral Councils and Bureaus, the activity management, changing in their composition and dissolution shall be performed in accordance with Article 44-46, to be applied accordingly.

**Article 231.** Registration of participants in the Local Referendum

(1) After publication by the Central Electoral Commission of the list of political parties entitled to participate in the Local Referendum, drawn up in accordance with Article 27 lit. g), but not earlier than 40 days and not later than 30 days before the date of holding of the Local Referendum, those political parties shall submit to the District Electoral Council the application for registration as a participant in a referendum, signed by the person authorised in accordance with statutory rules.

(2) The application shall be accompanied by the following documents:

- a) minutes of the meeting of the body empowered in accordance with the statutory rules on participation in the Local Referendum;
- b) the declaration of the selected option in the Local Referendum: 'YES' or 'NO';
- c) a copy of the political party statute, with all amendments and additions, registered in accordance with legislation;
- d) a request for confirmation of the representative entitled to an advisory vote and/or the treasurer, as appropriate.

(3) The template of the request and the supporting documents shall be approved by the Central Electoral Commission.

(4) The District Electoral Council shall, within 3 days, consider the application and the attached documents and adopts a decision on the registration of the political party or of the electoral bloc of parties as a participant in the Local Referendum or a decision on the refusal of the registration of the political party or of the electoral bloc of parties as a participant in the Local Referendum. The grounded decision refusing to register the participant in the referendum shall be notified to the latter within 24 hours of its adoption.

**Article 232. Voters' Lists**

The Voters' Lists shall be compiled in accordance with the provisions of Chapter VI, to be applied accordingly.

**Article 233. Electoral campaign**

The electoral campaign for the Local Referendum shall start at the earliest 30 days before the date of the Local Referendum and shall be conducted in accordance with the provisions of Chapter VIII, to be applied accordingly.

**Article 234. Ballot papers**

(1) Ballot papers shall be drawn up in accordance with the provisions of Chapter IX, to be applied accordingly.

(2) In the ballot paper shall be printed the text of the question on which the voters shall decide during the Local Referendum. To the right of the text, two quadrilaterals with the words "YES" and "NO" shall be placed horizontally with two circles underneath.

(3) If several questions are brought to the referendum, for each question shall be printed a different ballot paper, having different colour.

**Article 235. Voting**

(1) Voting in the Local Referendum shall be conducted under the requirements laid down in Chapter X, to be applied accordingly.

(2) The voter fill in the ballot papers by applying the stamp marked "voted" inside a single circle under the quadrangle containing the words "YES" or "NO", thereby expressing his/her option.

**Article 236. The monitoring of the Local Referendum and Media coverage**

The monitoring of the Local Referendum and Media coverage of organisation and conduct of referendum shall be performed under the requirements laid down in Chapter XII, to be applied accordingly.

**Article 237.** Votes counting and establishing the Local Referendum results

(1) Votes counting and establishing the Local Referendum results shall be performed under the conditions laid down in Chapter XI, to be applied accordingly.

(2) The minutes of the Local Referendum's results shall include separately the number of „YES” votes and the number of „NO” votes.

(3) The results of the Local Referendum shall be considered by the District Electoral Council, which shall adopt a decision on it.

**Article 238.** Confirmation of the results of the Local Referendum

(1) The District Electoral Council, within 2 days after the tabulation of the Local Referendum results, shall submit to the Central Electoral Commission the report on holding the referendum, to which shall attach the minutes of the District Electoral Councils and of the Precinct Electoral Bureaus, together with all the complaints, together with notes on their resolution.

(2) Within 10 days of receipt of the acts referred to in paragraph (1), the Central Electoral Commission shall confirm or deny the legality of the conduct of the Local Referendum and its results.

(3) Within 24 hours of the date of adopting the decision, the Central Electoral Commission shall publish the final results of the Local Referendum.

**Article 239.** Adoption of the decision by local referendum, its cancellation or amendment

(1) The decision shall be deemed to be adopted by a Local Referendum if it was voted by the majority of citizens who have participated in the referendum. The decision to dismiss the Mayor shall be deemed to be adopted by a Local Referendum if it was voted by an equal or higher number of voters who have voted in the elections of the Mayor, but not less than half of the number of voters who have participated in the referendum. The date of adoption of the decision shall be considered as the day on which the Local Referendum is held.

(2) If the Mayor is being dismissed by a referendum, the Central Electoral Commission shall set the date of the New Elections in accordance with the provisions of Title V, to be applied accordingly.

(3) The decision taken by a Local Referendum is being cancelled or amended also by a Local Referendum or by the decision of the corresponding local council, adopted with the vote of 2/3 of the number of councillors, under the Law No 436/2006 on local public administration.

**Article 240. Invalid Local Referendum**

The Local Referendum shall be declared invalid if less than 1/3 of persons included in the Voters' Lists have participated in it. The decision on the declaration of the Local Referendum as invalid shall be adopted by the Central Electoral Commission on the basis of acts submitted by the District Electoral Councils.

**Article 241. Void Local Referendum**

Central Electoral Commission shall declare the referendum void in the whole corresponding district or in certain polling stations if in the process of voting and/or during the counting, have been committed serious infringements of this Code that have influenced the results of the referendum.

**Article 242. Repeated Local Referendum**

If the Local Referendum has been declared void, the authority that adopted the decision on holding the referendum shall, within 2 weeks, organise a repeated referendum under this code. Members of the Electoral Councils and Bureaus which committed such infringements shall be replaced

**Article 243. New Local Referendum**

A new Local Referendum on the same question may be held after at least one year after the previous referendum.

**TITLE VII  
FINAL AND TRANSITORY PROVISIONS**

**Article 244. Final provisions**

(1) This Code shall enter into force on 1 January 2023, with the exception of the provisions related to regional elections that shall enter into force on 1 January 2024.

(2) Within 3 months of the date of entry into force of this Code, the Government shall submit to the Parliament proposals for bringing the legislation in line with it.

(3) The Central Electoral Commission shall, within 6 months of the date of entry into force of this Code, shall adopt the necessary normative acts for the organisation and holding of elections.

(4) After the entry into force of this Code, shall be prohibited the establishment and operation of electoral bodies not foreseen by it.

#### **Article 245.** Transitory provisions

(1) On the date of entry into force of this Code, the Electoral Code No 1381/1997 (republished in the Official Gazette of the Republic of Moldova, 2017, No. 451-463, Article 768), with following amendments, shall be repealed, with the exception of the provisions of Articles 16 (1) and (2) and Article 17 (1), (2), (4) and (6), which shall be applied until the expiry of the mandate of the current composition of the Central Electoral Commission, confirmed by the Parliament Decision no. 115/2021.

(2) The members of the Central Electoral Commission, confirmed by Parliament Decision no. 115/2021, who are in office on the date of entry into force of this Code continue their mandate until its end and obtain the status of a person with a public dignity position under the conditions of Article 22 (4) of this Code. Within 30 days from the entry into force of this code, the members of the Central Electoral Commission who hold other positions that are incompatible with the public dignity position shall remove the state of incompatibility in accordance with the provisions of Law no. 133/2016 on the declaration of assets and personal interests. In case of early termination of the term of office of the member of Central Electoral Commission, the new member shall be appointed for a specific period, until the expiry of the Commission's term of office.

(3) The period of exercising the position of a Member of the Central Electoral Commission, who does not operate permanently, shall be assimilated to the length of service contribution within public service.

(4) The Chairperson and the Secretary of the Central Electoral Council of Gagauzia who are in office on the date of entry into force of this Code shall exercise their full duties until their term of office shall terminate. In the event of early termination of the capacity of Chairperson or Secretary of the Central Electoral

Council of Gagauzia, the nomination shall be made in accordance with Article 36 of this Code and in accordance with local normative acts.

(5) Persons who are entered in the register of electoral officials on the date of entry into force of this Code shall be regarded as ex officio certified, with qualification certificates valid for 2 years. The subsequent certification of these persons shall be made on the basis of the general rules.

## **SPEAKER OF THE PARLIAMENT**

**IGOR GROSU**

**Chisinau, 8 December 2022**

**No. 325**