

Venice Commission’s recommendations and the solutions approved by the Moldovan Parliament within the final reading of the changes into Electoral Code

No.	Recommendations of the Venice Commission	Solutions approved by Parliament
1	<p>Financing of campaigns:</p> <ul style="list-style-type: none"> - Efficient control of financial reports; - Control of finances during the period of collecting signatures; - Proportional sanctions; - Campaigns organized by third parties; - Reviewing the donations’ threshold. 	<p>It was accepted</p> <p>1.1. There is a direct provision on the financial responsibility of the initiative groups during the period of collecting signatures, which will be the same procedure like in the case of the electoral candidates;</p> <p>1.2. Submission of the financial reports – it is envisaged to be on weekly basis (previously it was once per two weeks);</p> <p>1.3. Gradual and proportional sanctions were established for the initiative groups, as well as for the electoral candidates in case of financial violations;</p> <p>1.4. The threshold for annual donations for an electoral candidate was reduced 4 times. Thus,</p> <ul style="list-style-type: none"> ▪ for individuals – 50 average salaries per economy (before there were 200), and ▪ for legal entities – 100 average salaries (before 400) <p>1.5. There is a direct provision on the need to assess and report the volunteering actions and financing from the third parties and those on own account.</p>
2	Influence of local businessmen.	<p>It was accepted</p> <p>2.1. The threshold of donations, which may be provided by an individual to an electoral candidate, was reduced 4 times.</p>

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		<p>2.2. The candidates are obliged to submit a statement on their assets and income, as well as on interests for the last two years, indicating the assets of their family members and related persons.</p> <p>These information will be publicly exposed and will make all candidates (and future MP’s) to always prove the source of their property/assets, and announce the conflict of interest. For any misinformation or false statements the candidate or/and MP’s will be criminally charged.</p> <p>For these reasons, but not only, there was introduced the need to submit the integrity certificate with details, which will cover the information on:</p> <ul style="list-style-type: none"> - Judicial restrictions to run for elections; - Existence or inexistence of final fact-finding acts on violation of the regime on assets’ declaration; - Violation of the regime related to conflict of interests or incompatibility conditions; - Existence of unjustified cases of assets’ seizure. <p>The integrity certificate will be issued by National Agency for Integrity.</p>
3	Reducing the electoral threshold.	<p>Accepted in principle</p> <p>3.1. There were electoral thresholds for the political electoral blocks from two parties – 9% and more than two parties – 11%, these were merged and as a result, there is one threshold for electoral blocks – 8%.</p> <p>3.2. The threshold for the individuals/independent candidates - was excluded. They will be able to run for elections freely in the uninominal constituencies without any threshold.</p> <p>3.3. Only two thresholds will remain:</p>

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		<p>One party – 6%</p> <p>One electoral block (regardless of the number of the political parties) – 8% with the reduction from 11% and 9%.</p>
4	<p>Reviewing the borders of the constituencies not later than one year;</p> <p>Equal delimitation of the constituencies, not more than 10% deviation;</p> <p>Clearer criteria of delimitation.</p>	<p>It was accepted</p> <p>4.1. Reviewing the borders of the constituencies will be carried out at latest one year before the elections</p> <p>4.2. It is provided directly that the constituencies should be relatively equal with a maximum deviation of 10% (it was reduced from initial 15%).</p> <p>4.3. When establishing the uninominal constituencies, the following territorial-demographic criteria shall be taken into consideration:</p> <ul style="list-style-type: none"> 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 55,000 and 60,000 voters entitled to vote; b) the deviation 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 national elections. d) the uninominal constituency shall be set from the localities of one administrative-territorial unit of the second level (counties) or, for the purpose of more optimal organization, of different units. e) if the number of voters in one locality is higher than the average calculated for an electoral uninominal constituency, more uninominal constituencies shall be set in this locality (e.g. the city Chisinau). It is not admitted to place the borders of the uninominal

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		<p>constituencies internally within a territorial-administrative unit of the first level;</p> <p>f) the uninominal electoral constituencies in which national minorities live compactly shall be established taking into account the interests of such minorities and the borders of the respective territorial-administrative units;</p> <p>g) the uninominal electoral constituencies established on the territory of the ATU Gagauzia shall be established so as not to exceed the administrative borders of the autonomy and 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</p>
5	<p>CEC's responsibility to delimit the constituencies</p> <ul style="list-style-type: none"> - It is recommended to have an independent body/commission. 	<p>It was accepted</p> <p>5.1. 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 the representatives of the following institutions shall be members of this commission on binding basis (by law):</p> <ul style="list-style-type: none"> ▪ Central Election Commission; ▪ Legal, Appointments and Immunities Committee of the Parliament of the Republic of Moldova; ▪ Presidency of the Republic of Moldova; ▪ Parliamentary political parties; ▪ Extra-parliamentary political parties which have participated in the general election over the last four years and got over 2% of the validly expressed votes (cumulatively); ▪ People's Assembly of Gagauzia; ▪ Associations of other national minorities;

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		<ul style="list-style-type: none"> ▪ Local public authorities; ▪ Bureau for Relations with Diaspora; ▪ Relevant civil society; ▪ Academia from the area, including professional geographers and sociologists;
6	<p>Representation of Gagauzia and minorities:</p> <ul style="list-style-type: none"> - Separate constituencies. 	<p>It was accepted</p> <p>6.1. The uninominal electoral constituencies established on the territory of the ATU Gagauzia shall be established so as not to exceed the administrative borders of the autonomy and 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.</p> <p>6.2. The uninominal electoral constituencies in which national minorities live compactly shall be established taking into account the interests of such minorities and the borders of the respective territorial-administrative units. (e.g. in the county called Taraclia, where a compact Bulgarian minority lives, there will be one constituency, set up from Taraclia, although the number of voters are less than 40,000 – significantly less than an average number of 55,000 – 60,000 being provided as general criteria – see 4.3.a) above . This exception is applicable to protect in this way the Bulgarian minority)</p>
7	<p>The Transnistrian region:</p> <ul style="list-style-type: none"> - Clear criteria for constituencies - Clear and detailed criteria for the electoral process. 	<p>It was accepted</p> <p>7.1. There are detailed separate regulations for the Transnistrian Region for all the processes, separate sections, separate electoral bodies, simplified procedures, etc.</p>

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		<p>7.2. When establishing the uninominal electoral constituencies for the localities from the left side of the River Nistru (Transnistria) the following criteria shall be taken into account, in particular:</p> <p style="padding-left: 40px;">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;</p> <p style="padding-left: 40px;">b) data from the State Voters’ Register, including based on the prior registration, according to the procedure set by a regulation approved by the Central Election Commission;</p>
8	<p>Women’s representation:</p> <ul style="list-style-type: none"> - Additional measures to encourage parties to include and endorsed women for uninominal constituencies. 	<p>It was accepted</p> <p>8.1. For women there is a decrease in half of the number of necessary signatures for registration, comparing to a male candidate. Not more than 250, as compared to male-candidate – 500 signatures.</p> <p>8.2. There is a directly set increase of 10% of the allocations from the state budget for the parties promoting women and multiplication coefficient (financial) for every promoted woman.</p> <p>8.3. The minimum share of 40% of compulsory presence on the list was kept and strong sanctions will be applicable for not respecting quota of 40%.</p>
9	<p>Voting abroad:</p> <ul style="list-style-type: none"> - More detailed criteria for determining the constituencies 	<p>It was accepted</p>

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	<p>- Clear and fixed criteria for establishing the placement of the polling stations.</p>	<p>9.1. When establishing the uninominal electoral constituencies over the borders of the Republic of Moldova, the following criteria shall be taken into account, in particular:</p> <ul style="list-style-type: none">a) the information held by the diplomatic missions and consular offices of the Republic of Moldova in the host countries;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 residing 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, including, upon request, from the authorities of the host country, according to the legal conditions;f) when establishing the borders of the constituencies 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:<ul style="list-style-type: none">▪ EU countries, Norway, Island, Switzerland, Lichtenstein, San Marino, non-EU countries from South-Eastern Europe, Turkey and Israel;▪ CIS countries, Ukraine, Georgia, Asia, Middle East;▪ North America, South America, Africa, Australia, New Zealand.
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		<p>9.2. When opening polling stations abroad, the following criteria shall be taken into consideration:</p> <ul style="list-style-type: none"> 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, including, upon request, from the authorities of the country of residence, according to the legal conditions.
10	Recall of the MP - is unconstitutional	<p>It was accepted</p> <p>10.1. The chapter was excluded from the draft and it is not included in the law.</p>
11	Reflecting the campaigns in mass-media - To have equal conditions for all stakeholders.	<p>It was accepted</p> <p>11.1. All the broadcasters are obliged to reflect in a balanced and equal way the electoral campaign.</p>

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		The provisions from art. 64 and 64 ¹ of the Electoral Code are kept as it was provided in the current law.
12	Amending of the lists of candidates: - To increase the period of time during which the lists of candidates cannot be modified	It was accepted 12.1. The deadline was established for 14 days, comparing to previous proposal of 7 days.
13	Integrity record (i.e. integrity certificate): - To provide more details in the legislation of what this certificate means.	It was accepted 13.1. The integrity certificate issued under the legal conditions by the National Agency for Integrity, will cover the following information about the candidate: <ul style="list-style-type: none"> ▪ existence of legal/judicial restrictions to run for election or to hold public functions; ▪ information regarding the existence/inexistence of final fact-finding acts regarding the regime of the declaration of assets and personal interests, conditions of incompatibility and unjustified seizure of assets, which are not prescribed. For more details, see par. 2.2. above.
14	Initiative groups: - Fewer restrictive conditions for the initiative group.	It was accepted 14.1. The restrictions related to the minimum number for registering an initiative group were eliminated.
15	Repeated voting: - Detailed tackling of the reasons for cancelling the elections not only based	It was accepted 15.1. The respective additional provisions were introduced:

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	on the violations occurred during the elections’ day, but also those occurred during the campaign.	Should the Constitutional Court establish that during the electoral process, or/and on the elections’ date, or/and during the counting of votes 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.
16	Transfer of some responsibilities from CEC to the district electoral councils. It was recommended that better to keep this responsibility at the central level, and specifically for: <ul style="list-style-type: none"> - Cancellation of candidate’s registration. 	It was accepted 16. It is envisaged that the cancelation of the registration may be proposed only by the CEC.
17	Clearer judicial procedures: <ul style="list-style-type: none"> - Appropriate territorial competences. - For the most important cases to be settled at the central level. 	It was accepted 17.1. The judicial procedures for contestation were improved. 17.2. The territorial competence will be synchronized with the new judicial mapping. 17.3. Cancellation of the registration shall be examined only by the Court of Appel of Chisinau.
18	The number of ballots should not be increased	It was accepted 18.1. For the territory of the RM – maximum 3,000 ballots per voting poll/section – with no changes.

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		18.2. For abroad – it will be allowed, in case of a need and based on the requests from Embassies, to supplement the ballots up to 5,000
19	To decrease the entries on the additional lists on the elections’ day.	<p>It was accepted</p> <p>19.1. The citizens who will register in advance abroad or those who will change their domicile will be erased from the previous list and entered in the new voters’ list.</p>
20	Validation of mandates: - To decrease the validity term.	<p>It was accepted</p> <p>20.1. CEC presents the results in 24 hours after the tabulation</p> <p>20.2. The Constitutional Court in 5 days confirms the results and validates the mandates</p>