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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

LAW

FOR THE AMENDMENT OF THE
ELECTORAL CODE NO. 325/2022

L A W**for the amendment of the Electoral Code no. 325/2022**

The Parliament adopts this organic law.

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

1. In article 16:

para. (2) is completed with letter f) in the following wording:

“f) the individuals who, on the date of the pronouncement of the decision of the Constitutional Court regarding the declaration of the unconstitutionality of a political party, meet at least one of the following criteria that have had relevance in the context of the pronouncement of such decision:

1) are suspected of, accused of, indicted or convicted for the committing of the offences that have been mentioned by the Constitutional Court as an argument in the context of the declaration of the unconstitutionality of the political party;

2) have been excluded from a previous election as a result of having broken the electoral law, and this fact has been considered as an argument upon the declaration of the unconstitutionality of the political party;

3) are guilty of having committed acts that led to their introduction in the lists of international offences of certain international organisations or states, and this fact has been considered as an argument upon the declaration of the unconstitutionality of the political party;

4) have committed acts that, without falling expressly under the actions provided for in points 1)–3), have been mentioned as arguments considered in the decision of the Constitutional Court on the declaration of the unconstitutionality of the political party.”

the article is completed with paras. (2¹) - (2⁴) in the following wording:

“(2¹) The restriction provided for in para. (2) letter f) shall last for a period of 3 years from the date of the pronouncement of the decision of the Constitutional Court regarding the declaration of the unconstitutionality of the political party.

(2²) With a view to enforcing the restriction provided for in para. (2) letter f), the General Police Inspectorate, the National Anticorruption Centre, the Security and Intelligence Service and the General Prosecutor’s Office, together with the specialised prosecution offices, shall submit to the Central Electoral Commission the information regarding the individuals who fall under the criteria stated in para. (2) letter f), with the express mention of the respective criterion. The Central Electoral Commission, on the basis of the submitted information, shall draw up the list of individuals who fall under the scope of the restriction stated in para. (2) letter f) and communicate it to the electoral bodies, which shall take it into account in the case of enforcement of the restriction upon the registration of electoral contenders.

(2³) The restriction provided for in para. (2) letter f) shall not be applied to the individual who, meeting one of the criteria provided for in this letter, can submit evidence proving, unequivocally, that, before the declaration of the unconstitutionality of the political party, they have tried to determine the party to quit the actions that led to its being declared unconstitutional or they have dissociated publicly from these actions.

(2⁴) In the case when the individual provided for in para. (2) letter f) point 1) submits evidence proving the dismissal of prosecution against them or their acquittal in the criminal action brought against them for the offence mentioned by the Constitutional Court as an argument in the context of the declaration of the unconstitutionality of the political party, this fact serves as ground for not enforcing against this individual the restriction provided for in the respective point.”

2. Article 68:

in para. (1) letter f) indent 1, the text “art. 16 para. (2) letters c)–e)” is replaced with the text “art. 16 para. (2) letters c)–f)”;

the article is supplemented with paras. (1¹) and (5¹) in the following wording:

“(1¹) The candidate who falls under the restriction provided for in art. 16 para. (2) letter f) and who wishes to be registered as an electoral contestant shall submit, in addition to the documents provided for in para. (1) of this article, all the evidence that would prove, unequivocally, that the candidate, prior to the declaration of the unconstitutionality of the political party, tried to determine the party to quit the actions that led to its being declared unconstitutional, or that the candidate dissociated publicly from these actions.”

“(5¹) In case of the candidates under para. (1¹) of this article, the competent electoral body, if it is not the Central Electoral Commission itself, shall register or refuse to register the candidate only after prior approval by the Central Electoral Commission, according to the provisions of art. 125 of the Administrative Code, which, on this occasion, shall verify the evidence submitted by the candidate and provide a reasoned answer. By derogation from art. 125 para. (2) of the Administrative Code, the Central Electoral Commission shall communicate the response to the request for approval within the term provided for in para. (5) of this article. If the Central Electoral Commission is the electoral body competent to register or refuse the registration of the candidate, it shall undertake, *ex officio*, the verification of the evidence submitted by the candidate before issuing a decision regarding their application. In the context of verifying the evidence presented by the candidate, the Central Electoral Commission shall carry out the hearing of the respective candidate, who can also be assisted by a lawyer.”

3. Article 91:

is supplemented with para. (3¹) in the following wording:

“(3¹) By derogation from the provisions of paras. (2) and (3) of this article, in the event of filing of appeals on the decisions of the electoral bodies issued according to the provisions of art. 68 para. (5¹), it is not necessary to comply with the prior procedure.”

in para. (5), after the words “Actions in administrative litigation regarding the legality” the text “of the decisions of electoral bodies issued in accordance with the provisions of art. 68 para. (5¹), a” is introduced.

4. In article 98, para. (1), sub-para. 2) is supplemented with letter a¹) in the following wording:

„a¹) appeals against the decisions of the electoral bodies issued in accordance with the provisions of art. 68 para. (5¹);”.

5. In article 102, para. (5) letter e), the text “art. 16 para. (2) letters c)–e)” is replaced with the text “art. 16 para. (2) letters c)–f)”.

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

(2) Within three working days from the entry into force of this law, the General Police Inspectorate, the National Anticorruption Centre, the Security and Intelligence Service, and the General Prosecutor’s Office, together with the specialised prosecution offices, shall examine the incidence of the provisions of art.I, through the legal powers of each of the respective authorities and shall communicate the relevant information to the Central Electoral Commission.

(3) Upon expiry of the term provided for in para. (2), the Central Electoral Commission shall, within one working day, draw up the list of individuals falling under the restrictions provided for by this law and shall notify it to the electoral bodies, which shall take it into account and ensure the application of the restriction in the event of electoral contestants registration in the context of electoral periods in progress on the date of entry into force of this law, as well as in any subsequent electoral periods.

(4) The electoral bodies shall carry out, *ex officio*, the verification of electoral contestants registered on the date of notification of the list provided for under para. (3) and shall ensure the cancellation of the registrations of the electoral contestants falling under the restrictions provided for by this law if, on the date of entering into force of this law, the legal term provided for the registration of candidates in the context of ongoing electoral periods has not expired.

PRESIDENT OF THE PARLIAMENT

IGOR GROSU

**Chişinău, 4 October 2023.
No. 280.**