



Strasbourg, 27 April 2017

CDL-REF(2017)022

Opinion No. 884 / 2017

Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC
OF MOLDOVA

DRAFT LAW (No. 123)

**ON AMENDING AND COMPLETING
CERTAIN LEGISLATIVE ACTS**

**(ELECTORAL SYSTEM FOR THE ELECTION
OF THE PARLIAMENT)**

Registered with Parliament on 19 April 2017

Based on art. 73 of the Constitution of the Republic of Moldova and according to art. 47 of the Regulation of the Parliament, the present Draft Law for Amending and Completing Certain Legislative Acts is submitted to the Parliament as a legislative initiative for review.

Annex:

1. Draft Law
2. Informative Memo

Members of Parliament:

LAW
on Amending and Completing Certain Legislative Acts

The Parliament adopts the present organic law

Art. I. – Electoral Code of the Republic of Moldova No. 1381-XIII of 21 November 1997 (Official Gazette of the Republic of Moldova, 1997, No. 81, art. 667), with subsequent amendments, shall be amended and completed as follows:

1. In art. 1, after the notion “electoral district” the following notions shall be introduced:

“*National constituency* – electoral district at the national level in which elections of Members of Parliament are organized and carried out based on the proportional vote on the party list;

“*Uninominal constituency* (single-member constituency – tr.n.) – electoral district in which elections of one single seat in the Parliament are organized and carried out based on the majority vote;”

In the notion “electoral candidates” the first line shall have the following wording:

“In parliamentary elections in the national constituency - parties, other socio-political organizations and electoral blocs of which lists of candidates have been registered with the Central Election Commission;”

A second line is introduced after the first one, with the following wording:

“In parliamentary elections in uninominal constituencies – candidates for the positions of Members of Parliament, appointed by political parties, other socio-political organizations and electoral blocs or independent candidates, registered by the respective district electoral councils (*constituency-based electoral councils – tr.n.*);”

2. In article 4

The single paragraph becomes paragraph (1)

The article shall be completed with paragraph (2) with the following wording:

“(2) In parliamentary elections, every voter shall vote with two ballots: one for the national constituency and the other for the uninominal constituency. Every vote shall have equal legal power.”

3. In art. 10, the first sentence shall be followed by a new one that shall read: “In framework of parliamentary elections, the voter is entitled to one single vote in the national constituency and one vote in the uninominal constituency”.

4. In article 22 let. t) shall have the following wording:

“t) initiate the validation procedure of the mandate of the Member of Parliament of the Republic of Moldova, in case a seat of a Member of Parliament becomes vacant, in compliance with the procedure set forth in art. 90 and ensure, as appropriate, the organization of partial elections for the seat of Member of Parliament under the conditions set in the present Code.”

5. In article 26, paragraph (1), let. c) shall be completed by the end with the text: “under the conditions set in the present Code”.

6. In article 27 paragraph (1), after the words “that will correspond” the word “usually” is introduced.

After paragraph (1), the paragraph (1¹) shall be introduced with the following wording:

“(1¹) The peculiarities for establishing the uninominal constituencies and the respective electoral districts are provided in articles 74 and 75”

7. In article 28, letter g) the word “candidates” shall be followed by the words “including those”.

In letter h), the text "in local elections" shall be excluded.

8. In article 29, paragraph (2), the number "3000" is replaced by "5000".

9. In article 29¹

Paragraph (1) shall be completed by the end with the words "with the peculiarities provided in the present Code".

In paragraph (3), the words "who participated in the previous elections." shall be followed by a new sentence: "When establishing polling stations abroad, the Central Election Commission also will take into account the number of citizens living outside the Republic of Moldova, based on information provided by the competent authorities of the host state where these stations shall be established."

It shall be completed with paragraph (7) with the following wording:

"(7) The peculiarities of establishing and operation of polling stations abroad for the parliamentary elections are set forth herein."

10. After art. 29¹, a new Article 29² is inserted with the following content:

"Article 29². Peculiarities of establishing and operation of polling stations for the voters on the left bank of Nistru (Transnistria) and of the electoral bureaus of the polling stations for the left bank of Nistru (Transnistria)

(1) In case of parliamentary elections, presidential ones and republican referendum, for the voters from left bank of Nistru (Transnistria), the Central Election Commission shall organize several polling stations located on territory of the Republic of Moldova under the constitutional jurisdiction of central authorities. When establishing those polling stations, the Central Election Commission shall take account of geographical factors and ensure maximum access of voters to the electoral process and electoral authorities.

(2) CEC shall establish distinct polling stations for voters from the left bank of Nistru (Transnistria), belonging to the respective electoral constituency established by the Central Election Commission under the approved regulation. These polling stations are subordinated to electoral council established according to the provisions of Article 75, para.(3) of this Code.

(3) When establishing the electoral bureau of the polling station for the voters on the left bank (Transnistria), the Art. 29 of Electoral Code shall apply accordingly. The body of local authorities empowered to appoint members of the electoral bureau of that polling station is the one from the polling station opened for voters from the left bank of Nistru (Transnistria).

(4) The peculiarities of organization and operation of the electoral bureaus of the polling stations for the voters on the left bank (Transnistria) are regulated by the Central Election Commission, and the expenditures for organizing and functioning of these bureaus shall be covered from the budget allocated for elections/referendum. For these polling stations, the expenditures shall be estimated in advance by the Government and Central Election Commission, and in case these are not provided in the budget for elections/referendum, then the funds shall be allocated from the Reserve Fund of the Government."

11. In article 38² para. (1), the word "parliamentary" shall be followed by the words "in the national constituency".

In paragraph (5), in the first sentence, the words "Electoral candidates" shall be replaced by the words "Candidates for the position of Member of Parliament in the uninominal constituency, including the independent ones in the parliamentary elections, as well as the independent candidates"

12. In article 39:

paragraph (7) shall be completed by the end with the text: "In case of parliamentary elections in the uninominal constituency, the absentee vote certificate shall be issued if the new domicile is on the territory of the same uninominal constituency."

13. In article 41 paragraph (3) the words "shall be submitted" shall be followed by the word "personally"

in let. a), the words "parliamentary elections" shall be followed by the words "for the national constituency"

let. b) shall have the following wording:

"b) declarations by candidates for positions of Member of Parliament for the uninominal constituencies, by candidates for positions of mayor and councillor in local council in case of local elections shall be filed with respective district electoral councils".

14. In article 42

The title of the article shall have the following wording:

"Collection of signatures for supporting the candidates, including the independent ones, as well for initiating a referendum"

para. (1) and (2) shall have the following wording:

"(1) Signatures are collected only for supporting the candidate from the uninominal constituency, including the independent one or for initiating a referendum. In case of parliamentary elections in uninominal constituencies, as well as in local elections, signatures are collected only in the constituencies where the electoral candidates are running for elections.

(2) The candidates, including the independent ones and the members of the initiative groups appointing and/or supporting these candidates in elections, the persons authorised by candidates, as well as the members of the initiative group for initiating the referendum have the right to collect signatures."

Paragraph (6) shall have the following wording:

"(6) The individual who collects the voters' signatures shall sign every page of the subscription list. By the end of every page of the subscription list, the collector shall make a note attesting that signatures were collected by him/her personally and that s/he confirms the authenticity of signatures, and then signs".

It shall be completed with paragraph (7) with the following wording:

"(7) The peculiarities for collecting signatures for supporting the candidates from uninominal constituencies abroad and from uninominal constituencies for the left bank of Nistru (Transnistria), in case of parliamentary elections in uninominal constituencies, are stipulated in the present Code".

15. Article 44 paragraph (1) the words "shall be submitted" shall be followed by "personally by the candidate"

In let. a), the phrase "art. 79" shall be replaced by "art. 79, 80"

In let. b), the word "independent" shall be followed by words: "in any type of elections, as well as candidates in parliamentary elections in uninominal constituencies".

It shall be completed, after let. e) with let. e¹) with the following wording: "e¹) integrity record of the candidate issued under the law".

16. In article 45, paragraph (3) shall have the following content:

“(3) Central Election Commission shall register the authorized representatives of the candidates in parliamentary elections in national constituency, the candidates for the position of the President of the Republic of Moldova. In case of elections of Members of the Parliament in uninominal constituencies and in elections for the position of mayor and councillor in local council, the authorized representatives of the candidates shall be registered by the respective district electoral council.”

17. In article 46, paragraph (6), the number “79” shall be replaced by number “82”

18. In article 48 paragraph (1) shall have the following wording:

“(1) The design and text of the electoral ballot for the parliamentary elections in national constituency, elections of the President of the Republic of Moldova and for organising the republican referendum shall be approved by a decision taken by the Central Election Commission. The design of the electoral ballot for the elections of the Members of Parliament in uninominal constituencies, as well as for local elections, shall be established by the Central Election Commission, and the text shall be approved by a decision taken by the respective district electoral council.”

19. In Article 49 (3), the number "3000" is replaced by "5000".

20. Article 53:

in paragraph (2), letter a) the second sentence shall have the following wording:

“In case of parliamentary elections in uninominal constituencies, local elections or local referenda, only absentee vote certificates from the territory of the respective constituency will be accepted. The absentee vote certificate remains at the polling station bureau and shall be attached to the supplementary list;”

21. In article 60, paragraph (2) shall have the following content:

“(2) The Central Election Commission shall include the final voting results from the entire country in the minutes, which shall be signed by the members of the Commission, and shall prepare the report on the election results, in case of the parliamentary elections in the national constituency, presidential elections and republican referendum. In case of parliamentary elections in uninominal constituencies, the Central Election Commission takes record of final voting results per every uninominal constituency based on the final results minutes of the respective district electoral councils. Copies of the final minutes shall be given to the representatives of candidates and observers upon their request”.

22. Article 64¹:

In paragraph (3) the words "Parliamentary elections" shall be followed by the words "in national constituency"

In paragraph (4) and (5) the words "Parliamentary elections" shall be followed by the words "in national constituency"

23. In article 65 para. (6) the first sentence shall have the following wording: “The complaints regarding the financing of electoral campaigns shall be submitted to the Central Electoral Commission, in case of political parties, electoral blocs and candidates in parliamentary elections in the national constituency and presidential elections, or to the district electoral councils – in case of parliamentary elections in uninominal constituencies and independent candidates in local elections”.

24. In article 66 paragraph (2) the words “local elections” shall be preceded by the words “parliamentary elections in uninominal constituencies and”.

25. In article 69 paragraph (5) shall have the following wording: "In the cases provided in para. (4), the Central Election Commission or the district electoral council shall submit a request for cancelling the registration of the electoral candidate, by adopting a decision in this respect. The request for cancelling registration of the candidate shall be submitted:

a) by the Central Election Commission to Chisinau Court of Appeal, in case of parliamentary and presidential elections

b) by district electoral council to the court in the territorial jurisdiction of which the respective electoral council is placed, in case of general local elections or new local elections".

The court shall examine the request and shall issue a decision on it within five days, but not later than the day before the elections.

26. Title III shall have the following content:

„TITLE III PARLIAMENTARY ELECTIONS

Article 72. Applicability of this Title

Provisions of this Title (art.72 – art.94⁵) shall be applicable only in case of Parliamentary elections.

Article 73. Parliamentary elections

(1) The Parliament shall be elected by universal, equal, direct, secret and freely expressed vote for a four-year term.

(2) Elections to the Parliament shall be conducted based on a mixed system (proportional and majority one) in one national constituency and in uninominal constituencies.

(3) 51 Members of Parliament shall be elected in the national constituency based on the proportional representation vote. 50 Members of Parliament shall be elected in uninominal constituencies based on majority vote, one MP from every constituency.

Article 74. Electoral constituencies

(1) Parliamentary elections shall be organized based on one national constituency covering the entire territory of the Republic of Moldova and polling stations abroad, as well as based on 50 uninominal constituencies, including localities from left bank of Nistru river (Transnistria) and abroad.

(2) All uninominal constituencies shall be established by the Central Election Commission. Constituencies of the Republic of Moldova under the constitutional authorities shall be established according to territorial-demographic principle in one or several neighbouring localities, based on a similar number of voters in every electoral constituency with a deviation of up to 15%. The calculation basis for setting the uninominal constituencies shall be the number of voters registered in the voters' lists at every polling station during the last national elections.

(3) The uninominal constituency shall be set from the localities of one administrative-territorial unit of the second level or, for the purpose of more optimal organization, of different units.

(4) If the number of voters in a locality is higher than the average calculated for an electoral uninominal constituency, then in that locality more uninominal constituencies shall be created.

(5) Central Election Commission shall I determine the number, demographic and geographical coverage of uninominal constituencies abroad. In order to establish uninominal constituencies abroad, the particular criteria set out in Art. 29¹ para.(3) shall be taken into account and applied accordingly. The exact criteria and the way of establishing the electoral

constituencies abroad shall be approved by the Central Election Commission through Regulation.

(6) Central Electoral Commission shall determine the number, demographic and geographical coverage of the uninominal constituencies for the localities on the left bank of the Nistru (Transnistria). The exact criteria and the way of establishing uninominal constituencies for the localities on the left bank of Nistru (Transnistria) shall be approved by the Central Electoral Commission through Regulation.

(7) The borders of uninominal constituencies may be revised 180 days before the ordinary elections, at the latest.

(8) The list of uninominal constituencies, indicating the number and borders, shall be published in the Official Gazette of the Republic of Moldova.

Article 75. Polling stations. District electoral councils and precinct electoral bureaus.

(1) For the purpose of organizing and conducting elections, the Central Election Commission shall establish, at least 55 days prior to election day, the district electoral councils under the conditions set in art.27, applied correspondingly. The duties of the district electoral councils are stipulated in art.28, applied correspondingly.

(2) For polling stations abroad, the Central Election Commission shall establish a distinct electoral council operating within the range of Chisinau municipality and shall ensure the organization of electoral processes for the uninominal constituencies established abroad.

(3) For polling stations set up for the left bank of Nistru (Transnistria), the CEC shall establish a distinct electoral council, that will operate within Chisinau municipality and will ensure organization of electoral processes for uninominal constituencies set up for left bank of Nistru (Transnistria) .

(4) Uninominal constituencies shall be divided in polling stations (*precincts – tr.n.*) according to the conditions set in art.29, art.29¹ and art.29², applied accordingly.

(5) In polling stations, their precinct electoral bureaus shall be established, and the modality for their establishment and their duties are set in art.29, art.29¹ and art.30, applied correspondingly.

Article 76. Candidates for the position of Member of Parliament

Citizens of the Republic of Moldova, eligible to vote, who have reached the age of 18 years old, including on elections day, do not fall under the scope of art. 2 para. (6¹) of the Law on Status of Member of Parliament and meet other requirements provided in the present Code may be candidates for the position of Members of Parliament.

Article 77. Calling the date of elections

(1) The election of Members of Parliament shall be held at most within 3 months since the expiration of Parliament's mandate or as of dissolution of the previous Parliament.

(2) The date of Parliamentary elections shall be set through a Parliamentary Decision no later than 60 days before election day.

(3) In the event of Parliament's dissolution, the date of electing the new Parliament shall be set by the same decree of the President of the Republic of Moldova. Early elections shall be conducted after at least 60 days, but not later than 3 months as of the dissolution of the Parliament.

Article 78. Appointing the candidates from parties

(1) The candidates for the position of Member of Parliament shall be appointed for the national constituency and for every uninominal constituency according to the statutory provisions of the parties and/or electoral blocs.

(2) The party and/or electoral bloc may appoint:

a) the list of candidates for the national constituency, which will not be smaller than 30 persons and will not exceed 55 persons;

b) one candidate per every uninominal constituency.

(3) The template of the list of candidates shall be approved by the Central Election Commission.

Article 79. Registration of candidates for the position of Member of Parliament

(1) Candidates for MP position in national constituency are registered by the Central Election Commission.

(2) For parliamentary elections based on uninominal constituencies, the candidates appointed by parties, as well as independent ones, can run only in one uninominal constituency.

(3) The candidates for the position of Member of Parliament in the uninominal constituencies are registered by the district electoral councils.

(4) To be registered, the electoral competitors shall submit the documents indicated in art.44, applied in the corresponding way, as well as the signatures lists under the conditions of art. 80 for the candidates in uninominal constituencies.

(5) One and the same person may be included only in one list of candidates, on behalf of one electoral competitor.

(6) The person included in the list of candidates on behalf of an electoral competitor for elections based on the national constituency may also run for elections in one uninominal constituency on behalf of the same electoral competitor or as an independent candidate.

(7) The persons running for the positions of Member of Parliament in the uninominal constituencies abroad shall be registered at the district electoral council responsible for organizing elections abroad, operating within the range of Chisinau municipality.

(8) The persons who will run for MP position in uninominal constituencies for the left bank of Nistru (Transnistria) will be registered at electoral council responsible for organizing elections for the left bank of Nistru (Transnistria), which will operate within Chisinau municipality.

Article 80. Special conditions for signatures lists

(1) To be registered by the district electoral council, the candidate for the uninominal constituency shall submit according to art.42 and art.43 the signatures lists containing the signatures of at least 600 and at most 1000 supporters eligible to vote from the uninominal constituency where s/he intends to run for elections.

(2) If upon scrutiny by the district electoral council, false signatures or repeated signatures in several lists, or signatures performed in violation of art. 42 and 43 are found in the signatures lists, the respective signatures shall be excluded.

(3) If upon verification, it is found that the number of submitted signatures is insufficient or if after excluding non-valid signatures, the number of signatures decreased as compared to the minimum threshold provided in para. (1), the candidate shall not be registered and the respective decision shall be conveyed to him/her within 24 hours since its adoption.

(4) It is not admitted to submit supplementary signatures lists once the district electoral council received and registered in the register the set of documents provided for in art.44.

(5) The signatures for supporting the candidates in uninominal constituencies abroad may come from any constituencies.

(6) The signatures for supporting the candidates in uninominal constituencies for the left bank of Nistru (Transnistria) may come from any constituencies.

Article 81. Initiative groups for supporting candidates for the position of Member of Parliament for the uninominal constituency

(1) If the initiative to support the candidate for the position of Member of Parliament comes from the citizens, an initiative group shall be established for supporting the candidate, which

should be composed of at least 20 persons and at most 100 persons entitled to vote. The initiative group shall be established as a result of a meeting, which is attended by and supports the candidate for the position of Member of Parliament, elects the leader of the group and approves the list of the initiative group members, indicating their identity data. The initiative group may support only one candidate for the position of Member of Parliament. The members of an initiative group cannot be at the same time members of another initiative group.

(2) In case of political parties and electoral blocs, the initiative groups may be established by the party body, which according to the statutory provisions is entitled to appoint candidates for the position of Member of Parliament.

(3) The list of members of initiative group, indicating the leader of the group, shall be submitted to the district electoral council at latest 50 days before the election date, personally by the individual proposed as candidate for the position of Member of Parliament. The name and surname, year of birth and domicile of the initiative group members shall be indicated in the list.

(4) If these conditions are met, the district electoral council shall register the initiative group and issue IDs to the members of the initiative group within 3 days from the date the members' list was submitted.

Article 82. Modification of lists of candidates from the national constituency

(1) The electoral candidates have the right to recall the entire list of candidates, to replace a candidate, to cancel the decision on including in the list any particular candidate, but not later than 7 days before the elections date.

(2) The decision to recall or modify the list of candidates shall be adopted by the entity which has nominated the candidate or has submitted the list of candidates and it shall be submitted to the Central Election Commission, and the latter shall immediately make this information public.

(3) The modification of the lists of candidates shall be carried out by observing the provisions of art.7 para.(2) let.b) of the [Law on Ensuring Equal Chances for Women and Men](#) .

Article 83. Recalling the candidate from uninominal constituency

(1) The candidate from uninominal constituency has the right to withdraw his/her candidacy, but not later than 7 days before the election date. In this case, the decision on withdrawal shall be adopted by the candidate and submitted to the district electoral council, which makes it public immediately.

(2) The candidate from uninominal constituency appointed by a political party, other social-political organization or electoral bloc may be withdrawn by the political party, social-political organization or electoral bloc that appointed him/her, but not later than 7 days before elections. The decision to withdraw shall be adopted by the same body of the political party, social-political organization or electoral bloc that has appointed him/her and submitted to the district electoral council, which makes it public immediately.

(3) If in uninominal constituency only one candidate was registered and s/he has recalled his/her candidacy or did not participate in elections due to other reasons, new partial elections shall be organized under conditions of this Code.

Article 84. Voters' lists

The voters' lists for election of Members of Parliament shall be compiled pursuant to Chapter 5 (art.39 and art.40), applied accordingly.

Article 85. Electoral campaign for parliamentary elections

The electoral campaign for parliamentary elections shall start not earlier than 30 days before the election date and shall be carried out pursuant to Chapter 7 (art.45 - art.47), applied accordingly.

Article 86. Ballots

(1) Ballots shall be drawn up pursuant to Chapter 8 (art.48 and art.49), applied accordingly.

(2) The independent candidate shall be listed in the ballot in a separate rectangle, where his/her name and surname are written along with the words "Independent candidate".

Article 87. Voting. Special conditions of the voting right.

(1) Voting during parliamentary elections shall be carried out pursuant to Chapter 9 (art.50 – art.55), applied accordingly.

(2) Students and pupils with voting right enrolled in educational institutions in a locality where they are not registered with domicile or residence may vote at any polling station open in that locality, being bound to observe the following requirements:

- a) to present their ID cards and attached sheet;
- b) to present their student/pupil card, which mentions the educational institution in the given locality;
- c) to fill in and sign a statement on student's own responsibility with respect to refraining from multiple voting, the student being informed about the criminal liability if this obligation is breached.

(3) Voters specified in para. (2) shall be included in the additional list, mentioning the educational institution where they are enrolled under the heading "Note".

(4) The voter shall vote in the polling station of the uninominal constituency where s/he has his/her domicile. Voters who do not domicile in the respective uninominal constituency shall not participate in electing the Members of Parliament in that uninominal constituency.

(5) Until recovering the constitutional control over the localities from the left bank of Nistru river (Transnistria), the voters registered in the voters' lists in the uninominal constituencies from the left bank of Nistru river (Transnistria) shall exercise their right to vote in the polling stations located under the constitutional control of the Republic of Moldova authorities as established by the Central Election Commission.

(6) Moldovan citizens, who on election day will be abroad and who, for various reasons, do not register beforehand, may exercise their right to vote in uninominal constituencies established abroad by showing up at any polling station set up abroad, under conditions provided in the Regulation on voting for Moldovan citizens living abroad.

(7) Notwithstanding Chapter 9 (ar.50-art.55) of the Electoral Code, Moldovan citizens can exercise their right to vote in polling stations abroad over two consecutive days, i.e. the voting shall be exercised on Saturday preceding the election day and immediately on election day. The working regime of respective polling stations, the conduct of voting, the system for keeping documents and other particulars shall be determined by the Central Election Commission through Regulation approved by Decision.

Article 88. Vote counting and tabulation of results

Vote counting and tabulations of results of parliamentary elections shall be carried out pursuant to Chapter 10 (art.56 - art.60), applied accordingly.

Article 89. Establishing representation threshold for elections in the national constituency

(1) Upon receiving from all the electoral constituencies the minutes of the district electoral councils, indicating the results of votes' counting, the Central Election Commission shall tabulate the number of valid votes cast for every party, other socio-political organization, every electoral bloc, in order to establish whether they have reached the minimum representation threshold.

(2) The minimum representation threshold accounts for the following shares of the valid votes cast in the entire country:

- a) for a party, socio-political organization – 6%;
- b) for an electoral bloc set of 2 parties and/or socio-political organizations – 9%;
- c) for an electoral bloc set of 3 and more parties and/or socio-political organizations – 11%;

(3) Parties, other socio-political organizations, electoral blocs, which received fewer votes than the number of votes specified in para. (2) are excluded from the mandate allocation procedure by a decision of the Central Election Commission.

Article 90. Counting the mandates obtained by the electoral competitor in the national constituency

(1) The Member of Parliament mandates shall be distributed only to the candidates (*electoral competitors – tr.n.*) who have obtained the necessary minimum number of votes to pass the representation threshold established in art. 89.

(2) The total number of valid votes cast in the respective parliamentary elections shall be divided by the number of MP mandates for the national constituency, hence obtaining the respective electoral coefficient.

(4) The number of valid votes obtained by every party, other socio-political organization or every electoral bloc which passed the representation threshold established in art.89 is divided by the electoral coefficient, hence obtaining the number of MP mandates per every electoral candidate (competitor – tr.n.). The decimals higher than 5 are rounded upwards, and those lower than 5 are rounded downwards.

(5) The number of MP mandates which remain undistributed shall be distributed successively, one per each party, other socio-political organization, each electoral bloc, starting with the candidate (*electoral competitor*) who obtained the highest number of mandates, in decreasing order.

Article 91. Elections of Members of Parliament in uninominal constituency

(1) The candidate for MP in uninominal constituency is considered elected if s/he obtains the highest number of votes, of the valid votes cast..

(2) If several candidates obtained equal number of votes, the district electoral council shall establish the winner by drawing lots, registering this in the minutes.

Article 92. Allocation of mandates obtained in the national constituency

(1) The mandates shall be attributed to the candidates from the electoral competitors' lists by the Central Election Commission in the order of their registration in the lists.

(2) Candidates included in the lists of electoral competitors who have passed the representation threshold established in art.89 but not elected shall be declared alternate candidates. The alternate candidates shall be declared elected by the Constitutional Court, upon the request of the Central Election Commission, in the event that, for certain reasons, a parliamentary mandate owned by a party, socio-political organization or electoral bloc becomes vacant. An alternate candidate may refuse a parliamentary mandate by submitting a written statement in this regard to the Central Election Commission.

(3) If a party, other socio-political organization or electoral bloc gets more mandates than the number of candidates entered in the list, then this party, socio-political organization or electoral bloc shall receive a number of mandates equal to the number of candidates in the list.

(4) The remaining MP mandates are reallocated to other parties, socio-political organizations or electoral blocs in the way set forth in art.90 para. (5). The same procedure shall be used in case of subsequent vacancy of mandates, if the electoral competitor does not have alternate candidates.

Article 93. Allocation of mandates obtained in the uninominal constituency

(1) After receiving from all the polling stations of a uninominal constituency the minutes of all precinct electoral bureaus, indicating the results of votes' counting, the district electoral council (*constituency-based electoral council – tr.n.*) shall tabulate the number of valid cast votes obtained by every candidate so as to establish who was elected.

(2) The Central Election Commission shall allocate the mandates to the candidates elected in uninominal constituencies.

(3) If the candidate elected in the uninominal constituency was also elected on the party list in the national constituency, it is considered that s/he was elected only in the uninominal constituency and s/he will not be taken into account when allocating the mandates based on party list.

Article 94. Confirmation of elections' results and validation of mandates by the Constitutional Court

(1) Within 48 hours after the tabulation of elections' results, the Central Election Commission shall submit to the Constitutional Court the acts mentioned in art.60 and the lists of elected Members of Parliament.

(2) Within 10 days since the reception of the acts from the Central Election Commission, but not earlier than the final court settlement of the complaints lodged according to the procedures established in the legislation, the Constitutional Court shall confirm or infirm, through an opinion, the legality of elections. At the same time, the Constitutional Court shall validate the mandates of elected MPs and shall confirm the lists of alternate candidates.

(3) The Constitutional Court shall infirm the elections' results also in case if, after the partial elections, at least 2/3 of MPs' mandates were not elected.

Article 95. Certifying the electoral results by the Central Election Commission

(1) The minutes regarding the electoral results, accompanied by the opinion of the Constitutional Court confirming the legality of elections and the decision on validating at least 2/3 of MPs' mandates, shall be sent by the Constitutional Court to the Parliament within a period of 2 days since adoption. The copies of the mentioned acts and the confirmed lists of alternate candidates shall be also sent to the Central Election Commission.

(2) If the Constitutional Court confirms the legality of elections in at least 2/3 of uninominal constituencies, the Central Election Commission issues MP cards to the elected Members of Parliament.

(3) Central Election Commission shall take the decision of making public the final electoral results within 24 hours since receiving the acts from the Constitutional Court.

Article 95¹. Null elections

Should the Constitutional Court establish that during the voting and/or votes' counting procedures, the provisions of this Code were violated and these violations affected the voting results and mandates' allocation, then the elections in the respective constituencies shall be declared null.

Article 95². Partial elections

(1) If as a result of the parliamentary elections in a uninominal constituency no Member of Parliament was elected, including in the case stipulated in art. 82 para. (3), or if the MP seat becomes vacant, the Central Election Commission shall establish within 2 weeks the date of partial elections in the vacant uninominal constituency.

(2) The mandate of elected MP shall last until the expiration of the general mandate of the Parliament.

(3) If the MP vacancy appeared during the last 6 months before the expiration of the Parliament's term of office, no new elections in the vacant uninominal constituency shall be organized.

Article 95³. Repeated voting

(1) If elections are declared null, the Central Election Commission shall organize within 2 weeks repeated voting in respective constituencies.

(2) Repeated elections are organized based on the same voters' lists, with the same electoral bodies and with the participation of the same candidates.

(3) The electoral competitors who are guilty of violating the provisions of this Code shall be sanctioned or excluded from the ballots based on a final court decision, and the electoral councils and electoral bureaus which have committed such violations shall be replaced.

Article 95⁴. New elections of the Parliament

(1) In the event that even after repeated voting the elections are declared null, the Central Election Commission shall call the date of new elections within at least 60 days since the date when elections were declared null, but not later than 3 months from the date when elections were declared null.

(2) Provisions of para.(1) shall also apply in the event when after partial elections the mandates of at least 2/3 of MPs elected in uninominal constituencies were not validated.

(3) New elections shall be conducted under the conditions of the present Code.

27. In Article 187 (4), the number "3000" is replaced by "5000".

Art. II. – The Law on Status of Member of Parliament No. 39-XIII of 07 April 1994 (Republished in the Official Gazette of the Republic of Moldova, 2005, No. 59-61, art. 201), with subsequent amendments, shall be amended and supplemented as follows:

In article 2

paragraphs (10) and (11) shall be replaced by paragraphs (10)-(13) with the following wording:

“(10) The vacant mandate shall be allocated to the immediate next alternate candidate on the list of the party, socio-political organization and electoral bloc for whom the MP whose mandate has been declared vacant has run in elections. Once the Parliament declares the MP vacancy, the Central Election Commission shall examine within a period of 10 days the candidacy of the immediate next alternate candidate on the competitors' list the mandate of which has become vacant and shall submit it to the Constitutional Court for validating the mandate.

(11) Constitutional Court, within 30 days after the declaration of MP mandate vacancy, shall validate the next mandate.”

(12) In case of a vacancy of the mandate for the Member of Parliament elected in uninominal constituency, the Central Election Commission shall organize partial elections upon the notification from the Parliament or ex-officio, under the Electoral Code.

(13) The Member of Parliament elected as a result of partial elections shall start exercising the mandate once it's validated by the Constitutional Court and shall fulfil his/her duties over the duration of the Parliament's term of office.

Art. III. – Final and Transitional Provisions

(1) The present law shall enter into force on the date of its publication. The Electoral Code shall be fully republished within 2 months since the date the present law enters into force.

(2) Within 3 months since the date the present law is published, the Government come up with proposals to the Parliament to bring the legislation in compliance with the present law.

(3) Within 6 months, the Central Election Commission shall establish permanent uninominal constituencies and shall undertake the necessary measures to prepare the next parliamentary elections, providing the information to electoral officials, voters and other stakeholders about the new provisions of the electoral legislation.

PRESIDENT OF PARLIAMENT