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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT LAW
ON AMENDMENT AND COMPLETION OF
THE ELECTORAL CODE
OF MOLDOVA***

** Unofficial translation by the OSCE Mission to Moldova*

The Parliament passes the following organic law.

Article I. The Electoral Code No. 1381-XIII of 21 November 1997 (the Official Gazette of the Republic of Moldova, 1997, No.81, art. 667), with its further amendments, is amended as follows:

1. Article 1

To the notion “elections”, the words “electoral blocs” are added after the words “social-political organisations”;

the notion of “electoral bloc” is introduced after the notion “early elections”, with the following content: “*electoral bloc* – a voluntary union of two or more parties and/or social-political organizations, which was created for joint participation in elections, being respectively registered with the Central Election Commission – in case of parliamentary elections and local general elections, or with the district electoral councils – in case of new local elections;”

to the notion “candidate”, the words “of electoral blocs” are introduced after the words “social-political organisations”, and the text “as well as independently from them” is excluded;

to the notion “independent candidate”, the words “and by the electoral blocs” are introduced after the words “social-political organisations”;

to the notion “electoral competitors”:

in the first paragraph, the words “and electoral blocs” are introduced after the words “social-political organisations”;

in the second paragraph, the words “electoral blocs” are introduced after the words “social-political organisations”;

to the notion “nomination of candidates”, the words “by the electoral blocs” and “of the electoral blocs” are introduced, respectively, in both cases after the words “social-political organisations”;

to the notion of “list of candidates”, the words “by the electoral blocs” are introduced after the words “social-political organisations”;

to the notion “voters’ list”, the words “domiciling on the territory” are replaced by the words “residing or domiciling within the perimeter”;

to the notion “individuals authorized to assist at the electoral procedures”, the word “members” is excluded;

the notion “Voters’ Register” is excluded.

2. Article 1 is completed with the following notions:

“*Centre for Continuous Training on Elections* – specialized subdivision, created within the CEC to increase the qualifications of electoral officials and to ensure continuous professional training of electoral officials as well as of other actors involved in electoral process.

Electoral official – an individual who acts or who acted under the current Code, as a member of the district electoral council or the precinct electoral bureau;

Electoral education – an educational and non-political activity, carried out by civil society organizations and groups, educational institutions, mass-media and other interested parties, which aims at increasing the citizens' level of knowledge of political and electoral processes, to allow them to cast their vote consciously and freely. Electoral education may be freely conducted by the interested subjects, through organising seminars, training courses, round tables, informational campaigns, public electoral debates and other education activities, which are not regulated by the Central Election Commission or other authorities;

National observers – representatives of institutions, associations and organizations registered in the Republic of Moldova or representatives of electoral competitors, accredited by the electoral bodies, under the conditions of this Code;

International observers – representatives of international organizations, of governments of other states and of non-governmental organizations from abroad, as well as international experts in the electoral field, accredited by the Central Election Commission;

Protocol Office of Accredited International Observers – a body created within the Central Election Commission during the electoral period to render necessary assistance to international observers for a good conducting of election observation.

State Register of Voters – a unique integrated informational system of registration of voters of the Republic of Moldova, created on the basis of the State Register of Population, designed to collect, stock, update and analyze information on the citizens of the Republic of Moldova who have turned 18 and who are not legally limited to exercise their civic rights;

Register of Electoral Officials – a system of registration (personal data base) at the national level of the electoral officials, drawn up by Central Election Commission, which includes information on the officials' name, surname, year of birth, profession (occupation), function, employer, contact telephone number, domicile, the person/body who appointed them, and in case they participate in elections, the date of elections and their position within the electoral bodies.”

3. Article 13

Paragraph (1), letter c) is edited in the following way:

“ c) individuals sentenced to deprivation of liberty by a final court decision for very serious or exceptionally serious crimes and who serve their sentence, as well as individuals who have been deprived of the right to vote by a final court decision. The electoral bodies are informed about the existence of such restrictions by the Ministry of Interiors, Ministry of Justice, local public administration authorities and other relevant institutions, which hold the respective information”;

Paragraph (2), letter c) is edited in the following way:

“c) individuals who are sentenced to deprivation of liberty by a final court decision and who serve their sentence in places of detention, as well as individuals who have pending criminal records for committing serious, very serious or exceptionally serious crimes. The electoral bodies are informed on the existence of criminal records by the Ministry of Interiors, Ministry of Justice, and other responsible institutions, which hold the respective information”;

Paragraph (3), letter a) is completed at the end with the text “and deputy ministers”.

4. Article 15

In paragraph (1), the words “and the electoral blocs” are introduced after the words “social-political organisations”.

In paragraph (2), the text “Members representatives of the electoral competitors” is replaced by the phrase “representatives of electoral competitors”.

5. Article 16 is completed with a new paragraph, which becomes paragraph (3¹), with the following content:

„(3¹) After their confirmation by the Parliament, members of the Central Election Commission take the following oath during the parliamentary plenary session: “I swear to observe the Constitution and the laws of the Republic of Moldova, to protect citizens’ rights and fundamental freedoms, to fulfil with honour, consciousness and in an impartial way the duties assigned according to my position, not to make any political statements during the validity of my mandate.”

6. Article 22

In the letter a), the words “organisation and holding of elections” are replaced by the words “the procedure of organising and holding elections”;

letter e) has a new redaction:

„e) keeps and manages a Register of electoral officials who may be appointed to district electoral councils and precinct electoral bureaus, including those from abroad;”

in the letter g), the phrase „Ministry of Informational Development” is replaced by the phrase “Ministry of Informational Technologies and Communications”, and the phrase “Register of Voters” is replaced by the phrase “State Voters’ Register”;

in the letter i), the words “in-between elections” are excluded;

In the letter o), the phrase “consult local public associations” is replaced by the words “provide consultations to the public associations”;

In the letter p), the phrase “members representatives of political parties and other socio-political organizations” is replaced by the phrase “representatives of political parties and of other social-political organisations, of electoral blocks within the electoral bodies”;

In the letter r), the words “with electoral blocs, such as” are introduced after the words “social-political organizations”;

The article is completed with the letters s) and t), with the following content:

“s) keeps the State Register of Voters and is responsible for its updating;

t) initiates the validation procedure of the mandate of the member of the Parliament of the Republic of Moldova, in case a mandate of a deputy becomes vacant, in compliance with the procedure set forth in article 88 of this Code.”

7. In article 23, paragraph (1), the second sentence will have the following content: “During the electoral period, the Central Election Commission may hire, if needed, staff for the apparatus of the Commission, through an individual labour contract, releasing the respective persons from their duties at their permanent workplace.”

8. In Article 24, the second sentence will have the following content: “The Commission annually submits to the Parliament, by October 1, the proposal on including in the state budget the expenditures related to its functioning and holding of elections, including for the activities planned by the Commission for the next budgetary year, together with the approval of the Ministry of Finance.”

9. Article 26

In paragraph (1), letter f), the words “and of voters’ lists” are replaced by the text “of the main voters’ list, of the supplementary list and of the list for voting at the place of residence.”;

Paragraph (1), letter p) will have the following content:

“p) in case the electoral competitor uses non-declared financial means or financial means from abroad, takes a decision in this respect and submits a request to cancel the registration of the respective electoral competitor to: Chisinau Court of Appeal – in case of parliamentary elections; – to the law court within whose area of jurisdiction the respective electoral council is situated – in case of general local elections or new local elections. The respective law court will examine the request and will issue a decision within 5 days, but not later than the day before the elections.”

Paragraph (2) is excluded.

10. The Code is completed with article 26¹, with the following content:

„Article 26¹. Centre for Continuous Training on Elections

(1) Centre for Continuous Training on Elections (herein after referred to as *Centre*) is a subdivision of the Central Election Commission, which conducts specialised training for electoral officials. Upon request, the training may also be provided to other actors involved in the electoral process (political parties, observers, mass-media, local public administration, etc.).

(2) The Centre is financed through the means foreseen in the budget of the Central Election Commission, as well as through the means granted by international organisations, external and internal donors as technical/financial assistance.

(3) The Regulation of the Centre is approved through a decision of the Central Election Commission.”

11. Article 27

In paragraph (1), the first sentence will have the following content:

“At least 55 days before elections, Central Electoral Commission shall set up electoral districts that shall correspond to the borders of administrative-territorial units of second level of the Republic of Moldova, of autonomous territorial units with a special status, or, if the case may be, of municipalities or localities who have special administrative organization, and, at least 50 days before elections, it sets up corresponding district electoral councils.”

In the paragraph (2), the words “shall consist of 7-11 members entitled to deliberative vote” are replaced by the words “shall consist of an odd number of members entitled to deliberative vote, at least 7 and not more than 11 persons”;

The second paragraph is completed with a new sentence, with the following content: “As members of electoral councils of any level may be appointed persons, who attended training courses within the Centre of Continuous Training on Elections and who hold certificates of corresponding qualification.”;

Paragraph (3) and (4) will have the following content:

„(3) In case of local elections and referenda, the candidacy of 2 members of the district electoral councils of first level are proposed by the first level local council, and in case no proposals are submitted, the Central Election Commission shall appoint them from the Register of Electoral Officials. The candidacy of the other members entitled to deliberative vote are nominated by political parties and other social-political organizations represented in the Parliament at the date when the electoral district councils are constituted, proportionally

to their mandates. To the extent possible, individuals with high legal education shall be appointed to district electoral councils.

(4) In case of parliamentary elections and republican referenda, local general elections, the candidacy of 2 members of the district electoral council of the second level are proposed by the district law court, or, if the case may be, by the Court of Appeal, which exercises its competence on the territory of autonomous territorial units with a special status, the other 2 members are nominated by the local council of the second level. The candidacies of the other members entitled to deliberative vote are proposed by the parties and other social-political organisations represented in the Parliament on the date when the electoral district council is constituted, proportionally to their mandates.”; Article is completed with a new paragraph, which becomes paragraph (5¹), with the following content:

“(5¹) Members of the district electoral council nominated by the district law court and by the local councils shall not be counselors within local councils and/or members of the parties.”

12. Article 28

Letter e) is excluded;

In letter g), the words “electoral blocs” are introduced after the words “social-political organizations”.

13. Article 29

In paragraph (2), in the first sentence, the words “usually in the public property premises” are introduced after the words “in localities”;

Paragraph (5) is excluded;

In paragraph (10), the words „20 days before the election day and will consist of 5-11 members entitled to deliberative vote” are replaced by the words “25 days before the election day and will consist of an odd number of members entitled to deliberative vote, of at least 5 and not more than 11 persons”;

Paragraph (11) will start with a new sentence, with the following content: “Members of electoral bureaus could be appointed individuals, who attended training courses within the Centre of Continuous Training on Elections and who hold certificates of corresponding qualification.”

14. The Code is completed with article 29¹, with the following content:

„Article 29¹. Particularities concerning establishment and functioning of polling stations abroad and of the precinct electoral bureaus from abroad.

(1) All polling stations established abroad belong to the electoral district of Chisinau Municipality.

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

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

(4) The electoral bureau of the polling station from abroad is formed of a chairperson, appointed by the head of the diplomatic or consular mission from within the respective

mission or the staff of other institutions of the diplomatic service, and of 6-10 representatives of political parties who registered candidates. All the costs related to the transportation, accommodation, meal and other running expenditures of the members of the precinct electoral bureaus from abroad are covered by those who appointed them. Chisinau district electoral council will supplement the precinct electoral bureaus from abroad with representatives of political parties, and in case the number of persons nominated by the parliamentary political factions is not enough to supplement the precinct electoral bureaus from abroad, they are supplemented with persons from the Register of Electoral Officials, who have good reputation, who are politically non-affiliated, together with the consent of the Ministry of Foreign Affairs and European Integration.

(5) The particularities of organisation and functioning of precinct electoral bureaus from abroad are regulated by the Central Election Commission, in coordination with the Ministry of Foreign Affairs and European Integration, and the costs related to the organisation and functioning of these bureaus are covered by the budget allocated for elections/referenda. The expenditures for the polling stations established abroad are prior estimated by the Government and by the Central Election Commission, and in case they are not foreseen in the budget allocated for elections/referenda, financial recourses are allocated from the Government's Reserve Fund.

(6) The minutes drawn up by the precinct electoral bureaus from abroad, together with all complaints related to the electoral procedures of the precinct electoral bureau, are forwarded, via electronic means, to the district electoral council within maximum 24 hours after the closing of the polling station. The accuracy of the data included in these minutes is confirmed via phone, and in case of some sufficiently proved discrepancies or drawbacks, these may be corrected by Chisinau district electoral council."

15. Article 30

Letters a), b) and c) are edited in the following way:

- a) keeps the voters' lists, ensure the integrity of the voters' lists and of the ballot papers;
- b) examines requests related to the mistakes in voters' lists, makes necessary changes in them, and issues voting certificates to voters who will be away from their place of domicile on election day;
- c) draws up supplementary voters' lists on the basis of State Register of Voters, by including also persons who vote on the basis of voting certificates, as well as voters who, for various reasons, were not included in the main voters' lists;"

in the letter f), the words "which are attached to the minutes of the bureau's sessions" are replaced by the words "copies of which are attached to the report of the bureau";

the article is completed with a new letter, which becomes letter i), with the following content:

„i) ensure the access of voters, observers and electoral competitors to the information from the Register of Voters and the voters' lists."

16. Article 33, paragraph (2) is edited in the following way:

„(2) The member of the electoral bureau or of the electoral council is recalled by the body (authority) or by the electoral competitor who appointed him/her, for the violation of the interdictions set forth in article 32, paragraph (7) of the present Code, for the infringement of voters' electoral rights, for the groundless absence at two consecutive sessions of the electoral body or for the refusal to execute decisions of the electoral body they are party to; ascertained through a decision of the electoral body he/she is a party to, and in case it was challenged – after its confirmation by the hierarchically superior electoral body."

17. Article 35, paragraph (7) is excluded.

18. In article 36, paragraph (2), the words “the Supreme Court of Justice” are replaced by “the Court of Appeal” in both cases.

19. The Code is completed with article 38¹, with the following content: „Article 38¹. State Register of Voters

(1) State Register of Voter is a unique integrated informational system of the registration of voters of the Republic of Moldova, designed to collect, stock, update and analyse information on citizens of the Republic of Moldova, who have turned 18 and who are not legally restricted in their civic rights. The procedure of institution, administration, correction and updating the State Register of Voters is set by the decision of the Central Election Commission.

(2) The registration of voters is carried out by the Central Election Commission, on the basis of the State Register of Population. The body holding the Register grants free of charge access of the Commission, each year, not latter than 31 January, to the data and information necessary for drawing up and updating the State Register of Voters. The Register is available on the web site of the Central Election Commission; each voter has access only to his/her personal information.

(3) The following data about every voter are entered into the State Register of Voters:

- a) name and last name;
- b) date, month and year of birth;
- c) personal numeric number –IDNP;
- d) domicile address (country, locality, street, block, apartment);
- e) residence address (country, locality, street, block, apartment);
- f) series and number of the ID (identity card, passport, military service record, etc.)

(4) Voters residing or domiciled abroad, as well as voters who are temporarily abroad, upon their request, are included in the State Register of Voters, with the data corresponding to their last domicile or residence address.

(5) Deceased persons and persons who lost the citizenship of the Republic of Moldova are excluded from the State Register of Voters, according to the information submitted by the authority holding the State Register of Population. The persons who lost their electoral rights are maintained in the State Register of Voters with the mention “lost the electoral right” and are not entered into the voters’ lists.

(6) Data and information entered into the State Register of Voters are designed exclusively for electoral processes, and any entered person can request information only on his/her own entered data.”

20. Article 39 will have the following content:

„Article 39. Voters’ lists

(1) Voters’ lists are the lists which include all citizens entitled to vote, who have their domicile or residence on the territory of a polling station, and which are drawn up based on the State Register of Voters. A voter may be included only in one voters’ list and only in one electoral precinct, the voter who has both domicile and residence, during the validity of his/her residence, is included in the voters’ list of the electoral precinct in the territorial area of his/her residence. The Regulation on drawing up, management, circulation and updating the voters’ lists is approved by the Central Election Commission.

(2) The following information is included in the voters’ list:

- a) locality and the number of the polling station;
- b) voter’s name and last name, year of birth;
- c) voter’s domicile / residence;
- d) personal numeric code – IDNP;
- e) series and number of the identity act.

(3) In case of communes, the voters’ list are compiled per villages and, if the case may be, per streets, but in case of cities and municipalities – per streets and blocks, the distribution of voters being made on the basis of data submitted by the respective local public administration authorities.

(4) Voters' list including military personnel located in military units, their family members, other voters domiciling in military units, are compiled on the basis of data submitted by the respective military unit commanders. Military personnel domiciling outside military units, as well as their family members, shall be included in the voters' list at their place of their domicile.

(5) Voters' list for electoral precincts set up in sanatoriums and rest houses, in hospitals and other curative institutions shall be compiled on the basis of the persons' own declaration about their location place or of the data presented by the heads of the above-mentioned institutions.

(6) Voters' list for electoral precincts constituted outside the Republic of Moldova shall be compiled on the basis of data collected by heads of diplomatic missions and consular offices acting on the territory of the respective countries. At the beginning of electoral campaign, diplomatic missions and consular offices inform the public about voters' list and update them. 25 days before elections, the procedure of updating the voters' list ceases. The updated voters' list are immediately sent to the Central Election Commission.

(7) In case when the voter changes his/her domicile in the period between the day of drawing up the voters' lists and the election day, the precinct electoral bureau corresponding to the former domicile, upon voter's request and presentation of his/her identity act accepted for the participation in elections, shall issue the voter a voting certificate. The voter who receives the voting certificate shall confirm it by signing the voters' list next to his/her name.

(8) The persons entitled to the right to vote, who, after their last participation in elections, changed their place of domicile, are entitled, not later than 30 days before next elections, to declare their new place of domicile to the local public administration body, in order to be included in the voters' list of the polling station corresponding to their place of domicile. The respective local public administration bodies shall immediately send this information to the Central Election Commission.

(9) The Central Election Commission sends voters' lists to the local public administration authorities/diplomatic or consular missions at least 22 days before the Election Day, in 3 official copies, stamped and with other protection signs on each page. Two copies of the voters' lists are immediately sent to the precinct electoral bureau, and a copy is kept with the Mayor's Office/diplomatic or consular mission.

(10) Voters may request the Central Election Commission or the electoral bureau to introduce modifications to the voters' lists not later than 5 days before the elections, this information being immediately communicated to the Central Election Commission, together with the proving documents (request and the voter's declaration, copy of the identity act, etc.)."

21. Article 40

Paragraph (1) will have the following content:

„(1) Voters' lists shall be made available in the premises of the polling stations, and shall be posted on the official web site of the Central Election Commission twenty days before elections. A copy of the list shall be kept at the mayoralty. Voters shall be notified, not later than twenty days prior to elections, about the location of the polling station where they shall vote.”

The article is completed with a new paragraph, which becomes paragraph (3), with the following content:

„(3) The Central Election Commission elaborates and adopts the Regulation on the procedure of drawing up, verification and updating the voters' lists, clearly regulating the issues on: sending voters' lists to electoral bureaus; including/excluding voters by the members of the precinct electoral bureaus; further presentation of the final voters' lists, etc.”

22. Article 41 paragraph (2):

In letter a), the last sentence is excluded;

After letter a), a new letter is introduced which becomes letter b) with the following content:

„b) electoral blocs, formed based on the decisions adopted according to the Statutes (regulations) of political parties and other social-political organisations which formed them, which are registered: by the Central Election Commission – in parliamentary elections and in local general elections or, respectively, by the precinct electoral councils – in case of new elections. The candidates shall be nominated within 15 days since the date of setting up the electoral blocs, and in case the electoral blocs were formed before the start of electoral period – within 15 days as of the start of this period.”

23. Article 44

In paragraph (1) the words “starting with the day following the day when elections were announced and” are excluded;

In paragraph (1), letter a), the words “or of electoral bloc” are introduced after the words “social-political organizations”;

In paragraph (1), the end of letter d) is completed with the text “including also the statement, on his/her own responsibility, on the absence of legal and judicial interdictions to run for the office”;

Paragraph (2), in the first and forth sentence, the words “,electoral blocs”. and respectively “several electoral blocs” are introduced after the words “social-political organisations”;

In paragraph (2), the text: “If representatives of several political parties, socio-political organisations, several independent candidates simultaneously submit all the necessary documents to the relevant body entitled to register them, the order of receiving the documents shall be established by lots, in accordance with the regulations elaborated by the Central Electoral Commission and published in the Official Gazette of Republic of Moldova.”

Paragraph (3¹) is edited in the following way:

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

In paragraph (7), the words “or of electoral bloc” after the words “social-political organisation”;

The article is completed with paragraph (8), with the following content:

„(8) Candidates shall not use public means and goods (administrative resources) in the electoral campaigns, and public authorities/ institutions, as well as institutions assimilated to them, shall not transmit/grant public goods or other favours to electoral competitors, except through contractual relations, under equal conditions for all electoral competitors.”

24. Article 46

In paragraph (6), in the second sentence, the words “and electoral blocs” are introduced after the words “social-political organisations”.

25. Article 47 will have the following content:

„Article 47. Electoral campaigning

(1) Citizens of the Republic of Moldova, parties and other socio-political organizations, electoral blocs, candidates and trustees of the candidates have the right to put forward for free discussion and under all aspects the candidates' electoral programs, their political, professional and personal skills; as well as to organize electoral campaigning during the meetings, reunions with the electorate, through mass media, through electoral banners and other forms of communication.

(2) The exercise of this right may be subject to a series of formalities, conditions, restrictions or sanctions regulated by the law, which represent necessary measures in a democratic society, for national security, territorial integrity or public safety, protection of order and prevention of crimes, protection of health or morals, protection of reputation, protection of the rights of others, in order to hinder the disclosure of confidential information or to guarantee the authority and impartiality of the judicial power.

(3) Electoral campaigning is allowed only after the electoral competitor's registration with the electoral body.

(4) After registration by the relevant electoral body, electoral competitors shall have the right to post their electoral advertising, the content of which shall not contravene the law or norms of ethics. The procedure of posting, under equal terms, of the electoral advertising on advertising boards, including the private ones, is approved by the Central Election Commission and is made public as soon as the electoral period starts.

(5) Electoral competitors may organize meetings with the electorate. Electoral councils and bureaus, as well as local public administration authorities, shall ensure organization of such meetings on equal terms and conditions.

(6) The local public administration authorities are obliged, within 3 days after the date of registration of the electoral competitor, to establish and guarantee the minimum of special places for electoral advertising, as well as to establish a minimum of premises for organizing meetings with the voters. The respective decisions (orders) are immediately displayed at the premises of these authorities and are made public to the interested subjects via mass media and other available means of communication.

(7) Electoral campaigning on Election Day and the day preceding the elections is prohibited.

26. Article 48

In paragraph (2), the words “electoral blocs” are introduced after the words “social-political organisations”;

In paragraph (3), the words “carried out on a daily basis by the relevant electoral body” are replaced by the words “carried out by the respective electoral body within maximum 24 hours after expiration of the period of electoral competitor's registration, by inviting representatives of electoral competitors, mass-media and accredited observers. The procedure of drawing the lots is carried out according to the Regulation elaborated by the Central Election Commission and published in the Official Gazette of the Republic of Moldova.”

27. Article 53

In paragraph (2), the words “or residence” are added after the word “domicile”;

The article is completed with a new paragraph, which becomes paragraph (6), with the following content:

„(6) The electoral bureau decides to prolong with no more than 2 hours the period of voting, in order to allow the voters, who queue up in the respective precinct, to exercise their

rights, providing that the district electoral council issued a permission to prolong the voting, and that the Central Election Commission has been preliminary notified about this.”

28. Article 55

In paragraph (4), the words “oral or” and “or oral” are excluded from the first and second sentence, and the text from the second sentence “until 15.00 on the election day” is replaced by the text “only until 15.00 of the day preceding the Election Day”;

Paragraph (5) will have the following content:

„(5) Individuals detained on the basis of an arrest warrant until rendering of a court sentence, individuals sentenced to deprivation of liberty in case the sentence is not final, individuals serving administrative sanction in the form of arrest, individuals sentenced to deprivation of liberty under a final court decision for petty, less serious and serious crimes shall vote according to the procedure described in paragraph (4). All requests of these persons and lists compiled based on these requests are forwarded to the electoral bureau by the administration of the detention institution.”

In paragraph (8), letter c) will have the following content:

„c) national and international observers accredited by the respective bodies, as well as their interpreters, as the case may be”.

29. In article 58, paragraph (7), the word “sealed” is introduced after the word “box”.

30. Article 60, the end of paragraph 2¹) is completed with the following sentence:

„The recounting may be ordered by the body entitled to validate the election results based on justified reasons and will take place in maximum 10 days since the date of elections.”

31. Article 61, the end of paragraph (1) is completed with the following sentence: “In case of parliamentary and general local elections, preliminary results, divided per precinct, shall be posted on the official site of the CEC, as soon as they are processed.”

32. Article 62

In paragraph (2), letter b), the words “voters’ lists and voting certificate” are introduced after the words “and annulled ballot papers”;

The article is completed with paragraph (2¹), with the following content:

„(2¹) Upon the expiration of a 6-month term, the valid ballot papers, invalid ballots and annulled ballots, as well as voting certificates sent back to the law court shall be destroyed, but the voters’ lists shall be forwarded to the Central Election Commission within 10 days since the validation of elections.”

33. Article 63

Paragraph (1) is completed by the end with the following sentence: “The refusal to register observers must be justified and can be appealed according to hierarchical competence, and later – in the court of law.”

The beginning of paragraph (3) is completed with the words “Upon request”, and at the end – with the words “and will register their interpreters”;

Paragraph (5) is completed at the end with the following sentence: “Observers have access to all electoral information, to voters’ lists, to the minutes drawn up by the electoral bodies, they may take photos and video, and the local observers may submit notifications on

the revealed irregularities, which are to be examined by the chairperson of the electoral body, by informing the author of the notification on the taken decision.”

The article is completed with a new paragraph, which becomes paragraph (7), with the following content:

„(7) In order to ensure the efficient activity of the international observers during the electoral period, the Central Election Commission creates the Protocol Office of Accredited International Observers. The numeric composition and principles of activity of this Office are set up in the Regulation approved by the Central Election Commission.”

34. Article 64 is amended and shall have the following content:

„Article 64. General principles of media coverage of elections

(1) Broadcasters, within all program services, and written media are obliged to observe the principles of fairness, balance and impartiality while covering elections.

(2) Broadcasters and written media, founded by public authorities, are obliged to provide equal, non-discriminatory conditions while granting airtime or advertisement space for paid electoral advertising.

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

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

(5) During the electoral period, broadcasters and written media founded by public authorities shall make a clear distinction, in their journalistic materials, between exercising the official functions and the electoral activity carried out by persons who do not fall under the incidence of article 13, paragraph (3).

(6) Electoral competitors and/or candidates who consider that their rights have been violated have the right to reply. The written request on granting the right to reply is submitted to the media outlet within 2 calendar days since the broadcasting/publication of the information. In case of broadcasters, the refusal to grant the right to reply may be challenged at the Audiovisual Coordinating Council, and in case of written media – at the electoral bodies. The right to reply is granted within 3 calendar days since the submission of the request/contestation, but not later than the day before the Election Day, under the same conditions under which their legitimate rights have been infringed.

(7) Media outlets are entitled to cover elections and to inform the public about all electoral issues, free from any interference from public authorities, electoral competitors/candidates or other entities.”

35. The Code is completed with article 64¹, with the following content:

„Article 64¹. Particularities of media coverage of elections

(1) During electoral period, the program services and written materials referring, in a way or another, to the electoral competitors and/or candidates are broadcasted/published by observing the Regulation on the Media Coverage of the Election Campaign, approved by the Central Election Commission. Mass-media representatives enjoy the same rights as the national observers.

(2) In the first week of electoral period, each broadcaster makes a public statement, containing: the name of the owner/owners of the institution and its editorial policy concerning the electoral campaign. Public broadcasters shall allot to electoral competitors one minute per day free airtime to place their electoral advertising. Concerning the paid electoral advertising, each electoral competitor is granted air time, which shall not exceed 2 hours during the whole electoral campaign, including not more than 2 minutes per day at each media institution.

(3) Public broadcasters are obliged, whereas the private ones are entitled, to grant free airtime, during the whole electoral campaign, for the organization of public debates, under equal conditions for all electoral competitors. They are offered not less than 90 minutes per day, time that can be used for one or more programs. The time for delivering the speeches by the participants at the program is recorded, and all the electoral competitors

are offered equal time. The Central Election Commission and the electoral competitors will be informed about the schedule of electoral debates 3 calendar days before the broadcasting of each program.

(4) The audiovisual institution has the right to choose the format of electoral debates, with the condition of respecting the principle of equality of rights of the electoral competitors.

(5) Conditions for buying the airtime and the respective fees are made known 3 calendar days before broadcasting the respective programs. The cost for the airtime granted to the electoral competitors cannot exceed the usual cost for commercial advertising. The airtime for electoral advertising is allotted at the same broadcasting hours.

(6) The electoral competitor is liable for the content of broadcasted or published electoral advertising materials. Each electoral advertising material shall include the name of the electoral competitor, the date of its publication, its circulation and the name of the Printing House. Paid electoral advertising will be accompanied by the logo "Election".

(7) Under the current law, the refusal to broadcast or print free or paid electoral advertising may be appealed in court.

(8) During the electoral campaign, as well as during the referendum, the airtime allotted to the Press Service of the Parliament, Presidency and Government shall not be used for electoral propaganda or for propaganda in favour or against the proposals put forward to the referendum.

(9) Electoral advertising via internet and mobile telephony is perceived as electoral advertising in written media.

(10) On the Election Day, prior to the closing of polling stations, the media shall not make public the results of the voters' surveys on their electoral options.

(11) During the electoral period, any opinion polls on the voters' political preferences shall be conducted providing that the Central Election Commission has been notified about this in advance. The results of these polls shall be made public not later than 5 days before the Election Day. On the election day, prior to the closing of all polling stations, the media shall not make public materials, such as interviews with voters, the number of votes received by the electoral competitors during the day and their chances, including the results of exit polls.

(12) Media outlets founded by public authorities shall publish the statements and materials submitted by the electoral bodies, the electoral competitors' pre-electoral programs and other electoral materials free of charge. Media outlets founded by public authorities shall publish free of charge, and the broadcasters shall air, at the request of the Central Electoral Commission, social, civic and electoral education video clips; shall carry out information campaigns for voters regarding the voting procedure and other voting particularities.

(13) During the electoral campaign, the Audiovisual Coordinating Council (ACC) shall monitor the observance of social-political balance and pluralism within the programs produced by the broadcasters. The results of monitoring are published on the ACC web site. Two days prior to elections, ACC shall draw up and publish a general report on the coverage of election campaign within radio and TV program services."

36. Article 65 will have the following content:

„Article 65. Complaints

(1) Voters and electoral competitors may challenge the actions (inactions) and the decisions taken by the electoral councils and bureaus, as well as the actions (inactions) of the electoral competitors. A complaint may be lodged to the court, only after prior addressing the electoral body hierarchically superior to the body whose act is challenged.

(2) The complaints on the organization and holding of elections are examined by the electoral bodies, by observing their hierarchy.

(3) Complaints on the coverage of the electoral campaign by the broadcasters, which are under the jurisdiction of the Republic of Moldova, are examined by the Audiovisual Coordinating Council, in accordance with the provisions of the Audiovisual Code No. 260-XVI from 27.07.2006, and the complaints related to written media are examined by the court.

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

(5) The complaint shall contain the description of the alleged violations, proofs, legal ground, the claimant's requirements, signature and identity data of the person who submits it. In case of complaints concerning the decisions issued by the electoral bodies, the burden of proving their legality rests with the respective bodies."

37. Article 66 will have the following content:

„Article 66. Submission of complaints

(1) Actions (inactions) and decisions of electoral bodies, as well as actions (inactions) of the electoral competitors, may be challenged at the electoral body within 3 calendar days since the date of committing the action or adopting the decision. The term for submitting the complaint is calculated starting with the next day of the date when the action/inaction was committed or identified or when the decision was adopted.

(2) The complaints against actions and decisions of the precinct electoral bureaus and of the district electoral councils shall be submitted to the court within whose territorial jurisdiction the respective electoral council or bureau is situated.

(3) Complaints against the actions and decisions of the Central Election Commission shall be submitted to the Chisinau Court of Appeal.

(4) Complaint of the electoral competitor cannot be submitted by the member entitled to deliberative vote within the respective electoral council.

(5) In case when the examination of the complaint is not under the competence of the respective electoral body, the complaint, together with all attached materials shall be urgently sent for the examination of the competent authority, within maximum 2 calendar days since receiving it."

38. Article 67

Throughout the whole article, the word "calendar" is introduced before the word "days";

Paragraph (2) is completed with the following sentence: "While examining the complaints and disputes, the court will give priority to those that refer to the registration of electoral competitors and to the accuracy of compiling the voters' lists."

39. Article 69

To paragraph (1), the words "actions against the honor and dignity of candidates" are replaced by the words "do not affect the reputation or the rights of others, the authority and impartiality of the judicial power";

Paragraph (3) will have the following content:

„(3) The warning is applied through the decision of the Central Election Commission, and the cancellation of the registration is applied through a final court decision, which ascertains:

a) deliberate usage of undeclared financial and material funds by the electoral competitor or exceeding the threshold of financial means from the electoral fund, in all cases in considerable proportion (more than 10% of the allowed sum);

b) deliberate usage of undeclared financial means or financial means from abroad in considerable proportion (more than 10% of the allowed sum) by the electoral competitor;

c) non-suspension of the candidate from the position he holds, when he/she is obliged to do so, leads to the annulment of the registration of the independent candidate or to the exclusion of the respective candidate from the list."

40. Article 70 paragraph (1) is completed with letter e) with the following content:
„e) deliberative voting of a person: without having this right, either twice or more times, either by introducing more ballot papers in the ballot box than he/she has the right to, or by using a fake identity act or a false ballot paper;”

41. Article 71

Paragraph (1) is completed with the letters o) and p), with the following content:
„o) posting electoral propaganda materials (electoral posters) by violating the legislation in the field;

p) offering money, gifts, free of charge distribution of material goods, including from humanitarian aid or from other charity actions, to voters from the electoral competitor, if these are not paid from the electoral fund.”

Paragraph (2) will have the following content:

„(2) The administrative offences set forth in paragraph (1) are ascertained and examined by the bodies of the Ministry of Interiors, according to the Administrative Code.”

Paragraph (3) will have the following content:

„(3) The chairpersons of electoral bodies and other public officials are obliged to immediately inform the bodies of the Ministry of Interiors about the actions, which, in their opinion, contain constitutive elements of administrative offences related to holding elections, and which became known to them.”

42. In article 74 paragraph (2) and (3), the words „art.29¹” are added after the words “art. 29”.

43. Article 76

The end of paragraph (1) is completed with the text “or after the dissolution of the Parliament”;

In paragraph (3), the words “not later than within 45 days” are replaced by the words “after at least 60 days, but not later than 3 months since the dissolution of the Parliament”;

Article is completed with a new paragraph, which becomes paragraph (4), with the following content:

„(4) As an exception to the provisions of article 8, in polling stations established abroad, the voting for parliamentary elections and republican referenda may take place two days in a row, providing that the first day shall precede the day of holding elections on the whole territory of the country. The particularities of voting in such cases are established in the Document on setting the date of elections and in normative acts approved by the Central Election Commission.”

44. Article 86

In paragraph (1), the words “by every electoral bloc” are introduced after the words “social-political organisations”;

In paragraph (2) letter a), digit „5” is replaced by digit „4”;

Paragraph (2) is completed with letter b), with the following content:
„b) for an electoral bloc – 6 percents.”

In paragraph (3), the words “and electoral blocs” are introduced after the words “social-political organisations”.

45. Article 87

In paragraph (2), the words “or an electoral bloc” are introduced after the words “social-political organisations”;

In paragraph (3), the words “three per cent” are replaced by the words “two per cent”.

46. Article 88

In paragraph (3), the words “or an electoral bloc” are introduced after the words “social-political organisations”;

Paragraph (4) will have the following content:

„(4) Candidates included on the list, but who were not elected, shall be declared alternate candidates. A vacant mandate shall be granted to the alternate candidate who is next on the list of the party, social-political organization or electoral bloc for which the candidate, whose mandate was declared vacant, ran for. If a mandate obtained by an independent candidate becomes vacant, his position is filled by re-establishing the declining order, excluding the number which corresponds to the respective candidate and including the next number of the order. After the Parliament declares the mandate of a deputy vacant, within 10 days, the Central Election Commission shall examine the candidacy of the alternate candidate next on the list of the electoral competitor, whose mandate became vacant, and shall submit it to the Constitutional Court for the validation of the mandate. The candidate may refuse the mandate of a deputy, by submitting in this sense a statement to the Constitutional Court, by also notifying the Central Election Commission in this regard.”

Paragraph (6) is excluded.

47. In Article 89, paragraph (2), the words „10 days” are replaced by the words “30 days”.

48. In Article 92

The unique article becomes paragraph (1);

The article is completed with paragraph (2), with the following content:

„(2) If the elections are declared null in some polling stations, and if, as a result of this annulment, more than 1/3 of the deputies have still been elected, the Central Election Commission shall go through the following procedure:

a) draw up the declining range, stipulated in article 87, counting initially the null data as well;

b) if the number of ballot papers from the polling stations where violations occurred makes it necessary to exclude several mandates from the declining range, they are excluded and the mandates are granted only to the candidates who remain in the range after the false data are excluded.

c) hold repeated election in the respective polling stations;

d) carry out the final granting of remained mandates, according to the declining range and the data gained in repeated elections.”

49. Article 125 is completed in the end with the following sentence: „The modification of the lists of candidates is carried out under article 80, which is correspondingly applied.”

50. In Article 126, paragraph (2), the words “and electoral blocs” are introduced after the words “social-political organisations”.

51. In article 128, the second sentence is excluded.

52. In article 132, paragraph (2), the words “of electoral bloc” are introduced after the words “social-political organisations”.

53. Article 133

In paragraph (2), the words “electoral blocs” and “each electoral bloc” are respectively introduced after the words “social political organisations” and “social-political organisation”;

In paragraph (3), the words “electoral bloc” are introduced after the words “social-political organisation”;

In paragraph (9), in the second and third sentence, after the words “social-political organisations”, in both cases, the words “or electoral bloc” and “or of an electoral bloc” are introduced, respectively, and the words “the respective party” from the second sentence will be replaced by “the respective electoral competitor”.

54. Article 139

In paragraph (1), letter b) is completed in the end with the text “, as well as due to the deprivation of the right to hold some positions, based on a final court decision”;

In paragraph (3), the text “upon the proposal of the local public administration authority” is replaced by the text “within 10 days, ex officio or upon receiving the respective information from the secretary of the local council, who is obliged to inform the Commission within maximum 10 days after occurrence of the situation which determines the holding of new elections.”

55. In Article 145, paragraph (2), the words “as well as on the day of their conduct or” are excluded.

56. Article 146

In paragraph (1), letter a) is completed at the end with the text “revision of the Constitution of the Republic of Moldova, as well as adoption of the Constitution of the Republic of Moldova in new edition”;

57. In Article 158, paragraph (3), the words „art.29¹” are introduced after the words „art.29”.

58. In Article 168, paragraph (1), the text “which foresees amendment of provisions on the sovereign, independent and unitary character of the state, as well as provisions related to the permanent status of neutrality of the state” is introduced after the words “a constitutional law”.

59. In Article 171, text “3/5 of the persons included in the voters’ lists” shall be replaced by the text “half of the citizens included in the voters’ lists”.

60. In Article 198, paragraph (1), the sentence: "The decision on the revocation of mayor is considered adopted through a local referendum, if it received the same number of votes or a bigger number of votes than the votes received by the mayor when he/she was elected, but not less than half of votes of persons who participated in the referendum" is introduced after the first sentence.

61. Article 199, the word „half" is replaced by the digits „1/3".

Article II. Final and Transitory Provisions

(1) The current law enters into force at the date of its publication, except the following:

a) the provisions of article 27 and 29 on the appointment in electoral bodies only of persons who hold the certificate issued by the Centre for Continuous Training shall be applied starting with 2013;

b) the new provisions of articles 38¹ and 39 on the State Register of Voters and the voters' lists shall be applied starting with the general local elections of 2011.

(2) The Government of the Republic of Moldova, jointly with the competent public authorities, international institutions/organisations and other interested stakeholders (parties, public associations), shall assess the need and the opportunity of opening additional polling stations abroad, shall negotiate their opening with the authorities of other states, according to the criteria of compact domicile of the citizens of the Republic of Moldova, of ensuring security and fairness of elections, the technical and material possibilities for the organisation and holding of free and fair elections.

Signed : Chairperson of the Parliament