

REPUBLIC OF LATVIA

**LAW**

**On Addition to the Republic of Latvia Law  
“On Elections of the Fifth Saeima”**

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The Supreme Council of the Republic of Latvia **resolves:**

To introduce the following addition to the Republic of Latvia Law “On Elections of the Fifth Saeima”:

to supplement Article 39 with the following text:

“Republic of Latvia citizens who have been registered abroad may participate in the voting by casting their ballots by mail in the procedure established by the Central Electoral Commission, thereby observing the provisions of Article 40 of this Law”.

Chairman, Supreme Council  
Republic of Latvia

A. Gorbunovs

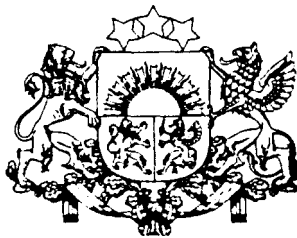
Secretary, Supreme Council  
Republic of Latvia

I.Daudiss

Riga, March 17, 1993

The authenticity of the translation is confirmed by  
Secretary of the Supreme Council  
of the Republic of Latvia. For purposes of  
interpretation, the original Latvian text is to be  
regarded as official.

I.Daudiss



The Saeima has adopted and the President of State promulgates the following law:

## **The Election Law On City and Town Councils, District Councils and *Pagasts*\* Councils**

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### **Chapter I GENERAL REGULATIONS**

#### **Article 1**

The city and town councils, district councils and pagasts councils (hereinafter the councils) shall be elected for a period of three years in equal, democratic, direct, secret and proportional elections. The general elections of the councils take place on the second Sunday in March.

#### **Article 2**

The number of deputies to be elected to the councils shall be determined in proportion to the number of residents registered in the Residents' Register in the territory of the respective local government on the date the elections are announced:

up to 2 000 residents	- 7 Council members;
up to 5 000 residents	- 9 Council members;
from 5 000 to 50 000 residents	- 11 Council members;
over 50 000 residents	- 15 Council members.

The Riga City Council consists of 60 Council members.

#### **Article 3**

The administrative territory of the local government of each city, town, district and pagasts shall form a separate electoral region.

#### **Article 4**

The elections of the councils shall be announced by the Central Election Commission no later than three months prior to the elections.

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\* the smallest unit of an administrative and territorial division in the rural areas of Latvia.

## **Chapter II**

### **VOTING RIGHTS**

#### **Article 5**

The right to vote for the councils shall be granted to citizens of Latvia who are 18 years or older on the election day, provided that all of the restrictions prescribed in Article 6 of this Law do not apply to them.

#### **Article 6**

The following persons shall not have the right to vote:

- 1) persons, who are fulfilling court sentences in penitentiaries;
- 2) suspected and accused persons or persons to be tried, if their imprisonment is considered a security measure;
- 3) persons, who are recognized as incapacitated in accordance with the procedures set by law.

#### **Article 7**

Persons shall have the right, upon their discretion, to vote in the administrative territory of the local government where they are registered on the election day, or in the administrative territory of the local government where the respective persons' real property is registered in accordance with the procedure prescribed by law.

A person, who is not registered on election day, shall have the right to vote in the administrative territory of the local government where he/she was most recently registered.

#### **Article 8**

A citizen of Latvia, who is at least 21 on the election day and who has been registered in the territory of the respective local government for at least 12 months prior to the election day, may be elected to a council, provided that none of the restrictions prescribed in Article 9 of this Law apply to him/her.

#### **Article 9**

The following persons shall not be nominated as candidates for the council election and shall not be elected to the councils:

- 1) persons, who are fulfilling court sentences in penitentiaries;
- 2) persons, who are recognized as incapacitated in accordance with the procedure set by law;
- 3) persons, who have been sentenced previously for intentional, severe crimes and whose sentences have not been expunged or annulled, except those pardoned;
- 4) persons, who are or have been salaried or contracted employees of the former USSR or Latvian SSR KGB, the USSR Ministry of Defense, the Security Service Army, the intelligence or counterintelligence services of Russia and other countries,

and the residents of these institutions or owners of apartments used for conspirative meetings;

- 5) persons who are not proficient in the State language in accordance with the highest (third) knowledge level of the State language.

#### **Article 10**

The State President, Saeima deputies, members of the government, procurators, judges and soldiers (except those called into military service) may be nominated as council member candidates, but, upon election, they shall lose the mandate of a Saeima deputy or their positions, and soldiers shall resign from military service.

### **Chapter III ELECTION COMMISSIONS**

#### **Article 11**

The elections of the councils shall be conducted by and their procedures monitored by the Central Election Commission in the procedure set by law.

#### **Article 12**

No later than two months before the election day, city, town, district or *pagasts* election commissions shall be established in all cities, towns, districts or *pagasts*.

The election commissions shall consist of five to fifteen voters. The number of election commission members shall be determined and they shall be elected by the respective council. Each election commission shall elect a chairperson and a secretary from their midst.

Political organizations or their associations and electoral associations shall be entitled to nominate their representatives for election to the election commissions.

The procedure for the establishment of the commission and its activities shall be regulated by instructions approved by the Central Election Commission.

#### **Article 13**

Upon the decision of the respective council, the territory of the local government may be divided into constituencies. In such cases, constituency election commissions shall be established, consisting of five to fifteen voters. Constituency election commissions shall be elected and shall function in accordance with the procedure prescribed by Article 12 of this Law.

#### **Article 14**

If constituency election commissions are not established in a town or *pagasts*, their obligations shall be performed by the respective town or *pagasts* election commission.

## **Chapter IV**

### **SUBMITTAL OF CANDIDATE LISTS**

#### **Article 15**

Candidate lists for the members of the city councils and district councils may be submitted by registered political organizations or their registered associations.

The candidate lists for the members of the district town councils and *pagasts* councils may be submitted by both registered political organizations or their registered associations and by electoral associations.

Pursuant to the requirements of this Chapter, joint candidate lists for the city council, district council or *pagasts* council elections may also be submitted by two or more registered political organizations which have not been united under one registered political organization association.

Electoral associations are composed of persons who have signed the respective candidate list and persons who have been nominated on this list. The submitters of the candidate list shall be responsible for ensuring the lawfulness of the electoral association's activities.

Candidate lists shall be submitted beginning with forty days, but no later than thirty days, prior to the first election day. Candidate lists shall be submitted to the respective city, town, district or *pagasts* election commission.

The submitted candidate lists shall indicate each candidate's full name, personal identification code, birthdate, address to which he/she is registered, education, principal place of employment and position.

The number of candidates in the list shall not exceed the number of Council members to be elected. A person may only permit his/her nomination as a candidate on one candidate list. If a candidate is nominated on more than one list, he/she shall be deleted from all lists.

#### **Article 16**

The candidate lists for members of the city council and the district council shall be signed by no less than fifteen voters who are registered in the administrative territory of the respective local government.

The candidate lists for members of the district town council and the *pagasts* council shall be signed by no less than twenty voters who are registered in the administrative territory of the respective local government.

The candidate lists may be signed only by those voters who are not included on any of the candidate lists submitted for the respective council elections. If a voter has violated this provision, his/her candidature shall be deleted from the respective candidate list.

Upon signing the candidate list, the voter shall indicate his/her full name, personal identification code and the address to which he/she is registered. Each voter may sign only one candidate list. If a voter has signed more than one list, his/her signature shall be deleted from all lists.

### **Article 17**

The following documents shall be attached to the candidate list:

- 1) a signed statement from each candidate included in the list, which indicates that he/she accepts the nomination;
- 2) a signed declaration from each candidate included in the list, which states that the restrictions prescribed in Article 9, Paragraphs 2-4 of this Law do not apply to him/her.

If a person who has not graduated from a school with instruction in the Latvian language is proposed as a candidate, then a copy of the certificate of the highest (third) knowledge level of the State language shall be attached to the candidate list.

If a person who on the submittal date of the list occupies a position stated in Article 10 of this Law, is proposed as a candidate, then a signed statement indicating that, in the event of being elected, he/she will cease fulfillment of his/her duties in the respective position (service) in one month's time, shall be attached to the candidate list.

If the title of a candidate list is identical to the title of a registered political organization or a registered political organization's registered association, an authorization from the decision-making institution of this political organization or political organization association shall be attached to the candidate list and shall entitle the petitioners to submit the candidate list for the respective council elections.

If a combined candidate list has been submitted by several political organizations which have not united into a registered political organization association, authorizations from all the respective political organization's decision-making institutions shall be attached to the candidate list.

A bank receipt for the payment of the security deposit set in Article 18 of this Law shall be attached to the candidate list of city council and district council members.

### **Article 18**

The city and district election commissions accept only those candidate lists whose petitioners have paid a security deposit equal to 100 Ls into the Central Election Commission's account. The bank issues the payers of the security deposit a receipt which indicates who has deposited the money, the title of the candidate list for which the security deposit was paid and the date when the security deposit was paid. The paid security deposit entitles one candidate list to be submitted in one of the council elections. If at least one candidate is elected from the candidate list in the respective council elections, the security deposit shall

be returned to the payers; if no one is elected, the Central Election Commission shall include the security deposit in the State budget.

### **Article 19**

The first three signatories of a candidate list shall be considered the petitioners of the respective candidate list, and one of them shall, without special authorization, have the right to be present in the respective city, town, district or *pagasts* election commission meetings and in the meetings of the constituency election commission formed in this city's, district's or *pagasts's* administrative territory.

### **Article 20**

Within 24 hours after submittal of the candidate lists, the election committee shall confirm that the candidate list has been submitted in conformity with the regulations of Chapter IV of this Law.

Candidate lists submitted in conformity with the requirements of this Law shall be registered and marked with a title.

If the candidate list has been drawn up not taking into account the requirements of this Law, the election commission shall require the candidate list petitioners to eliminate the ambiguities and mistakes within 72 hours. If the ambiguities and mistakes are not eliminated within this time period, the election commission shall adopt a decision either not to register the respective candidate list or to delete one or several nominated candidates from the list.

Within its means, the election commission checks that the nominated candidates conform to the requirement of Article 8 and 9 of this Law.

### **Article 21**

The petitioners of the candidate list shall choose its title. The title shall clearly differ from the titles of other political organizations registered in the Republic of Latvia and of any already submitted candidate list and also from the title of those political organizations and political organization associations whose operations have been terminated by law or a court order.

### **Article 22**

Registered candidate lists cannot be recalled by their petitioners and changes cannot be made to these lists.

If after a candidate list has been registered, the city, district or *pagasts* election commission finds that one of the proposed candidates does not conform to the requirements of Articles 8 and 9 of this Law, the person concerned shall be stricken from the candidate list.

### **Article 23**

The registered candidate lists submitted to the city council and district council elections shall be published in an official publication and shall be posted in all polling stations established in the administrative territory of the respective local government.

The registered candidate lists submitted for the district town council and *pagasts* council elections shall be posted in a visible place near the building of the local government decision-making institution of the town (*pagasts*) and at all polling stations established in the administrative territory of the respective local government.

Candidate lists shall be posted (published) no later than ten days before election day and they shall indicate each candidate's full name, birthdate, address to which he/she is registered, education, principal place of employment and position.

### **Article 24**

If, by the term prescribed in Article 15 of this Law, the number of registered candidates is less than the number of council members to be elected in the respective local government, the Central Election Commission shall be entitled to extend the deadline for submitting candidate lists for ten days and if, at the end of this deadline, the number of candidates is still less than the number of council members to be elected, to, within two weeks, announce a new date for the elections of the respective council in the procedure set by this Law.

If the necessary candidate number is still not achieved, a temporary administration shall be formed in the respective administrative territory in the procedure set by law.

No later than five days prior to the election day, city, town, district and *pagasts* election commissions shall deliver election ballots to all polling stations in an amount which allows each voter to receive one election ballot.

## **Chapter V ELECTION PROCEDURE**

### **Article 25**

The elections shall take place from 8 a.m. till 8 p.m. Persons called into active military service may also vote in the procedure set by Article 7 of this Law three days before the date of the general elections. Before the elections commence, the election commission chairperson or his/her deputy shall, in the presence of the election commission and the authorized observers from electoral associations, political organizations and political organization associations, ensure that the ballot boxes, allotted for depositing election ballots, are empty. The ballot boxes shall then be sealed.

Persons called into active military service who vote before the general election day shall deposit their election ballot in a separate sealed ballot box and these persons shall be registered in a separate voters' list.



## **Article 26**

At the polling station entrance, the election commission shall check whether the arriving citizens are electors who have not yet participated in the elections. A voter's personal identification document is the Republic of Latvia citizen's passport.

## **Article 27**

During the elections, each voter may only vote personally. In accordance with his/her choice, the voter may cast a vote in any polling station established in the administrative territory of the respective local government.

## **Article 28**

The elections shall take place by secret vote. At the polling stations, a commission member shall issue the voter one election ballot upon which the submitted candidate lists are arranged in the order they were registered in the election commission. Each candidate list shall have the title written at the top with the full names of the candidates listed below.

Upon issuing the election ballot, the election commission member shall write the voter's full name and personal identification code on the list of voters and make a mark in the voter's passport specifying that the voter has participated in the elections. The voter testifies to this by signing the list of voters.

The election commission members are forbidden to campaign for or against any candidate, electoral association, political organization or political organization associations.

## **Article 29**

In the polling station, a separate room or section shall be provided where the voter unaccompanied can make the necessary marks on the election ballot.

On the election ballot there is space opposite each candidate list title and each candidate's surname in order for the voter to make a mark.

If the voter wishes to elect one candidate list in its entirety (a full vote), he/she shall make a mark in the space after the respective candidate list title in accordance with the set example, thereby supporting the election of all candidates included in this list. In this case, the voter shall not be entitled to make any other marks on the election ballot.

If the voter wishes to vote for candidates included in several candidate lists, he/she shall, in accordance with the set example, make a mark in the spaces opposite those candidate surnames for which he/she wishes to cast a vote. In this case, the number of marks (individual votes) made by the voter shall not exceed the number of members to be elected in the respective council. In addition, the voter must not make any mark in the spaces after the candidate list titles.

### **Article 30**

After the marks prescribed in Article 29 of this Law are made on the election ballot, the voter shall fold it and hand it over to the election commission member, who shall stamp the election ballot in the presence of the voter. After that, the voter shall drop the election ballot into the ballot box.

If the voter spoils the election ballot before submitting it to the stamped, he/she is issued a second election ballot in return for the first.

### **Article 31**

Election ballots not marked in accordance with the requirements of Article 29 of this Law, unstamped election ballots and those spoiled shall be considered invalid.

### **Article 32**

If, for health reasons, an individual voter cannot arrive at the polling station, the election commission, upon the voter's or someone else's written or oral request, shall appoint two commission members to organize voting where the voter is located.

These voters shall drop the election ballot in a separate ballot box and these voters are registered in a separate list of voters.

Voting at the place where the voter is located shall only occur if the voter is located in the administrative territory of the respective city, town, district or *pagasts*.

### **Article 33**

If the voter, due to a physical disability, cannot vote him/herself, then in presence of the voter and in conformity with the voter's oral specifications, marks shall be made on the election ballot by the voter's family member or any other person that the voter trusts. The person who makes the marks shall not be a member of the respective election commission.

### **Article 34**

The election commission chairperson shall maintain order during the elections, ensuring that there are no restrictions of voting rights or campaigning in the polling station or at its entrance. It is also the responsibility of the election commission chairperson and commission members not to permit persons to vote who are not so entitled.

### **Article 35**

Beginning with the opening of the polling station on the election day, the election commission secretary shall keep a record on the course of the elections.

The course of the elections may be observed by no more than two authorized representatives from each electoral association, political organization or political

organization association which has submitted a candidate list in the respective council elections.

Voters shall submit complaints about the course of the elections to the election commission chairperson who registers them in a special journal for registering complaints. The election commission shall immediately review any complaint on the course of the elections and shall provide a reply to the submitter of the complaint.

### **Article 36**

Election ballots may be submitted after 8 p.m. on the election day only by those voters who entered the polling station before 8 p.m. After this, the polling station is locked, the votes are counted and the election results are calculated.

## **Chapter VI**

### **COUNTING OF VOTES AND CALCULATION OF ELECTION RESULTS**

### **Article 37**

The counting of votes shall be conducted by the election commission at an open meeting where no more than two authorized representatives may be present as observers from each election association, political organization or political organization association which have submitted a candidate list for the respective council elections.

### **Article 38**

Before the ballot boxes are opened, the unused and spoiled election ballots are to be counted and are to be annulled in the procedure set by the Central Election Commission.

### **Article 39**

After the unused election ballots are annulled, the cast ballots are to be counted.

First, the ballot boxes shall be opened, the election ballots shall be counted and their number shall be checked to conform with the number of voters who participated in the elections. Then the valid and invalid election ballots are separated and counted, separately. If a dispute evolves regarding the validity of an election ballot, the election commission resolves the dispute with a majority vote. If the vote is a tie, the election commission chairperson's vote is the deciding vote.

If a district town council (*pagasts* council) and a district council are being elected at the same time in the respective polling station, then the election ballots submitted for the district town council (*pagasts* council) member candidates and for the district council member candidates are first sorted and then counted separately.

After this, the number of full votes received by each separate candidate list shall be counted. Then the number of individual votes received by each separate candidate list shall be counted and this figure is divided by the number of seats in the respective council. The figure

achieved indicates how many additional full votes the respective candidate list has received. After that, the full votes received for each separate candidate list are totaled.

Then, the number of individual votes received by each candidate in the candidate lists shall be counted.

#### **Article 40**

After the ballots have been counted and the election record has been compiled, all invalid and unused election ballots and one copy of the record of the election commission's meeting shall be packaged, wrapped and sealed. The present authorized representatives of electoral associations, political organizations and political organization associations shall be entitled to affix their own seals to these packages and information on this must be included in the attached election records. The polling station election commissions shall then send all election materials to the city, town, district or *pagasts* election commissions. A cover letter, which states when and with whom the election materials have been sent, shall be sent together with the election materials.

#### **Article 41**

The city, town, district and *pagasts* election commissions shall compile the election results in conformity with the election records received from the polling station election commissions.

First, the full votes received by all candidate lists in total shall be counted. This number is divided by the number of member seats in the respective council. The number of votes cast for the respective candidate list is divided by the number attained above. The result of this division is the number of council members elected from the respective candidate list.

If, as a result of the division, there are fractional numbers and if one or more of the foreseen Council member seats are vacant, then the fractional numbers are arranged in a diminishing order according to their size and the number of vacant Council member seats are divided amongst the candidate lists with the largest fractional numbers, each candidate list receiving one seat.

If the number of candidates who are elected from one or several candidate lists is less than the number of Council members which are entitled to be elected from the respective candidate lists according to the proportion of votes cast, then all the candidates listed in these lists shall be considered elected and the remaining number of Council member seats shall be divided among the rest of the submitted candidate lists in the procedure prescribed by Paragraph 3 of this Article.

#### **Article 42**

In order to determine which candidates from each separate candidate list are elected, the candidates in each list shall be arranged according to the number of individual votes cast for each candidate. The candidate who has received the greatest number of individual votes shall be written as the first, then the candidate who has received the next greatest number of

individual votes, etc. If two or more candidates of the same list have received an equal number of individual votes, they must be arranged in accordance with the order they appear on the original candidate list. Those candidates from each candidate list who have received the greatest number of votes, shall be considered elected.

### **Article 43**

After the number of elected Council members is determined and the list of Council members has been compiled, the election commission shall designate all other persons listed in the candidate lists as alternate members of the respective Council. If for some reason the elected Council member rejects his/her mandate or his/her mandate is annulled, or if the respective Council member has been dismissed in accordance with the procedure set by law or has died, then he/she shall be substituted by the alternate who is next on the respective candidate list, in accordance with the procedure set by the Central Election Commission.

### **Article 44**

Election results shall be approved by the decision of the respective city, town, district or *pagasts* election commission and, together with the records of the meetings of the election commissions, the results are immediately sent to the Central Election Commission. The remaining election materials shall be kept in accordance with the procedure set by the Central Election Commission.

The election results of city councils and district councils shall be published in an official publication no later than seven days after the elections.

The election results of district town councils and *pagasts* councils shall be posted in a visible place near the building of the city or *pagasts* council no later than three days after the elections.

### **Article 45**

The city, town, district or *pagasts* election commission chairperson shall summon the newly-elected Council members to the first council meeting no later than ten days after the election results have been announced.

## **Chapter VII CONCLUDING REGULATIONS**

### **Article 46**

Within seven days after the adoption of election commission decisions, the petitioners of candidate lists and also the candidates themselves may appeal these decisions in court according to the election commission's location. The court shall review the complaint within three days after it has been submitted.

If after reviewing a complaint, the court determines that there have been violations of the Law during the elections which have affected the distribution of the corresponding council member seats among the political organizations, political organization associations and election associations, then, with its decision, the court shall annul the decision of the respective city, district or *pagasts* election commission on validation of the Council election results. In this case, the Central Election Commission shall announce the repeat of the election of the respective council in the procedure set by law.

#### **Article 47**

Persons, who have hindered citizens from participation in the elections or from conducting campaigns through violent means, threats, bribery or any other illegal means, and election commission members, state or political organization officials who have forged election documents, deliberately counted the ballots incorrectly, avoided to follow the secrecy of voting or otherwise violated this Law, shall be held responsible as prescribed by law.

#### **Article 48**

Council member candidates who have deliberately given false information in the declaration mentioned in Article 17, Paragraph 1, subsection 2 of this Law shall be held responsible in accordance with Article 1513 of Latvia's Criminal Code and in the event of election, shall have their mandate annulled in the respective Council.

#### **Article 49**

State and local government establishments, enterprises and organizations have an obligation to provide election commissions with the rooms necessary for their work, free of charge.

State and local government establishments, enterprises and organizations have an obligation to provide political organizations, political organization associations and electoral associations with the premises for the organization of pre-election events for a fee which covers the practical expenses for utilizing this space.

#### **Article 50**

Expenses associated with the preparation and course of the elections are covered by the budget of the corresponding local government.

#### **Article 51**

It is prohibited to finance the election campaigns of political organizations, political organization associations and electoral associations from the State and local government budgets and from the financial resources of enterprises owned by the State and local government.

It is prohibited to finance an election campaign with anonymous donations.

Political organizations and their associations shall provide an account of the income and expenses associated with the election campaign in the procedure set by the Law "On Social Organizations and their Associations" and electoral associations shall submit this account to the State Income Service within one month from the elections.

### **TRANSITIONAL REGULATIONS**

1. The Saeima decrees that city council elections that are announced after this Law has taken effect, shall occur, by exception, on May 22, 1994 and shall be financed from the State budget. The councils are elected for a period which is correspondingly shorter in relation to the period set in Article 1 of this Law.
2. The Saeima requires the Ministry of Justice to publish the lists of all registered political organizations and their associations in an official newspaper on the fortieth day before the election day.
3. Voters who have not received a Republic of Latvia citizen's passport by the election day shall show the election commission a former USSR passport which contains a Citizenship and Immigration Department stamp indicating that the respective person is a Republic of Latvia citizen.

This Law takes effect at the moment of its proclamation.

This Law has been adopted in the Saeima on January 13, 1994.

**The President of State G.ULMANIS**

Riga, January 25, 1994

For purposes of interpretation, the original Latvian text  
is to be regarded as official.