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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

ELECTIONS CODE OF THE REPUBLIC OF MOLDOVA

LAW OF THE REPUBLIC OF MOLDOVA**Elections Code**

No.1381-XIII from 21.11.1997

Official Gazette of the Republic of Moldova no.81/667 from 18.12.1997

Note: The following provisions of the Elections Code have been declared as unconstitutional on the basis of the Constitutional Court decision no.13 from 14.03.2002 and namely: article 1 part one excluding the wording “mayor or of ” and “or by means of a referendum”; article 22 entry e) excluding the wording “or for the position of mayor”; article 41, paragraph (3) entry b) the wording “powers of the mayor and”; article 68 paragraph (2) excluding the wording “and the mayors”; article 118 the wording “mayors and”; article 120 paragraph (1) the wording “and mayors”; article 127 to the extent as to exclude “and for to be elected as mayor – if supported by 5 percent out of the number electors from the respective district but not less than 150 persons and not more than 10000 persons”; article 130 in order to exclude the wording ”and for the election of city mayors (municipalities), villages (communes)”; article 132, paragraph (2) excluding the wording “by the mayor or” and “and mayors”, exclusion of article 134; article 135 paragraph (3) excluding the wording “and mayors”; article 139 paragraph (1) excluding the entry b); article 139 paragraph (1) entry c) excluding the wording “and/or the mayor”; article 139 entry f) excluding the wording “(councils, mayors)”; article 177 excluding paragraph (2); article 186 paragraph (1) excluding the wording “or of the mayor”.

Note: Throughout the Code, the words “rayon” and “rayon’s” shall be respectively substituted with the words, “judet¹”, “of the district” based on the Law no.268-XIV from 04.02.1999.

The will of people constitutes the founding pillar for the power in the state. This will is expressed by means of free elections, which take place periodically on the basis of universal, equal, direct, secret of freely expressed suffrage. The state guarantees the freely expressed will of its citizens by protecting democratic principles and norms of the right to elections. The present code determines the manner of organization and unfolding of the election of the Parliament, local public administration authorities, and manner of organizing referendums.

[Preamble amended by the Law no.1227-XIV from 21.09.2000]

The Parliament adopts the present code.

¹Judet – district

Title 1 GENERAL PROVISIONS

Chapter 1 TERMS AND GENERAL PRINCIPLES

Article 1. General terms

In the sense of the present code the general terms have the following definition:

Electoral billboards – appeals, statements, photographs and other materials used by the electoral competitors for the purpose of electoral propaganda;

Electoral propaganda – actions for preparation and dissemination of information aimed at determining the electors to vote for one or other electoral competitors;

Voter – any citizen of the Republic of Moldova with the right to vote;

Elections – means, in the case of no specific reference, elections in the Parliament, in the local public authorities as well as the referendums. The same term refers to the actions of the citizens, parties and other social-political organizations, electoral blocs, elections and other state authorities, oriented toward elaboration of electoral lists, nomination and registration of candidates, electoral propaganda, voting and confirmation of voting results, as well as other actions related to elections in accordance with the legislation into force;

General elections – any type of elections that take place in one day, on Sunday or on any other day indicated in the act of determining the date of elections, on the entire territory of the country;

Anticipated elections – elections of the elective bodies taking place in case of cessation before the term of the mandate or in case of dissolution.

Electoral bloc – benevolent union of two or more parties and/or social-political organizations that is registered by the Central Elections Commission for the purpose of joint participation in the elections;

Electoral campaign – period of activity aimed at determining the voters to one or another electoral candidate and that starts for every electoral competitors from the date of registration of the latter at the Central Elections Commission or by the district electoral council and stops when the competitor is excluded from the election on the voting date;

Candidate – person who proposes his candidacy in order to obtain a public elective position on behalf of parties other social-political organizations, electoral blocs, as well as not related to these;

Independent candidate – person who nominates himself in order to obtain a public elective position not dependent on parties, other social-political organizations and electoral blocs;

Electoral district – administrative electoral unit, where elections and referendums are organized and take place,

Electoral competitors:

- Independent candidates, registered by the Central Elections Commission, as well as parties other social-political organizations, electoral blocs whose lists of candidates have been registered by Central Elections Commission – in case of parliamentary elections;
- Parties, other social-political organizations, electoral blocs and persons who nominated their candidacy for the position of councilor in the local council and which are registered by the respective district electoral councils – in case of local elections;

*[The amendment introduced by the law no.1381 from 21.11.1997 was declared]
[unconstitutional according to the Constitutional Court Decision no.13 from 14.03.02]*

Contestation – an application for repeal or revision of an act, decision or action;

Central Elections Commission - commission created for the purpose of ensuring the proper performance of elections, which works on a permanent basis according to the present code;

Right to vote – constitutional right of the citizen, to elect and to be elected in order to express by means of his vote the attitude toward the most important problems of the state and the society in general and/or in local problems of a particular interest;

List of candidates – list of candidates nominated by parties, social-political organizations, electoral blocs in order to take part in elections;

Electoral list – list including all citizens with the right to suffrage residing on the territory of a polling station;

Subscription list – list including the signatures of the voters who plead in favor of one candidate or for the initiation of a referendum;

Locality – territorial-administrative unit organized according to the law (rayon, municipality, city, village (commune), territorial-administrative unit with a special status);

Electoral authorities – authorities entrusted with the organization of parliamentary, local public administration elections as well as referendum;

Social-political organizations - parties, fronts, leagues, mass political movements, registered under the law on parties and other social-political organizations;

Parties- benevolent associations of citizens established and registered under the law on parties and other social-political organizations;

Electoral period – period of time that starts with the day on bringing to the knowledge of the public the elections date as well as the date when the final results of the elections are confirmed by the competent authorities;

Persons authorized to assist at the electoral operations – observers of the electoral competitors in the polling stations, foreign observers accredited by the Ministry of Foreign Affairs, observers accredited by the Central Elections Commission as well as representatives of the mass media means;

Referendum – suffrage when people express their option with regard to the most serious issues of the state and the society in general, pursuing the goal to solve them, as well as requesting the citizens opinion with concern to local problems of a particular interest;

Revocation – withdrawal by the law court of the mandate of a person holding an eligible public position.

[The amendment introduced by the law no.1381 –XV from 21.11.1997 in compliance with the] [Constitutional Court decision no.13 from 14.03.21 was declared unconstitutional]

[Article 1 amended by the Law no.842-XV from 14.02.2002]

[Article 1 amended by the Law no.796-XV from 25.01.2002]

[Article 1 amended by the Law no.1227-XIV from 21.09.2000]

[Article 1 amended by the Law no.894-XIV from 23.03.2000]

[Article 1 amended by the Law no.268-XIV from 04.02.1999]

Article 2. Principles of participation in the elections

- (1) Citizens of the Republic of Moldova participate in the elections by universal, equal, direct, secret and freely expressed vote.
- (2) Participation in the elections has a free (benevolent) nature. No person is entitled to exert pressure upon the voter in order to coerce him to take or not to take part in elections as well as to influence the expression of his free will.
- (3) Citizens of the Republic of Moldova residing outside the country shall benefit from full right to suffrage under the present code. The diplomatic missions and consular offices have the obligation to assist the citizens to exercise their electoral rights.

Article 3. Universal vote

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

Article 4. Equal vote

Each voter shall be entitled to a single vote during each suffrage. Every vote has an equal legal power.

Article 5. Direct vote

Each citizen shall give his vote personally. No voting instead of other person shall be allowed.

Article 6. Secret suffrage

Suffrage in elections and/or referendum is secret, thus excluding the possibility to exercise influence over the voter's will.

Article 7. Freely expressed vote

No one may exert pressure on the voter for to make him vote or refrain from voting as well as to express his will independently.

Article 8. Elections date

Elections shall take place in one day, on Sunday or on any other date indicated in the elections organizations act on the entire territory of the country or in a specific locality.

Article 9. Place of exercising the right to vote

The right to vote shall be exercised in the locality where the citizen resides, except for cases provided by the present code.

Article 10. Voting for a sole candidate

During elections, the elector shall vote for a single candidate, during the referendum – for one single option.

Chapter 2
RIGHT TO ELECT AND TO BE ELECTED
RESTRICTIONS

Article 11. Right to elect

Citizens of the Republic of Moldova who, on the elections day reached the age of 18 years enjoy the right to vote, except for those deprived of this right in conformity with the law.

Article 12. Right to be elected

Citizens of the Republic of Moldova eligible for vote may be elected in accordance with the present code.

Article 13. Restrictions

(1) The following persons do not have the right to vote:

- a) who do not meet the requirements stipulated in the article 11;
- b) who have been declared as incapable by a final decision of the law court;

c) persons convicted to deprivation of liberty by a final judgment of the law court.
[Paragraph 1 article 13 amended by the Law no.268-XIV from 25.01.2002]

(2) May not be elected:

a) serving military men;

[Entry a) as amended by the Law no.268-XIV from 04.02.1999]

[Entry b) repealed, the others shall be set accordingly to the law no.403-XIV from 14.05.1999]

Note: See in this respect the decision of the Parliament no.331-XIV from 25.03.1999 on “ensuring an uniform character to the application of the provisions of Article 13 Paragraph 2 letter b) from the Elections Code on the entire territory of the Republic of Moldova during the elections campaign for general local elections from 1999”.

b) persons mentioned in paragraph (1);

c) persons whose criminal record is not extinguished.

[Entry c), d) introduced by the Law no.268-XIV from 04.02.1999]

(3) Citizens of the Republic of Moldova who by virtue of the position held do not have the right to be members of parties, or to belong to other social-political organizations shall suspend their activity in the current position from the date of registration in capacity of electoral candidate.

[Paragraph 3 as amended by the Law no.842-XV from 14.02.2002]

[Paragraph 3 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 3 as amended by the Law no.268-XIV from 04.02.1999]

T i t l e II GENERAL PROVISIONS

Chapter 3 ELECTORAL AUTHORITIES

Article 14. Electoral authorities' system

Pursuing the purpose to organize and unfold elections, the following authorities shall be constituted:

a) Central Elections Commission;

b) district electoral council;

c) electoral committees of polling stations.

Article 15. Representation within electoral authorities

(1) Electoral competitors may appoint to the electoral authorities where registered, as well as in the hierarchically inferior authorities, a representative with a consultative vote. Parties, other social-political organizations, electoral blocs participating in the elections may appoint a representative with a consultative vote also in the Central Elections Commission.

[Paragraph 1 Article 15 according to the Law no.894-XIV from 23.03.2000]

(2) Representative members of the electoral candidates shall be confirmed by the electoral authorities in a three day term, and if not accepted, a written information indicating the grounds of refusal shall be brought to their knowledge.

[Paragraph 2 completed by the Law no.268-XIV from 04.02.1999]

- (3) In case the electoral candidates form and electoral bloc, after the nomination of their representatives in the representative authorities, the members shall be withdrawn from the electoral authorities, except for one person, nominated based on the decision of the respective electoral bloc. In the circumstances when the leadership of the electoral bloc does not take these actions in a three-day term from its constitution, the electoral authorities shall exclude the representatives liable to withdrawal. The electoral candidate who adheres to an already existing electoral bloc shall withdraw his representative from the electoral authorities.

Section 1

Central Elections Commission

Article 16. Constitution of Central Elections Commission

- (1) Central Elections Commission is a state authority constituted for the purpose of organizing and unfolding elections.
- (2) Central Elections Commission is composed of 9 members appointed proportionally by the Republic of Moldova President, Parliament and High Council of Magistracy. The nominal composition of the commission as well as its president shall be appointed from among magistrates and confirmed by a decision of the Parliament.

[Paragraph 2 Article 16 as amended the Law no.894-XIV from 23.03.2000]

- (3) Central Elections Commission shall guide its activity by the Constitution, the present code, and the Regulation of the Commission adopted by its decision.
- (4) Central Elections Commission is a legal entity, has its own budget, a bank account and a stamp with the state coat of arms.

Article 17. Composition and mandate of the Central Elections Commission

- (1) The vice-president and the secretary of the commission shall be elected from among its members with a majority of votes. The ballot results shall be recorded in a protocol signed by all ballot participants. The re-election of the aforementioned persons may be initiated with at least 1/3 out of the commission members with deliberate vote. The decision for the re-election shall be adopted with a majority of votes of the commission members.

[Paragraph 1, article 17 as amended by the law no.894-XIV from 23.03.2000]

- (2) In the event if, during the first voting, the candidate to the position of the deputy-president or secretary of Central Elections Commission did not gather a majority of votes, a repeated ballot shall be organized where the candidates of the first voting for the same position may also participate.

[Paragraph 2, article 17 as amended by the law no.894-XIV from 23.03.2000]

- (3) President, deputy-president and secretary of the Commission shall work on a permanent basis. Other members of the commission shall convene at the request of the president whenever necessary.

[Paragraph 3, article 17 as amended by the law no.268 -XIV from 04.02.1999]

- (4) Vacancies of the positions mentioned in the Paragraph 1 shall be filled in, following the same procedure as in the case of elections.
- (5) Within two days after being constituted, the Central Elections Commission shall bring to the knowledge of the public, information concerning its composition, premises and the contacting manner for public relations.
- (6) Central Elections Commission has a mandate of 6 years. After the expiry of this term, the composition of the commission may be changed. Commission members may not exercise more than two consecutive mandates.

Article 18. Sessions and decisions of Central Elections Commission

- (1) Sessions of the Central Elections Commission are deliberative if a majority of members with a deliberate vote participate.
- (2) Central Elections Commission shall adopt decisions with a majority of members with a deliberative vote.
- (3) Decisions of the Central Elections Commission, adopted within the ambit of its competence, are binding for public authorities, enterprises, institutions and organizations, officials, parties, other social-political organizations and their structures, as well as for all citizens.

[Article 18 as amended by the law no.796-XV from 25.01.2002].

Article 19. Central Elections Commission members' status

- (1) Members of the Central Elections Commission may be persons who have an impeccable reputation and skills necessary to exercise electoral activities.
- (2) Members of the Central Elections Commission who are deliberative voters:
 - a) may not belong to parties and to other social-political organizations which have nominated candidates for public eligible positions;
 - b) may not participate in political activities;
 - c) may not make statements in favor or disfavor of electoral candidates;
 - d) may not in any way, contribute to activities performed by electoral competitors, except for cases stipulated by the present code in the exercise of their duties.

Article 20. Ceasing the quality of member of Central Elections Commission

- (1) Membership in the Central Elections Commission shall cease in case of:
 - a) mandate expiry;
 - b) resignation;
 - c) dismissal;
 - d) impossibility to exercise duties;
 - e) decease.
- (2) Central Elections Commission members may be dismissed in case of non-fulfilling the conditions mentioned in Article 19 Paragraph (2) as well as for committing deeds incompatible with their quality.
- (3) The dismissal shall be submitted to the Supreme Court of Justice by authorities, which appointed the respective person to the Central Elections Commission, as well as by other Commission members.
- (4) The pertinent authority shall appoint within a 10 day term, a new member to be confirmed by Parliament for the rest of the mandate of his predecessor, based on a decision of the Supreme Court of Justice ordering the dismissal or/and in case of cessation of mandate before the term.

[Article 20 as amended by the law no.796-XIV from 25.01.2002]

Article 21. Partial exoneration of members from their professional obligations. Remuneration

- (1) For the period of elections, Central Elections Commission members who do not work on a permanent basis shall be partially exonerated from their professional obligations of their permanent working place based on a decision taken by the Commission.
- (2) The position of president, deputy-president and secretary of the Central Elections Commission shall be equated with the public position of a first rank, while the Commission members with a deliberate vote, who are exonerated partially from their professional duties of their permanent working place, are equated to a public position of a second rank.
- (3) Remuneration of Central Elections Commission members shall be done in accordance with the procedure used in case of public employees of the respective ranks, but their salary may not be lower than average salary of the last permanent working place, taking into account also the increases, additional payments, indemnities, and allowances. Members of the commission, which are not working on a permanent, shall receive for the period of being partially exonerated from duties from their permanent position an additional payment to the salary in an amount of 25 percent.

Article 22. General tasks of the Central Elections Commission

The Central Elections Commission shall:

- a) study the process of organizing and performance of elections for the purpose of improving the legislation and the electoral procedures;
- b) submit to the Government and to the Parliament proposals with regard to the timeliness of introducing amendments in the electoral legislation;
- c) elaborate regulations and instructions meant to improve electoral procedures;
- d) keeps a list of qualified employees in order to be appointed to the to the district electoral council and to the electoral committees of the polling stations;
- e) form district electoral councils and electoral committees of the polling stations while organizing partial elections in the local councils;
- f) collaborate, in the process of organizing and performing elections with:
 - Ministry of Internal Affairs, in order to ensure security of the polling stations and of the electoral materials;
 - state enterprises and institutions while concluding contracts in order to provide the printing of ballot papers as well as the endowment with equipment;
 - mass media means and public associations in the organization of activities related to the civic education of the citizen and in order to inform the population about the elections process;
- g) analyze the structure of electoral districts from the perspective of the administrative territorial organization of the republic;
- h) implement programs of civic education in the period between the elections;
- i) prepares information programs for the voters in the period of elections;
- j) offer to the mass media means information concerning the organization of elections and the administrative practice used in this respect;
- k) present annually reports to the Parliament, and upon request - to the Parliament, President of the Republic of Moldova, Government;
- l) set under debate of the mass media means and the public at large issues related to elections;
- m) establish contacts with parties, other social-political organizations and non governmental and which are entitled to appoint candidates for public positions, making available for them the full participation in the electoral process;

- n) consult the interested local public associations in civic activities to be organized during elections;
- o) organize training courses and seminars for persons who are to take part in the electoral process in capacity of members of district electoral councils and electoral committees of the polling stations, as members representatives of the of the political parties and other social-political organizations, of the electoral blocs or of the potential candidates in capacity of employees in the administration of the electoral councils, as members of the group of initiative;
- p) analyze electoral frauds, including those alleged, from the previous, current of future elections and takes measures for their prevention, informs the public authorities about the necessity to find solutions to certain problems in accordance with the electoral legislation;
- q) verify yearly (after January 1) electoral lists, updating them in the database provided by the Department of Statistics and Sociology and by the local public administration authorities.

[Article 22 as amended by the Law no.796-XV from 25.01.2002]

[Article 22 as amended by the Law no.268-XIV from 04.02.1999]

Article 23. Central Elections Commission administration

- (1) Central Elections Commission shall be assisted by an administration whose staff shall be approved by the Government at the proposal of the Central Elections Commission. Employees of the administration shall be employed based on a decision of the commission. Upon the decision of the Commission some of them shall work on a permanent basis, others shall be convoked in the elections period, being exonerated of their tasks from the permanent position.
- (2) Salaries of employees and other expenses of the Central Elections Commission administration shall be covered from its budget. The salary of the administration employee is equivalent with the salary of the public servants of second rank, but may not be lower than the average salary from the last permanent position, taking into account increases, additional payments, indemnities and allowances. Central Elections Commission shall do equation with concrete positions. Administration employees, who are not working on a permanent basis in the commission, shall receive for the period of being partially exonerated from duties from their permanent position an additional payment to the salary in an amount of 25 percent.

Article 24. Financing the Central Elections Commission activity

Activity of the Central Elections Commission shall be financed from the state budget. The commission shall present annually, on a date indicated by the Government, an application soliciting to include in the draft law on the state budget the expenses related to the its functioning and the performance of the elections specifying also the activities which are to be organized during next budgetary year.

Article 25. Sessions and activities of Central Elections Commission

- (1) Sessions of Central Elections Commission shall be convened by its president at his own initiative or at the request of majority of its members. In case the majority of members request the convocation of a session, the decision shall be taken in at least 48 hours from the moment of submitting the application.
- (2) All sessions when the Central Elections Commission examines electoral issues, inclusively sessions where decisions about electoral problems are open for mass media representatives and for the public. Sessions shall be announced 48 hours before taking

place, except for sessions of the electoral period when they are announced in a shorter term due to the nature of problems requiring an urgent examination.

- (3) Central Elections Commission shall ensure transparency of electoral operations, allowing mass media means and the public at large to assess the Commission activity.

Article 26. Powers of Central Elections Commission in the elections period

- (1) In the elections period the Central Elections Commission shall have the following powers:

- a) to coordinate the activity of all electoral authorities for the purpose of preparing and organizing elections in compliance with the present code;
- b) to supervise the enforcement of the present code provisions and those of other laws containing stipulations concerning elections;
- c) to constitute electoral districts and district electoral councils and to supervise the activity of these councils;
- d) based on the data presented by the Ministry of Justice, it shall publish the list of parties and other social-political organizations entitled to take part in elections, shall register candidates and their representatives in case of parliamentary elections;
- e) to distribute the financial means provided for the organization of elections; to verify the endowment of the councils and electoral committees with premises, transportation and telecommunication means, shall examine other issues related to the technical-material support of elections;
- f) to determine the model of ballot papers and electoral lists, of the reports of sessions of councils and electoral committees as well as of other acts related to the organization of elections, also the model of ballot boxes and stamps of councils and electoral committees;
- g) to examine the reports of public authorities on issues related to the organization and unfolding elections;
- h) to find solutions to the problem of participation in the elections of citizens who on the elections date are not present on the territory of the country;
- i) to count the results of elections on the whole territory of the country, and upon the case, submits the report on elections' results to the Constitutional Court;
- j) to adopt decisions referring to the activity of the district electoral councils and electoral committees of the polling stations, to the electoral procedures, to the manner of organization and unfolding the elections as well as to technical-administrative issues;
- k) to train electoral employees and to offer the voters information related to elections;
- l) to examine the applications and contestations of the decisions taken by the district electoral councils and electoral committees of the polling stations, shall adopt executory decisions referring to them;
- m) to decide the exoneration from duties of the main working place of members of electoral councils during their activity in the elections, shall determine the number of members of electoral committees which may be exonerated from duties in the respective period;
- n) to ensure the organization of repeated ballot, new and partial elections under the present code;
- o) to gather information on the voters coming to elections, shall make the preliminary totalization of the elections results and shall bring to the knowledge of the public the final results.

- (2) In the electoral period, the Central Elections Commission is entitled to exercise fully its powers even in the case when it is not completed with representative members with a consultative right to vote.

[Article 26 as amended by the Law no.796-XV from 25.01.2002]

[Article 26 as amended by the Law no.1227-XIV from 21.09.2000]

[Article 26 as amended by the Law no.894-XIV from 23.03.2000]

[Article 26 as amended by the Law no.268-XIV from 04.02.1999]

Section 2

Electoral districts and district electoral councils

[Title as amended by the Law no.268-XIV from 04.02.1999]

Article 27. Constitution of electoral districts and district electoral councils

- (1) The Central Elections Commission shall, with at least 55 days before elections, constitute the electoral districts correspond with territorial-administrative units of the second level of the Republic of Moldova, and with at least 50 days before the elections, the district electoral councils. The aforementioned term shall be valid in case of elections of all levels as well as for republican referendums when electoral districts and district electoral councils are to be constituted.
- (2) District electoral councils shall be constituted having a composition of 7-11 members with a deliberate right to vote, among which at least three persons shall have legal background or public administration studies.
- (3) In case of local elections or referendums, the district electoral councils shall be constituted based on the proposals of local councils of the first level, or of the executive committees of the respective *rayon* councils, and in case there are no such these proposals, these shall be formed by Central Elections Commission. To the extent possible, the district electoral councils shall include persons with legal background.
- (4) Persons candidates to the district electoral councils shall be proposed by the by the local councils of the first level or by executive committees of the respective *rayon* councils or on the basis of the list of qualified employees held by the Central Elections Commission. Members of the district electoral council may not be counselors in local councils, members of parties and other social-political organizations participating in the elections.
- (5) Within three days from the date of constitution of the district electoral council its members shall elect from among them in a secret suffrage the chairman, deputy-chairman and secretary of the council, informing immediately the Central Elections Commission about the results of this elections.
- (6) Within 4 days from the date of its constitution, the district electoral council shall bring to the public knowledge information concerning its address and the manner of establishing contacts.
- (7) The district electoral council shall adopt decisions with a majority of its members with a deliberative right to vote.
- (8) The district electoral council shall be assisted by an administration the staff of which is approved by Central Elections Commission at the proposal of district electoral council. For the period of being exonerated from duties of the permanent working place the employees of the administration shall receive an additional payment of 25 percent to the salary.

[Article 27 as amended by the Law no.842-XV from 14.02.2002]

[Article 27 as amended by the Law no.796-XV from 25.01.2002]

[Article 27 as amended by the Law no.894-XIV from 23.03.2000]

[Article 27 as amended by the Law no.268-XIV from 04.02.1999].

Article 28. Tasks of the district electoral council

The district electoral council shall have the following tasks:

- a) to exercise control over enforcement of the provisions of the present code and of other laws, which contain provisions related to organization of elections;
- b) to form electoral committees of the polling stations and to supervise their activity, to organize training courses for their members, to propagate the voting procedure and the relevance of each vote;

[Entry b) as amended by the Law no.268-XIV from 04.02.1999]

- c) to distribute to the electoral committees of the polling stations financial means;
- d) to examine information related to organization and unfolding of elections submitted by local public administration authorities, directors of enterprises, institutions and organizations;
- e) to exercise control over the due elaboration and verification of the electoral lists;
- f) to ensure the electoral committees of the polling stations with the application forms for electoral lists and reports, provision of ballot papers;
- g) to register independent candidates and the lists of candidates from parties and other social-political organizations, electoral blocs, brings to the knowledge of the public information about these;
- h) to decide upon the exoneration from duties of the permanent working place of members of the councils and the electoral committees for the period of their activity in the composition of the latter;

[Entry h) as amended by the law no.796-XV from 25.01.2002]

[Entry h) introduced by the law no.268-XIV from 04.02.1999]

- i) to totalize the results of elections of the district, and to present to Central Elections Commission the respective acts, as well as the publication in the local press of the ballot results;
- j) to gather information from the electoral committees of the polling stations regarding the percentage of people coming to vote, to totalize the preliminary results of elections in order to be remitted to Central Elections Commission;
- k) to examine applications and contestations of the decisions and actions of the electoral committees of the polling stations and to adopt executory decisions with regard to them;
- l) to exercise other actions related to organization and unfolding of the elections.

Section 3

Polling stations and electoral committees of the polling stations

Article 29. Constitution of polling stations and of electoral committees of the polling stations

- (1) In pursuit of the purpose to organize the ballot and to count the votes, the electoral districts shall be divided in polling stations.
- (2) The district electoral councils from different localities shall constitute polling stations based on the proposals of the mayors of towns (municipalities) and villages, with at least 35 days before the elections date comprising at last 30 up till 3000 voters. For elections of all levels and republican referendums, the same term is valid for the constitution of polling stations.
- (3) Special polling stations may be formed with hospitals, resort houses, maternities, asylums and hostels for old people. Such polling stations shall include at least 30 voters.
- (4) Serving voters shall participate in elections in the locality where the military unit is dislocated.

- (5) In case of parliamentary elections or republican referendum, polling stations shall be constituted with each diplomatic mission or consular office of the Republic of Moldova for the personnel of these institutions and the members of their families, as well as for citizens of the Republic of Moldova located in the respective country regardless their number. These polling stations belong to the electoral circumscription of Chisinau municipality.
- (6) In case of local, new or partial elections or local referendum when a district electoral council of the second level is not formed, the Central Elections Commission shall constitute polling stations and electoral committees instead.
- (7) The district electoral council shall set numbers for each polling station of the district and will bring to the knowledge of the public, information about the area covered by each polling station, address of the electoral committee of the respective polling station, address premises where elections are to take place and the manner of contact relations.
- (8) Polling stations shall be numbered starting with the locality of residence of the district electoral council, then with that from municipalities, towns, communities and villages, following an alphabetical order.
- (9) For the purpose of exercising the duties provided by the present code, the mayor's offices shall offer all necessary support and information to the electoral committees of the polling stations.
- (10) District electoral councils shall constitute electoral committees of the polling stations with at least 20 days before the elections day including 5-11 members with a deliberative right to vote. For elections of all levels and republican referendums, the same term is valid for the constitution of electoral committees of polling stations.
- (11) The local council shall propose the lists of members of electoral committee of the polling station. In case of non-submitting the lists, members of the electoral committee of the polling station shall be appointed upon the initiative of the district electoral council in a 5 days term from the date of expiry of the term indicated in (paragraph 10).
- (12) Within 2 days from the date of constitution of the electoral committee of the polling station, its members shall elect from among themselves the chairman, deputy-chairman and secretary of the electoral committee, adopting the respective decision in order to immediately communicate it to the district electoral council and for the purpose of bringing to the public knowledge, information about composition and premises of the electoral committee as well as the manner of contact.
- (13) Within diplomatic missions and consular offices of the Republic of Moldova the chairman and the secretary of the electoral committee of the polling station, and in the case the diplomatic missions and consular offices have less than 3 employees, the suffrage shall take place through diplomatic mail, the ballot papers being sent to Central Elections Commission no later than the elections day.
- (14) In order to ensure the exercise of the right to suffrage, the Central Elections Commission is entitled to establish polling stations and electoral committees of polling station in other cases as well.
- (15) Members of the electoral committees of polling stations with a deliberative vote may not be counselors in the local councils, either members of a party or other social-political organization participating in the elections.

[Article 29 as amended by the Law no.796-XV from 25.01.2002]

[Article 29 as amended by the Law no.894-XIV from 23.03.2000]

[Article 29 as amended by the Law no.1227-XIV from 21.09.2000]

[Article 29 as amended by the Law no.268-XIV from 04.02.1999].

Article 30. Powers of the electoral committee of the polling station

The electoral committee of the polling station shall:

- a) verify the electoral lists together with local public administration authorities, ensure their integrity and of the ballot papers as well as it is responsible for the adequate and full elaboration;

[Entry a) as amended by the Law no.268-XIV from 04.02.1999]

- b) examine the applications related to the inadequacies in the electoral lists, introduce the necessary amendments and issues certificates for eligible voters who are not at their residence on the elections day;
- c) draw up additional electoral lists, including also persons who will vote based on the certificates for eligibility as well as of persons who out of different grounds were not registered in the basic electoral lists;
- d) communicate to the population residing on the area of the respective polling station, date and place of suffrage, make the necessary arrangements for the preparation of the building for the voting procedure, installment of ballot boxes and cabins, organize the voting on the established day, take measures to ensure order within the polling station;
- e) totalize the results of elections in the polling station, draws up reports and submits them together with all ballot papers to the district electoral council;
- f) examine the applications and contestations related to the organization of elections, adopting the appropriate decisions which are to be attached to the reports meetings of the committee;
- g) remit to the district electoral council data about the number of citizens coming to vote as well as other data necessary for the totalization of the preliminary elections' results;
- h) exercise other powers in accordance with the present code.

Section 4

**Supporting the councils and electoral committees,
organization of activity, changing structure and dissolution**

Article 31. Supporting councils and electoral committees

- (1) Public authorities, enterprises, institutions and organizations, officials, parties and other social-political organizations as well as their structures shall be obliged to offer support to the councils and electoral committees in the exercise of their duties, to provide them information and materials necessary for their activity.
- (2) The council and the electoral committee may notify public authorities, enterprises, institutions and organizations, officials, parties and other social-political organizations as well as their structures with regard to problems or organization and unfolding of the elections, the latter being obliged to examine the notification and to give an answer within three days from the date when received, but no later then the elections day.

Article 32. Organization of activity of councils and electoral committees

- (1) During the electoral period, the meetings of councils and electoral committees shall be convoked and conducted by the chairman and in case of his absence or upon request by the deputy-chairman. The meeting may be convoked also upon request of 1/3 of members with deliberate votes from councils and committees.
- (2) Meetings of councils and electoral committees shall be considered as deliberative if ½ with deliberative votes are present. Decisions of councils and electoral committees shall be adopted with open ballot with the participation of majority of members with deliberative votes and signed by the chairman and the secretary. In case of parity of votes,

the vote of council chairman or committee shall be decisive. Members of councils and electoral committees who do not agree with the taken decisions are entitled to express in written form their opinion, which may be attached to the report of the meeting.

- (3) Decisions of the council and electoral committees adopted in the ambit of its competence shall be binding for public authorities, enterprises, institutions and organizations, officials, parties and other social-political organizations as well as their structures as well as for all citizens.
- (4) The Central Elections Commission shall determine the number of members of electoral authorities who may be exonerated from the duties of their permanent working place as well as the term of such exoneration. These persons shall receive from the financial means designed for elections a salary which is 25 percent bigger than the average salary of their permanent working place, taking into account the benefits, additional payments and indemnities but not lower than an average salary per republic in the current year, or of the previous year, in case elections took place in January or February. In case of employment of pensioners or other temporary unemployed persons, the salary is the average per republic in the current year, or of the previous year, in case elections took place in January or February.
- (5) One may conclude, upon necessity, individual labor contracts for the period of providing certain services. The respective expenses shall be covered from the means allocated for elections.
- (6) Members of councils and electoral committees with deliberative vote may not make any electoral propaganda in favor or disfavor of persons who are candidates for a public eligible position; may not involve in political activities in support of one or another electoral competitors; may not affiliate to any of them; may not offer financial or other support, directly or indirectly to electoral competitors. In case of local elections, the members of councils and electoral committees with a deliberative vote may not be wives, kinsmen, and relatives of the first and second degree of the candidate in elections.

[Article 32 as amended by the Law no.796-XV from 25.01.2002]

[Article 32 as amended by the Law no.268-XIV from 04.02.1999]

Article 33. Changing the composition of the councils and electoral committees

- (1) The membership in the council or electoral committee shall cease:
 - a) upon request;
 - b) upon dismissal.
- (2) The authority or the electoral competitor, which proposed or appointed as member of council or electoral committee, is entitled to dismiss the member of the council or electoral committee.
- (3) In case a member resigns or is being dismissed from the council or electoral committee before the election day, another member may be appointed or proposed according to the manner established by the present code.

Article 34. Dissolution of councils and electoral committees

- (1) Councils and electoral committees, constituted under the present code, shall cease their activity and are dissolved by virtue of a decision issued by the same electoral authority which constituted them, within the shortest term possible after the elections for the performance of which, these were formed.

[Paragraph 1, article 34 as amended by the Law no.268-XIV from 04.02.1999]

- (2) As a rule, the district electoral councils and the electoral committee of the polling stations shall cease their activity when the Central Elections Commission (the respective district electoral council) brought to the knowledge of the public the final results of elections.
 - (3) After the dissolution of councils and electoral committees in conformity with the present article, the remuneration shall cease and they return to their permanent working place.
- [Paragraph 3, article 34 as amended by the Law no.268-XIV from 04.02.1999]*

Chapter 4

FINANCIAL SUPPORT OF ELECTIONS

Article 35. Providing of necessary means for the organization of elections

- (1) Expenses related to preparation and performance of elections shall be covered by the state.
- (2) The quantum of financial means shall be established by the Parliament in the limits provided by the law on budget for the year when elections are to take place. The Central Elections Commission shall submit the respective proposals to the Government. After having them examined, the Government submits these proposals for approval to the Parliament. In case the expenses for the current year are not provided in the state budget, their quantum shall be determined by the Parliament, at the proposal of Central Elections Commission.
- (3) After elections, the Central Elections Commission shall present to the Parliament, within the shortest term possible, a report on the administration of the allocated financial means together with the advisory opinion of the Court of Audit.
- (4) Unused financial means shall become revenue of the state budget.
- (5) The Central Elections Commission shall determine the manner of distribution and utilization of financial means as well as shall decide upon the manner of publication of the report on the management of allocated pecuniary means in accordance with the present code.
- (6) The local public administration authorities, enterprises, institutions and organizations shall make available for the councils and electoral committees the necessary premises and equipment for the organization, unfolding and totalization of elections results.
- (7) Mass media means financed from the budget shall publish free of charge statements and materials presented by the electoral councils, the pre-elections programs of the electoral competitors, as well as other materials referring to elections, including those related to civic education and the information about elections for voters.

Article 36. Interdiction on foreign subvention

- (1) The direct or indirect financing, material support in any form of electoral campaigns of candidates to elections as well as the support of electoral competitors by other states, foreign enterprises, institutions and organizations, international and mixed as well as by natural persons who are not citizens of the Republic of Moldova. The pecuniary amounts received in this manner shall be seized and become budget revenue.
- (2) In the situation when the electoral candidate received on his account undeclared financial means or means from abroad or being fully aware has made use of such means, the Central Elections Commission shall submit an application to the Supreme Court of Justice to request the annulment of his registration. The Supreme Court of Justice shall examine the applications and issue an appropriate decision within 5 days but not later than the elections day.

Article 37. Material support of the state of the electoral campaigns

- (1) Electoral competitors are entitled to receive from the state non-interest loans. The Central Elections Commission shall determine the quantum of loan.
- (2) The state budget shall offer loans only based on financial representative appointed for this purpose by the electoral candidate. The representative may be a natural person or legal entity registered by the Ministry of Finance which shall be liable together with the electoral competitor who appointed him.
- (3) Electoral loans received from the state shall be paid completely or partially by the state depending on the total number of valid votes given candidate from the respective electoral district. The amount of money, determined by the division of the loan to the number of voters participating in elections, then by multiplication of the obtained result with the number of validly expressed votes for the respective candidate shall be covered by the state.
- (4) Electoral competitors who obtained less than 6 percent of the validly expressed votes on the entire territory of the country or in the respective districts, including the independent candidates who were not elected shall restate the loans received from the state budget within a two months term after the elections. Other electoral competitors shall restate the loans in a 4-month term.

[Article 37 as amended by the Law no.796-XV from 25.01.2002]

[Article 37 as amended by the Law no.894-XIV from 23.03.2000]

Article 38. Conditions and manner of financial support of electoral campaigns

- (1) Indirect or indirect financing, material support through other forms of the electoral campaigns of electoral competitors by natural persons and legal entities from the country shall be done respecting the following conditions:
 - a) financial means and other forms of material support of activity of electoral competitors in elections shall be declared in press in a one month term after the beginning of the electoral campaign; in case parliamentary elections – shall be declared in a publication circulating nationwide; in case of an independent candidate or in a list of candidates while local elections – in a regional or district publication;
 - b) after constituting the council or the respective electoral committee, the electoral competitors shall be obliged also to declare the financial means and other forms of material support, received from sources mentioned in the present article, prior to making use of it;
- (2) The electoral competitor shall open a bank account indicating “Electoral Fund”, transferring his own financial means, pecuniary amounts received from natural persons and legal entities from the country. The payment of such sums on the account of the electoral competitor may take place only with the prior consent of the latter. The Central Elections Commission shall determine the limit of means, which may be transferred to the fund of the electoral competitor.
- (3) The electoral competitor shall confirm at the Central Elections Commission a person responsible for financial means (treasurer). The electoral competitor who does not open an account named “Electoral Fund” shall inform about this the Central Elections Commission.
- (4) Legal entities may transfer pecuniary amounts to the account “Electoral Fund” only by transfer, with an informative note about the presence or the lack of the foreign share in the statutory capital.
- (5) The electoral campaigns may not be financed or supported materially by:
 - a) citizens of the Republic of Moldova under the age of 18 years;
 - b) organizations financed from the budget;

- c) anonymous persons;
 - d) charity funds of religious organizations.
- (6) Natural persons and legal entities may not order advertising materials for and in favor of electoral competitors or to cover expenses ancillary to produce these without the consent of electoral competitors on the basis of financial means which have not been transferred on the account "Electoral Fund" of the respective candidates.
 - (7) Financial means transferred on the account "Electoral Fund" may not be used for personal purposes. Electoral competitors are forbidden to offer to the voters money, presents, to distribute free of charge goods, including those originating from humanitarian aid or from other charity actions.
 - (8) The electoral competitors shall present once in two weeks to the respective electoral authorities financial reports, which shall include information revenues and expenditures done according to the destination.
 - (9) The bank shall inform the Central Elections Commission and the district electoral council about the financial means transferred on the account of electoral candidate within 24 hours after the transferal. The Central Elections Commission and district electoral council may request the Court of Audit or the Main State Tax Inspection of the Ministry of Finance to exercise control over the income sources, correctness of record and the due usage of finances by the electoral candidates.
 - (10) Central Elections Commission or the district electoral councils shall keep record including all data provided for in this article and shall make it available for the public for information. In the same time, the respective electoral authority shall group all data in order to draw up a weekly report regarding to the amount of contributions received by each competitor as well as the sources of the received financial means. Two days before elections, the respective electoral authority shall draw up a pre-electoral final report and a summarizing report, which includes all available data concerning the amount and sources of financial means received by the electoral competitors.

[Article 38 as amended by the Law no.796-XV from 25.01.2002]

[Article 38 as amended by the Law no.1227-XIV from 21.09.2000]

[Article 38 as amended by the Law no.268-XIV from 04.02.1999]

Chapter 5 ELECTORAL LISTS

Article 39. Electoral lists

- (1) Electoral lists shall be drawn up by the mayor's office, in two copies, for each polling station. After being elaborated the electoral lists shall be verified at the residence of the voters included as well as signed by the mayor of the locality in order to be brought to the knowledge of the public at least 10 days prior to the elections day.

[Paragraph 1, article 39 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 1, article 39 as amended by the Law no.894-XIV from 23.03.2000]

[Paragraph 1, article 39 as amended by the Law no.268-XIV from 04.02.1999]

- (2) The electoral lists shall contain the name and surname of the voters as well as their year of birth, home address, serial and number of their identity acts. Mayors' offices shall determine the order of voters' registration.
- (3) Electoral lists which include military men serving in military units, as well as members of their family, other voters residing on the territory of military units shall be elaborated based on the data provided by commanders of the aforementioned military units. Military

men residing outside military units, as well as members of their families shall be included in the electoral lists at their domicile.

- (4) In polling stations constituted in treatment and resort houses, hospitals and other curative stationery institutions, electoral lists shall be drawn up based on the data presented by chiefs of the aforementioned institutions.

[Paragraph 4, article 39 as amended by the Law no.268-XIV from 04.02.1999]

- (5) Within polling stations constituted outside the boundaries of the Republic of Moldova, electoral lists shall be drawn up based on the data collected by chiefs of diplomatic missions and consular offices located on the territory of the respective state. At the beginning of the elections period, diplomatic missions and consular offices shall bring to public knowledge and update the electoral lists. The updating procedure of electoral lists shall cease 7 days before the elections. Updated electoral lists shall be sent as soon as possible to the Central Elections Commission.

[Paragraph 5, article 39 as amended by the Law no.1439-XIV from 28.12.2000]

- (6) The voter may be included only in a single electoral list registered at one polling station based on acts attesting their domicile within the area of the respective polling station.

[Paragraph 6, article 39 as amended by the Law no.268-XIV from 04.02.1999]

[The wording "based on the residence permit" of the article 39, paragraph (6) was found] unconstitutional by the Constitutional Court Decision no.15 from 27.05.1998]

- (7) In the situation when the voter changes his domicile in the period between the elaboration of electoral lists and election day, the electoral committee of the polling station shall issue upon his request, on the basis of passport or another identity act, a certificate in order to give him the right to vote. The voter who received such a certificate shall confirm this fact by signing in the electoral list in line with his name.

Article 40. Verification of electoral lists

- (1) Electoral lists shall be exposed in the premises of polling stations 10 days before the elections day. A copy of the list shall be kept at the mayor's office. The voters shall be informed about the address of the polling station at least 7 days before elections.

[Paragraph 1, article 40 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 1, article 40 as amended by the Law no.894-XIV from 23.03.2000]

- (2) Voters shall enjoy the possibility to take notice of the electoral lists and to verify the correctness of their elaboration. They have the right to contest their non-inclusion or exclusion from the list as well as against other errors committed while registering their personal data.

Chapter 6

NOMINATION AND REGISTRATION OF CANDIDATES

Article 41. Nomination of candidates

- (1) In case of parliamentary elections, the process of nomination of candidates shall start immediately after announcing about elections and ceases 30 days prior to elections day. In case of local elections, candidates shall be proposed after the creation of electoral districts and district electoral councils according to article 120.

[Paragraph 1, article 41 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 1, article 41 as amended by the Law no.1227-XIV from 21.09.2000]

[Paragraph 1, article 41 as amended by the Law no.268-XIV from 04.02.1999]

- (2) In case when all the requirements established by the present code are met, the following are entitled to nominate candidates for elections:
- a) parties and other social-political organizations registered accordingly, before the date of elections was set, in compliance with their statutes (regulations) and the legislation into force;
 - b) electoral blocs, constituted by virtue of decisions adopted in conformity with statutes (regulations) of constitutive parties and other social-political organizations, which are duly registered by the Central Elections Commission – at the parliamentary elections and local general elections – and in case of new elections, within 15 days from the date of creating the electoral blocs, and if constituted prior to the electoral period – within 15 days from the beginning of this period;
 - c) citizens of the Republic of Moldova proposing their own candidacy (independent candidates).

[Paragraph 2, article 41 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 2, article 41 as amended by the Law no.1422-XV from 15.12.2000]

Note: Amendments introduced by the Law no.894-XIV from 23.03.2000 were found unconstitutional based on the Constitutional Court Decision no.35 from 10.10.2000

[Paragraph 1, article 41 as amended by the Law no.894-XIV from 23.03.2000]

- (3) The statements of candidates with regard to their consent to propose their candidacies shall be lodged as follows:
- a) Statements of candidates for parliamentary elections - with the Central Elections Commission;
 - b) Statements of candidates for the position of counselor in the local council in case of local elections - with the district electoral councils.

[Paragraph 3, article 41 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 3, article 41 as amended by the Law no.1227-XIV from 21.09.2000]

Article 42. Collection of signatures in support of the independent candidate and for the initiation of the referendum

- (1) Signatures shall be collected only in support of the independent candidate or for the initiation of a referendum. In case of local elections, signatures shall be collected only in districts where there are independent candidates.

[Paragraph 2, article 42 as amended by the Law no.894-XV from 23.03.2000]

- (2) Independent candidates, members of groups of initiative who appoint and/or support the independent candidates for elections, persons empowered by the latter, as well as members of the group of initiative for the initiation of a referendum are entitled to collect signatures.

[Paragraph 2, article 42 as amended by the Law no.796-XV from 25.01.2002]

- (3) The lists of signatures collected in support of the independent candidate as well as for the initiation of the referendum, hereinafter subscription lists, shall contain the name and surname, year of birth, profession (type of business), position, working place, domicile and the political affiliation of the candidate, as well as the name and surname of the person collecting the signatures. The subscription list shall contain the signatures of the supporters residing in a single area only.

(4) In the subscription list, the supporter of the candidate as well as the supporter of the initiation of the referendum shall be indicated the current number, name and surname, year of birth, domicile, serial and number of the identity act, date of signature in the list and the signature itself.

[Paragraph 4, article 42 as amended by the Law no.268-XIV from 04.02.1999]

(5) A voter may support, by means of signature, a candidate within one single ballot only.

[Paragraph 5, article 42 as amended by the Law no.268-XIV from 04.02.1999]

(6) The person collecting the voters' signatures shall sign each page of the subscription list in presence of leader of local public administration on the territory of which signatures have been collected. At the bottom of each page of the subscription list, the collector shall make a remark, stating the fact that he has collected signatures personally and that he confirms the authenticity of those who signed, and then applies his signature himself. The subscription list shall be authenticated by virtue of application, on each page, of the stamp of the respective local public authority.

Article 43. Submittal and verification of subscription lists

(1) No later than at least 30 days prior to the elections the respective electoral authority shall start verifying the authenticity of signatures from subscription lists which have been submitted as well as the eligibility to vote of persons included in the lists, also the address of the domicile. Verification shall take place within 5 days from the date of receiving the lists.

[Paragraph 1, article 43 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 1, article 43 as amended by the Law no.894-XV from 23.03.2000]

[Paragraph 1, article 43 as amended by the Law no.268-XIV from 04.02.1999]

(2) The electoral council shall inform the persons who have presented the subscription lists, about the results of verification, shall announce the total number of persons included in the subscription lists presented by each candidate at elections, as well as the number of valid signatures.

(3) Persons collecting signatures for the subscription lists shall be held liable for the authenticity of the data included.

(4) Subscription lists drawn up before the established period for appointing candidates, which have not been signed by the collector of signatures, as well as lists not authenticated by the stamp of the local public administration authority.

Article 44. Registration of candidates

(1) The following documents shall be submitted, 30 days the latest before elections to the Central Elections Commission or to district electoral councils for the purpose of registration of candidates:

- a) protocol of the session of the central or territorial body of the party, other social-political organization or electoral bloc, concerning the appointment of the candidate (list of candidates);
- b) subscription lists including a sufficient number of signatures of persons supporting the independent candidate;
- c) biography data of the candidate;
- d) candidate's statement with his consent to candidate for the position he was proposed;
- e) statement of the candidate about the real assets, bank deposits, securities, inherited sums and incomes of the last two years preceding the year of elections, as well as the sources

of such incomes, including the profits from the investment funds as interests, property lease, etc.

- f) statement about the suspension during the electoral campaign of the office held prior – for persons mentioned in article 13, paragraph (3).
- (2) Representatives of parties, other social-political organizations, electoral blocs and independent candidates shall lodge the acts necessary for registration only after the Central Elections Commission and the district electoral councils make public the information referring to the place (office) and time for receiving the documents. This information is made public within a two days term when the period for appointing candidates has started. In the situation when representatives of several parties or social-political organizations, electoral blocs, independent candidates submit all the necessary documents with the registration office, the order of receiving documents shall be determined by drawing lots.
- (3) The respective electoral authority shall register the candidates appointed to elections within 7 days after the documents listed in paragraph (1) have been submitted.
- (4) Candidates appointed for elections may not be employed and may not perform any activity within a council or electoral committee during these respective elections.
- (5) The electoral authority shall issue to the registered candidates identification certificates as soon as possible but no later than 3 days from the registration.
- (6) The electoral authority shall make public in the mass media means financed from the budget, the decisions regarding the registration of independent candidates or the list of candidates.
- (7) After expiry of the term provided for the registration, the respective electoral authority shall publish integrally the list of registered candidates indicating the name, surname, year of birth, domicile, political affiliation, profession (occupation) as well as the name of party, or social-political organizations, electoral blocs which proposed them.

[Article 44 as amended by the Law no.796-XV from 25.01.2002]

[Article 44 as amended by the Law no.1227-XIV from 21.09.2000]

[Article 44 as amended by the Law no.268-XIV from 04.02.1999]

Chapter 7

ELECTORAL CAMPAIGN

Article 45. Representatives of electoral competitors

- (1) Electoral competitors may have representatives during each electoral campaign. These persons help electoral competitors unfold their electoral campaigns, make electoral propaganda, in their favor, and represent their interests in relations with public authorities, voters, councils and electoral committees. The Central Elections Commission or the district electoral council shall determine the number of representatives.
- (2) Electoral competitors select these persons independently and present them to the respective electoral authority in order to have them registered and to issue identity cards for them.
- (3) Central Elections Commission shall register the representatives in parliamentary elections. In case of elections for the position of councilor in the local council, the representatives of the competitor shall be registered by the due district electoral council.

[Paragraph 3, article 45 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 3, article 45 as amended by the Law no.1227-XIV from 21.09.2000]

- (4) Electoral competitors may at any moment before the day precedent to elections, suspend the powers of their representatives in order to substitute them with other persons.

- (5) Upon request, the representatives of the electoral competitors may be exonerated from the duties of their permanent working place, without maintaining the salary. They may not be remunerated from means allocated for elections. During the electoral campaign, these representatives may not be dismissed or deprived of their powers from the working place without consent.

[Paragraph 5, article 45 as amended by the Law no.268-XIV from 04.02.1999]

- (6) Representatives of electoral competitors holding public positions may not use public means and assets in electoral campaigns.

Article 46. Guaranteed rights of electoral competitors

- (1) Electoral competitors shall participate equally in the electoral campaign, shall enjoy equal rights in making use of mass media means, inclusively the radio and television financed from the budget.

- (2) All electoral competitors shall have equal possibilities in terms of technical-material and financial support of the electoral campaign.

- (3) During the electoral campaign the candidates shall enjoy the right to be exonerated from duties of their permanent working place. The candidates enjoying this right shall submit documents necessary for remuneration not later than 2 months from elections day.

[Paragraph 3, article 46 as amended by the Law no.842-XV from 14.02.2002]

[Paragraph 3, article 46 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 3, article 46 as amended by the Law no.268-XIV from 04.02.1999]

- (4) In case of parliamentary elections, the candidates have the right to free of charge trips in any type of public transportation (except for taxicabs) on the entire territory of the country, in case of local elections this right may be exercised only in the area of the respective electoral district.

[Paragraph 4, article 46 as amended by the Law no.1227-XIV from 21.09.2000]

[Paragraph 4, article 46 as amended by the Law no.268-XIV from 04.02.1999]

- (5) During the electoral campaign, the candidates may not be dismissed or transferred to another working place or position without their consent to do so.

[Paragraph 5, article 46 as amended by the Law no.268-XIV from 04.02.1999]

[Paragraph 6, article 46 excluded by the Law no.1107-XIV from 30.06.2000,]

[the other paragraphs shall be renumbered]

[Paragraph 6, article 46 is declared unconstitutional based on the Constitutional Court]

[Decision no.43 from 27.07.1999]

[Paragraph 6, article 46 as amended by the Law no.268-XIV from 04.02.1999]

- (6) The electoral competitor may withdraw his candidacy by means of a written statement addressed to the electoral authority, which registered him but no later than 5 days before elections. Parties, social-political organizations and electoral blocs may introduce any amendments in the registered lists, respecting the same term and the provisions of the articles 79 and 126.

[Paragraph 6, article 46 as amended by the Law no.480-XIV from 02.07.1999]

[Paragraph 6, article 46 as amended by the Law no.268-XIV from 04.02.1999]

- (7) In case the electoral competitor withdraws his candidacy after the ballot papers have been printed, the electoral committee of the polling station shall apply a stamp near the respective candidate indicating in it "Withdrawn".

- (8) The electoral competitor who has withdrawn his candidacy shall be obliged to return the technical-material and financial means, which have been allocated from the budget for his electoral campaign.

Article 47. Electoral propaganda

- (1) Citizens of the Republic of Moldova, parties and other social-political organizations, electoral blocs, candidates and representatives of these candidates shall have the right to subject to open discussions from all aspects the electoral programs of electoral competitors, political, professional and personal of the latter, as well as to spread propaganda in favor or disfavor of candidates in assemblies, meetings, meetings with voters, through mass media means and other forms of communication which exclude the violation of public order and ethic rules. Spreading electoral propaganda in favor of the candidate shall be allowed only after being registered by the elections authority.
- (2) Public institutions of broadcasting shall offer during electoral campaign free of charge broadcasting space to electoral competitors for public debates according to the limits determined by Central Elections Commission. In case of paid electoral advertisement, electoral competitors shall be offered broadcasting space that does not exceed two hours for the entire electoral campaign, inclusively no more than two minutes per day for each institution.
- (3) Private institutions of broadcasting may, respecting equitable conditions for all electoral competitors, organize debates in form of round tables, inviting representatives of all electoral competitors, all together or in groups formed according to certain criteria announced in advance by the Central Elections Commission. The speeches of the participants in the program shall be timed, and still all electoral competitors shall have an equal amount of time. The broadcasting schedule of the respective program, approved by Central Elections Commission, shall be brought to the knowledge of electoral competitors 7 days prior to broadcasting each program. The broadcasting time for paid elections advertisement may not exceed two minutes per day for an electoral competitor of each institution.
- (4) In the period of electoral debates, beside the free of charge broadcasting time, it is not allowed to broadcast any advertisement material about the activity of electoral competitors or with the participation of them personally or their entrusted persons, of TV or radio reportages reflecting the meetings of electoral competitors with the voters, materials about working visits of candidates from among officials of republican or district level with collectives of workers. No electoral competitor shall have priorities due to the held position.
- (5) The electoral competitor shall be responsible for the content of electoral advertisement materials broadcast or published. Each advertisement material shall include the name of electoral competitor, printing date, number of pieces as well as the name of the printing house, which has published it.
- (6) Broadcasting institutions, whether public or private, shall create to all electoral competitors equal conditions for purchasing broadcasting time, soliciting equal fees. Conditions for booking broadcasting time and the respective fees shall be 7 days before broadcasting the program. The broadcasting fee to be paid by electoral competitors may not exceed the regular price of price for commercial advertisements. The broadcasting time for electoral advertisements shall be offered for one and the same time when broadcasted.
- (7) Publication of opinion polls shall cease 10 days prior to elections.

- (8) On the elections day, mass media means, shall not make open the results of opinion polls of voters with regard to “aye” and “nay” or lack of votes for a respective candidate before the polling stations are closed.
- (9) The refusal to broadcast or publish electoral advertisement, under the present law, for money or free of charge may be contested in the law court.
- (10) Electoral competitors may organize meeting with the voters. Councils, electoral committees and local public administration authorities are obliged to organize them in such away that these unfold under equal conditions and terms.
- (11) During the electoral campaign, as well as during the referendum, the broadcasting time offered to press services of the Parliament, Government and President’s administration may not be used for the purpose of electoral propaganda or that related to being in favor or disfavor of a referendum.
- (12) Only after registration by the respective electoral authority electoral competitors are entitled to expose electoral billboards, the content of which may not run counter the law or the rules of ethics.
- (13) Local public administration authorities shall be obliged, within a 5-day term after the registration of the electoral candidate, to determine and guarantee a minimum number of places specially designed for electoral purposes. This offered space to electoral competitors should be equal for all.
- (14) On the day of elections and a day before no propaganda is allowed.
[Article 47 as amended by the Law no.796-XV from 25.01.2002]
[Article 47 as amended by the Law no.894-XIV from 23.03.2000]
[Article 47 as amended by the Law no.480-XIV from 23.03.2000]
[Article 47 as amended by the Law no.268-XIV from 04.02.1999]

Chapter 8

BALLOT PAPERS

Article 48. Model of ballot papers

- (1) Model and text of the ballot paper for the elections in the Parliament shall be approved by a decision of the Central Elections Commission. The Central Elections Commission shall determine the model of ballot paper for the local elections, while the text is approved by a decision of the respective district electoral council.
[Paragraph 1, article 48 as amended by the Law no.1227-XIV from 21.09.2000]
- (2) The ballot paper shall be divided in quadrilaterals, according to the number of electoral competitors participating in elections. The surface of the quadrilateral shall be large enough to offer space in order to include name and surname, year of birth, profession, position, working place of the independent candidate, name of the party, social-political organization or electoral bloc which proposed the list of candidates or candidate, electoral sign or symbol of the electoral competitor, if wanted. No identical electoral signs or symbols shall be allowed.
- (3) Electoral competitors are included in ballot papers according to the order of registration by the respective electoral authority.
- (4) In the quadrilateral, on the left side, there shall be printed the sign or symbol of the electoral competitor which propped the list of candidates or candidate or the electoral sign of the independent candidate, if wanted. Electoral signs and symbols shall be presented to the respective electoral authority no later than the last day of registration of electoral competitors.

- (5) In each quadrilateral, on the right side, at a distance equal both from the upper and lower sides, a circle with a diameter of 15 mm shall be printed, place where the voter applies the stamp "Voted" in case he gives his vote to the respective electoral competitor.

[Paragraph 5, article 48 as amended by the Law no.894-XV from 23.03.2000]

- (6) Ballot papers shall be elaborated according to the Law on the functioning of spoken languages on the territory of the Republic of Moldova.
- (7) In case different types of elections organized simultaneously, ballot papers shall differ by color.

Article 49. Preparation of ballot papers

- (1) Ballot papers shall be printed following the indications of the electoral authorities. Members of the electoral authorities as well as members and representatives of electoral competitors may assist while manufacturing the pattern of the ballot paper, when printing and when liquidating the pattern.
- (2) Ballot papers shall be printed no later than three days before elections in a quantity proportional to the number of voters.
- (3) Printed ballot papers shall be kept by the district electoral council in order to be remitted no long before elections to the electoral committee of the polling station, confirming by a document of remittal. The Central Elections Commission shall send to electoral committees of polling stations created outside the Republic of Moldova, ballot papers with at least three days before elections, based on the number of voters included in the updated electoral lists, an additional number of 5 percent is allowed.
- (4) Police shall guard premises where ballot papers are kept. Only the chairman of respective the district electoral council or the chairman of the electoral committee of the polling station accompanied at least by two members of the council or committee.
- (5) Representative members of electoral competitors as well as the voters are entitled to take knowledge of the samples of the ballot papers at the electoral committee of the locality.
- (6) In parliamentary elections, the Central Elections Commission shall send ballot papers to the district electoral council no later than two days before elections.

[Article 49 as amended by the Law no.796-XV from 25.01.2002]

[Article 49 as amended by the Law no.1439-XIV from 28.12.2000]

[Article 49 as amended by the Law no.1227-XIV from 21.09.2000]

Chapter 9
BALLOT

Article 50. Time and place of ballot

The ballot shall take place on the elections day between 07.00 and 21.00. The electoral committee of the polling station shall bring to the knowledge of the public, information about the time and place of the ballot no later than 10 days before elections.

Article 51. Ballot conditions

- (1) Within the time designed for ballot it is forbidden to close the premises where the ballot takes place or to suspend the ballot except for cases of mass disorders, natural disasters, or other unexpected circumstances, which endanger the voters or make impossible the further performance of the ballot. In such cases, the chairman of the electoral committee of this polling station may suspend the ballot for 2 hours the most, time when the premises are appropriately brought in order or shall find another place for ballot, informing the voters about this decision.

- (2) Persons entitled to assist at the ballot may not be forced to leave the premises of the polling station in case of ballot suspension.

Article 52. Ballot organization

- (1) The ballot shall take place in special rooms with tables where ballot papers are being handed, with cabins or rooms for secret ballot and ballot boxes. The ballot boxes are to be placed in such a way, that the voter in order to reach it, has to pass through the cabin or secret ballot room. The polling station shall be endowed with sufficient cabins or rooms for secret ballot in order to avoid agglomeration.
- (2) In order to ensure the proper order and to avoid agglomeration, the electoral committee of the polling station shall determine a route for the voters, beginning with the entrance to the tables where ballot papers are handed and finally toward the rooms for secret ballot and ballot boxes.
- (3) The polling station shall be arranged in such a way as to allow the members of electoral committee and other persons authorized to assist at electoral procedures to supervise continuously and under all aspects the process of ballot, inclusively the identification of the voter, counting votes and elaboration of reports.
- (4) Local public administration authorities shall endow the polling station cabins, ballot boxes and other necessary materials.
- (5) The electoral committee of the polling station shall be responsible for the organization of ballot, for the secrecy of expressing the will of voters, for the endowment of rooms as well as for the maintenance of order.

Article 53. Ballot procedure

- (1) Each person shall vote personally. Voting instead of other persons is not allowed. The electoral committee of the polling station hands in to the voter the ballot paper, according to the electoral list, only after the latter presents the identity act. After having received the ballot paper, the person shall sign in the electoral list where his name is indicated.
- (2) The voters from the area of the polling station who are not included in the electoral lists shall be included in an additional list after presenting a document certifying their legal residence located in the area of the respective polling station. The voters who came to the polling station with a certificate confirming the eligibility to vote shall be also included in the additional list. This certificate shall be kept by the polling station and is attached to the additional list. Voters who have not been included in the electoral lists drawn up by polling stations formed outside the territory of the Republic of Moldova may be included in the additional lists which shall contain the following:
 - a) name and surname of the voter;
 - b) date and place of birth;
 - c) last place of residence in the Republic of Moldova.

[Paragraph 2, article 53 as amended by the Law no.1439-XIV from 28.12.2000]

[Paragraph 2, article 47 as amended by the Law no.268-XIV from 04.02.1999]

- (3) The chairman and members of the electoral committee of the polling station shall vote in the station where they unfold the activity, and if necessary, after being included in the additional list based on the certificate for vote.
- (4) The chairman of the electoral committee of the polling station shall keep record of all-important events, which took place during the ballot and while counting the number of votes. Upon the request of the committee members or of persons authorized to assist the electoral procedure, the chairman shall note the comments and objections expressed with

regard to the ballot procedure in a document that is attached to the reports of the electoral committee of the polling station.

Article 54. Procedure of filling in the ballot paper

- (1) The voter shall fill in the ballot paper only in the room for secret ballot. The voter who is not capable to personally fill in is entitled to invite another person in the ballot room, except for representative members of the electoral competitors as well as persons authorized at the electoral procedure.
- (2) The voter shall apply the stamp with the word "Voted" in the internal part of the circle of one single quadrilateral of the ballot paper, which means that the person has given the vote to the respective electoral competitor. Circles from of other quadrilaterals shall remain clean.
- (3) No ballot paper may be taken out of the premises of the polling station.
- (4) A voter may give the vote for one electoral competitor only.
- (5) Before the voter introduces the ballot paper in the ballot box, one of the electoral committee polling station members who are permanently near the ballot box shall apply on the verso of the ballot paper the special stamp of the electoral committee of the polling station.
- (6) In case the voter filled in erroneously in the ballot paper, the electoral committee of the polling station shall annul upon request this ballot paper and hand in immediately another, but only once. This shall be mentioned in the report on the ballot and in the electoral list.
- (7) The voter shall introduce the filled in ballot paper into the ballot box.

[Article 54 as amended by the Law no.796-XV from 25.01.2002]

[Article 54 as amended by the Law no.894-XIV from 23.03.2000]

Article 55. Ensuring security of the ballot process

- (1) On the elections day, at 07.00, the chairman of the electoral committee of the polling station, in the presence of at least half of members of the committee, shall verify the ballot boxes, seals them, verifies the electoral lists, ballot papers, stamps and declares the ballot open. The chairman invites other members of the committee, persons authorized to assist the ballot procedure as well as the voters present at that moment at the opening of the station to supervise his actions.
- (2) The ballot papers shall be kept in a safe place within the polling station, in packages of 100 pieces each, and are handed to the chairman of the electoral committee of the polling station, other committee members in order to be distributed to the voters according to necessity.
- (3) Members of the electoral committee of the polling station, representative members of the electoral competitors and persons authorized to assist at the electoral operations are obliged to wear visible badges of identity. Persons entering the polling station shall not wear or show badges, signs or other symbols or electoral propaganda.
- (4) In the situation when the voter, out of health reasons or based on other justified grounds may not personally come to the polling station the electoral committee of the polling station shall appoint, upon a verbal or written request of the latter, at least two members of the committee, who with help of an mobile ballot box and material necessary for the ballot shall go to the place where the voter resides in order to make it possible for him to vote. In the electoral list, where the name of the person is indicated the following remark shall be written, "Voted where residing".
- (5) Persons held in custody based on an arrest warrant till the sentence of the court is delivered as well as persons convicted to deprivation of liberty the sentence of which is

not yet final, those who enforce an administrative sanction in form of arrest shall vote in compliance with paragraph (5).

- (6) In case the chairman of the electoral committee of the polling station authorizes the transportation of a mobile ballot box outside the premises of the station, this shall be communicated to representative members of the electoral competitors and persons authorized to assist at the electoral operations, offering them the possibility to accompany the mobile ballot box and, whether necessary, to make use of personal transportation means.
- (7) The chairman of the electoral committee of the polling station shall be responsible for the order during elections within the polling station as well as on the territory surrounding it, in an area of 100 meters from the ballot place. Decisions taken for this purpose are binding for all.
- (8) The following persons are entitled to assist at all meetings of the electoral authorities, while counting and totalization of the number of votes, in procedures related to electoral lists, ballot papers, voting certificates, elaboration of totalization reports of elections or referendum results:
 - a) members and representatives of the hierarchically superior electoral authorities;
 - b) members representatives of electoral competitors in the electoral authorities;
 - c) local, national, foreign and international observers accredited by the respective authorities
 - d) mass media representatives.

No other person shall stay in the polling station longer than necessary for exercising the voting.

- (9) It shall be forbidden to enter the premises of the polling station with fire arms or light weapons, except for representatives of police who may enter to vote or to help restore the legal order when requested by the chairman of electoral committee of that polling station.

[Article 55 as amended by the Law no.796-XV from 25.01.2002]

[Article 55 as amended by the Law no.894-XIV from 23.03.2000]

[Article 55 as amended by the Law no.268-XIV from 04.02.1999]

Chapter 10

VOTES' COUNTING AND TOTALIZATION OF THE ELECTIONS' RESULTS

Article 56. Votes' counting and totalization by the electoral committee of the polling station

- (1) After the expiration of the time reserved for voting, the chairman of the electoral committee of the polling station shall announce the conclusion of voting and shall order the closing of the polling station. The electoral committee of the polling station shall start counting the votes.
- (2) Before opening the ballot boxes, all unused ballot papers shall be counted and annulled by the electoral committee of the polling station, by applying the stamp "Annulled".
- (3) After having checked the integrity of the seals from the ballot boxes, the chairman of the electoral committee of the polling station, in the presence of the committee's members and of the persons authorized to assist at electoral operations, shall open the boxes. First, the mobile ballot boxes shall be opened and the ballot papers from inside them shall be counted. Then, the rest of the boxes shall be opened.
- (4) The polling station shall be provided with enough desks, so that all the ballot papers taken from the boxes are counted in the same place, in the sight of all the members of the electoral committee of the polling station and of the rest present. On the desks deigned for votes' counting, there shall be put the pennants with the names of the electoral competitors.

- (5) Before counting the votes obtained by the competitors, the electoral committee of the polling station shall fix the number of voters that were issued ballot papers, based on the number of voters included in the electoral lists and additional lists, next to the names of whom there is a signature applied.
- (6) The ballot papers from the mobile ballot boxes shall be counted at first separately, shall be confronted with the number of ballot papers issued for this purpose, than shall be added to the rest of the ballot papers in order to count the number of votes obtained by electoral competitors.
- (7) According to the procedure established by the electoral committee of the polling station or disposed by the Central Elections Commission or by the district electoral council, the members of the electoral committee of the polling station shall open the ballot papers to determine the voted electoral competitor. The ballot papers including the votes in favor of a given electoral competitor shall be counted and tied separately and once established the voting results, they shall be recorded in a special form for votes' counting.
- (8) Before writing in the protocol the number of votes obtained by the electoral competitors, the members representing the electoral competitors and persons authorized to assist in electoral operations shall be given the possibility to check the data from the special form for votes' counting.
- (9) The electoral committee of the polling station shall not include invalid ballot papers in the total number of validly expressed votes.
- (10) Since the moment the polling station is closed, the electoral committee of the polling station shall assemble during the votes' counting and drawing up of the protocols and report of the electoral committee. The members of the electoral committee of the polling station shall stay at the polling station in order to participate in the electoral operations, save the cases of physical disability or other exceptional circumstances.

Article 57. Invalid ballot papers

- (1) Invalid shall be considered the ballot papers which:
 - a) do not have the control stamp of the committee of the polling station on them;
 - b) are of a different model than the established one;
 - c) have the stamp "Voted" applied in several quadrilaterals;
 - d) were not applied the stamp "Voted" in any circle of any quadrilateral;
 - e) contain additional names of the electoral competitors written by the voters;
 - f) were deformed or scribbled in such a way that the voter's choice is not clear any more.
- (2) The ballot paper may not be declared invalid simply because the voter applied the stamp "Voted" several times in one quadrilateral or because the stamp was applied outside the circle from the quadrilateral or on the logotype or symbol of the electoral competitor, but the voter's choice is nevertheless clear.
- (3) The chairman of the electoral committee of the polling station shall give the possibility to the members of the committee and to the persons authorized to assist at electoral operations to examine the ballot paper that is to be considered invalid.
- (4) If the members of the electoral committee of the polling station doubt the validity of the ballot paper, voting shall solve the problem, and the voting result shall be recorded in the protocol of the committee's meeting.

[Article 57 as amended by the Law no.796-XV from 25.01.2002]

[Article 57 as amended by the Law no.894-XIV from 23.03.2000]

Article 58. Protocol and report of the electoral committee of the polling station

- (1) The electoral committee of the polling station shall draw up a protocol, in two copies, comprising:

- a) the number of voters included in the electoral lists;
- b) the number of voters included in the additional lists;
- c) the number of voters who were delivered ballot papers;
- d) the number of voters that took part in the elections;
- e) the number of ballot papers declared invalid;
- f) the number of validly expressed votes for each electoral competitor (for each option regarding the questions subjected to referendum);
- g) the total number of validly expressed votes;

[Entry g) introduced by the Law no.268-XIV from 04.02.1999]

- h) the number of ballot papers received by the electoral committee of the polling station;
- i) the number of unused and annulled ballot papers.

(2) In case of parliamentary elections, the form of the protocol shall be established by the Central Elections Commission, and in case of local elections – by the respective district electoral council. The respective district electoral council shall provide the electoral committees of the polling stations with the necessary number of forms of protocol in the day of elections.

[Paragraph 2, article 58 as amended by the Law no.1227-XIV from 21.09.2000]

- (3) The results of the votes' counting shall be examined in the meeting of the electoral committee of the polling station and shall be recorded in a protocol, signed by the chairman, deputy chairman, secretary and the rest of the committee's members. The absence of signature of some members of the electoral committee of the polling station shall not influence the validity of the protocol. The reasons of the signature's absence shall be mentioned in the committee's report.
- (4) The protocol on the elections' results shall be drawn up in several copies, in the presence of the members of the electoral committee of the polling station, representatives of the electoral competitors and of other authorized persons. One copy of the protocol shall be kept at the electoral committee of the polling station, one copy shall be submitted to the district electoral council, and the rest copies shall be necessarily handed over to the electoral competitors.

[Paragraph 4, article 58 as amended by the Law no.894-XIV from 23.03.2000]

- (5) The chairman of the electoral committee of the polling station shall prepare the committee's report based on the written record of the activities unfolded by the committee in the electoral period. The report shall include a short summary of the applications and contestations regarding the actions of the electoral committee of the polling station and of the decisions taken by the committee based on them. The chairman shall sign the report and shall give the possibility to the rest of the committee's members to write their comments and amendments to the report and to sign it. The applications and contestations shall be attached to the report.
- (6) The chairman of the electoral committee of the polling station shall convey to the district electoral council, as soon as possible, but not later than 18 hours after the announcement of the polling stations' closing, the ballot papers with the validly expressed votes for each electoral competitor, the protocol, the report, the invalid, annulled or contested ballot papers, the applications and contestations - all these being sealed in a box (package). The transportation of the sealed box (package) shall be escorted by the police, the chairman and by at least two members of the electoral committee of the polling station. The electoral committees of the polling stations constituted abroad the Republic of Moldova shall submit, apart from the listed acts, the additional lists as well.

[Paragraph 6, article 58 as amended by the Law no.1439-XIV from 28.12.2000]

- (7) The stamps of the electoral committee of the polling station shall be closed in a box (package) that shall be kept at the polling station. After the termination of elections, the seals shall be forwarded to the district electoral councils, at their request.

Article 59. Totalization of the voting results by the district electoral council

- (1) After having received the protocols and reports from the electoral committees of the polling stations, the district electoral council shall, at first, establish the number of voters who had participated in the elections and shall immediately convey this information to the Central Elections Commission. In case if the number of voters who had taken part in the elections from the entire district is smaller than needed for declaring the elections as valid in that district, the district council shall notify the Central Elections Commission about this fact. The Central Elections Commission or the district electoral council shall make a public announcement of declaring the elections as invalid nation-wide or in that particular district.
- (2) Based on the protocols submitted by the electoral committees of the polling stations, the district electoral council shall establish on the whole district:
 - j) the number of voters included in the electoral lists;
 - k) the number of voters included in the additional lists;
 - l) the number of voters who were delivered ballot papers;
 - m) the number of voters that took part in the elections;
 - n) the number of ballot papers declared invalid;
 - o) the number of validly expressed votes for each candidate (for each options regarding the questions subjected to referendum);
 - p) the total number of validly expressed votes;

[Entry g) introduced by the Law no.268-XIV from 04.02.1999]

- q) the number of ballot papers received by the district electoral council ;
- r) the number of unused and annulled ballot papers.
- (3) The district electoral council shall record the results of totalization of the nation-wide number of votes in a protocol, signed by all the council members, who had the opportunity to make written comments on the protocol.
- (4) The district electoral council shall submit the protocol on the totalization of the district elections' results to the Central Elections Commission within 48 hours after the polling stations were closed.

Article 60. Elections' results totalization by the Central Elections Commission

- (1) In case of nation-wide parliamentary, local elections and of republican referendum, the Central Elections Commission, based on the documents submitted by the district electoral councils, shall draw up, within 5 days a protocol comprising:
 - a) the number of voters included in the electoral lists;
 - b) the number of voters included in the additional lists;
 - c) the number of voters who were delivered ballot papers;
 - d) the number of voters that took part in the elections;
 - e) the number of ballot papers declared invalid;
 - f) the number of validly expressed votes for each candidate (for each option regarding the questions subjected to republican referendum).
 - g) the total number of validly expressed votes;

[Paragraph 1, article 60 as amended by the Law no.1227-XIV from 21.09.2000]

[Entry g) introduced by the Law no.268-XIV from 04.02.1999]

- (2) Central Elections Commission shall record the totalization of all nation-wide voting results in a protocol signed by all commission's members and shall draw up a report regarding the results of elections.
- (3) The documents mentioned in paragraph (2) shall be submitted, if the case, to the Constitutional Court in order to confirm the results of elections and to validate the mandates.

Article 61. Announcement of preliminary results

- (1) Before getting the voting results from all the hierarchic inferior electoral councils and committees, the electoral authority in charge of totalization of the elections' results shall bring, periodically, to public knowledge the preliminary results, as soon as possible after their receiving.
- (2) After having got the voting results from all the hierarchic inferior electoral councils and committees, the electoral authority in charge of totalizing the elections' results shall bring, as soon as possible, to public knowledge the overall results of elections, if the contestations that were submitted to it or to the court do not influence the results of elections.
- (3) The following authorities shall be in charge of totalizing the final elections' results:
 - a) Central Elections Commission – in case of parliamentary elections, general local elections and republican referendums;
 - b) Respective district electoral council – in case of local elections and referendums.

[Paragraph 3, article 61 as amended by the Law no.1227-XIV from 21.09.2000]

Article 61. Keeping the electoral documents

- (1) The electoral documents shall be kept at the Central Elections Commission.
- (2) At the end of the electoral period, the district electoral council shall dispose of the electoral documents and materials as described bellow:
 - a) lists of candidates, annulled ballot papers, invalid and contested ballot papers, protocols, reports and contestations got by the district electoral councils from the electoral committees of the polling stations shall be forwarded to the Central Elections Commission;
 - b) valid ballot papers received from the electoral committees of the polling stations shall be forwarded to the court in the district of which the electoral council is situated;
 - c) stamps of the electoral committees of the polling stations and of the district electoral councils, as well as the rest of the electoral materials shall be forwarded to the Central Elections Commission.
- (3) The Central Elections Commission shall draft a regulation on the access to the documents listed in this article, be it necessary to prolong the elections (to validate the subsidiary candidates), to make historical enquiries, investigations in field of elections' organization and unfolding, to study the electoral practice and in other grounded cases.

[Paragraph 3, article 62 as amended by the Law no.1107-XIV from 30.06.2000]

Note: The amendment introduced by the Law no.480 from 02.07.1999 is declared unconstitutional by the Constitutional Court's Decision no.1 from 11.01.2000

[Paragraph 3, article 62 as amended by the Law no.480-XIV from 02.07.1999]

Chapter 11
SUPERVISION OF ELECTIONS AND THEIR
REFLECTION IN MASS MEDIA

Article 63. Observers

- (1) At the request of the electoral opponents, the district electoral council shall accredit an observer for the supervision of elections at the polling stations. The trusted persons of the candidates may also be accredited as observers. If the district electoral council rejects the candidacy proposed for accreditation by the electoral opponent in compliance with the provisions of this Paragraph graph, it shall brief him on the grounds of the taken decision.
- (2) At the request of the electoral opponents, the Central Elections Commission shall accredit an observer for the supervision of elections at the polling stations established abroad the Republic of Moldova's territory. Both Republic of Moldova's citizens and representatives of international and foreign non-governmental organizations may be accredited as observers.

[Paragraph 2, article 63 as amended by the Law no.1439-XIV from 28.12.2000]

- (3) The Ministry of External Affairs shall accredit, as observers of elections, representatives of international organizations, foreign governments and foreign non-governmental organizations.
- (4) Based on the decision of the Central Elections Commission, the district electoral councils shall accredit observers representing qualified public associations from the Republic of Moldova. Qualified shall be considered the public association dealing, according to its statute, with human rights' or democratic values' protection and is considered by the Central Elections Commission or, in case of rayon associations, by the district electoral council, as able to exercise civic functions during the elections.
- (5) Accredited observers shall be entitled to assist at all the electoral operations, including the ones carried out on the day of elections, without interfering with the electoral process, or at other electoral operations carried out by the electoral councils and committees and to inform the chairman of the electoral council or committee about the found violations. Observers may, at their own expense, request copies of electoral documents.

Article 64. Reflection of elections in mass media

- (1) During the electoral period, mass media shall reflect the unfolding of elections according to the regulation approved to this end by the Central Elections Commission.
- (2) Mass media representatives shall enjoy all the rights of accredited observers.
- (3) In the elections' day, before the polling stations are closed, it shall be prohibited to publish in mass media the materials, including interviews with the voters, about the number of votes gathered by the electoral candidates over the day and about their chances.
- (4) Ten days before the elections, as well as in the elections' day, mass media shall not be entitled to bring to public knowledge the results of the sociologic polls among voters or another representative sample, that would indicate upon the eventual results of elections.

[Article 64 as amended by the Law no.796-XV from 25.01.2002]

Chapter 12 COURT PROCEDURES

Section 1

Contestations of the management and unfolding of elections

Article 65. Contestations

- (1) Voters and electoral competitors may contest the actions and decisions taken by the electoral committees and councils at the hierarchic superior authorities and courts.
- (2) The contestation shall comprise its grounds, evidence it is based on, signature and identification data of the lodger.

Article 66. Contestation lodging

- (1) The actions and decisions taken by the electoral authorities may be contested within a 3-days term since the date the action or decision has been taken.

[Paragraph 1, article 66 as amended by the Law no.403-XIV from 14.05.1999]

- (2) Contestations regarding the actions and decisions of the electoral committees of the polling stations and of the district electoral councils shall be lodged with the court in the district of which the committee or council is situated.
- (3) Contestations regarding the actions and decisions of the Central Elections Commission shall be lodged with the Supreme Court of Justice.

Article 67. Contestations' consideration

- (1) The contestations regarding the actions and decisions taken by the Central Elections Commission during the electoral period shall be considered within a 5-days term since their lodging, but not later than the day of elections.
- (2) The contestations regarding the actions and decisions taken by the district electoral councils and committees of the polling stations shall be considered within a 3-days term since their lodging, but not later than the day of elections.
- (3) The contestations lodged with the courts in the elections' day shall be considered in the same day, and the contestations against the decisions taken by the electoral authority concerning the totalization of the elections' results and the court shall consider attribution of mandates at the same time with the confirmation of legality and validation of mandates.
- (4) The courts' schedule shall be organized in such a manner that the contestations may be lodged with and considered without delay.
- (5) The contestations lodged with the courts shall be considered in compliance with the provisions of the Civil Procedure Code and Law on administrative jurisdiction.

[Article 67 as amended by the Law no.796-XV from 25.01.2002]

[Article 67 as amended by the Law no.403-XIV from 14.05.1999]

Article 68. Courts' judgements on contestations

- (1) The court shall adopt and deliver the judgment considered in compliance with the provisions of the Civil Procedure Code and Law on administrative jurisdiction.
- (2) The court, having considered the materials on the confirmation of elections' legality and validation of mandates, shall adopt a judgment in which it shall confirm the elections' legality from the respective district, shall validate the mandate of the elected counselors, as well as the list of subsidiary candidates.

- (3) If the court had established the elections' legality, but there were found calculation errors, the court ex officio or upon the request of the parties in trial shall annul entirely or partly the protocol and shall exclude the electoral competitor which got less validly expressed votes, replacing him with another electoral competitor, which got a bigger validly expressed votes, in a decreasing order.
- (4) The court shall not confirm the results of the local elections in the respective district if it found violations committed during the elections or the totalization of results, if these violations had influenced the outcome of elections.
- (5) The court's judgment shall be final and enforceable since its delivery.
- (6) The court judgment may be appealed in recourse order within a 3-days term since its delivery.
- (7) The recourse shall be considered within a 3-days term since the getting of the respective file.

[Article 68 as amended by the Law no.796-XV from 25.01.2002]

[Article 68 as amended by the Law no.403-XIV from 14.05.1999]

Section 2

Liability for violation of electoral legislation

Article 69. Legal liability

Persons who, by means of violence, deceit, threatening, substitution or by any other means, hinder the free exercise of the citizens' electoral rights, persons who purposefully spread misinformation about electoral competitors, commit other actions that infringe the honor and dignity of candidates, carry out election propaganda in the day of elections and in the bay before it, hinder the activity of the electoral councils and committees or the voting at the polling stations shall incur liability in compliance with the legislation into force.

Article 70. Criminal liability

- (1) The following actions shall be considered as criminal offences, for which criminal sanctions shall be applicable according to the Criminal Code's provisions:
 - a) hindrance of free exercise of the citizens' rights to elect and be elected, same perpetration joined by the cause of severe bodily injuries and jeopardizing of human lives;
 - b) falsification by any means the results of elections;
 - c) opening the ballot boxes before the term established by law for the end of voting;
 - d) assault of the polling stations' premises, stilling of the ballot boxes or the electoral documents.
- (2) The criminal cases concerning the offences provided in Paragraph (1) shall be dealt by the prosecution authorities.
- (3) The chairmen of the electoral authorities and other officials shall be bound to inform immediately the prosecution authorities about the actions which, in their view, comprise the elements of the criminal offences related to elections and which became known to them.

[Paragraph 3, article 70 as amended by the Law no.268-XIV from 04.02.1999]

Article 71. Administrative liability

- (1) The following actions shall be considered as administrative offences, if not declared criminal offences in compliance with article 70 of this Code, for which administrative sanctions shall be applicable according to the Administrative Offences Code's provisions:

[Paragraph 1, article 71 as amended by the Law no.268-XIV from 04.02.1999]

- a) failure of officials to supply information and materials requested by electoral authorities, as well as failure to fulfill their decisions;
 - b) destruction, deterioration by any means of the electoral lists or electoral billboards;
 - c) holding by officials of electoral assemblies with alcoholic beverages ' selling and drinking and failure to take certain measures for the proper unfolding of these assemblies;
 - d) acknowledged including in the electoral lists of persons who are not entitled to vote according to this Code, of fake persons or willful including of one person in several lists, as well as the groundless refusal to receive and settle the contestations regarding electoral operations;
 - e) deliberate acceptance to include a person in several lists of candidates;
 - f) failure of the electoral authorities' members to bring to the public knowledge the proposals of candidates' nomination;
 - g) use of funds received from abroad or undeclared publicly;
 - h) hindrance of access in the voting premises or hindrance of the exercise of the voting rights by the qualified voters;
 - i) refusal to fulfill the orders of the chairman electoral committee of the polling station regarding the ensurance of order in the voting premises and on the neighboring territory;
 - j) unjustified handing over of the ballot paper to the voter included in the electoral list or handing over of more ballot papers than prescribed by law to one person;
 - k) groundless leaving of the voting premises before the totalization of elections' results and signing the protocol by the members of the electoral committee of the polling station;
 - l) continuing of election propaganda in the day of elections and the day before it;
- [Entry l) as amended by the Law no.268-XIV from 04.02.1999]*
- m) taking of the ballot paper handed over for voting away from the polling station premises;
 - n) faking of signatures on subscription lists.
- (2) Finding of the administrative offences provided in paragraph (1) shall be made in protocols drawn up, upon the case, by the mayor of locality, chairmen of the electoral authorities or by the police officers fulfilling their duties of ensuring the security of electoral operations.
- (3) Protocols of finding the administrative offences shall be transmitted to the court in the district of which the offence had occurred.

Title III PARLIAMENTARY ELECTIONS

Article 72. Scope of this title

The provisions of this title (article 72 - article 94) shall be applicable only to parliamentary elections.

Article 73. Parliamentary elections

- (1) The Parliament shall be elected by universal, equal, direct, secret and freely expressed suffrage for a 4-years mandate.
- (2) The parliamentary elections shall take place on a single national electoral district, on which 101 deputies shall be elected.

Article 74. Administrative electoral districts and polling stations. District electoral councils and electoral committees of the polling stations

- (1) For purposes of management and unfolding of elections, the Central Elections Commission shall set up, at least 55 days before them, administrative electoral districts corresponding to second level administrative-territorial units of the Republic of Moldova and, at least 50 days before the elections, district electoral councils under the conditions set forth in article 27, which shall be applied accordingly. The powers of the district electoral councils are indicated in article 28, save the provisions of entry g), which shall be applied accordingly.
- (2) Electoral districts shall be divided in polling stations, under the conditions set forth in article 29, which shall be applied accordingly.
- (3) In the polling stations electoral committees shall be set up, the constitution mode of which is provided in article 29 and article 30 and shall be applied accordingly.

[Article 74 as amended by the Law no.796-XV from 25.01.2002]

[Article 74 as amended by the Law no.268-XIV from 04.02.1999]

Article 75. Candidates running for the Parliament deputy position

As Parliament deputies there may be elected Republic of Moldova citizens who are qualified voters, who have reached (including in the elections' day) the age of 18 years, have the domicile in the country and meet the requirements set forth by this Code.

Article 76. Fixing the date of elections

- (1) Elections of the Parliament deputies shall take place 3 months the most since the Parliament's mandate expiration.
- (2) The date of the parliamentary elections shall be fixed by a Parliament decision, issued at least 60 days before the elections' day.
- (3) In case of Parliament's dissolution, the date of the new Parliament elections shall be fixed in the same decree of the President of the Republic of Moldova. Anticipated elections shall take place within 45 days the most after the coming into force of the decree.

[Article 76 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 3, article 76 as amended by the Law no.894-XIV from 23.03.2000]

Article 77. Registration of the electoral competitors

In order to be registered by the Central Elections Commission, the electoral competitors shall submit the documents provided in article 44.

Article 78. Special conditions for subscription lists

- (1) The subscription lists in support of independent candidates shall be drawn up and checked under the provisions of article 42 and article 43, which shall be applied accordingly.
- (2) In order to be registered by the Central Elections Commission, the independent candidate shall submit subscription lists, containing at least 2000 and at most 2500 signatures of supporters who are qualified voters.

[Paragraph 2, article 78 as amended by the Law no.268-XIV from 04.02.1999]

- (3) If during the verification of the subscription lists by the Central Elections Commission fake signatures or repeated signatures in several lists are detected, these signatures shall be excluded.
- (4) If during the verification it is established that the required number of signatures is not fulfilled or if after the exclusion of invalid signatures their number is reduced comparing to the minimal number of signatures provided by Paragraph (2), the independent

candidate shall not be registered and this decision shall be brought to his knowledge within 24-hours since it has been taken.

[Paragraph 4, article 78 as amended by the Law no.268-XIV from 04.02.1999]

- (5) It shall be prohibited to submit additional subscription lists after the verification of the subscription lists carried out by the Central Elections Commission.

Article 79. Special conditions for the registration of the candidates' lists

The number of candidates included in the lists on the date of registration shall not be lower than 51 persons and not greater than the number of seats in the Parliament, provided in the Constitution, plus two subsidiary candidates.

Article 80. Modification of the candidates' lists

- (1) Electoral competitors shall be entitled to withdraw their candidacy, to withdraw the whole list of candidates, to repeal the decision of including a certain candidate in the list, and the political parties and other social political organizations shall be entitled to leave a certain electoral bloc, withdrawing their candidacies from the lists of the respective bloc, but not later than 5 days before the elections' day.

[Paragraph 1, article 80 as amended by the Law no.268-XIV from 04.02.1999]

- (2) The decision on the withdrawal of the candidacy or of the candidates' list shall be taken by the person or formation that nominated him/it, shall be submitted to the Central Elections Commission which shall be bring it to public knowledge.
- (3) The candidate may be replaced before the expiration of the candidates' registration term. The Central Elections Commission shall bring the registration of the new candidate to public knowledge.
- (4) If the political party and/or another social-political organization leaves the electoral bloc and withdraws its candidates after the expiration of the registration term, the candidates of that political party and/or another social-political organization shall be excluded and the candidates' list of that electoral bloc shall be rewritten, observing the order of candidates from the list. Similarly shall be the case when a political party and/or another social-political organization withdraw their candidates from the lists.

Article 81. Electoral lists

Electoral lists for parliamentary elections shall be drawn up under the conditions of chapter 5 (article 39 and article 40) which shall be applied accordingly.

Article 82. Electoral campaign for parliamentary elections

Electoral campaign for parliamentary elections shall be carried out in compliance with chapter 7 (article 45 - article 47) which shall be applied accordingly.

Article 83. Ballot papers

- (1) Ballot papers shall be drawn up in compliance with chapter 8 (article 48 and article 49) which shall be applied accordingly.
- (2) Independent candidates shall be included in the ballot paper in a special quadrilateral, in which the candidate's name, surname and the formula "independent candidate" shall be put down.

Article 84. Ballot

Ballot at the parliamentary elections shall be performed in compliance with chapter 9 (article 50 - article 55) which shall be applied accordingly.

Article 85. Votes' counting and elections' results totalization

Votes' counting and parliamentary elections' results totalization shall be performed in compliance with chapter 10 (article 56 - article 60) which shall be applied accordingly.

Article 86. Establishing the representation threshold

- (1) After having got the protocols of the district electoral councils, in which the results of the votes' counting from all electoral districts are indicated, the Central Elections Commission shall totalize the number of valid express votes, accumulated by each political party, other social-political organization and by each electoral bloc, in order to find if they have reached the minimum representation threshold.
- (2) The minimum representation threshold shall be considered the following proportions from the total number of validly expressed votes per country:
 - a) for political parties, other social-political organizations – 6 percent;
 - b) for electoral blocs comprising two political parties and/or other social-political organizations – 9 percent;
 - c) for electoral blocs comprising three or more political parties and/or other social-political organizations – 12 percent;
- (3) The political parties, other social-political organizations and electoral blocs that have accumulated a lower number of votes than that provided in Paragraph(2) shall be excluded from the operation of mandates' attribution, by the decision of the Central Elections Commission.

[Article 86 as amended by the Law no.796-XV from 25.01.2002]

[Article 86 as amended by the Law no.894-XIV from 23.03.2000]

Note: The amendment introduced by the Law no.480 from 02.07.1999 is declared unconstitutional by Constitutional Court Decision no.1 from 11.01.2000

[Paragraph 2, article 86 introduced by the Law no.480-XIV from 02.07.1999]

Article 87. Counting of mandates obtained by the electoral competitor

- (1) The number of mandates obtained by the electoral competitors shall be counted by the Central Elections Commission by successive division of the number of validly expressed votes for each electoral competitor, except for independent candidates, to 1, 2, 3, 4...etc. till the figure corresponding to the number of seats in the Parliament.
- (2) From the results of all divisions and from the number of validly expressed votes for independent candidates, there shall be taken in decreasing order as many numbers as many mandates are to be attributed. The political party, other social-political organization, electoral bloc shall be attributed as many mandates as many numbers in this decreasing row it has.
- (3) The independent candidate shall be considered elected if the number of validly expressed votes obtained by him represents at least 3 percent of all the validly expressed votes per country.

[Paragraph 3, article 87 introduced by the Law no.894-XIV from 23.03.2000]

[Paragraph 3, article 87 excluded by the Law no.268-XIV from 04.02.1999]

Article 88. Attribution of mandates

- (1) The Central Elections Commission in the registration order on the lists shall attribute the mandates to electoral competitors.

- (2) If the last non-attributed mandate has several claimants with the same number of votes, the Central Elections Commission shall attribute it by drawing of lots and shall draw up a protocol of this fact.
- (3) If a political party, other social-political organization or an electoral bloc obtains a number of mandates greater than the number of candidates included in the lists, the surplus of numbers from the decreasing row of the respective formation shall be eliminated and replaced with the numbers from the decreasing row of other electoral competitors.
- (4) The candidates that were included in the list but have not been elected shall be declared subsidiary. The subsidiary candidate shall be declared as elected by the Constitutional Court if, for some reasons, a mandate belonging to the political party, social-political organization or the electoral bloc he represents becomes vacant. The subsidiary candidate may decline the mandate of deputy by lodging a statement with the Constitutional Court.

[Paragraph 4, article 88 as amended by the Law no.1107-XIV from 30.06.2000]

Note: The phrasing “subsidiary candidates” introduced by the amendment brought to the Law no.480 from 02.07.1999 is declared unconstitutional by Constitutional Court Decision no.1 from 11.01.2000

[Paragraph 4, article 88 as amended by the Law no.480-XIV from 02.07.1999]

- (5) If after the unfolding of elections and attribution of mandates, the electoral competitor that submitted his/its list of candidates does not have subsidiary candidates, the vacant mandates shall pass to the next electoral competitors, according to the decreasing row set up at the mandates’ attribution.

[Paragraph 5, article 88 introduced by the Law no.1107-XIV from 30.06.2000]

[Paragraph 5, article 88 excluded by the Law no.480-XIV from 02.07.1999]

- (6) If the deputy’s mandate gained by the independent candidate became vacant, the completion of vacancy shall be performed by the restoration of the decreasing row by the Central Elections Commission, excluding the number that belongs to that candidate and including the next number from the row.

Article 89. Confirmation of the voting results and validation of mandates by the Constitutional Court

- (1) The Central Elections Commission within 48 hours, after the totalization of the voting results, shall submit to the Constitutional Court the documents indicated in article 60 and the lists of elected deputies and subsidiary candidates.

[Paragraph 1, article 89 as amended by the Law no.1107-XIV from 30.06.2000]

Note: The phrasing “subsidiary candidates” introduced by the amendment brought to the Law no.480 from 02.07.1999 is declared unconstitutional by Constitutional Court Decision no.1 from 11.01.2000

- (2) Within a 10-days term after the documents have been received from the Central Elections Commission, the Constitutional Court shall confirm or infirm by notice the lawfulness of elections. At the same time, the Constitutional Court shall validate the mandates of the elected deputies.
- (3) If the elections are found lawful, the Central Elections Commission shall issue identification cards to the elected deputies.

[Paragraph 4, article 89 excluded by the Law no.1107-XIV from 30.06.2000]

Note: The phrasing “subsidiary candidates” introduced by the amendment made to the Law no.480 from 02.07.1999 is declared unconstitutional by Constitutional Court Decision no.1 from 11.01.2000

[Paragraph 5, article 89 excluded by the Law no.1107-XIV from 30.06.2000]

[Article 89 as amended by the Law no.480-XIV from 02.07.1999]

Article 90. Confirmation of elections’ results by the Central Elections Commission

- (1) The protocol on the elections’ results, together with the Constitutional Court’s notice, by which the lawfulness of elections is confirmed and the decision on the validation of at least 2/3 of the total number of deputies’ mandates, shall be forwarded to the Parliament within 2 days. One copy of these documents shall be forwarded to the Central Elections Commission.
- (2) The Central Elections Commission shall order the publication of the final results of elections within a 24-hours term since the respective documents from the Constitutional Court have been received.

Article 91. Invalid elections

The Central Elections Commission shall find the elections as invalid if they were attended by less than 1/2 of the persons registered in the electoral lists.

Article 92. Null elections

If the Constitutional Court finds that during the elections and/or during the counting of votes violations of this Code had occurred, which impacted the outcome of elections and attribution of mandates, the elections shall be declared null.

Article 93. Repeated ballot

- (1) If the elections have been declared invalid or null, the Central Elections Commission shall hold, within a 2-weeks term, repeated ballot based on the same electoral lists, for the same candidacies and with the same electoral councils and committees.
- (2) Electoral competitors guilty of fraud shall be excluded from the ballot papers, and the electoral councils and committees that have committed such frauds, shall be replaced.
- (3) Repeated ballot shall be considered valid if attended by at least 1/3 of the total number of persons registered in the electoral lists.

Article 94. New elections

- (1) If after repeated ballot the elections were declared null or invalid, the Central Elections Commission shall fix the date of the new elections, which shall occur at least after 60 days since the last elections had been declared null or invalid.

[Paragraph 1, article 94 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 1, article 94 as amended by the Law no.895-XIV from 23.03.2000]

- (2) In case of anticipated elections, if even after repeated elections, the elections were declared null or invalid, the President of the Republic of Moldova shall fix in a decree the date of the new elections, having due observance of the date indicated in article 76, Paragraph (3) of this Code.

[Paragraph 2, article 94 introduced by the Law no.894-XIV from 23.03.2000]

- (3) New elections shall take place under the conditions exposed in this Code.

Title IV
ELECTIONS OF THE PRESIDENT
OF THE REPUBLIC OF MOLDOVA

[Title IV (article 95-117) excluded by the Law no.1227-XIV from 21.09.2000]

[Title IV as amended by the Law no.1036-XIV from 09.06.2000]

[Title IV as amended by the Law no.268-XIV from 04.02.1999]

Title V
LOCAL ELECTIONS

Article 118. Scope of this title

The provisions of this title (article 118 – article 140) shall be applicable only to the elections of local councilors and councils.

[Article 118 as amended by the Law 796-XV from 25.01.2002]

Article 119. Local elections

- (1) The councilors in the rayon councils of the city (municipality) and village (commune) shall be elected by universal, equal, direct, secret and freely expressed suffrage for a 4-years mandate, which starts running effectively since the day of the local nation-wide elections
- (2) The number of councilors shall be established in the Law on local public administration.
- (3) In the administrative-territorial units with special status, the local elections shall unfold according to the provisions of this Code and the acts issued by representative authorities of the respective administrative-territorial units.

Article 120. Electoral districts and polling stations. District electoral councils and electoral committees of the polling stations

- (1) To hold the local councils' elections, each rayon, administrative-territorial unit with special status, city (municipality), village (commune) shall constitute a single electoral district. The electoral districts of the city (municipality), village (commune) shall be constituted by the district electoral councils of the second level administrative-territorial units of the Republic of Moldova with at least 40 days before the day of elections.
- (2) The district electoral councils of the city (municipality), village (commune) shall be constituted by the district electoral councils of the second level administrative-territorial units of the Republic of Moldova with at least 45 days before the day of elections. Their constitution mode and duties shall be provided by article 27 and article 28, which shall be applied accordingly. If new or partial elections are held, the district electoral councils shall be constituted by the Central Elections Commission.
- (3) The electoral districts for the local councils' elections shall be divided in polling stations, for which electoral committees shall be set up. The electoral committees of the polling stations shall be constituted and shall exercise their powers under the conditions set forth in article 29 and article 30, which shall be applied accordingly.

[Article 120 as amended by the Law no.796-XV from 25.01.2002]

[Article 120 as amended by the Law no.268-XIV from 04.02.1999]

Article 121. Special powers of the electoral council

In the localities where, for the holding of local elections a single polling station is set up, the district electoral council shall exercise also the powers of the electoral committee of the polling station.

Article 122. Fixing the date of elections

- (1) The date of the local nation-wide or anticipated elections shall be fixed by a Parliament decision, issued at least 60 days before the elections' day.
- (2) Central Elections Commission under the conditions provided by this Code shall fix new and partial elections and the date of the repeated ballot.

[Article 122 as amended by the Law no.796-XV from 25.01.2002]

Article 123. Special limitations of the right to vote

- (1) The servicemen fulfilling the in-term military service may not attend the local elections.
- (2) Voters who do not live in the respective administrative-territorial unit shall not attend the local council's elections.

[Article 123 as amended by the Law no.796-XV from 25.01.2002]

Article 124. Special conditions in order to be elected

As councilors in the local councils may be elected the Republic of Moldova citizens who are qualified voters, who have reached (including in the elections' day) the age of 18 years.

[Article 124 as amended by the Law no.796-XV from 25.01.2002]

[Article 124 as amended by the Law no.268-XIV from 04.02.1999]

Article 125. Nomination, submittal of candidacies and registration of candidates

Nomination, submittal of candidacies and registration of candidates shall be effected under the conditions of chapter 6 (article 41- article 44) which shall be applied accordingly.

Article 126. Special conditions for the submission of candidacies by political parties, other social-political organizations and electoral blocs

- (1) The number of candidates registered on the lists shall contain at least 1/2 of the mandates provided for the respective electoral district and at most 2 subsidiary candidates.
- (2) One may not candidate in several electoral districts of the same level.
- (3) One may run for the position of councilor, both for the council of the first level administrative-territorial unit of the Republic of Moldova, and for the second level administrative-territorial unit.

[Article 126 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 3, article 126 as amended by the Law no.480-XIV from 02.07.1999]

[Paragraph 3, article 126 as amended by the Law no.268-XIV from 04.02.1999]

Article 127. Special conditions for the submission of candidacies by independent candidates

The citizen of the Republic of Moldova may submit his candidacy as independent candidate in order to be elected in the local council, if he is supported by at least 2 percent of the total number of voters from the respective district, divided to the number of mandates for the respective council, but not less than 50 persons.

[Article 127 as amended by the Law no.796-XV from 25.01.2002]

Article 128. Electoral lists

Electoral lists for local elections shall be drawn up under the conditions of chapter 5 (article 39 and article 40) which shall be applied accordingly.

Article 129. Electoral campaign

Electoral campaign for local elections shall be carried out in compliance with chapter 7 (article 45 - article 47), which shall be applied accordingly.

Article 130. Ballot papers

Ballot papers shall be drawn up for the elections of the rayon, city (municipality), village (commune) councils, under the conditions set forth by chapter 8 (article 48 and article 49), which shall be applied accordingly.

[Article 130 as amended by the Law no.796-XV from 25.01.2002]

Article 131. Ballot

Ballot at the local elections shall be performed under the conditions set forth by chapter 9 (article 50 - article 55) which shall be applied accordingly.

Article 132. Votes' counting and elections results totalization

- (1) Votes' counting and local elections results totalization shall be performed in compliance with chapter 10 (article 56 - article 60) which shall be applied accordingly.
- (2) In the protocols of the electoral councils and committees there shall be indicated the number of votes gained by each candidate running for the councilor's position, the name and surname of the elected councilors and the name of the political party, other social-political organization or electoral bloc that appointed them, or the mentioning "independent candidate".

[Article 132 as amended by the Law no.796-XV from 25.01.2002]

Article 133. Attribution of the councilors' mandates

- (1) The councilors' mandates for the rayon, city (municipality), village (commune) councils shall be attributed by the respective district electoral councils.
- (2) The attribution of councilors' mandates to the political parties, other social-political organizations, electoral bloc shall be effected by the successive division of the number of validly expressed votes for each political party, other social-political organization, electoral bloc to 1, 2, 3, 4...etc. till the figure corresponding to the number of mandates provided for the respective electoral district.
- (3) From the results of all divisions and from the number of validly expressed votes for independent candidates, there shall be taken in decreasing order as many numbers as many mandates are to be attributed in that electoral district. The political party, other social-political organization, electoral bloc shall be attributed as many mandates as many numbers in this decreasing row it has.
- (4) The independent candidate shall be declared elected if the number of validly expressed votes obtained by him fits in the decreasing row.
- (5) The candidates running for the councilor's position shall be attributed mandates in the order of their registration on the lists, beginning with the list for which most votes have been expressed.
- (6) If the last non-attributed mandate has several claimants with the same number of votes, the district electoral council shall attribute it by drawing of lots and shall draw up a protocol of this fact.
- (7) If a political party, other social-political organization or an electoral bloc obtains a number of mandates greater than the number of candidates included in the lists, the surplus of numbers from the decreasing row of the respective formation shall be eliminated and replaced with the numbers from the decreasing row of other electoral competitors.
- (8) If in the ballot papers for the councils' elections there had been included only independent candidates, the district electoral council shall draw up the list of candidates with the

number of votes obtained by them in decreasing order, attributing to each from the list one mandate, until the number of mandates is exhausted.

- (9) The candidates that were included in the list but have not been elected, shall be declared subsidiary candidates. If the councilor's mandate belonging to a political party, other social-political organization or an electoral bloc becomes vacant before the expiration of the term, this mandate shall be attributed to one of the subsidiary candidates of the respective formation, in the order of their registration in the list.
- (10) If the councilor's mandate gained by the independent candidate became vacant, the completion of vacancy shall be performed by the restoration of the decreasing row, excluding the number that belongs to that candidate and including the next number from the row.
- (11) If only independent candidates were included in the ballot paper, in case a vacant mandate appears, the subsidiary candidate shall get the councilor's mandate under the conditions set forth in paragraph (10).
- (12) The mandates shall be attributed to subsidiary candidates by the Central Elections Commission in compliance with the provisions of this article and based on the electoral documents that it has.

[Article 133 as amended by the Law no.842-XV from 14.02.2002]

[Article 134 excluded by the Law no.796-XV from 25.01.2002]

[Article 134 as amended by the Law no.268-XIV from 04.02.1999]

Article 135. Confirmation of the elections' lawfulness and validation of mandates

- (1) The district electoral councils of the first level administrative-territorial units shall submit the protocols on the elections' results to the respective sector or municipal courts, and the second level ones – to the courts from the district of the second level administrative-territorial units. The district electoral council of the Chisinau municipality shall submit these documents in the sector court from the district where the Chisinau municipality district electoral council is situated.
- (2) The courts within a 10-days term after the reports have been received from the district electoral councils, shall confirm or infirm by judgment the lawfulness of elections from each electoral district and shall forward it within 24 hours after the judgment is adopted to the Central Elections Commission and respective district electoral councils which shall publish the final results of elections.
- (3) At the same time with the elections' lawfulness confirmation, the respective courts shall validate the mandates of elected councilors, which shall be recorded as well in the judgment. The courts shall confirm also the list of subsidiary candidates.
- (4) The council shall be considered as lawfully created after the validation of mandates of at least 2/3 of the total number of councilors.
- (5) The district electoral council shall issue identification cards, the model of which shall be approved by the Central Elections Commission, to the elected councilors and mayors.

[Article 135 as amended by the Law no.796-XV from 25.01.2002]

[Article 135 as amended by the Law no.403-XIV from 14.05.1999]

Article 136. Invalid elections

Elections shall be considered invalid in some districts if they were attended by less than 1/3 of the persons registered in the electoral lists.

Article 137. Null elections

Elections shall be declared null if during the electoral operations violations of this Code had occurred, which impacted the outcome of elections and attribution of mandates. The Central

Elections Commission based on the judgment delivered by the respective court shall take the decision on the declaration of elections as null.

Article 138. Repeated ballot

- (1) If in some districts or polling stations the elections were declared invalid or null, the Central Elections Commission shall hold, within a 2-weeks term, repeated ballot based on the same electoral lists, for the same candidacies and with the same electoral councils and committees.
- (2) Electoral competitors guilty of fraud shall be excluded from the ballot papers, and the electoral councils and committees that have committed such frauds, shall be replaced.
- (3) Repeated ballot shall be considered valid if it is attended by at least 1/3 of the total number of persons registered in the electoral lists.

[Article 138 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 3, article 138 introduced by the Law no.268-XIV from 04.02.1999]

Article 139. New elections

- (1) New elections shall take place if:
 - a) the council have resigned, have been dissolved or its composition reduced with more than 1/3 than the number established by the Law on local public administration;
 - b) after repeated ballot, the council was not elected;
 - c) in some localities local elections have not taken place;
 - d) administrative-territorial reform has occurred and in the newly-created administrative-territorial units it is necessary to elect the local public authorities.
- (2) The Central Elections Commission shall fix the date of new elections, with at least 60 days before the elections.
- (3) New elections shall take place under the conditions exposed in this Code.

[Article 139 as amended by the Law no.796-XV from 25.01.2002]

[Article 139 as amended by the Law no.778-XIV from 03.02.2000]

Article 140. Partial elections

- (1) If after the elections the necessary number of councilors has not been elected, the Central Elections Commission shall hold, within a 2-weeks term, partial elections in one or several districts.
- (2) In order to fill the vacant mandates, partial elections shall be carried out under the conditions provided in titles I, II and V.
- (3) The date of the partial elections shall be established by the decision of the Central Elections Commission with at least 60 days before the elections' day.

Title VI
REFERENDUM

Article 141. Scope of this title

The provisions of this title (article 141 – article 202) shall apply only to the organization and development of republican and local referendums.

Chapter 13 **REPUBLICAN REFERENDUM**

Article 142. Republican referendum

- (1) The republican referendum shall develop for the purpose of exercising the people's power and its direct participation at the management and administration of the state affairs.
- (2) The republican referendum shall be held by universal, equal, direct, secret and freely expressed suffrage, in compliance with the Constitution and this Code's provisions.

[Paragraph 3, article 142 is abrogated by the Law no.268-XIV from 04.02.1999,]

[the rest shall be renumbered]

[Paragraph 3, article 142 is found unconstitutional by the Constitutional Court's]

[Decision no.15 from 27.05.1998]

- (3) The acts adopted by republican referendum shall have legal power after their confirmation by the Constitutional Court and shall be enforceable on the whole territory of the Republic of Moldova.

[Paragraph 3, article 142 as amended by the Law no.268-XIV from 04.02.1999]

[the phrasing "shall not require the confirmation" from article 142 Paragraph (4) is]

[found unconstitutional by the Constitutional Court's decision no.15 from 27.05.1998]

Article 143. Types of republican referendum

- (1) Depending on the legal aspect of the issue subjected to referendum, the republican referendums may be constitutional, legislative and advisory.
- (2) To constitutional referendum issues regarding the revision of Constitution shall be subjected.
- (3) To legislative referendum draft-laws or some legal provisions of major importance shall be subjected.
- (4) To advisory referendum issues of national importance, pursuing to ask the opinion of the people on such issues and further adoption, by competent public authorities, of some final decisions shall be subjected.

[Article 143 as amended by the Law no.796-XV from 25.01.2001]

Note: The amendment introduced by the Law no.1107-XIV from 30.06.2000 is declared unconstitutional by Constitutional Court Decision no.16 from 29.03.2000

[Article 143 as amended by the Law no.1107-XIV from 30.06.2000]

Article 144. Initiation of the republican referendum

- (1) Republican referendum may be initiated by:
 - a) a number of at least 200.000 citizens of the Republic of Moldova who are qualified voters. In case of constitutional referendum the provisions of article 141 paragraph(1) entry a) of the Constitution shall apply;

[Entry a) as amended by the Law no.1107-XIV from 30.06.2000]

[Entry a) as amended by the Law no.268-XIV from 04.02.1999]

- b) a number of at least 1/3 of the parliamentary deputies;
 - c) the President of the Republic of Moldova;
 - d) the Government.
- (2) The subjects mentioned in paragraph (1) may initiate any type of referendum provided in article 143.
- (3) If the referendum is initiated by the subjects provided in paragraph (1) entry a), subscription lists shall be attached to the proposal on the holding of the referendum.

- (4) The proposal on the holding of the referendum shall include the issues to be subjected to referendum, clearly expressed and excluding their ambiguous interpretation, as well as the purpose of its holding, the planned date of its unfolding. Issues that exclude each other may not be subjected to referendum.

[Paragraph 4, article 144 as amended by the Law no.268-XIV from 04.02.1999]

Article 145. Limitations on the unfolding of the republican referendum

- (1) The republican referendum shall not be carried out in case of declaration of an emergency situation, siege or war and before 120 days after the termination of these situations. If the date of the republican referendum was fixed for the day in which later on the emergency situation, siege or war was declared, it shall be repealed ex officio or postponed for another day, having due observance of the conditions enshrined in this Code. The authority that has issued the act of the referendum's declaration shall adopt the decision on the postponing of the republican referendum.
- (2) The republican referendum may not take place, also, 120 days before and 120 days after the day of the nation-wide parliamentary and local elections, as well as in the day of their unfolding or the day of another republican referendum.

[Paragraph 2, article 145 as amended by the Law no.1227-XIV from 21.09.2000]

[Paragraph 2, article 145 as amended by the Law no.480-XIV from 02.07.1999]

Article 146. Issues subjected to republican referendum

- (1) To republican referendum may be subjected the following issues:
- a) adoption of the Constitution of the Republic of Moldova;
 - b) approval of the constitutional laws passed by the Parliament for the amendment of the provisions on the sovereign, independent and unitary character of the state, as well as on the permanent neutrality of the state;
 - c) other important issues of the society and the state.

[Paragraph 1, article 146 as amended by the Law no.1227-XIV from 21.09.2000]

[Paragraph 1, article 146 as amended by the Law no.1107-XIV from 30.06.2000]

- (2) Organization and unfolding of referendum regarding the issues pointed out in paragraph (1) entry b) shall be mandatory.

[Paragraph 2, article 146 as amended by the Law no.1107-XIV from 30.06.2000]

Article 147. Issues that are not to be subjected to republican referendum

To republican referendum may not be subjected the following issues:

- a) regarding the taxes and budget;
- b) regarding the act of pardon and amnesty
- c) regarding extraordinary or emergency measures necessary to ensure the public order, health and security of the population;
- d) regarding the election, appointing, dismissal of persons to/from certain positions, which lie with the competence of the Parliament, President and the Government of the Republic of Moldova;
- e) which fall under the competence of the prosecution authorities and courts.

[Article 147 as amended by the Law no.796-XV from 25.01.2002]

Note: The amendment introduced by the Law no.1107-XIV from 30.06.2000 is declared unconstitutional by Constitutional Court Decision no.16 from 29.03.2000

[Article 147 as amended by the Law no.1107-XIV from 30.06.2000]

Article 148. Initiation of referendum for the revision of the Constitution

- (1) The initiation of referendum for the revision of the Constitution shall be carried out in compliance with the provisions of article 141 of the Constitution.
- (2) The proposal to unfold the referendum for the revision of the Constitution shall be submitted to the Constitutional Court, which shall perform the constitutionality review of the issues to be subjected to the referendum and shall give its notice on it.
- (3) After the Constitutional Court has performed the constitutionality review of the issues to be subjected to the referendum, the proposal to unfold the referendum together with the Constitutional Court's notice shall be submitted to the Parliament for consideration.
- (4) The revision of Constitution may not be subjected to referendum if it concerns the suppression of the citizens' rights and fundamental freedoms or their guarantees.
- (5) If the revision of the same constitutional provisions is initiated concomitantly by the Parliament and by the citizens, the consideration of the revision proposals in the Parliament shall cease.

[Article 148 introduced by the Law no.796-XV from 25.01.2002]

[Article 148 excluded by the Law no.1107-XIV from 30.06.2000]

[Article 148 excluded by the Law no.1227-XIV from 21.09.2000]

Article 150. Decision or decree on the unfolding of the republican referendum

- (1) Within a 6-months term since the submission of the proposals to initiate the referendum, the Parliament shall adopt one of the following decisions:
 - a) to declare the referendum, that shall unfold after at least 60 days from the adoption of this decision;
 - b) to reject the proposal to unfold the referendum, if it was submitted by the deputies;

Note: The amendment introduced by the Law no.1107-XIV from 30.06.2000 is declared unconstitutional by Constitutional Court Decision no.16 from 29.03.2000

[Entry b) as amended by the Law no.1107-XIV from 30.06.2000]

[The phrasing "or by the citizens" from article 150 Paragraph (1) entry b) is found]

[unconstitutional by the Constitutional Court's decision no.15 from 11.04.2000]

- c) to settle the problems planned to be subjected to the referendum without its further unfolding.

[Entry c) as amended by the Law no.1107-XIV from 30.06.2000]

[Paragraph2, article 150 excluded by the Law no1107-XIV from 30.06.2000,]

[the rest shall be renumbered]

[Paragraph2, article 150 is found unconstitutional by the Constitutional Court's]

[Decision no.15 from 11.04.2000]

- (2) In the decision or decree to unfold the republican referendum there shall be indicated the date of referendum, the name of the draft-law or draft decision that is planned to be adopted, their text and/or the questions that will be subjected to referendum.

[Article 150 as amended by the Law no.480-XIV from 02.07.1999]

[Paragraph 3, article 150 abrogated by the Law no.268-XIV from 04.02.1999]

Article 151. Fixing the date of republican referendum

- (1) The date of the republican referendum shall be fixed by the Parliament in its decision if the referendum is initiated by a group of citizens or parliamentary deputies and by the President of the Republic of Moldova in a decree if the referendum is initiated by him and has an advisory character.

[Paragraph 1, article 151 as amended by the Law no.480-XIV from 02.07.1999]

(2) The date of referendum shall be fixed with at least 60 days before it takes place.

Article 152. Initiation of the republican referendum by a group of citizens

- (1) In order for the citizens to initiate a republican referendum, they shall set up an initiative group during their assembly that is to be attended by at least 300 persons who are qualified voters. With at least 10 days before the assembly, the initiators shall be bound to communicate in written to the local public administration authorities, on the territory of which the assembly will occur, the time, place and purpose of the assembly.
- (2) Before the assembly begins, all participants at the assembly shall be recorded and to this end a list shall be drawn up containing their name, surname and domicile.
- (3) At the assembly there shall be elected a chairman and a secretary. The agenda of the assembly shall include the discussion of the necessity to hold a republican referendum and the formulation of questions to be subjected to it.
- (4) If the proposal to hold the republican referendum is adopted with the majority of the participants' votes, an initiative group shall be appointed that will collect the signatures of the referendum's supporters. The initiative group shall include at least 100 persons who are qualified voters. The members of the initiative group shall elect from among them an executive committee, comprised of a chairman, a deputy chairman and a secretary, that will represent the group and manage its activity.
- (5) At the assembly, a protocol shall be drawn up, containing the results of the voting for the issues included on the agenda. The chairman and the secretary of the assembly shall sign the documents of the assembly: the list of participants, the protocol, the precise and correct wording of the questions planned to be subjected to republican referendum and the list of members of the initiative group with the indication of their identification information.

Article 153. Registration of the initiative group

- (1) The Central Elections Commission shall register the initiative group for the holding of the republican referendum. In order to be registered, the Commission shall be provided with the following documents:
 - a) the papers of the citizens' assembly at which the initiative group was elected, authenticated by the mayoralty of the locality on the territory of which the assembly had taken place;
 - b) the statement of the initiative group's members on their consent to participate in the collection of signatures of the referendum's supporters;
 - c) the application concerning the registration of the initiative group.

[Paragraph 1, article 153 as amended by the Law no268-XIV from 04.02.1999]

- (2) The Central Elections Commission shall adopt within a 15-days term from the submission of the documents indicated in Paragraph (1) a decision on the registration of the initiative group or on the refusal to do so. In its decision on the registration of the initiative group, there shall be indicated the term of collecting the signatures of the republican referendum's supporters, which may not be shorter than 2 months and longer than 3 months.
- (3) After the registration of the initiative group, its members shall be issued identification cards, the model of which is established by the Central Elections Commission.

- (4) The information on the registration of the initiative group and the issues planned to be subjected to republican referendum shall be brought to public knowledge by mass media means.

Article 154. Collection of signatures

- (1) As of the date the initiative group is registered, its members shall be entitled to collect freely the signatures of the republican referendum's supporters, on certain lists, hereinafter called subscription lists.
- (2) The collection of signatures shall be effected in compliance with article 42, which shall be applied accordingly.

Article 155. Special conditions for subscription lists

Each sheet of paper from the subscription lists shall contain the question or questions planned to be subjected to republican referendum. It shall be prohibited to collect signatures on the lists that do not include the text of the question.

Article 156. Responsibility for the accuracy of the subscription lists' draw up

- (1) The signatures' collector shall sign each sheet of paper of the subscription lists, and shall make a short notice of confirmation of the fact that the signatures have been collected personally by him and that he has verified the identification information of the persons the name of which is on the list, based on the identification documents. Each sheet of paper shall be authenticated with the stamp of the respective local public authority.
- (2) The members of the initiative group have the obligation to warn each citizen on the fact that he may sign only one subscription list.
- (3) The subscription lists shall be considered null and void if they were filled in before the registration of the initiative group; if the signatures' collector does not sign them; if they were not authenticated with the stamp of the respective local public authority.

Article 157. Submission and verification of the subscription lists

- (1) Not any later than the last day of the signatures' collection, the initiative group shall draw up a protocol, indicating the date of the initiative group's registration, the number of the collected signatures, the date of the signatures' collection termination. The protocol, signed by the initiative group's members and the subscription lists shall be submitted to the Central Elections Commission.
- (2) Within a 15-days term since the submission of the subscription lists, the Central Elections Commission shall verify the authenticity of signatures (each of them or by choosing some of them) from the submitted lists. If in the subscription lists there are two or more signatures of the same person, they shall be excluded. After the verification of the subscription lists the Central Elections Commission shall take a decision on the initiation of referendum.
- (3) If the necessary number of signatures was not submitted, the Central Elections Commission shall take a decision on the refusal of the proposal to hold a republican referendum and shall annul the registration of the initiative group.
- (4) The protocol of the subscription lists' verification, the verified lists and the Central Elections Commission's decision on the initiation of referendum shall be transmitted, within a 3-days term, to the Permanent Bureau of the Parliament.

Article 158. Electoral districts, polling stations, electoral councils and committees

- (1) For purposes of management and unfolding of the republican referendum, the Central Elections Commission shall set up administrative electoral districts corresponding to

second level administrative-territorial units of the Republic of Moldova and district electoral councils under the conditions set forth in article 27, which shall be applied accordingly.

- (2) The powers of the district electoral councils are expressed in article 28, which shall be applied accordingly.
- (3) Electoral districts shall be divided in polling stations, under the conditions set forth in article 29, which shall be applied accordingly. For each polling station there shall be set up electoral committees of the polling station, which shall be constituted and shall fulfill its powers in compliance with article 29 and article 30, which shall be applied accordingly.
- (4) The powers of the district electoral councils and of the electoral committees of the polling stations shall expire after the confirmation of the republican referendum's results by the Constitutional Court.
- (5) If the electoral district represents a single locality and there is only one polling station, an electoral committee of the polling station shall not be set up there, the powers of which are to be fulfilled by the district electoral councils.

[Article 158 as amended by the Law no.796-XV from 25.01.2002]

[Article 158 as amended by the Law no.268-XIV from 04.02.1999]

[Article 159 excluded by the Law no.480-XIV from 02.07.1999]

Article 160. Granting of support to the electoral councils and committees for the organization of the republican referendum, management of the activity, modification of the composition and dissolution

Granting of support for the management of the activity, modification of the composition and dissolution of the electoral councils and committees for the organization of the republican referendum shall be effected under the conditions provided by article 31 – article 34, which shall be applied accordingly.

Article 161. Lists of citizens entitled to participate in the republican referendum

The lists of citizens entitled to participate in the republican referendum (electoral lists) shall be drawn up under the conditions provided by chapter 5 (article 39 and article 40), that shall be applied accordingly.

Article 162. Ballot papers

- (1) In the ballot paper there shall be printed the text of the issue or of the draft-law subjected to republican referendum. On the right of the text of the issue or of the draft-law, there shall be placed horizontally two quadrilaterals with the words “aye” and “nay”, and beneath - two circles.
- (2) If several issues are subjected to referendum, for each of them there shall be drawn up separate ballot papers. In case of several concomitant referendums, the ballot papers shall bear different colors.
- (3) The ballot papers shall be drawn up in compliance with the Law on the functioning of spoken languages on the territory of the Republic of Moldova.
- (4) The number of printed ballot papers shall be equal to the number of persons included in the electoral lists.
- (5) The ballot papers containing the same question must have the same format, must be printed with the same fonts, on paper of the same color and density.
- (6) The model and text of the ballot papers and the model of the protocols of the electoral councils and committees for the organization of the republican referendum shall be approved by the Central Elections Commission.

(7) The ballot papers shall be distributed to the district electoral councils with 3 days, and the electoral committees of the polling stations – 1 day, before the date of the republican referendum.

[Article 162 as amended by the Law no.796-XV from 25.01.2002]

[Article 162 as amended by the Law no.480-XIV from 02.07.1999]

[Article 162 as amended by the Law no.268-XIV from 04.02.1999]

Article 163. Propaganda

Free discussions of all the aspects of the issues subjected to republican referendum shall take place in compliance with article 47, which shall be applied accordingly.

Article 164. Ballot

(1) Ballot at the republican referendum shall be performed under the conditions set forth by chapter 9 (article 50 - article 55), which shall be applied accordingly.

(2) The voter shall fill in the ballot paper by applying the stamp “Voted” in just one of the circles situated beneath the quadrilaterals in which the words “aye” or “nay” are inscribed, expressing in such a way his choice.

[Article 164 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 2, article 164 as amended by the Law no.480-XIV from 02.07.1999]

Article 165. Supervision of the republican referendum and its reflection in mass media

The supervision of the republican referendum and the reflection in mass media of its management and unfolding shall take place in compliance with chapter 11 (article 63 and article 64) that shall be applied accordingly.

Article 166. Votes’ counting and totalization of the republican referendum’s results

(1) Votes’ counting and totalization of the republican referendum’s results shall be performed in compliance with chapter 10 (article 56 - article 60), which shall be applied accordingly.

(2) In the protocol of the totalization of the republican referendum’s results there shall be indicated the number of votes “aye” and the number of votes “nay”.

[Paragraph 2, article 166 as amended by the Law no.480-XIV from 02.07.1999]

(3) The results of the republican referendum shall be considered by the Central Elections Commission that will take a decision on it.

Article 167. Confirmation of republican referendum’s results

(1) The decision of Central Elections Commission and the protocol on the referendum’s results shall be transmitted to the Constitutional Court.

(2) The Constitutional Court shall consider the documents transmitted by the Central Elections Commission and shall confirm or infirm by decision the results of the republican referendum, within a 10-days term.

Article 168. Adoption, publication and coming into force of the decision subjected to republican referendum

(1) The decision shall be considered as adopted by republican referendum, if the majority of the citizens that attended the referendum voted for it. If the referendum concerns a constitutional law, it shall be considered as approved if it was voted by at least half of the total number of persons registered in the electoral lists.

[Paragraph 1, article 168 as amended by the Law no.1107-XIV from 30.06.2000]

- (2) The decision adopted by republican referendum shall be published in a special edition of the Official Gazette of the Republic of Moldova. The date of the decision's adoption shall be considered the day of the republican referendum. The decision shall come into force on the date of its publication in the Official Gazette or on the date indicated in it.

Article 169. Repealing or amendment of the decision taken by republican referendum
Repealing or amendment of the decision taken by republican referendum shall take place, also, by republican referendum or by using the procedures provided for revision of the Constitution.

[Article 169 as amended by the Law no.1227-XIV from 21.09.2000]

Article 170. Documents of the republican referendum

The documents of the republican referendum shall be kept in compliance with the provisions of article 62, which shall be applied accordingly.

Article 171. Invalid republican referendum

The Central Elections Commission shall declare as invalid the republican referendum if it was attended by less than 3/5 of the persons registered in the lists.

[Article 171 as amended by the Law no.480-XIV from 02.07.1999]

Article 172. Null republican referendum

The Constitutional Court shall declare null the republican referendum on the whole republic or in certain administrative-territorial units if during the voting or votes' counting severe violations of this Code had occurred, which impacted the outcome of the whole referendum.

Article 173. Repeated republican referendum

- (1) If the republican referendum was declared null, the Central Elections Commission shall hold, within a 1-month term, repeated referendum in the entire republic or in certain administrative-territorial units.
- (2) Electoral councils and committees guilty of frauds shall be replaced.
- (3) Repeated republican referendum shall be organized and unfolded according to the provisions of this title and of this Code.

Article 174. New republican referendum

New republican referendum concerning the same issue may be carried out after the expiration of at least two years since the last republican referendum.

Chapter 14

LOCAL REFERENDUM

Article 175. Local referendum

Local referendum is the consultation of citizens on issues of a special interest to the village (commune), city (municipality), rayon, and administrative-territorial unit with a special status.

[Article 175 as amended by the Law no.796-XV from 25.01.2002]

Article 176. Limitations on the organization of the local referendum

- (1) The local referendum shall not be carried out in case of declaration of an emergency situation, siege or war. If the date of the local referendum was fixed for the day in which later on the emergency situation, siege or war was declared, it shall be repealed ex officio

or postponed for another day, having due observance of the conditions enshrined in this Code.

- (2) The local referendum may not take place, also, 120 day before and 120 days after the day of holding on the same territory of any kind of elections or referendum, unless it is organized on the same day.
- (3) The decision on the postponing of the local referendum shall be adopted by the Central Elections Commission at the proposal of the local council or of the representative authority of the administrative-territorial unit with a special status which has issued the act on the holding of the referendum.

[Article 176 as amended by the Law no.796-XV from 25.01.2002]

Article 177. Issues subjected to local referendum

To local referendum there may be subjected issues of particular importance for the respective locality and which lie with the competence of the local public administration.

[Article 177 as amended by the Law no.796-XV from 25.01.2002]

Article 178. Issues that are not to be subjected to local referendum

To local referendum there may not be subjected the following issues:

- a) regarding taxes and budget;
- b) regarding extraordinary or emergency measures necessary to ensure the public order, health and security of the population;
- c) regarding the election, appointing, dismissal and revocation of persons to/from certain positions, which lie with the competence of the Parliament, President and the Government of the Republic of Moldova;
- d) which fall under the competence of the courts or prosecution authorities;
- e) regarding the modification of the administrative-territorial subordination of the localities, save the cases provided by the Law on the special legal status of Gagauzia (Gagauz-Yeri).

[Article 178 as amended by the Law no.796-XV from 25.01.2002]

[Article 178 as amended by the Law no.480-XIV from 02.07.1999]

[Article 178 as amended by the Law no.268-XIV from 04.02.1999]

Article 179. Fixing the date of local referendum

The date of the local referendum shall be fixed by the Central Elections Commission at the proposal of the council of the village (commune), city (municipality), rayon, administrative-territorial unit with a special status.

[Article 179 as amended by the Law no.796-XV from 25.01.2002]

Article 180. Initiation of the local referendum

The local referendum may be initiated:

- a) by 1/2 of the elected councilors;
- b) by the mayor of the village (commune), city (municipality);
- c) by the representative authority of the administrative-territorial unit with a special status.
- d) by 10 percent of the citizens who are qualified voters, residing on the territory of the administrative-territorial unit.

[Article 180 as amended by the Law no.796-XV from 25.01.2002]

Article 181. Registration of the initiative group

- (1) If the initiative to hold the local referendum belongs to the citizens, an initiative group shall be set up, made of at least 20 citizens who are qualified voters, residing on the

territory of the administrative-territorial unit. The assembly held for the constitution of the initiative group shall be attended by at least 30 persons. At least 3 days before the assembly, the initiators shall be bound to communicate in written to the mayor the time, place and purpose of it.

- (2) The local public administration authorities shall register the initiative group for the holding of the local referendum within 5 days since the submission of the application for registration, protocol of the constitution and of the formulated questions.
- (3) In the decision on the registration, there shall be indicated the term of collecting the signatures, which shall not be shorter than 30 and longer than 60 calendar days, as well as the questions planned to be subjected to local referendum.
- (4) After the registration of the initiative group, its members shall be issued identification cards, the model of which is established by the Central Elections Commission.
- (5) The information on the registration of the initiative shall be published in the local press.

[Article 181 as amended by the Law no.796-XV from 25.01.2002]

[Article 181 as amended by the Law no.1217-XIV from 31.07.2000]

Article 182. Collection of signatures

- (1) The right to collect the citizens' signatures for the supporting of the local referendum shall lie with the members of the initiative group, registered under the conditions of article 181.
- (2) The collection of signatures shall be effected in compliance with article 42, which shall be applied accordingly.
- (3) In order to carry out the local referendum, it shall be necessary to collect the signatures of at least 10 percent of the total number of citizens who are qualified voters, residing on the respective administrative-territorial unit.

Article 183. Special conditions for subscription lists

Each sheet of paper from the subscription lists shall contain the question or questions planned to be subjected to referendum. It shall be prohibited to collect signatures on the lists that do not include the text of the question.

Article 184. Responsibility for the accuracy of the subscription lists' draw up

- (1) The signatures' collector must sign each sheet of paper of the subscription lists, and shall make a short notice of confirmation of the fact that the signatures have been collected personally by him and that he has verified the identification information of the persons the name of which is on the list, based on the identification documents. Each sheet of paper shall be authenticated with the stamp of the respective local public authority.
- (2) The person collecting the signatures in the subscription lists has the obligation to warn each citizen on the fact that he may sign only one subscription list.
- (3) The subscription lists shall be considered null and void if they were filled in before the registration of the initiative group; if they are not signed by the signatures' collector; if they were not authenticated with the stamp of the respective local public authority.

Article 185. Submission and verification of the subscription lists

- (1) Authenticated subscription lists shall be submitted to the local council or the representative authority of the administrative-territorial unit with a special status.

[Paragraph 1, article 185 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 1, article 185 as amended by the Law no.1217-XIV from 31.07.2000]

- (2) The submitted subscription lists shall be verified within a 15-days term. The signatures appearing twice or more times shall be excluded. If during the verification it is found that the necessary number of signatures was not collected, the procedure shall cease, and the registration of the initiative group shall be repealed.

Article 186. Adoption and publication of the decision on the holding of the local referendum

- (1) After the expiration of 15 days since the submission of the subscription lists or the adoption of the decision by the local council, of the representative authority of the administrative-territorial unit with a special status, the respective local council or the representative authority of the administrative-territorial unit with a special status shall adopt the decision on the holding of the local referendum or the refusal to hold it.
- (2) The decision on the holding of the local referendum shall comprise:
 - a) the proposal on the date of the referendum, which may take place at least after one month, but not later than 45 days since the date of the decision's adoption;
 - b) the issues that are to be subjected to referendum.
- (3) The issues that are to be subjected to local referendum shall be expressed clearly, excluding their ambiguous interpretation. To one referendum may not be subjected issues, which exclude one another.
- (4) The decision on the holding of the local referendum shall be published within 3 days since it was adopted.

[Article 186 as amended by the Law no.796-XV from 25.01.2002]

Article 187. Electoral districts and polling stations

- (1) For purposes of holding the local referendum, electoral districts shall be set up, if the case, in the village (commune), city (municipality), rayon, administrative-territorial unit with a special status
- (2) The electoral districts shall be constituted by the Central Elections Commission with at least 30 days before the day of the local referendum at the proposal of the local public administration authorities.
- (3) The respective district electoral councils shall constitute the polling stations with at least 20 days before the day of the local referendum.
- (4) The polling stations shall be constituted according to the administrative-territorial principle, by the division of the locality in polling stations, with at least 3 and at most 3000 voters. The polling stations shall be numbered.
- (5) In the localities where for purposes of local referendum a single polling station is set up, the district electoral council shall fulfill also the powers of the electoral committee of the polling station.

[Article 187 as amended by the Law no.842-XV from 14.02.2002]

Article 188. Constitution of the electoral councils and committees for the unfolding of the local referendum

- (1) District electoral councils for holding of the local referendum shall be constituted by the Central Elections Commission at the proposal of the local councils or of the representative authorities of the administrative-territorial unit with a special status, comprised of 5-11 members, with at least 25 days before the day of the local referendum.
- (2) For the holding of the local referendum, the district electoral councils shall set up electoral committees of the polling stations, at the proposal of the local public administration authorities, comprised of 5-11 members, with at least 20 days before the day of the local referendum.

- (3) To hold the local referendum, the chairmen of the electoral councils of the rayon, the electoral council of the Chisinau municipality and of the electoral councils of the administrative-territorial unit with a special status, shall be elected by the respective councils.
- (4) Councilors from the local councils, members of the initiative group, members of political parties, other social-political organizations running in the elections may not be included within the composition of the electoral councils for the holding of the local referendum.
- (5) At the first meeting of the district electoral council of the second level administrative-territorial unit there shall be elected by the majority vote, for purposes of holding the local referendum, the deputy chairman and the secretary of the council, and at the first meeting of the district electoral council of the village (commune), city (municipality) and at the first meeting of the electoral committee of the polling station there shall be elected the chairman, deputy chairman and the secretary of the council.
- (6) During two days since its constitution, the electoral councils and committees shall bring to public knowledge their composition and premises, the contacts.
- (7) The powers of the electoral councils and committees for the performance of the local referendum shall expire after the confirmation of its results.

[Article 188 as amended by the Law no.796-XV from 25.01.2002]

Article 189. Cumulating of duties by the electoral councils and committees

If the local referendum is unfolding concomitantly with the (local, parliamentary) elections or the republican referendum, the electoral councils and committees in charge of the elections, constituted in compliance with chapter 3, shall fulfill the duties of the electoral councils and committees in charge of the referendum.

[Article 189 as amended by the Law no.1227-XIV from 21.09.2000]

Article 190. Granting of support to the electoral councils and committees for the organization of the local referendum, management of the activity, modification of composition and dissolution

Granting of support, management of activity, modification of composition and dissolution of the electoral councils and committees for the organization of the local referendum shall be effected under the conditions provided by article 31 – article 34, which shall be applied accordingly.

Article 191. Duties of the electoral councils and committees in charge of the local referendum

The electoral councils and committees in charge of the local referendum shall fulfill the duties provided, respectively, in article 28 and article 30, which shall be applied accordingly.

Article 192. Lists of citizens entitled to participate in the local referendum

The lists of citizens entitled to participate in the local referendum (electoral lists) shall be drawn up under the conditions provided by chapter 5 (article 39 and article 40), that shall be applied accordingly.

Article 193. Ballot papers

- (1) In the ballot paper there shall be printed the text of the issue subjected to local referendum. On the right of the text of the issue there shall be placed horizontally two quadrilaterals with the words “aye” and “nay”, and beneath - two circles.

[Paragraph 1, article 193 as amended by the Law no.480-XIV from 02.07.1999]

- (2) If several issues are subjected to referendum, for each of them there shall be drawn up separate ballot papers. In case of several concomitant referendums, as well as in case of concomitant referendums and elections, the ballot papers shall bear different colors.
- (3) The ballot papers shall be drawn up in compliance with the Law on the functioning of spoken languages on the territory of the Republic of Moldova.
- (4) The number of printed ballot papers shall be equal to the number of persons included in the electoral lists.

[Paragraph 4, article 193 as amended by the Law no.796-XV from 25.01.2002]

- (5) The ballot papers containing the same question must have the same format, must be printed with the same fonts, on paper of the same color and density.
- (6) The model and text of the ballot papers and the model of the protocols of the electoral councils for the organization of the local referendum shall be approved by the Central Elections Commission and the text of the ballot papers - by the district electoral councils.
- (7) The ballot papers shall be distributed to the electoral committees of the polling stations with 2 days before the date of the local referendum.

Article 194. Propaganda

Free discussions of all the aspects of the issues subjected to local referendum shall take place in compliance with article 47, which shall be applied accordingly.

Article 195. Ballot

- (1) Ballot at the local referendum shall be performed under the conditions set forth by chapter 9 (article 50 - article 55), which shall be applied accordingly.
- (2) The voter shall fill in the ballot paper by applying the stamp "Voted" in just one of the circles situated beneath the quadrilaterals in which the words "aye" or "nay" are inscribed, expressing in such a way his choice.

[Paragraph 2, article 195 as amended by the Law no.796-XV from 25.01.2002]

[Paragraph 2, article 195 as amended by the Law no.480-XIV from 02.07.1999]

Article 196. Votes' counting and totalization of the local referendum's results

- (1) Votes' counting and totalization of the local referendum's results shall be performed in compliance with chapter 10 (article 56 - article 60), which shall be applied accordingly.
- (2) In the protocol of the totalization of the local referendum's results there shall be indicated the number of votes "aye" and the number of votes "nay".

[Paragraph 2, article 196 as amended by the Law no.480-XIV from 02.07.1999]

- (3) The results of the local referendum shall be considered by the district electoral council that will take a decision on it.

Article 197. Confirmation of local referendum's results

- (1) Within a 2-days term since the totalization of the local referendum's results, the district electoral council shall transmit to the respective district court the report on the referendum's performance, to which the protocol and all the contestations shall be attached, together with explanatory notes on their settlement. The council of the Chisinau municipality shall transmit these documents to the Tribunal of the Chisinau municipality.
- (2) The court shall, within a 10-days term, confirm or infirm the lawfulness of the local referendum and its results.

- (3) Within 24-hours since the judgment of the court's judgment have been adopted, it shall be forwarded to the Central Elections Commission and district electoral council in charge of the referendum, that will publish the final results of the local referendum.

[Paragraph 3, article 197 as amended by the Law no.268-XIV from 04.02.1999]

Article 198. Adoption of decision by local referendum, its repealing or amendment

- (1) The decision shall be considered as adopted if the majority of the citizens who attended the referendum voted it. The date of the decision's adoption shall be considered the date of the local referendum.
- (2) The decision adopted by local referendum shall be repealed or amended, also, by local referendum or by the decision of the respective local council, adopted with the votes of 2/3 of the total number of councilors, according to the Law on local public administration.

[Article 198 as amended by the Law no.796-XV from 25.01.2002]

Article 199. Invalid local referendum

The local referendum shall be considered as invalid if it was attended by less than half of the persons registered in the electoral lists.

Article 200. Null local referendum

The court in the judicial district of which the local referendum has occurred shall declare it null on the whole respective district or in certain polling stations if during the voting or votes' counting severe violations of this Code had occurred, which impacted the outcome of the referendum.

Article 201. Repeated local referendum

If the local referendum has been declared null, the authorities that have taken the decision on the unfolding of the referendum shall hold, within a 2-weeks term, repeated referendum according to the provisions of this title and of this Code. Electoral councils and committees guilty of frauds shall be replaced.

Article 202. New local referendum

New local referendum concerning the same issue may be carried out after the expiration of at least one-year since the last referendum.

Title VII

FINAL AND TRANSITORY PROVISIONS

Article 203. Coming into force

The present Code shall come into force on the date of its publication.

[Article 203 as amended by the Law no.268-XIV from 04.02.1999]

[The phrasing "and shall be applied since the date of its adoption" from article 203 is] declared unconstitutional by Constitutional Court Decision no.15 from 27.05.1998]

Article 204. Transitory provisions

After the coming into force of this Code:

- (1) The Parliament shall adopt, within 10 days, a decision on the creation of the Central Elections Commission (permanent authority), under the conditions of section 1 of chapter 3 (article 16 - article 22).

- (2) The authorities provided in article 16 Paragraph (2) shall submit to the Parliament, within a 5-days term, the candidacies for the constitution of the Central Elections Commission.
- (3) The Government:
 - a) within a month term:
 - shall make proposals to the Parliament on the bringing of the legislation in compliance with this Code;
 - shall provide the Central Elections Commission with premises, financial means and technical-material facilities.
 - b) shall foresee in the draft law on the state budget for the year 1998 the necessary expenses for the activity of the Central Elections Commission and for the organization and holding of elections.
- (4) The parliamentary elections of the XIVth legislature shall take place on March 22, 1998, according to the decree of the President of the Republic of Moldova no.371-II from November 18, 1997. All the terms related to the unfolding of the parliamentary elections of the XIVth legislature shall start running since the publication date of this Code.
- (5) The Central Elections Commission:
 - a) shall draft and adopt its Rules within 10 days after the constitution;
 - b) shall submit to the Government the draft estimate of expenses for its activity and for the organization of elections;
 - c) shall start, after the constitution, the exercise of its duties, provided in article 22.
- (6) It shall be prohibited to set up and run electoral authorities unprovided by this Code.

Article 205. Final provisions

At the date of the coming into force of this Code, there shall be abrogated: the Law no.1040-XII from May 26, 1992 on the referendum, the Law no.1609-XII from October 14, 1993 on parliamentary elections, the Law no.308-XIII from December 7, 1994 on local elections, the Law no.833-XIII from May 16, 1996 on the elections for the position of President of the Republic of Moldova, the Law no.1133-XIII from April 2, 1997 on the revocation of the mayor of the village (commune), city.

PRESIDENT OF THE
PARLIAMENT

Dumitru MOTPAN

Chisinau, November 21, 1997.
No.1381-XIII.