

**LAW**

**for Amending and Completing Certain Legislative Acts**

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The Parliament adopts the present organic law

**Art. I.** – The Electoral Code of the Republic of Moldova No. 1381/1997 (republished in the Official Gazette of the Republic of Moldova, 2016, No. 277-287, art. 585) shall be amended and completed as follows:

1. In article 1:

two new notions shall be introduced after the notion “electoral district” with the following wording:

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

*uninominal constituency* – 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 candidate”:

the first indent shall have the following wording:

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

a new indent shall be introduced after the first indent, with the following wording:

“In parliamentary elections in uninominal constituencies – candidate 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;”

the notion of “electoral period” shall have the following wording:

“*electoral period* – the period of time in between the day of informing the public about the election’s day and the day in which the election’s results are confirmed by the competent bodies, but not more than 90 days;”.

2. In article 4:

the single paragraph shall become paragraph (1);

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

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

3. Article 10 shall be completed by the end with the following text: “Within the parliamentary elections, the voter is entitled to one vote in the national constituency and to one vote in the uninominal constituency”.

4. In article 21 paragraph (2), the words “new elections” shall be introduced after the words in the brackets “general local elections”.

5. In article 22 paragraph (1), letter t) shall have the following wording:

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

6. In article 23:

in paragraph (1), the words “new elections” shall be introduced after the words from the brackets “general local elections”;

in paragraph (2), the words “new elections” shall be introduced after the words in the brackets “general local elections”, and the figure “25” shall be replaced by the figure “35”.

7. Article 27:

in paragraph (1), after the words “that will correspond” the word “usually” shall be introduced, and by the end, the paragraph shall be completed with the text “if the Code does not provide otherwise”;

the article shall be completed with the paragraph (1<sup>1</sup>) with the following wording:

“(1<sup>1</sup>) The peculiarities for establishing the electoral constituencies and the respective electoral district councils are provided in art. 74 and 75.”

8. Article 28:

in letter g), the words “independent candidates” shall be replaced by the words “candidates, including those independent”;

in letter h), the words “candidates in local elections” shall be replaced by the words “electoral candidates”, and the words “of the independent candidates” shall be replaced by the words “in line with the provisions of the present Code”.

9. In article 29<sup>1</sup> :

paragraph (1) shall have the following content:

“ (1) All the polling stations established abroad shall operate in line with the peculiarities provided in the present Code”.

paragraph (3) shall have the following wording:

“(3) Besides the polling stations provided under para. (2), with the agreement of the competent authorities of the respective country, polling stations shall be organized also in other localities. The organization of these polling stations is carried out by the Central Election Commission, at the proposal of the Government, in cooperation with the Ministry of Foreign Affairs and European Integration and with other authorities of central public administration.”

the article shall be completed with paragraph (3<sup>1</sup>) with the following wording:

“(3<sup>1</sup>) When opening polling stations abroad, the following criteria shall be taken into consideration:

- a) the information held by the diplomatic missions and consular offices of the Republic of Moldova in the countries of residence;
- b) the information held by the central public authorities, including the relevant official statistical data;
- c) the information obtained as a result of the prior registration of the citizens staying abroad, according to the procedure set forth by a regulation approved by the Central Election Commission;
- d) number of voters who have participated in the previous elections;
- e) other relevant data obtained by the central public authorities, upon request from the authorities of the country of residence, according to the legal conditions”.

10. The Code shall be completed with article 29<sup>2</sup> with the following wording:

“Article 29<sup>2</sup>. Peculiarities of establishing and operating polling stations for the voters from the localities on the left side of the River Nistru (Transnistria) and of the precinct electoral bureaus for the localities on the left side of the River Nistru (Transnistria)

- (1) In case of parliamentary elections, presidential elections and republican referendum, the Central Election Commission shall be organized for the voters from the localities on the left side of the River Nistru (Transnistria) a number of polling stations with the premises on the territory of the Republic of Moldova under the constitutional jurisdiction of the central public authorities. When establishing the respective polling stations, the Central Election Commission shall take into consideration the territorial administrative organization and shall ensure voter's access to the electoral process and at the respective electoral bodies.
- (2) The responsible electoral body shall establish distinct polling stations for the voters from the localities on the left side of the River Nistru (Transnistria), which belong to the respective electoral constituencies established by the Central Election Commission based on the approved regulation. The given polling stations shall be subordinated to the district electoral council established in line with the provisions of art. 27 and art. 75, para. (3).
- (3) When opening polling stations for the voters from the localities on the left side of the River Nistru (Transnistria), the following criteria shall be observed, in particular:
  - a) the polling stations shall be opened in the territorial administrative units under the constitutional control of the Republic of Moldova authorities both on the left side, as well as right side of the River Nistru;
  - b) distinct stations shall be opened for the localities from the left side of the River Nistru based on the data of the State Voters' Register, including based on the prior registration, according to the procedure set by the regulation approved by the Central Election Commission;
  - c) when opening the polling stations the following shall be taken into consideration: the number of voters who have participated in the previous elections and the borders of the electoral constituency as related to the domicile of the voter according to the data from the State Voters' Register, including according to the registration in advance.
- (4) When establishing the precinct electoral bureaus for the voters from the localities on the left side of the River Nistru (Transnistria), the provisions of art. 20 shall be applied accordingly. The local public administration body competent to appoint the members of the respective precinct electoral bureau is the one from the premises of the polling station opened for the voters from the localities on the left side of the River Nistru (Transnistria).
- (5) The peculiarities of organizing and operating the precinct electoral bureaus for the voters from the localities on the left side of the River Nistru (Transnistria) shall be regulated by the Central Election Commission, and the expenses related to the organization and operation of these bureaus shall be incurred from the budget allocated for elections/referendum. For the given

polling stations, the expenses shall be estimated in advance in the budget allocated for elections/referendum, the financial means being allocated from the Government's Reserve Fund.”

#### 11. Article 38:

in paragraph (1), the words “of the initiative groups” shall be introduced after the words “of the political parties”.

in paragraph (2):

in the introductory part, the words “of the initiative groups” shall be introduced after the word “indirect”;

in letter e) the figures “200” and “400” shall be replaced by “50” and “100” respectively;

in paragraph (3), in the introductory part, the words “of the initiative groups” shall be introduced after the words “of the political parties”.

#### 12. Article 38<sup>2</sup>

in paragraph (1), in the introductory part, the words “initiative groups” shall be introduced after the words “electoral blocs” and the words “once per two weeks” shall be replaced by the word “weekly”

the article shall be completed with paragraphs (6<sup>1</sup>) and (9) with the following wording:

“(6<sup>1</sup>) During the electoral period, the political parties are entitled to accept donations only directly on the account “Electoral Fund” in line with the rules set by the present Code. The political party may transfer to the “Electoral Fund” account its own financial means held on its account on the date the electoral period starts, under the condition of submitting the financial report to the Central Election Commission indicating the data provided in para. (1)”.

“(9) All the services and actions envisaged in para. (7), provided free-of-charge by individuals or legal entities, as well as all the volunteering actions performed during the period of collecting signatures and during the electoral campaign in favour of the candidate or the electoral competitor shall be evaluated by the initiative group and by the electoral candidate and shall be indicated on compulsory basis in the financial report, according to the procedure set by the regulation approved by the Central Election Commission”.

13. In article 39, the paragraph (7) shall be completed by the end with the text: “In case of parliamentary elections in the uninominal constituencies, the absentee vote certificate shall be issued if the new domicile is on the territory of the same uninominal constituency.”

## 14. Article 41:

shall be completed with paragraph (2<sup>2</sup>) with the following wording:

“(2<sup>2</sup>) The political parties, which will observe the share of at least 40% of women-candidates running in the uninominal constituencies, will benefit from an increase of the budgetary support of at least 10% of the amount allocated for the budgetary year to the respective party and from a multiplication coefficient for every woman-candidate elected in the uninominal constituency according to the legislation on political parties, and the procedure set by the Central Election Commission”.

in paragraph (3), in the introductory part, the word “personally” shall be introduced after the words “shall be submitted”.

## 15. In article 42

the name of the article shall have the following wording:

“Article 42. Collection of signatures in support of candidates, including the independent candidates, as well for initiating a referendum”,

paragraphs (1) and (2) shall have the following wording:

“(1) Signatures are collected only in support of the candidate from the uninominal constituency, including the independent candidate or for initiating a referendum. In case of parliamentary elections in uninominal constituencies, as well as in case of 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 empowered 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 member of the initiative group who collects the voters’ signatures signs every page of the signature list. By the end of every page of the signature list, the collector will make a note attesting that signatures were collected by him/her personally and that he/she confirms the authenticity of signatures, and afterwards he/she signs it”.

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

“(7) The peculiarities for collecting the signatures for supporting the candidates from the uninominal constituencies from abroad and from the uninominal constituencies for the localities from the left side of the River Nistru

(Transnistria), in case of parliamentary elections in uninominal constituencies, are provided in the present Code”.

16. Article 44 paragraph (1):

in the introductory part, the words “personally by the candidate” shall be introduced after “shall be submitted”

in letter a) the text “art. 79” shall be replaced by the text “art. 79, 80”;

letter b) shall be completed by the end with the text “in any type of elections, as well as of the candidates in parliamentary elections in uninominal constituencies”;

letter e) shall have the following wording:

“e) the declaration of assets and personal interests of the candidate for the last 2 years prior to the year in which the elections are organized, in line with the Law on Declaring the Assets and Personal Interests;”

the paragraph shall be completed with let. e<sup>1</sup>) with the following wording:

“e<sup>1</sup>) the integrity certificate issued according to the law and by the National Integrity Authority, which will contain the following information about the candidate:

- existence of legal/judicial restrictions to run for election or to hold public functions;

- information regarding the existence/inexistence of final fact-finding acts related to the regime of the declaration of assets and personal interests, the situations of incompatibility and unjustified seizure of assets, acts which are not prescribed”;

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

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

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

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

“(1) The design and the text of the electoral ballot for the parliamentary elections in the national constituency, for the election of the President of the

Republic of Moldova and for the organization of the republican referendum shall be approved by a decision of the Central Election Commission. The design of the electoral ballot for the parliamentary elections in uninominal constituencies, as well as for local elections shall be set by the Central Election Commission, and the text is approved by a decision of the respective district electoral council.”

20. In article 49, paragraph (3), the figures “3000” shall be replaced by the figures “5000”.

21. In article 53

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

“a) the voters who come to the polling station with the absentee vote certificate. 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 it is attached to the supplementary list;”

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

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

23. Article 62:

paragraph (2):

in letter a), the words “subscription lists of independent candidates” shall be excluded;

in letter c), the words “copies of the Electoral Code, instructions for the activity of the electoral bodies” shall be excluded;

paragraph (3) shall be completed by the end with the words “and by observing the legislation on protection of personal data”.

24. In article 64<sub>1</sub> paragraph (3), the words “in the national constituency” shall be introduced after the words “parliamentary elections”, and the words “general local elections” shall be replaced by the words “parliamentary elections in uninominal constituencies, general local elections”.



## 25. Article 65:

in paragraph (1), the following text shall be introduced after the words “except for”: “the contestations regarding the actions/inactions of the electoral candidates submitted directly to the court”, and of”;

in paragraph (3) the words “of the present Code, of the” shall be introduced after the words “in line with the provisions”;

paragraph (6) \ shall have the following wording:

“(6) The contestations regarding the financing of electoral campaigns shall be addressed to the Central Electoral Commission, in case of electoral candidates in parliamentary elections and presidential elections, or to the district electoral councils – in case of independent candidates in local elections. The examination of the contestations regarding the financing of the electoral campaigns of the political parties shall not be subject to the limitation period provided in art. 66-68”.

## 26. In article 66:

paragraph (1) shall have the following wording:

“(1) The actions/inactions and decisions of the electoral bodies may be challenged at the hierarchically superior electoral body, and the actions/inactions of the electoral candidates – directly to the court within a period of 3 calendar days since the date the action was performed/inactions was identified or the decision was adopted. The submission period shall be calculated starting with the day following the day in which the action was carried out, the inaction was identified or the decision was adopted”.

in paragraph (2) the words “parliamentary in uninominal constituencies and of elections” shall be introduced after the word “elections”.

paragraph (3) shall have the following content:

“(3) The contestations regarding the actions and decisions of the Central Election Commission and those of the Audio-visual Coordinating Council shall be submitted without observing the prior procedure to the Chisinau Court of Appeal within a period of 3 calendar days since the date the action was performed or the decision was adopted”.

in paragraph (4) the words “of the electoral council” shall be replaced by the words “of the electoral body”.

27. Article 67 shall be supplemented with paragraph (2<sup>1</sup>) with the following content:

“(2<sup>1</sup>) The contestations regarding the reflection of the electoral campaign by the broadcasters under the jurisdiction of the Republic of Moldova shall be examined by the Audio-visual Coordinating Council within a period of 5 calendar days since the date the contestation is submitted, but not later than the elections’ date.”

28. In article 68:

paragraph (6) shall have the following content:

“(6) An appeal may be submitted against the decision of the court within a period of one day since it was issued, and against the decision of the Court of Appeal – a recourse within one day since it is issued”.

in paragraph (7) the word “Recourse” shall be replaced by the words “Appeal and recourse”.

29. In article 69, paragraph (2) shall have the following wording:

“(2) For violation of the electoral legislation, the Central Election Commission or the district electoral council may apply to the initiative group or to the electoral candidates the following sanctions:

- a) warning;
- b) cancelation of the registration of the initiative group;
- c) initiation of the administrative offence case according to the legislation;
- d) deprivation of the allocations from the state budget, as the main or complementary sanction;
- e) the request to cancel the registration of the electoral candidate.”

30. Title III shall have the following content:

### „TITLE III

#### PARLIAMENTARY ELECTIONS

##### Article 72. Applicability of this Title

The provisions of the present Title (art.72 – art.94<sup>5</sup>) shall be applicable only in case of Parliamentary elections.

##### Article 73. Parliamentary elections

(1) The Parliament shall be elected by a 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 voting system (proportional and majority) in a national constituency and in uninominal constituencies.

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

#### Article 74. Electoral constituencies

(1) The parliamentary elections shall be organized based on a national constituency covering the entire territory of the Republic of Moldova and the polling stations from abroad, as well as based on 51 uninominal constituencies, including the ones established for the localities from the left side of the Nistru River (Transnistria) and from abroad.

(2) The uninominal constituencies shall be approved by the Government based on the decision of an independent commission, the composition of which is established via a Government Decision and whose members on compulsory basis shall be the representatives of:

- a) Central Election Commission;
- b) Legal, Appointments and Immunities Committee of the Parliament of the Republic of Moldova;
- c) Presidency of the Republic of Moldova;
- d) parliamentary fractions and groups;
- e) extra-parliamentary political parties which obtained during the last parliamentary elections over 2% of the validly cast votes;
- f) People's Assembly of Gagauzia;
- g) associations of national minorities;
- h) local public authorities;
- i) Bureau for Relations with Diaspora;
- j) civil society and academia from the area, including geographers and sociologists.

(3) The independent Commission mentioned in para. (2) shall operate based on its own regulation approved by the Government and shall elect a Chair and a Secretary out of its members.

(4) When establishing the uninominal constituencies, the following territorial-demographic criteria shall be taken into consideration:

- a) the electoral constituencies on the territory of the Republic of Moldova under the jurisdiction of the constitutional authorities shall be based on a relatively equal number of voters and will cover between 55000 and 60000 voters entitled to vote;

b) the deviation of the number of voters between the uninominal electoral constituencies shall not exceed 10%;

c) 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 general elections.

d) the uninominal constituency shall be set from the localities of one administrative-territorial unit of the second level or, for the purpose of optimal organization in the localities of a number of units of the same level;

e) if the number of voters in a locality is higher than the average calculated for an uninominal constituency, more uninominal constituencies shall be set in this locality. It is not admitted to place the borders of the uninominal constituencies internally within a territorial-administrative unit of the first level;

f) the uninominal constituencies in which national minorities live compactly shall be established taking into account the interests of such minorities and considering the borders of the respective territorial-administrative units;

g) the uninominal constituencies on the territory of the Administrative Territorial Unit Gagauzia shall be established so as not to exceed the administrative borders of the autonomy, at the same time, it will not be possible to complete these constituencies with localities from outside the autonomy, taking into account the risk of diluting the national minority.

(5) When establishing the uninominal constituencies over the borders of the Republic of Moldova, the following criteria shall be taken into account, in particular:

a) the information held by the diplomatic missions and consular offices of the Republic of Moldova in the countries of residence;

b) the information held by the central public authorities, including the relevant official statistical data;

c) the information obtained as a result of the prior registration of the citizens staying abroad, according to the procedure set forth by the regulation approved by the Central Election Commission;

d) number of voters who have participated in the previous elections;

e) other relevant data obtained by the central public authorities, upon request, from the authorities of the host country, according to the legal conditions;

f) when establishing the borders of the constituencies established abroad, the Commission shall act in line with the regulation approved by the Government and will take into account the relevant geographic zones, such as: the member states of the European Union, Norway, Sieland, Switzerland, Lichtenstein, San Marino, countries from South-Eastern Europe which are not members of the European Union, Turkey, Israel; countries which are members of the Community of Independent States, Ukraine, Georgia, Asia, Middle East; North America, South

America, Africa, Australia, New Zealand, taking into account the borders of the states which will cannot be crossed internally.

(6) When establishing the uninominal constituencies for the localities from the left side of the River Nistru (Transnistria) the following criteria shall be taken into account, in particular:

a) the administrative borders of the administrative-territorial units on the right side and the left side of the River Nistru according to the Law on administrative-territorial organization of the Republic of Moldova;

b) data from the State Voters' Register, including the data based on the registration in advance, according to the procedure set by the regulation approved by the Central Election Commission;

(7) The review of the borders of the uninominal constituencies cannot be done in less than one year before the ordinary elections.

(8) The list of uninominal constituencies, indicating the number and the 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 the elections day, the district electoral councils under the conditions set in art.27, applied correspondingly. The duties of the district electoral councils are expressed in art. 28, applied correspondingly.

(2) For the polling stations abroad, the Central Election Commission shall establish one distinct electoral council with its premises in Chisinau municipium, which will ensure the organization of electoral processes for the uninominal constituencies established abroad.

(3) For the polling stations for the localities from the left side of the River Nistru (Transnistria), the Central Election Commission shall establish a distinct electoral council with the premises in Chisinau municipium, which will ensure the organization of the electoral processes for the uninominal constituencies established for the localities from the left side of the River Nistru (Transnistria).

(4) The uninominal constituencies shall be divided in polling stations according to the conditions set in art. 29, art. 29<sup>1</sup>, and art. 29<sup>2</sup>, applied correspondingly.

(5) The precinct electoral bureaus shall be established for polling stations. The modality for establishment and their duties are set in art. 29, art. 29<sup>1</sup> and art. 30, applied correspondingly.

(6) The district electoral councils shall be established based on the uninominal constituencies and shall carry out their duties based on their territorial competence.

#### Article 76. Candidates for parliamentary elections

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. (6<sup>1</sup>) of the Law on Status of Member of Parliament and meet other conditions provided in the present Code may be candidates for Members of Parliament.

#### Article 77. Calling the date of elections

(1) The parliamentary elections shall be held within at most three months since the expiration of previous Parliament's mandate or since its dissolution.

(2) The date of the parliamentary elections will be set by a Parliament Decision no later than 60 days before elections 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 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 design 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) The candidates running for the position of Member of Parliament in the national constituency shall be registered by the Central Election Commission.

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

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

(4) To be registered, the candidates shall submit the documents indicated in art.44, applied in the corresponding way and the signature collecting lists for the candidates from uninominal constituencies, under the conditions of art. 80.

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

(6) The person included in the list of candidates from behalf of an electoral candidate for elections based on the national constituency may run for elections also in one single uninominal constituency from behalf of the same electoral candidate 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 and having the premises within Chisinau municipium.

(8) The persons running for the position of Member of Parliament in the uninominal constituencies for the localities from the left side of the River Nistru (Transnistria) shall be registered by the district electoral council responsible for organizing elections for the localities on the left side of the River Nistru (Transnistria), which will have its premises within Chisinau municipium.

#### Article 80. Special conditions for signature collecting 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 signature collecting lists containing the signatures of at least 500 and at most 1000 supporters eligible to vote from the uninominal constituency where he/she intends to run for elections. By derogation from the given paragraph, a woman-candidate may be registered if she submits the signatures of at least 250 and at most 500 supporters entitled to vote from the constituency where she runs for elections.

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

(3) If upon verification, it is found that the number of submitted signatures is insufficient or if after excluding the invalid 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 signature collecting lists supplemented after they have been received by the district electoral council, which has registered the set of documents provided in art.44.

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

(6) The signatures for supporting the candidates from the uninominal constituencies established for the localities from the left side of the River Nistru (Transnistria) may come from any constituency.

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

(1) If the initiative to support a candidate for the position of Member of Parliament comes from the citizens, an initiative group shall be established for supporting the candidate. The initiative groups shall be established as a result of a meeting, during which the candidate for the position of Member of Parliament is present and supported, the leader of the group is elected and the list of the initiative group members is approved, indicating their identity data. The initiative group may support only one candidate for the position of Member of Parliament. The members of one 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 are 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 the initiative group, indicating the leader of the group, shall be submitted to the electoral body at latest 50 days before the elections date, personally by the individual suggested 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 the conditions specified in para. (1) – (3) are met, the electoral body shall register the initiative group and issue IDs to the members of the initiative group within 3 days since the date the members' list was submitted.

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

(1) The electoral candidates shall be entitled to recall the entire list of candidates, to replace one candidate, to cancel the decision on including in the list any particular candidate, but not later than 14 days before the elections date.

(2) The decision to recall or modify the list of candidates shall be adopted by the formation which has nominated the candidate or the list of candidates and shall



be submitted to the Central Election Commission. The Commission will 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. Recall of candidate from the uninominal constituency

(1) The independent candidate from the uninominal constituency shall be entitled to recall his/her candidacy, but not later than 14 days before the elections date. In this case the decision on recalling the candidacy shall be adopted by the candidate and shall be submitted to the electoral body, which makes it public immediately.

(2) The candidate from the uninominal constituency appointed by a political party, other social-political organization or electoral bloc may be recalled by the political party, social-political organization or electoral bloc which has appointed him/her, but not later than 14 days before the elections' date. The decision to recall the candidate shall be adopted by the same body of the political party, social-political organization or electoral bloc which has appointed him/her and shall be submitted to the electoral body, which immediately makes this information public.

(3) If one single candidate was registered in the uninominal constituency and he/she has recalled his/her candidacy or did not participate in elections due to other reasons, partial elections shall be organized in the respective constituency under the conditions of the present 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 correspondingly.

#### Article 85. Electoral campaign

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

#### Article 86. Ballots

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

(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 right to vote

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

(2) Students and pupils entitled to vote enrolled in an educational institution 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 ID slip;
- 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) are included in the additional list, mentioning the educational institution where they are enrolled under the heading "Note".

(4) The voter votes in the polling station of the uninominal constituency where his/her domicile is. The voters who do not have their domicile in the respective uninominal constituency shall not participate in the parliamentary elections in the uninominal constituencies.

(5) Until recovering the constitutional control over the localities from the left side of the River Nistru (Transnistria), the voters registered in the voters' lists in the uninominal constituencies established for the localities on the left side of the River Nistru (Transnistria) shall exercise their right to vote in any of the distinct polling stations located under the constitutional control of the Republic of Moldova authorities under the conditions established in the present Code.

(6) The citizens of Republic of Moldova who on the elections' date are abroad and who, from different reasons, did not register in advance may exercise their right to vote in the uninominal constituencies established abroad, at any polling station established abroad, under the conditions set in the Regulation approved by the Central Election Commission.

## 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 correspondingly.

## 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 or not 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 – 8%;

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

Article 90. Counting the mandates obtained by the candidate in the national constituency

(1) The Member of Parliament mandates shall be distributed only to the candidates 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 to the number of MP mandates for the national constituency, hence obtaining the respective electoral coefficient.

(3) 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 to the electoral coefficient, hence obtaining the number of MP mandates per every electoral candidate. The decimals higher than 5 are rounded upwards, and those lower than 5 are rounded downwards.

(4) 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 who obtained the biggest number of mandates, in decreasing order.

Article 91. Election of Members of Parliament in uninominal constituency

(1) The candidate for the position of Member of Parliament in the uninominal constituency shall be considered elected if he/she obtained the biggest number of votes validly cast.

(2) If more candidates have accumulated an equal number of votes, the district electoral council shall establish the winner by drawing lots, registering this fact in the minutes.

#### Article 92. Allocation of mandates in the national constituency

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

(2) Candidates included in the lists of candidates who have passed the representation threshold established in art. 89, but not elected are declared candidates on the reserve list. The candidates on the reserve list 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. A candidate on the reserve list may refuse a parliamentary mandate by submitting a written statement to that effect 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, this party, socio-political organization or electoral bloc shall be allotted 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 candidate does not have reserve 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 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 he/she was elected only in the uninominal constituency and he/she will not be taken into consideration in allocation of mandates based on party list.

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

(1) Within 24 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 5 days since the reception of the acts from the Central Election Commission, but not earlier than the final settlement by the courts of the contestations lodged according to the procedures established in the legislation, the Constitutional Court shall confirm or infirm, through an endorsement, the legality of elections. At the same time, the Constitutional Court validates the mandates of elected MPs and confirms the lists of reserve candidates.

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

Article 94<sup>1</sup>. Certification of elections' results by the Central Election Commission

(1) The minutes regarding the elections' results, accompanied by the endorsement of the Constitutional Court confirming the legality of elections and the decision on validation of at least 2/3 of the number 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 reserve candidates shall be sent to the Central Election Commission as well.

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

(3) The Central Election Commission shall make public the final elections' results within 24 hours since receiving the acts from the Constitutional Court.

Article 94<sup>2</sup>. Null elections

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

Article 94<sup>3</sup>. Partial elections

(1) If as a result of the parliamentary elections in the uninominal constituency no Member of Parliament was elected, including in the case stipulated in art. 83 para. (3), the Central Election Commission shall organize within a period of 2 weeks partial elections in the respective uninominal constituency.

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

Article 94<sup>4</sup>. Repeated voting

(1) If elections are declared null, the Central Election Commission shall organize within a period of 2 weeks repeated elections in the 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 candidates who are guilty of violation of the provisions of the present Code shall be sanctioned and excluded from the ballots based on a final court decision, and the electoral councils and precinct bureaus which have committed such breaches shall be replaced.

#### Article 94<sup>5</sup>. New elections

(1) In the event that the repeated elections are declared null, or the position of the Member of Parliament becomes vacant, 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 after 3 months since the respective date.

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

(3) If the MP position vacancy appeared during the last 6 months before the expiration of the Parliament's mandate, no new elections in the unfilled uninominal constituency are organized.

(4) The new elections shall be conducted under the conditions of the present Code.

**Art. II.** – Article 2 of the Law No. 39/1994 on Status of Member of Parliament (republished in the Official Gazette of the Republic of Moldova, 2005, No. 59 - 61, art. 201), with subsequent amendments and completions, shall be amended and completed as follows:

paragraphs (10) and (11) shall have the following wording:

“(10) The vacant mandate shall be allocated to the immediately the next reserve 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. After the declaration by the Parliament of the MP mandate's vacancy, the Central Election Commission will examine within a period of 5 days the candidacy of the immediately next reserve candidate on the candidate's list the mandate of which has become vacant and will submit it to the Constitutional Court for validation of the mandate.

(11) Within a period of 10 days since the MP mandate becomes vacant, the Constitutional Court shall validate the next mandate.

the article shall be completed with paragraphs (12) and (13) with the following wording;

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

(13) The Member of Parliament elected as a result of partial elections shall start exercising the mandate after its validation by the Constitutional Court and shall fulfil the duties over the duration of the Parliament’s mandate”.

**Art. III.** – (1) The Central Election Commission shall undertake the necessary measures to prepare the next parliamentary elections, ensuring the information of the electoral officials, voters, and other concerned subjects about the new regulations of the electoral legislation.

(2) The Government:

a) within a period of 3 months since the date the present law was published, shall submit to the Parliament proposals to bring the legislation in force in compliance with the present law, including in relation to the financial mechanism to encourage women’s promotion in politics;

b) within a period of 30 days, shall create the National Commission for establishing the permanent uninominal constituencies;

c) shall approve, based on the proposals of the National Commission, the permanent uninominal constituencies, but not later than November 30, 2017;

d) within a period of 2 months since the publication of the present law, shall order the republication in the Official Gazette of the Republic of Moldova of the Electoral Code, with subsequent amendments and completions, including those operated via the present law, providing a new ordering of its elements and correcting, if needed, all the referrals to them.

**PRESIDENT OF THE PARLIAMENT**

**ANDRIAN CANDU**

**Chisinau, 20 July 2017**

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