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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**REPUBLIC OF MOLDOVA**

**DRAFT LAW**

**ON THE PARTIAL IMPLEMENTATION**

**OF THE POSTAL VOTE**

**DRAFT LAW****on the partial implementation of the postal vote**

The Parliament adopts this organic law.

**Article 1.** Purpose and object of Rules of procedure

(1) This law regulates the principles of participation in elections by exercising the voting right by mail, as an alternative voting method, electoral procedures specific to postal voting, as well as the competences of electoral bodies organising the postal voting.

(2) The purpose of this law is to create the necessary normative framework for the partial implementation of the postal voting in order for the citizens of the Republic of Moldova to exercise the right to elect by an alternative voting method, as well as for the verification of the timeliness of such method implementation on a permanent basis.

(3) The provisions of the Electoral Code no.325/2022 are applicable to the electoral procedures related to postal vote for the aspects not stipulated in this law.

**Article 2.** General notions

For the purpose of this law, the following general notions shall be defined:

*postal vote* – alternative method of exercising the voting right abroad using postal/courier services;

*remote identification of the voter through digital means* – process of voter's identification and verification of their identity based on the submitted identity documents, measurements of facial biometric signs, comparison of images and information communicated by the physical person and/or taken from external data sources, made with the use of digital means. The remote identification of the voter through digital means can be achieved through unmanned automated verification means, or through manned verification means;

*electoral list for the postal vote* – electoral list, which includes the voters who registered in advance, were verified, and have the right to vote by mail.

**Article 3.** Direct and free postal vote

(1) The voter who was included in the electoral list for the postal vote and received the envelope with the ballot paper(s) shall vote personally. Transfer of the received ballots and voting *in lieu* of another person shall be prohibited.

(2) No one has the right to exert pressure on the voter to make them vote or no, as well as to prevent them from expressing their will independently. The voter who was included in the electoral list for the postal vote and received the envelope with the ballot paper(s) shall bear personal responsibility for ensuring the freely expressed vote, and in case of violation of this principle – for reporting such influence as provided by the law.

(3) Photographing or public and demonstrative display of the filled in ballot shall be prohibited.

**Article 4.** Secret vote

(1) The postal vote shall be secret, excluding therefore the possibility to influence de voter's will. The voter who was included in the electoral list for the postal vote and received the envelope with the ballot paper(s) shall bear personal responsibility for ensuring the secrecy of the vote. Failure

to comply with the secrecy of the vote, disclosure of the voting option expressed by mail to other persons or transfer of the ballot to a third party shall be punished pursuant to the law.

(2) The electoral bodies shall ensure the secrecy of the vote by using two different envelopes – the nominal one for the identification of the voter, and another one for the secret vote, in which the ballot is inserted.

#### **Article 5.** Timing of the postal vote

(1) By derogation from Art. (8) para. (1) and Art. 75 of the Electoral Code no.325/2022, the postal voting shall be made in advance, prior to the polling day.

(2) The ballots for postal vote shall be sent starting with at least 20 days prior to the elections day. The reception by the electoral bureaus of the polling stations of outer envelopes for postal vote shall end three days prior to the elections day.

(3) The detailed electoral procedures on securing the vote, preserving, and ensuring the integrity of the envelopes with ballots received in the period set up under para. (1), as well as outside thereof, shall be established in the rules of procedure approved by the Central Electoral Commission.

#### **Article 6.** Place of exercising the right to postal vote

The right to postal vote shall be exercised by the voter registered for this procedure at the address indicated by the voter.

#### **Article 7.** Right to vote by mail

(1) The right to vote by mail belongs to the individuals indicated under Art. 14 of the Electoral Code no.325/2022, who requested and were included in the electoral list for the postal vote.

(2) Individuals who turned 18 can apply for postal voting and exercise the right to postal vote.

#### **Article 8.** Conditions for the partial implementation of the postal vote

(1) The countries where the postal vote will be implemented shall be established considering the following criteria:

- a) the lack of polling stations in the host country or long distances to nearest polling stations established previously;
- b) the experience of the postal vote implementation in the host country;
- c) prior registration at the previous elections of at least 30 applications;
- d) safety and reliability of the postal/courier services.

(2) The exercising of the postal vote cannot be done in the countries with which the Republic of Moldova does not have established diplomatic relations, in the countries under military conflicts and in the countries disrespecting the international standards regarding the conduct of free and fair elections.

#### **Article 9.** System of electoral bodies for the postal vote

(1) The Central Electoral Commission is the hierarchically superior electoral body responsible for the organisation of the postal voting.

(2) The Constituency Electoral Council and the electoral bureaus of the polling stations abroad established in the electoral period shall ensure the organisation of the postal voting.

**Article 10. Mission of the Central Electoral Commission**

The mission of the Central Electoral Commission is to create optimal conditions for unhindered exercise by the citizens of the Republic of Moldova of the right to vote, including postal vote, within free, fair, and inclusive elections, by ensuring the compliance with the law and international electoral standards.

**Article 11. Powers of the Central Electoral Commission**

(1) As a specialised authority in the electoral field and for ensuring the exercise of the right to postal vote, the Central Electoral Commission, in addition to the powers established under Art. 25–27 of the Electoral Code no.325/2022 shall:

- a) draft and approve Rules of procedure and guidelines aimed at regulating the electoral procedures for the postal vote;
- b) maintain and manage the State Automated Information System 'Alegeri', draft and approve normative acts on the functioning of information subsystems for prior registration and record of persons included in the electoral lists for the postal vote, as well as for the record of voters who exercised their right to vote by mail;
- c) establish the Constituency Electoral Council for the polling stations abroad and supervise its activity and that of hierarchically lower electoral bodies;
- d) ensure the compilation and verification of the electoral lists for the postal vote, including prior to the establishment of lower electoral bodies, collaborating for this purpose with central and local public administration authorities, with the Ministry of Foreign Affairs, diplomatic missions, and consular offices;
- e) establish the template of ballots for postal voting, security labels, documents, forms, and other acts related to postal voting;
- f) ensure, from the moment of the initiation of prior registration and until the establishment of the Constituency Electoral Council for polling stations abroad, the remote identification, by digital means, of the voters who have pre-registered for voting by mail and the entry of voter data into electoral lists for voting by mail;
- g) organise the polling stations for postal voting.

(2) From the moment the election date is established, relevant information shall be periodically published, through informational resources of the Central Electoral Commission, pertaining to:

- a) prior registration for postal voting;
- b) number of voters included in the electoral lists for the postal vote;
- c) number of envelopes received by the electoral bureaus of polling stations for postal voting;
- d) the method for prior registration and postal voting.

**Article 12. Additional powers of the Constituency Electoral Council for the polling stations abroad**

In order to ensure the exercise of the right to vote by mail, the Constituency Electoral Council for polling stations abroad shall have the following additional powers:

- a) establish, under the terms of this law, the polling stations, and the electoral bureaus of the polling stations for postal voting and supervise the activity thereof;
- b) distribute financial means to the electoral bureaus of the polling stations for postal voting, as well as ensure the supply thereof with materials and forms of electoral documents necessary for the organisation and smooth conduct of postal voting;
- c) ensure the implementation of the remote identification procedure, through digital means, of voters requesting registration for postal voting, introduce voter data in the electoral lists for the postal vote, and make changes to these electoral lists;
- d) establish the number of ballots to be printed for postal voting;
- e) ensure the storage, dispatch, and reception of the envelopes with ballots and other materials for the postal vote;
- f) collect, from the electoral bureaus of the polling stations, and systematise the information on voters' turnout and make, where necessary, changes indicated under Art. 25 para. (4);

g) centralise separately, in a distinct report, the results of postal voting from the constituency, present the electoral documents and materials to the Central Electoral Commission, as well as ensure the display thereof at its premises according to the guidelines approved by the Central Electoral Commission.

**Article 13.** Establishment of the polling stations and the electoral bureaus of the polling stations for postal vote

(1) In order to ensure the postal voting and the counting of the votes thus cast, the polling stations for postal voting shall be established in the electoral constituency for the polling stations abroad.

(2) The polling stations under para. (1) shall be established with at least 35 days prior to the elections day and comprise a range of at least 30 and at most 2500 voters included in the electoral lists for the postal vote on the territory of a country.

(3) Electoral bureaus of the polling stations for the postal vote shall be made up of an odd number of members, at least 5 and at most 15 persons, by the Constituency Electoral Council with at least 25 days prior to the elections day. Electoral bureaus of the polling stations for the postal vote shall carry out their activity in the country/countries for which they were established, at the premises of the diplomatic mission or the consular office of the Republic of Moldova and, where necessary, in the locations approved by the Ministry of Foreign Affairs.

**Article 14.** Powers of the electoral bureau of the polling station for the postal vote

(1) During the period of its activity, in addition to the powers under Art. 41 of the Electoral Code no.325/2022, the electoral bureau of the polling station for the postal vote shall:

- a) send electoral materials, receive, and store the outer envelopes, security labels and other materials for postal voting;
- b) examine the requests related to the errors in the electoral lists for the postal vote;
- c) ensure the notification of the voter on the changes made in the text of the ballots;
- d) ensure the communication and information of the voters on the process of exercising the right to postal voting, on sending or receiving the envelope with the ballot paper(s).

(2) All the operations carried out by the electoral bureaus of the polling stations for the postal vote can be attended by the persons authorised accordingly pursuant to the Electoral Code no. 325/2022.

**Article 15.** Ensuring the necessary financial means for organising and conducting the postal voting

(1) The expenses related to the postal voting organisation and conduct shall be borne by the state budget, within the limits of the allocations approved by the annual budget law for the Central Electoral Commission.

(2) The expenses for the organisation and conduct of the postal voting are an integral, but distinct, part of the budget of the Central Electoral Commission. Keeping accounting records of the expenses for the organisation and conduct of elections and financial reporting on the management of allocated funds shall be carried out in accordance with the Accounting Law no.113/2007 and the norms approved by the Ministry of Finances.

(3) The Central Electoral Commission shall estimate the expenses for the elections' organisation and conduct in consultation with the Ministry of Foreign Affairs and the Ministry of Finance. The expenditure estimate includes, separately, the expenses for ensuring the development and maintenance of the informational subsystem intended for the registration for the postal vote and the remote identification, by digital means, of the voters, for the printing and procurement of envelopes, ballots, security labels and other materials for voting, for the postal/courier services

required to dispatch the envelopes with materials for voting, for the activity of electoral bodies, other possible expenses depending on the type of election organised.

(4) The decision on the approval of the expenditure estimate shall be submitted, in no more than three days from its adoption to the relevant authorities with a view to providing the financial means necessary for the postal vote organisation and conduct.

#### **Article 16.** Voter record subsystem for the postal vote

(1) The method of creation, administration and updating of the voter record subsystem for the postal vote shall be established by the Central Electoral Commission.

(2) The subsystem mentioned under para.(1) shall interact with the State Automated Information System 'Alegeri' and comprise distinct modules necessary for the registration for postal voting, remote digital identification of the voters registered in advance, for the record of envelopes, ballots, as well as for automated generation of the electoral lists for the postal vote.

(3) The subsystem of voters record for the postal vote shall, in addition to general data provided in the State Register of Voters, require for each voter the following data:

- a) date, month, year of the registration application submission, as well as date, month, and year of the remote identification, through digital means, of the voter;
- b) date, month, and year of the dispatch of the envelope with the ballot paper(s) and other materials for voting to the voter;
- c) time, date, month, and year of the receipt by the electoral body of the outer envelope from the voter;
- d) automated exchange of data on aspects mentioned under letter c) and on exercising by the voter of the voting right by showing up at a polling station, where necessary;
- e) the address outside the country indicated in the voter registration application (country, town, street, building and apartment numbers, postal code), e-mail address and contact telephone number of the voter;
- f) other relevant information.

(4) Data and information in the subsystem of voters' record for the postal vote shall be exclusively used in the electoral processes and shall be accessible on the official web page of the Central Electoral Commission within the limits established thereby.

#### **Article 17.** Registration for postal voting

(1) In order to exercise the right to vote by mail, citizens of the Republic of Moldova with the right to vote register through the official web page of the Central Electoral Commission. The purpose of registration is to determine the number of voters who express their intention to vote by mail and draw up electoral lists for postal voting.

(2) Exercising the right to postal voting requires registration. The voters can register starting from the date of publication of the act establishing the election date and up to 45 days prior to the respective election date. In the case of holding the second round of presidential elections, the records for the first round are maintained. In the case of renouncing to their intention to exercise their right to vote by mail, voters have the right, no later than 25 days prior to the election day, to cancel their previously completed registration.

(3) To register, citizens of the Republic of Moldova with the right to vote, who will be abroad on the election day and choose to exercise their right to vote by mail, shall access the special section on the official web page of the Central Electoral Commission, following the guidelines approved by the decision of the Central Electoral Commission.

(4) The registration procedure shall be deemed complete when the applicant receives, to the e-mail address indicated by the applicant, the notification on the completion of the registration procedure for the postal vote from the Central Electoral Commission.

(5) By completing the registration procedure for the postal vote, voters express their will to participate in the elections for which the registration is launched, to be included in the electoral list for the postal vote and to be excluded from the main electoral list. By completing the procedure, the voter also assumes responsibility for the correctness and truthfulness of the data indicated, as well as expresses consent for data processing, by the authorised persons within the electoral bodies, for the purpose of organising and conducting elections and/or referendums.

(6) The registration application for the postal vote shall be rejected by the electoral body when:

- a) the applicant could not be remotely identified by digital means;
- b) the applicant indicated a non-existing postal address;
- c) the applicant is not registered in the State Register of Voters;
- d) the registration procedure was not completed;
- e) the applicant failed to indicate the contact telephone number;
- f) more than seven applications for prior registration for the postal vote were submitted from the same e-mail address;
- g) the same e-mail address is indicated in more than seven applications for prior registration for the postal vote, and the applications exceeding the number of seven persons registered at a single address are rejected;
- h) the applicant failed to attach a photo together with the ID card confirming the right to vote.

(7) In the situation where the voter cancels, within the term provided for in para.(2), the registration for the postal vote or the envelope with the ballot paper(s) has not arrived at the electoral body at least three days before the election day, the voter can exercise the right to vote by showing up at any polling station, under the terms of Art. 78 para.(3) letter e) from the Electoral Code no.325/2022. The voter shall be notified accordingly at the e-mail address indicated in the registration application.

(8) The information on citizens collected following the registration for the postal vote shall represent personal data and be processed only by authorised persons within the electoral bodies, in accordance with Law no.133/2011 on the protection of personal data. Data collected following prior registration shall be processed exclusively for the purpose of organising and conducting republican elections and/or referendums. These data are protected and not disclosed to any state institution in the country or abroad, except in cases expressly stipulated by the legislation.

#### **Article 18. Electoral lists for the postal vote**

(1) The electoral lists for the postal vote are documents authenticated by the Central Electoral Commission, which comprise all the citizens with voting rights registered for the postal vote.

(2) The electoral lists for the postal vote comprise the data provided for in Art 61 para.(2) of the Electoral Code no.325/2022. The electoral lists are drawn up per polling station, based on the information of the registration system, respecting the conditions provided for in Art. 13 para.(2) of this law. The assignment of voters to the polling stations is carried out by the electoral officers authorised therefor, in accordance with the procedure established by the Central Electoral Commission.

(3) The electoral lists for the postal vote are sent by the Central Electoral Commission to the Constituency Electoral Council at least 22 days before the day of elections. The electoral list is sent immediately to the electoral bureau of the polling station for postal voting in order to ensure its check by the voters, the representatives of the electoral contenders/participants in the referendum and by the observers.

(4) Changes in the electoral lists for the postal vote may be requested by the Central Electoral Commission or the electoral bureau and are introduced at least 3 days before the day of elections. The electoral bureau communicates immediately to the voter registered for postal voting, by notification to the e-mail address indicated by them, about any changes introduced in the electoral lists. After introducing the changes, at least two days before the day of the elections, the lists confirmed with the electronic signature of the Chair of the Central Electoral Commission are made available to the electoral bureau in electronic form.

(5) In case of carrying out the second round of the elections, the electoral lists drawn up for the first round shall be used.

#### **Article 19.** Check of the electoral lists for postal voting

The electoral lists for postal voting shall be checked pursuant to the conditions of Art. 62 of the Electoral Code no.325/2022, with the exceptions provided for by this law.

#### **Article 20.** Model and text of the ballot papers for postal voting

(1) The model and text of the ballot papers for postal voting shall be established by the decision of the Central Electoral Commission, pursuant to the conditions of Art.73 of the Electoral Code no.325/2022, with the exceptions provided for in this law.

(2) A 15 mm-diameter circle is printed within each quadrangle of the ballot paper, on the right side, at an equal distance from the upper and bottom sides, or, in the case of the ballot paper for the referendum, under each of the quadrangles with the voting options, for the voter to mark a tick, with a pen beside the electoral contender or the option in the referendum they are voting for.

(3) For the second round of the elections, the model and the text of the ballot papers are similar to those used in the first round of the elections, being differentiated by the colour and the inscription „Second round”.

#### **Article 21.** Printing of the ballot papers for the postal voting

(1) The printing of the ballot papers for the postal voting, for both rounds of election, shall be ensured by the Central Electoral Commission. The Ballot papers are printed at the latest 21 days before the day of the elections, in an amount corresponding to the number of voters and are dispatched to the corresponding Constituency Electoral Council. Each ballot paper contains two numbers, corresponding to the ordinal number of the constituency and the ordinal number of the respective polling station.

(2) The dispatch of the ballot papers to the voters shall be ensured by the electoral bureaus of the polling station for the postal vote. The ballot papers are dispatched through the postal/courier services delivered by the providers authorised in the countries of destination of the envelopes.

#### **Article 22.** Content of the envelopes with the voting materials

The envelopes with the voting materials shall contain:

- a) the outer envelope(s), on which the name and surname of the voter and their number of registration in the electoral list for the postal vote is indicated;
- b) depersonalised inner envelope(s);
- c) ballot papers;
- d) security labels for the sealing of the envelopes;
- e) the instruction regarding the manner of voting by post;
- f) prepaid post stamps for the return of the envelopes with the ballot papers;

g) the form of the declaration regarding the abstention from multiple voting and the confirmation of the exercise of the right to vote in secret.

**Article 23.** Period for postal voting

(1) The period for the postal voting starts with the receipt by the voter of the voting materials and ends with the receipt by the electoral body of the envelopes with the ballot papers by 18:00 o'clock at the latest, local time of the host country, on the Thursday before the election day.

(2) The electoral bureau shall decide on the extension by maximum two hours of the deadline for the receipt of the envelopes with the ballot papers in the case when the postal or courier service providers have informed that the electoral materials are to be delivered. The Constituency Electoral Council and the Central Electoral Commission shall be informed about the extension.

(3) The chair of the electoral bureau of the polling station for postal voting shall declare the voting closed after the expiry of the deadline indicated in paras.(1) and (2), and the envelopes received after the closing of the voting shall be annulled.

**Article 24.** Dispatch of the envelopes with materials for the voting

The electoral procedures regarding the manner of ballot papers dispatch to the electoral bureau of the polling station for the postal voting, the manner of storing the ballot papers, of dispatching them to the voters and of receipt after the voting shall be approved by the Central Electoral Commission, considering the following:

- a) only the electoral officers of the electoral bodies may be involved in the process of receipt, storing, and dispatching of the voting materials;
- b) the dispatch of the voting materials shall be carried out only through the diplomatic post services or through the postal/courier services delivered by the providers authorised in the host countries;
- c) upon dispatch of the voting materials to the address of the voter the information regarding the date and time of the dispatch of the envelope and the data of the contracted provider of postal/courier services shall be registered;
- d) the receipt by the voter of the voting materials shall occur in accordance with the rules established by the contracted provider of postal/courier services;
- e) the voter shall return to the electoral bureau the sealed envelopes with the ballot papers through the postal office or the courier, in accordance with the delivered guidelines;
- f) the state shall ensure the delivery of the envelopes to the voter and their return by means of the post stamps or seals confirming the payment in advance of this service;
- g) the voter may use, on their own responsibility, faster postal services of another provider of postal or courier services authorised in the host country, but the expenses for such services shall be covered by the voter;
- h) the envelopes which, for objective reasons, could not be delivered to the voters and have been returned to the electoral bureau of the polling station shall be annulled, being counted and sealed separately.

**Article 25.** Procedure for the completion of the ballot paper for the postal voting

(1) The ballot paper shall be filled in by the voter so that the secret vote is ensured. The detailed procedures regarding the order of filling in the ballot paper, of sealing and dispatching the envelopes with the ballot papers are provided for in the guidelines made available to the voter in the envelope with the voting materials. The voter shall also fill in the form of the declaration regarding the abstention from multiple voting and the confirmation of the exercise of the voting right in secret.

(2) The voter marks with a pen the sign „v” (tick) within only one circle on the ballot paper, which means they have voted for the corresponding electoral contender or for one of the referendum options.

- (3) One voter may vote only for one electoral contender or for one of the referendum options.
- (4) Even if the voter has registered to vote by mail or has voted by mail, upon showing up at a polling station, the electoral bureau of the respective polling station shall provide them, only once, one ballot paper. In this case, the ballot paper dispatched by mail shall be annulled, which fact is recorded in the minutes regarding the results of the vote counting drawn up by the electoral bureau of the polling station for postal voting, with the corresponding mention under the heading 'Number of ballot papers not used or annulled', as well as in the electoral list.

**Article 26.** Receipt of envelopes and ensuring the security of the process of postal voting

- (1) The receipt of envelopes shall be ensured by the electoral staff of the electoral bureau of the polling station for the postal voting, in accordance with the pre-established schedule and method approved by the members of the electoral body.
- (2) On the Thursday before the day of elections, after 18:00 or, in the case provided for in Art. 23 para.(2), after 20:00, local time of the region/state/province where the electoral bureau of the polling station for postal voting is open, the chair of the electoral bureau, in the presence of at least half of the members of the electoral bureau, shall ensure the counting of the received envelopes with the ballot papers. Based on the record of envelopes, the mentions regarding the received outer envelopes, indicating the date and time of the receipt of the envelope shall be made in the electoral list, under the heading 'Note'. This information shall also be introduced in the State Automated Information System 'Alegeri', which fact confirms the receipt of the ballot paper. The outer envelopes shall be stored in sealed ballot boxes, on the premises of the polling station, until their counting.
- (3) In the situation in which the envelope with the ballot paper has been dispatched to the voter, but the outer envelope has not been received by the electoral bureau until the expiry of the deadline for the reception of the outer envelopes, the electoral bureau shall notify the voter accordingly through a message sent to the e-mail indicated by the voter. The notification is equal to the declaring of the ballot paper dispatched by the bureau as annulled. The respective voter shall be excluded from the electoral list for the postal voting and entitled to exercising their right to vote at the polling station which covers the area where they have their domicile or temporary residence, under the conditions of Art. 78 para.(2) of the Electoral Code no.325/2022, or, if they are abroad, at any polling station abroad, in accordance with Art. 25 para.(4) of this law.
- (4) The electoral bureau of the polling station for the postal vote shall be responsible for making available to the public the information regarding the dispatched materials necessary for the postal voting, the received outer envelopes and the annulled envelopes.

**Article 27.** Counting and tallying of the votes by the electoral bureau of the polling station for the postal voting

- (1) The electoral bureau of the polling station for the postal vote shall start the counting of the votes on the Sunday, after the closing of all the polling stations.
- (2) Before beginning the counting of the votes, the members of the electoral bureau shall check in the State Automated Information System 'Alegeri' whether there are cases in which voters who have voted by post have also expressed their vote at a polling station, making the corresponding mentions in the electoral lists for the postal vote.
- (3) The members of the electoral bureau shall check the integrity of the seals on the ballot boxes and shall ensure the sealing of the ballot boxes where the inner envelopes are to be placed.

(4) After the unsealing of the ballot boxes with the outer envelopes, these are counted. The envelopes dispatched by the voters who have exercised the right to vote at the polling station shall be excluded. These envelopes shall be sealed separately and considered annulled.

(5) The opening of the outer envelopes and the check of their content shall be carried out as follows:

- a) after checking of the integrity of the outer envelope and its opening, checks shall be made to see whether the inner envelope is adequately sealed and if the filled in and signed form of the declaration regarding the abstention from multiple voting and the confirmation of the exercise of the voting right in secret is attached. In the case the inner envelope is not adequately sealed, is deteriorated so that the secret vote is not ensured, the security label is absent or the form of the declaration regarding the abstention from multiple voting and the confirmation of the exercise of the right to vote in secret is not attached, it shall be annulled, being packed and sealed separately with other similar envelopes. After checking the integrity and taking out the depersonalised inner envelopes, the personalised outer envelopes and the declarations shall be counted, packed and sealed separately;
- b) if the depersonalised inner envelope is appropriately sealed, it shall be introduced in the sealed ballot box, ensuring the mixing and counting of these envelopes;
- c) the ballot box with the depersonalised inner envelopes is opened and the content of each envelope is checked separately. The check is carried out by a member of the electoral bureau, who verifies if the envelope contains only one ballot paper for the same type of ballot. In the case the form of the declaration regarding the abstention from multiple voting and the confirmation of the exercise of the right to vote in secret and/or more than one ballot paper for the same type of ballot are found in the envelope, these ballot papers shall be declared invalid, being packed and sealed separately together with the envelope(s). This fact shall be recorded in the minutes of the electoral bureau;
- d) the ballot papers taken out of the depersonalised inner envelopes shall be counted in accordance with the procedure established in Art. 81 para.(6) and para.(8) of the Electoral Code no.325/2022;
- e) in order to ensure the secrecy of the vote, the annulled personalised envelopes shall be depersonalised, and the ballot papers within shall be counted separately.

(6) The drawing up of the minutes regarding the results of the voting shall be carried out in accordance with the Electoral Code no.325/2022.

#### **Article 28. Invalid ballot papers**

(1) Besides the situations stipulated in Art. 82 of the Electoral Code no.325/2022, the ballot paper shall be declared invalid if:

- a) the inner envelope contains two or more ballot papers for the same type of ballot;
- b) the sign confirming the option of the voter has not been marked with a pen in any circle on the ballot paper;
- c) the name of the voter is written on the ballot paper, which is equal to the breach of the secret vote;
- d) more signs are marked with a pen on the ballot paper so that the option of the voter is not clear.

(2) The Chair of the electoral bureau of the polling station for the postal vote offers all the members of the bureau and the persons authorised to assist at the electoral operations, the possibility to examine the ballot paper that is to be declared invalid.

(3) If the members of the electoral bureau of the polling station for the postal vote have doubts about the validity of the ballot paper, the issue shall be settled by vote, and the result of the vote shall be written down in the minutes of the sitting of the electoral bureau.

**Article 29.** Minutes and report of the electoral bureau of the polling station for the postal vote

The electoral bureau of the polling station for the postal vote shall draw up the minutes, in three copies, as well as the bureau's report, respecting the provisions of Art.83 of the Electoral Code no.325/2022 and of the Rules of procedure approved by the Central Electoral Commission in accordance with Art. 5 para.(3) of this law.

**Article 30.** Centralisation of the results of the postal voting

After the receipt of the minutes and reports of the electoral bureaus of the polling stations for the postal vote, the Constituency Electoral Council and the Central Electoral Commission shall centralise the results of the postal voting in accordance with Art. 84 and, respectively, Art. 85 of the Electoral Code no.325/2022.

**Article 31.** Storing electoral documents

The electoral documents (materials) regarding the postal vote shall be stored in accordance with the provisions of Art. 87 of the Electoral Code no.325/2022.

**Article 32.** Second round. Special provisions

(1) In case of establishing the second round of election, the postal voting shall begin after the announcement of the preliminary results by the Central Electoral Commission and shall close with the receipt of the envelopes with the ballot papers at 18:00 at the latest, local time of the host country, on the Thursday before the election day in the second round of elections.

(2) Outer envelopes shall be dispatched by the voter in due time, so that they are received by the electoral bureau of the polling station for the postal vote at the latest on Thursday before the day of elections in the second round of elections.

**Article 33.** Repeated voting

The repeated voting shall not be ensured by postal voting.

**Article 34.** New elections

Postal voting in case of new elections shall be ensured based on the electoral lists and the registration carried out for the ordinary elections declared invalid or null.

**Article 35.** Final and transitory provisions

(1) This law shall enter into force on the date of its publication in the Official Journal of the Republic of Moldova.

(2) Postal voting, as an alternative voting method, shall be implemented in the elections for the office of the President of the Republic of Moldova carried out after the entering into force of this law and shall be applied to the citizens of the Republic of Moldova on the territory of the United States of America, Canada, the Kingdom of Norway, the Kingdom of Sweden, the Republic of Finland and the Republic of Iceland. In case of the carrying out of a republican referendum on the same day with the elections for the office of the President of the Republic of Moldova, the postal voting shall also be applied.

(3) The results of the postal voting shall produce legal effects with the same value as the results of the voting in the polling station.

(4) The Central Electoral Commission shall propose, with justification, to the Constitutional Court to declare the nullity or invalidity of the results of the voting in the polling station(s) for the postal vote in case of finding objective circumstances of committing electoral frauds.

(5) After the completion of the partial implementation of the postal vote, the Central Electoral Commission shall, within three months, draw up and submit to the Parliament a report on the implementation of this alternative voting method, which shall comprise proposals and provisions regarding its permanent applicability, subsequently having to submit corresponding amendments to the Electoral Code no.325/2022.

(6) The Government, within three months from the date of the publication of this law, shall:  
a) propose to the Parliament the amendment of the normative framework with a view to implementing this law;  
b) approve its normative acts with a view to implementing this law.

(7) The Central Electoral Commission, within three months from the date of the publication of this law, shall:  
a) approve its normative acts necessary for the partial implementation of the postal voting;  
b) ask the Government for the financial means, intended for the elections, with a view to covering the expenses necessary for the partial implementation of the postal vote.

#### **Article 36.** Amendment of certain normative acts

(1) Article 49 of the Contravention Code of the Republic of Moldova no.218/2008 (republished in the Official Journal of the Republic of Moldova, 2017, no.78–84, Art. 100), with subsequent amendments, shall be amended as follows:

In para.(4):

in the disposition part, the words ‘or the unauthorised removal of the ballot paper handed for voting from the premises of the polling station’ shall be excluded;

in the sanction part, the text ‘from 6 to 50’ shall be substituted with the text ‘from 12 to 30’;

the article shall be completed with para.(5) reading as follows:

“(5) The unauthorised removal of the ballot paper handed for voting from the premises of the polling station or the conveyance of the ballot paper by the voter to a third person shall be sanctioned with a fine from 50 to 150 conventional units.”

(2) The Electoral Code of the Republic of Moldova no.325/2022 (Official Journal of the Republic of Moldova, 2022, nos.426–427, Art. 770), with subsequent amendments, is amended as follows:

1. Article 36, para.(2) is completed with the following text: “In case of the termination before deadline of the mandate of the chair and secretary of the Central Electoral Council of Gagauzia, until the occupation of the office by another person, the covering of the interim as well as the cessation thereof shall be provided for by decision of the Central Electoral Commission.”

2. Article 90, para.(16) shall read as follows:

“(16) In the electoral campaign, the Audiovisual Council shall present publicly weekly monitoring reports and adopt decisions in accordance with the results of the monitoring. Within three days after the voting day (on Wednesday), the Audiovisual Council shall present publicly a report on the monitoring carried out on Saturday and Sunday, when electoral campaigning is forbidden. Monitoring reports, as well as the balance report, shall be placed

on the official web page of the Audiovisual Council on the second day after the public presentation at the latest.”

**PRESIDENT OF THE PARLIAMENT**

**Chisinau, 26 April 2024.**

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