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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

DRAFT LAW NO. 263

AMENDING THE ELECTORAL CODE

THE CONTRAVENTION CODE

AND THE CODE OF AUDIOVISUAL MEDIA SERVICES

L A W**on the amendment of normative acts**

The Parliament adopts the present organic law.

Art. I. – The Electoral Code no. 1381/1997 (republished in the Official Journal of the Republic of Moldova, 2017, no.451-463) with the subsequent amendments, is amended as follows:

1. Article 1:

in the definition of the notion „*electoral posters*”, the text „pleas, declarations” is excluded and, after the text „electoral contenders” the text: „candidates, electoral agents and/or referendum participants” is added;

the notion „*electioneering*” is given the following definition:

„*electioneering* - pleas, declarations, as well as actions consisting in the preparation and dissemination of information, aimed at determining the voters to vote for one or another electoral contender or for one of the referendum options;”;

the notion „*electoral bloc*” is given the following definition:

„*electoral bloc* – voluntary union between two or more parties, socio-political organisations created in order to participate together in elections, referendums. Electoral blocs shall be registered by the Central Electoral Commission. A party or a socio-political organisation may only be part of one electoral bloc. The party, the socio-political organisation that is part of an electoral bloc may not put up independently candidates in the elections;”;

the notion „*electoral campaign*” is given the following definition:

„*electoral campaign* – time period in which the electoral contender or the referendum participant may engage in electioneering as defined by this Code and which begins for each electoral contender or referendum participant upon their registration by the competent electoral body, but not earlier than 30 days up to the date of the election and shall end on the day preceding the day before the election or on the date of the withdrawal or annulment of the registration. The electoral campaign shall be prolonged from the date established in the decision of the Central Electoral Commission regarding the organising of the second round of the election or of the repeated voting and shall end under the same conditions;”;

the notion „*independent candidate*” is given the following definition:

„*independent candidate* – a person who stands, independently of parties, socio-political organisations and electoral blocs, as candidate in elections in order to enter an elected public office or is nominated and/or supported by the initiative group created by citizens, being registered by the competent electoral body under the conditions of this Code;”;

in the definition of the notion „*The Centre for continuous electoral training*”, the text „specialised division, instituted in” is amended to read „public institution subordinate to”;

the notion „*national constituency*” is amended to read „*national electoral constituency*”, and, in the definition of the notion, the text „, the elections for the office of President of the Republic of Moldova or a republican referendum” is added in the end;

in the definition of the notion „*Code of conduct*”, after the expression „electoral contenders” the text „/referendum participants”, is added, in the corresponding grammatical form;

in the notion „*electoral contender*”:

- in the text of item two, after the expression „the President of the Republic of Moldova,” the expression „as well as the parties, socio-political organisations and the electoral blocs that have nominated them,” is added;

- the text of item three is amended to read:

„ – independent candidates, as well as parties, other socio-political organisations and the electoral blocs that have put up candidates for the office of mayor or lists of candidates for the offices of councillors in the local council and are registered by the corresponding electoral district councils – in the case of local elections;”;

after the notion „*electoral contenders*” a new notion is introduced, „*appellant*”, with the following definition:

„*appellant* – an electoral law subject (voter/electoral contender/initiative group/ referendum participant and other persons whose rights are affected) who claims the defence of their right that has been prejudiced in the process of organising and carrying out the elections, through the actions/inactions/decisions of the electoral bodies, actions/inactions of the electoral contenders;”;

the notion „*appeal*” is given the following definition:

„*appeal* – written petition, including preliminary petition, statement of claim, challenging the actions/inactions/decisions of the electoral bodies, actions/inactions of electoral contenders, referendum participants and initiative groups.”;

in the definition of the notion „*Central Electoral Commission*”, after the expression „for the purpose of the efficient conduct of the elections” the expression „and referendums” shall be added;

the notion „*domicile*” is given the following definition:

„*domicile (permanent residence)* – the place where the voter lives permanently, confirmed on their identity card or in any other identity paper provided for by law;”;

the notion „*electoral functionary*” is given the following definition:

„*electoral functionary* – a person who works or has worked, under the conditions of this Code, in the quality of member of an electoral body, of a public officer/employee in the secretariat of the electoral body or employee in public institutions and other organisational structures founded by the Central Electoral Commission;”;

In the definition of the notion „*initiative group*”, the expression „by the Central Electoral Commission” is excluded;

After the notion „*Protocol office of the international observers*” a new notion is added „*operator of the Automated Information State Centre „Elections”*”, with the following definition:

„*operator of the Automated Information State Centre „Elections”*” – a person authorised to process the personal data of the voter present at the polls, in order to record their participation in the voting;”;

After the notion „*parties*”, a new notion is added, „*referendum participant*”, with the following definition:

„*referendum participant*– the party, socio-political organisation or the electoral bloc registered either with the option „YES” or „NO” in the referendum by the respective electoral body. The provisions of this Code regarding the electoral contenders shall be applied correspondingly to the participants in the referendum as well;”;

the notion „*residence*” is given the following definition:

„*residence* – the place where the voter lives temporarily, confirmed on the identity card or in any other identity papers provided for by law;”.

2. In article 8, after the text „during one day”, the text „usually on” is added.

3. In article 15, paragraph (2) is completed in the end with a new sentence: „The candidates nominated for the elections may not be representatives with advisory voting rights.”.

4. In article 19:

in paragraph (4), after the text „The rights” the text „and obligations” is added;

5. Article 21:

in paragraph (1), the text „are” is amended to read „may be”;

in paragraph (3), after the word „each” the text „day of” is added.

7. In article 28, after paragraph (1) a new paragraph (1¹) is added, with the following contents:

„(1¹) For the polling stations abroad and for the polling stations meant for the localities on the left bank of the river Nistru (Transnistrian region) and the Bender Municipality, the Central Electoral Commission shall establish distinct electoral councils, based in the Chişinău Municipality, which shall ensure the organising of the electoral processes in the respective polling stations.”.

9. In article 31, paragraph (7) is abrogated.

11. In article 37, paragraph (1) is amended to read:

„(1) Electoral councils and bureaus, established under the conditions of this Code, shall cease their activity and shall be dissolved by right after the act confirming the results of the elections has become irrevocable.”.

12. Article 41:

in paragraph (2), the text in the beginning is amended to read:

„The financing and material support in any form of the initiative groups, of electoral campaigns of the electoral contenders and referendum participants by natural or legal persons shall be conducted in observance of the following conditions.”;

in paragraph (2) subparagraph f), after the text „provided for in” the text „para (3)” is added;

in paragraph (8), the text „broadcasters” is amended to read „media service providers”, and the expression „Coordinating Council of Audiovisual” is amended to read „Audiovisual Council”.

13. Article 44:

In paragraphs (1) and (4), the text „reside” is amended to read „have their domicile;

paragraph (3) is amended to read:

„(3) Electoral rolls shall be compiled according to polling stations relying on the information of the State Register of Voters. The list of a polling station is alphabetically ordered, by the surnames and names of the voters, or by the name of the street, building number in increasing order, surnames, names of the voters. The assignment of voters to the polling stations shall be carried out by the registrars of the local public authorities, authorised correspondingly, in accordance with the procedure established by the regulation on the State Register of Voters, approved by decision of the Central Electoral Commission.”;

in paragraph (7), the text „domicile and residence” is amended to read „place of sojourn”;

in paragraph (8), after the text „elections”, the text „parliamentary, presidential and general local elections, republican referendum” is added;

14. Article 45 is amended to read:

„Article 45. Verification of the electoral rolls

(1) Electoral rolls shall be accessible in the places of the polling stations and shall be published on the web page of the Central Electoral Commission, 20 days ahead of the election day, comprising the surname, name and birth year of each voter. Voters shall be communicated at the very latest 20 days before the elections, through all available means, which is the office of the polling station where they will be able to vote.

(2) The access to the main electoral rolls is guaranteed, under the conditions of this article. The members of the electoral bureau shall have free access to the complete data comprised in the electoral rolls with the data of the voters assigned to the respective polling station (Personal identification number, domicile/residence of the voter, series and number of the identity paper), and the voter has free access only to their personal data. The representatives of the electoral contenders/ referendum participants, voters and observers shall have access to the electoral rolls with complete data only following a confidentiality statement, which form is approved by the Commission, without the right to make copies, take photographs or video record.

(3) If the voter or the representative of the electoral contender/referendum participant notices errors in the electoral rolls, they may lodge with the electoral bureau of the polling station a written petition accompanied by probative acts, which shall be attached to the electoral rolls.

(4) Changes in the electoral rolls may be requested by the voters or representatives of the electoral contenders/referendum participants from the electoral bureau of the polling station at the latest on the day prior to the elections. The electoral bureau shall communicate immediately to the Central Electoral Commission, not later than the day prior to the elections, through the registrars of the local public administration authorities, the information about the requested changes, attaching the probative acts, for these changes to be inserted in the State Register of Voters.

(5) The voters and the representatives of the electoral contenders/ referendum participants have the right to file appeals regarding the failure to examine or the rejection of a petition, filed under the conditions of para (3), requesting the rectification of, insertion in or elimination from the main electoral roll, as well as against other errors made when inserting data referring to themselves or other voters. Appeals shall be examined by the respective electoral bodies within 24 hours, and their decisions may be challenged by the interested subjects in the order established in chapter 12, in the case in which their appeals have been rejected.

(6) The Central Electoral Commission shall draw up and approve the procedure for the compilation, verification and update of the electoral rolls, expressly regulating the aspects related to the transmission of the lists to the electoral bureaus, inclusion/exclusion of the voters by the members of the electoral bureau of the polling station, the subsequent submission of the final electoral rolls and other necessary aspects.”.

15. Article 46:

in paragraph (1), the text „of the electoral constituencies and” is eliminated;

in paragraph (2), subparagraph b) is amended to read:

„b) electoral blocs, formed based on the decisions adopted in accordance with the statutes (regulations) of parties and socio-political organisations that have constituted them, which are registered by the Central Electoral Commission;”;

paragraph (3) is completed in the end with a new sentence: „The form of the candidate list shall be approved by the Central Electoral Commission.”.

16. Article 47:

paragraph (3) is amended to read:

„(3) In the lists for the collection of signatures supporting an independent candidate, as well as for the initiation of a referendum, hereinafter referred to as subscription lists, the surname and name, birth year, profession (occupation), function, workplace, domicile and the subject having nominated them shall be indicated as well as the surname and name of the person collecting the signatures. The subscription list shall comprise only the signatures of the supporters having their domiciles in one electoral constituency where elections and/or a referendum are to be organised. In the case of elections for the office of President of the Republic of Moldova, the subscription list shall comprise only the signatures of the supporters residing in the same second level territorial administrative unit.”;

In paragraph (4), the text „by the member of the initiative group or another person authorised to collect the signatures” is substituted by the text „by the collector”, the text „legal” is excluded, and, at the end of the paragraph, the text „ , making the corresponding mention in the Notes rubric” is added;

paragraph (5) is amended to read:

„(5) A voter may support with their signature more than one candidate, including for more than one elective office, but may not support the same candidate with their signature twice and more times.”;

in paragraph (6), the text „The member of the initiative group collecting voters’ signatures” is amended to read „The collector”.

17. Article 49 paragraph (1):

In subparagraph a), after the text „of the central or territorial body” the text „in accordance with the statutory provisions or the founding act” is added, and the text „ , 86” is eliminated;

subparagraph d) is completed in the end with the text „or to occupy public functions”;

subparagraph f) is amended to read:

„f) a self-declaration regarding the absence of confirmation acts referring to the regime for property and personal interest disclosure, the incompatibility states and the confiscation of unjustified property that have remained definitive, acts that are not prescribed;”.

18. Article 50 is amended to read:

„**Article 50.** The election agent of the electoral contenders and referendum participants
(1) electoral contenders and referendum participants may have election agents in each electoral constituency. Election agents help electoral contenders and referendum participants in the carrying out of their campaigns, conduct electioneering in their favour and represent their interests in relations with the public authorities, the voters, the electoral councils and bureaus.

(2) The conditions for establishing the number of election agents, the procedure for the registration, their rights and obligations are provided for in this Code and in the Regulation regarding the activity of election agents, approved through the decision of the Central Electoral Commission.

(3) The Central Electoral Commission shall register the election agents of the electoral contenders in the parliamentary elections and of the candidates to the office of the President of the Republic of Moldova, as well of the referendum participants in the case of republican referendums. In the case of elections for the offices of mayors and councillors in local councils, of local referendums, the election agents of the candidates and referendums participants shall be registered by the corresponding electoral district council.

(4) The competent electoral body shall adopt, within 3 days from the filing of the application, a decision regarding the application for registration of an election agent and, as the case may be, shall release the identity card to the election agent. Electoral contenders may,

anytime, until the day preceding the elections, suspend the authorisations of their election agents and replace them with other persons.

(5) At their permanent workplace, the election agents of electoral contenders/ referendum participants may request the suspension of labour relations during the electoral campaign, without the payment of the salary. During the electoral campaign, election agents may not be dismissed, and their labour relations may not be suspended without their consent.

(6) Election agents of electoral contenders that occupy public functions may not use public means and goods in electoral campaigns.

(7) The same election agent may represent the candidate in more than one constituency, where they are running, on the condition of observing the number of election agents in each constituency.”.

19. Article 51:

in paragraph (4), the text „administrative” is substituted by the text „contravention”, and after the text „except cases of” the text „contraventions or” is added;

in paragraph (5), the expression „registered lists,” is substituted by the text „registered lists or withdraw the nominated candidate”, and the text „relying on the decision of the court,” is eliminated;

in paragraph (6), the text „of the party” is substituted by the expression „of the electoral contender”.

20. Article 52:

After paragraph (3), a new paragraph (3¹) is added, with the following contents:

„(3¹) Electoral contenders and their election agents are prohibited to resort to, in the electoral campaign and in electioneering actions, hate speech and/or incitement to discrimination.”;

in paragraph (5), the text „and shall be communicated to the public concomitantly with the beginning of the electoral period” is substituted by the text „through a regulation”;

paragraph (7) is amended to read:

„(7) The candidates may not use administrative resources, including by launching or taking part in the launching of infrastructure projects or of procurements financed from the public budget, using public equipment, means and goods for campaign activities or for collecting signatures, providing voters with free of charge services through the agency of authorities in the electoral period, using communication resources for campaign activities or signature collection activities. Public authorities/ institutions and the institutions subordinate to them may not transmit/offer electoral contenders public goods or other favours, other than based on a contract, under conditions of equality for all the electoral contenders.”;

paragraph (8) is amended to read:

“(8) Images representing foreign state institutions, public authorities from abroad or international organisations shall not be used for electoral advertising purposes. It shall be forbidden to combine colours and/or sounds invoking national symbols of other states or international organisations, to use materials representing political figures, officials of foreign states or international organisations.”;

the article is supplemented with a new paragraph, (11), with the following contents:

“(11) The electoral campaign for the second ballot shall begin on the day immediately following the day of the entry into force of the decision of the Central Electoral Commission on the establishment of the second ballot date.”

21. Article 53:

paragraph (2) is supplemented at the end with the text “ ‘symbols/logos unless they belong to the same party’”;

paragraph (3) is supplemented at the end with the text “ ‘according to the procedure established by the regulation approved by the Central Electoral Commission’”;

paragraph (4) is supplemented at the end with the text: “After the electoral body confirms the electoral symbol, the replacement or modification thereof shall not be allowed. The electoral symbols shall be confirmed by the Central Electoral Commission, while, in the case of local elections, the respective electoral council shall confirm only the symbols of independent candidates.”;

paragraph (6) is amended to read:

“(6) The ballot papers shall be written in the state language, as well as in another language by the decision of the Central Electoral Commission.”.

22. Article 54:

paragraph (1) is amended to read:

“(1) The ballot papers shall be printed in compliance with the instruction of the Central Electoral Commission. The members of the Central Electoral Commission, and the representatives of the electoral contenders/referendum participants may witness the preparation of the ballot template, the printing of the ballots, as well as the liquidation of the template. The Security and Intelligence Service and the Ministry of Internal Affairs shall ensure the security of the process of producing the template, printing, packing, distributing the ballots, as well as the template liquidation.”;

paragraph (2) is amended to read:

“(2) The ballot papers shall be printed on opaque (matte) paper, not later than three days before the election day in an amount compliant with the number of voters on electoral rolls. Each ballot paper shall be assigned two numbers corresponding to the serial number of the constituency and the serial number of the respective polling station. After printing, the ballot papers shall be folded so that the part on which the voter applies the “Voted” stamp is not visible.”

in paragraph (5), after the words “of the electoral contenders” the text “/referendum participants” is inserted;

in paragraph (6), the words “and presidential elections” are replaced with the text “ ‘presidential elections or republican referendums’”.

24. Article 58:

in paragraph (1), the last sentence is replaced with the text “Upon receipt of the ballot, the voter shall sign on the electoral roll next to their name. The voter with disabilities can apply their facsimile. The stamp confirming the voting on the respective day shall be applied on the accompanying sheet of the identity card or on the document based on which the voter is voting.”;

a new paragraph, (1¹), is added with the following contents: “(1¹) The person with special needs shall have the right to assisted voting. Based on a request made either in written or verbal form, they may be accompanied by a person freely chosen to ensure the exercise of the voting in the voting booth. The members of the bureau shall ensure that the chosen person does not exercise undue influence and is not an electoral contender or representative, electoral official or employee of the institution where the voter resides on a permanent or temporary basis.”

in paragraph (2), the word “domiciliation” is replaced with the words “domicile or residence”;

paragraph (3):

in letter b), after the word “domicile”, the text “or residence” is inserted;

in letter c), after the expression “of the Republic of Moldova”, the comma is replaced with the preposition “or”, while the expression “seaman’s book” is excluded;

in paragraph (4), the text “shall fill in and submit a self-declaration on” is replaced with the text “shall sign on the electoral roll also for”;

paragraph (5) is amended to read:

“(5) Regardless of the type of elections organised, the members of the polling station’s electoral bureau and the operators of the State Automated Information System “Elections” may cast their vote within the polling station they work at, provided they have not exercised this right within another polling station. If they vote within the polling station they work at, these persons shall be registered on the additional electoral roll, with the position they held in the respective electoral bureau being mentioned in the *Note* column. During the local elections, persons with domicile or residence in another electoral constituency may not make use of this right.”;

in paragraph (6), the text “The information regarding the voting on the main electoral rolls and additional electoral rolls shall be transmitted every three hours, in electronic and /or telephone formats to the Central Electoral Commission.” is replaced with the text “The way of transmitting the information regarding the voting on the main and additional electoral rolls shall be regulated by the Central Electoral Commission.”.

25. Article 59:

in paragraph (1), following the expression “electoral contenders” the text “/referendum participants” is added;

in paragraph (2), following the expression “the respective electoral contender” the text “or for one of the referendum options” is inserted;

paragraph (4) is supplemented at the end with the text “or for one of the referendum options”.

26. Article 60:

in paragraph (3), following the text “The members of the polling station’s electoral bureau” the text “and other functionaries of the electoral bureau” is introduced, and after the expression “the representatives of electoral contenders” the text “/referendum participants” is inserted;

in paragraph (8), subparagraphs a) and b) are amended to read:

“a) members and representatives of hierarchically superior electoral bodies, including electoral functionaries in their secretariats, the employees of the Centre for Continuous Electoral Training, as well as electoral trainers appointed by the Training Centre;

b) the representatives of the electoral contenders/referendum participants;”

the article is supplemented with a new paragraph, (10), as follows:

“(10) A video recording system may be used within premises of the polling station as an additional measure to secure and ensure the transparency of the voting process, and of the electoral operations on election day. The rules for the operation and use of the video recording system, the responsibilities for the processing, accessing and storage of information shall be established by the Central Electoral Commission by the approval of a regulation to this effect.”.

27. Article 61:

in paragraph (3), the text “the electoral rolls and the additional rolls” is replaced with the text “the main electoral rolls, the additional electoral rolls and the rolls for voting at the place of stay”;

paragraph (5) is supplemented at the end with the text “ ‘and in the case of referendums, by writing the options “YES” and “NO” ”;

paragraph (6) is supplemented at the end with the text “or those expressed by options “YES” or “NO” during a referendum”;

in paragraph (7), after the expression “electoral contender”, the expression “or referendum option” is inserted in all the cases;

in paragraph (8), the text “the representatives of the electoral contenders” is replaced with the text “or those expressed for each referendum option, the representatives of electoral contenders/referendum participants”;

in paragraph (10), the text “remain in the polling station and participate in the electoral operations” is replaced with the text “and the operators of the State Automated Information System “Elections” remain in the polling station and participate in the electoral operations within the limits of their competencies”.

29. Article 63 is supplemented with a new paragraph, (8), with the following contents:

“(8) The minutes drawn up by the electoral bureaus of the polling stations from abroad, accompanied by all the appeals regarding the electoral operations of the electoral bureau of the polling station, shall be sent in electronic format to the electoral district council not later than 24 hours after the polling stations closure.”.

30. Article 67:

paragraph (3) is amended to read:

“(3) After the expiration of the 6-month term from the confirmation of the election results, the ballots with the votes validly cast, the invalid ballots and the cancelled ballots, the electoral rolls, as well as the voting rights certificates submitted to the court shall be destroyed in the manner established by the Central Electoral Commission.”;

the article is supplemented with a new paragraph, (3¹), with the following contents:

“(3¹) After the expiration of the 6-month term from the date of the candidate registration for the elections or the adoption of the decision by the Central Electoral Commission on initiating or rejecting the republican referendum, the subscription lists shall be destroyed by the competent body ensuring the storage thereof. In the case of local referendums, the 6-month term shall apply from the date of the decision adoption by the local council or the court. If the decisions to initiate/ conduct the referendum are challenged in court, or the materials are submitted to other competent bodies, the subscription lists shall be kept until the final settlement of the case and/or the issuance of an irrevocable court decision.”.

31. Article 68:

in paragraph (1), the text “hierarchically, and afterwards – in the court” is excluded;

in paragraph (3), before the word “observers” the word “international” is inserted;

in paragraph (5), the words “the operations” and “operations” are substituted by “the operations” and “operations”; -[amendment relevant for the version in the state language]

paragraph (6) is amended to read:

“(6) The observers may be accredited before the beginning of the electoral period as well, but they shall have the right to carry out their activity as such only from the beginning and until the end thereof. The procedure for the accreditation of observers, their rights and obligations shall be laid down in a regulation approved by the Central Electoral Commission.”.

32. Article 69:

Throughout the article, the word “broadcasters” is replaced with the expression “media service providers”, the expression “Coordinating Council of the Audiovisual” is replaced with the expression “Audiovisual Council”;

in paragraph (3), after the expression “electoral contenders” the text “and the national referendums participants” is introduced;

in paragraph (4), after the expression “electoral contenders” the text “and the referendum participants” is inserted, and, at the end, the text “and shall not engage in electioneering in favour or against any electoral contender and/or candidate or one of the referendum options.” is added;

after paragraph (5) a new paragraph, (5¹), is added with the following contents:

”5¹) Images representing foreign state institutions, foreign public authorities or international organisations shall not be used, during the electoral campaign, in the electoral advertising spots and in the audiovisual programmes on electoral contenders and/or candidates, referendum participants. It shall be forbidden to combine colours and/or sounds invoking national symbols of other states or international organisations, to use materials representing political figures, officials of foreign states or international organisations.”.

in paragraph (7), the text “electoral contenders/candidates” is replaced with the text “electoral contenders/candidates in elections, referendum participants”;

33. Article 70:

in paragraph (1), the text “and/or candidates” is replaced with the text

“ ‘candidates in elections or referendum participants’, and the text “in the first 7 days of the electoral period” is excluded;

paragraph (2) is amended to read:

“(2) In the first 7 days from the beginning of the electoral period, the media service providers covering the electoral campaign shall submit, to the Audiovisual Council, a statement on the editorial policy for the electoral campaign, indicating the name of the owner/owners of the institution. The statements shall be published on the website of the Audiovisual Council. The control over the observance of this obligation shall be carried out by the Audiovisual Council ex officio, according to the provisions of the Code of audiovisual media services of the Republic of Moldova.”;

throughout the paragraph (3):

before the expression “media service providers” the text “general and/or news” is inserted;

after the expression “electoral contenders”, the text “or referendum participants” is inserted in all the cases;

in paragraph (3) the last sentence is amended to read:

“While planning and organising the debates between electoral contenders, the media service providers shall take into account the mandatory condition that all debates be broadcast in the prime-time hours stipulated in the Code of audiovisual media services: time intervals of 06:00-09:00 and 17:00-23:00 – for television broadcasting services and 06:00-10:00, 12:00-15:00 and 17:00-20:00 – for radio broadcasting services.”

in paragraph (4), the word “Coordinating” is excluded, and the text “5 minutes of television appearance and 10 minutes on the radio with a view to presenting the electoral programmes and” is substituted by the text “or referendum participants, 5 minutes of appearance in the public television providers and 10 minutes in the public radio providers with a view to presenting the electoral programmes, supporting the nominated candidates or the referendum options, as well as to”;

paragraph (5) is amended to read:

“(5) In the electoral campaign for the parliamentary and presidential elections, and republican referendums, the public media service providers shall grant, to electoral contenders/referendum participants, within general and/or news media services, one minute per day of free airtime for placing electoral advertising. For paid electoral advertising, each electoral

contender/ referendum participant shall be granted no more than 2 minutes per day during the election campaign within each audiovisual media service. The tariff for electoral advertising may not exceed the tariff for commercial advertising applied during a period of up to 6 months before the elections date. The airtime for paid electoral advertising shall be granted to all electoral contenders on equal terms, within the established time intervals, by the media service providers in the editorial policy statements. The media service providers who do not participate in the coverage of the election campaign shall not have the right to place electoral advertising.”;

in paragraph (6), the expressions “electoral contender” and “of the electoral contender” are replaced with the expressions “electoral contender/referendum participant” and “of the electoral contender/referendum participant”, accordingly;

paragraph (10) is amended to read:

“(10) During the election period, any opinion polls on voters’ political preferences, including exit polls, may be conducted in accordance with the procedure established by the Central Electoral Commission on the basis of a regulation approved to this effect. The results of these polls may be made public not later than 5 days before the election day. On the election day, it shall be forbidden, until the closure of polling stations, to advertise, in the media, materials, including interviews with voters, about the number of votes gained by electoral contenders during the day and about their chances, including exit poll results.”

in paragraph (11), the word “broadcasters” is replaced with the text “media service providers.”;

paragraph (12) is amended to read:

“(12) The Audiovisual Council shall submit to the Central Electoral Commission, every two weeks, monitoring reports on the manner of the election campaign coverage within all the programmes, by the public media service providers and by the private media services providers with the highest audience share according to the most recent measurements conducted by the specialised institution. Within three days from the election date, the Audiovisual Council shall submit to the Central Electoral Commission a totalisation report containing information on the observance of the legal norms during the elections’ coverage by the media service providers within all audiovisual electoral programmes. All the reports submitted by the Audiovisual Council shall be immediately published on the websites of the Central Electoral Commission and the Audiovisual Council.”

34. Article 71 is amended to read:

“Article 71. The Appeals

(1) The appeals regarding the organisation and conduct of the elections shall be examined by the electoral bodies, respecting the hierarchy thereof. The detailed procedure for examining the appeals during the electoral period shall be approved by the regulation of the Central Electoral Commission.

(2) The appeals on the coverage of the election campaign by the media service providers under the jurisdiction of the Republic of Moldova shall be examined by the Audiovisual Council according to the provisions of this Code, and of the [Code on audiovisual media services of the Republic of Moldova](#), while the appeals regarding written media shall be examined by the Central Electoral Commission.

(3) The decisions of the electoral bodies and the decisions of the Audiovisual Council with respect to the appeals may be challenged directly in the competent court.

(4) The appeal shall include the description of the facts alleged as violations, the evidence, the legal ground, the requirements of the appellant, the signature and the identity data of the submitter.

(5) The appeals on the election campaign financing shall be addressed to the Central Electoral Commission, except for the independent candidates financing in the local elections,

which are submitted to the competent constituency electoral council. The examination of the appeals on the financing of political parties' election campaigns shall not be subject to the prescriptive periods stipulated under Articles 72–74.”

35. Article 72 is amended to read:

“Article 72. Submission of Appeals

(1) The actions/inactions of the electoral contenders/candidates on the lists/initiative groups/referendum participants may be challenged before the electoral body that registered them, within three calendar days from the date of action/inaction committing, with the exceptions provided for by this Code or other legislation.

(2) The actions/inactions and the decisions of the electoral bodies may be challenged with the hierarchically superior body upon the observance of the preliminary procedure, subsequently in the competent court, within three calendar days from the date of the action/inaction committing or the decision adoption.

(3) The term for the appeal submission shall be calculated from the day following the day on which the action/inaction was committed, or the decision of the electoral body was adopted.

(4) The appeals on the actions/inactions and the decisions of the Central Electoral Commission and the Audiovisual Council shall be lodged, without respecting the preliminary procedure, with the Chişinău Court of Appeal, within three calendar days from the date on which the action/inaction was committed or the decision was adopted.

(5) The appeal may not be submitted by the member of the respective electoral body, but it may be submitted to the respective electoral body by the representative of the electoral contender/initiative group/referendum participant or by a person empowered by proxy.

(6) If the examination does not fall within the competence of the respective electoral body, the appeal and the materials thereto shall be urgently sent for examination according to the competence, within two calendar days from the date of receipt.”

36. Article 73:

in the paragraph (1), after the word „actions” the text „/inactions” is inserted, and after the expression „of the Central Electoral Commission” the text „and of the Audiovisual Council” is inserted;

paragraph (2) is amended to read:

„ (2) Appeals against the actions and decisions of the electoral district councils and of the election bureaus of the polling stations shall be examined within 3 calendar days after being submitted, but not later than election day. Appeals against the actions / inactions of electoral contenders / candidates on lists / initiative groups / referendum participants shall be examined within 5 calendar days after being submitted, but not later than election day.”;

in the paragraph (3), the word „broadcasters” is replaced by the expression "media service providers", and the words "Coordinator of" are excluded.

36/1. It is completed with article 73 / 1 as follows:

„Article 73/1. The decisions of the electoral body

(1) The electoral body, after examining the appeal, is entitled to adopt one of the following decisions:

a) to admit in whole or in part the appeal and to find the violations of the provisions of the electoral legislation;

b) to reject in whole the appeal as groundless, for lack of evidence or in breach of the time-limits for its submission.

(2) In case of contesting the decisions issued by the lower electoral bodies, the hierarchically superior electoral body is entitled:

a) to reject the appeal and to maintain in force the decision of the hierarchically inferior electoral body;

b) to admit the appeal and to annul in whole or in part the decision of the hierarchically inferior electoral body, adopting a new decision.

37. Article 74 is amended to read:

„Article 74. The decisions of the courts on the appeals

(1) The court shall adopt and pronounce the decision in accordance with the provisions of the Code of Civil Procedure and the Administrative Code.

(2) The court decision shall be definitive and enforceable after being pronounced.

(3) A judicial appeal may be lodged against the court decision within one day after the decision has been pronounced, and against the decision of the Court of Appeal - within one day after the decision has been pronounced.

(4) The first and the second judicial appeals are examined within 3 days from the receipt of the file.”

38. Article 75 is amended to read:

„Article 75. Legal liability

(1) Any law subject that violates the provisions of the electoral legislation, impedes the free exercise of the electoral rights of the citizens, impedes the activity of the electoral bodies shall be liable in accordance with the legislation in force.

(2) For the violation of the normative acts in the electoral field, the Central Electoral Commission or the electoral district council may apply to the initiative group / electoral contenders / candidates on the lists / referendum participants the following sanctions:

a) warning;

b) cancellation of the registration of the initiative group / electoral contender / candidate on the list or referendum participants;

c) initiating the contravention action according to the legislation;

d) loss of allocations from the state budget as a basic or complementary sanction;

e) loss of free and / or paid airtime, for a period of 24 to 48 hours, which can be imposed only after the application of a warning sanction.

(3) The warning sanction and the loss of airtime may be imposed by a decision of the Central Electoral Commission for violating the normative acts in the electoral field, other than those established in paragraph (5).

(4) In case of repeated application of the warning sanction during an electoral period for violations regarding the financing of the electoral campaign, the Central Electoral Commission may apply to the political parties registered as electoral contenders / referendum participants the complementary sanction regarding the loss of allocations from the state budget for a period from 6 months to one year.

(5) The cancellation of the registration shall be applied by the decision of the electoral body that registered the initiative group / electoral contender / candidate on the lists or the referendum participant, should it find:

a) use of undeclared financial and material funds or exceeding by at least 0.25% the expenditure above the ceiling of the funds from the electoral fund or the one intended for the initiative group;

b) use of financial means from abroad, except for donations from the citizens of the Republic of Moldova with revenues obtained abroad;

c) failure to suspend their office by the candidate who has this obligation. In this case, the registration of the independent candidate shall be cancelled, or the candidate concerned shall be excluded from the list of the electoral contender;

d) presentation of false documents for registration as an initiative group, electoral contender or referendum participant. In the case of parliamentary and local elections, the candidate shall be excluded from the list of the electoral contender;

(6) In case of violation of the provisions of this Code and other normative acts in the electoral field by electoral functionaries, the Central Electoral Commission may apply, by decision, the following sanctions.:

a) warning;

b) revocation from the membership of the electoral bodies and their secretariats;

c) exclusion from the Register of Electoral Functionaries;

d) loss of the right to carry out any activity within the electoral bodies for a period from 1 year to 4 years.

(7) For the violation of the normative acts regarding the coverage of the electoral campaign by broadcasters under the jurisdiction of the Republic of Moldova, the Audiovisual Council may apply the sanctions established by the Code of Audiovisual Media Services of the Republic of Moldova.

(8) In case of violation of the electoral norms in force by the observer, the electoral body that accredited the observer shall be entitled to cancel its accreditation by adopting a decision.

(9) As referred to in paragraphs (6) and (8), any act of propaganda for or against a political party, a socio-political organisation or an electoral contender, an initiative group, referendum participant, for or against the question subject to referendum or the attempt to influence the voter's choice shall be considered an infringement. The violation by the observer in any way of the rights and obligations, of the electoral norms in force, shall result in the cancellation of the accreditation of the observer by the electoral body that accredited the observer.”.

39. In the Article 81 paragraph (3), after the figures „31” the figures „32” are inserted.

40. Article 87:

in paragraph (2), the text „has submitted the candidacy or” is excluded;

paragraph (3) is completed at the end with the text “after the submission of the request and the appropriate documents”.

41. In the article 88, paragraph (2) is amended to read:

„(2) The withdrawal of the independent candidate shall be recorded by a decision of the Central Electoral Commission not later than 3 days after the submission of the request in this regard, which shall be brought to the attention of the public immediately.”.

42. In the article 108 paragraph (3), after the figures „31” the text „, 32” shall be inserted.

43. Article 113:

in the paragraph (3), after the words „several lists” the text „for the support of the same candidate,” is inserted;

in the paragraph (5), the word „checking” is replaced by the word „reception”.

44. In the article 114, paragraph (3) is amended to read:

„ (3) In case of compliance with the provisions of this article and of the Regulation for the nomination and registration of candidates in the elections for the position of President of the Republic of Moldova, the Central Electoral Commission, within 3 days from the date of submission of the documents, shall register the initiative group and shall issue to the members of this group subscription lists and identity cards.”.

45. Article 115 is amended to read:

„Article 115. Electoral rolls

(1) The electoral rolls for the election of the President of the Republic of Moldova shall be drafted according to the provisions of chapter 5 (article 44 and article 45), which shall be applied accordingly.

(2) If the second round of elections is organised:

a) the electoral rolls shall not be sent to the court, but shall be kept at the second level electoral council for their use in the second round.

b) the preliminary registration for the first round shall remain valid.”

46. Article 116 is amended to read:

„Article 116. Electoral campaign

The electoral campaign for the election of the President of the Republic of Moldova shall be carried out according to the provisions of chapter 7 (article 50–52), that shall be applied accordingly.”.

47. In the article 130, paragraph (2) is amended to read:

„ (2) The Central Electoral Commission shall establish the number of councillor seats in the local councils of the first and second level, in accordance with the provisions of Law no. 436/2006 on local public administration.”.

48. In the article 134, paragraph (2) is amended to read:

„ (2) Voters who do not have their domicile or residence in that constituency do not participate in the election of the local council and of the mayor.”.

49. In the article 145, paragraph (3) shall be completed at the end with the text: „The date of the second round of elections shall be set by a decision of the Central Electoral Commission.”;

50. In the article 151 paragraph (1), the words „will set” are replaced by the words „shall organise”.

51. The Code shall be completed with a new article, 152¹, as follows:

„Article 152¹. Referendum participants

(1) As referred to in this Code, the referendum participants are parties, other socio-political organisations and electoral blocs that register at the Central Electoral Commission with the option „YES” or „NO” in order to participate in the electoral campaign for the referendum.

(2) In order to register as a referendum participant, the parties, socio-political organisations and electoral blocs submit to the Central Electoral Commission the application for registration in this capacity, to which the following documents are attached:

a) the judgement / decision confirmed by the minutes or, as the case may be, by the extract from the minutes of the meeting of the relevant body of the party, of the socio-political organisation or of the electoral bloc within which the participation in the republican referendum has been decided;

b) the participation statement of the party, of the socio-political organisation or of the electoral bloc with the option “YES” or “NO” at the republican referendum;

c) certified copy of the statute of the party or socio-political organisation, as the case may be, the set of documents related to the establishment of the electoral bloc;

d) the petition for appointing a representative with the right to consultative vote and / or the person in charge of finance (treasurer), as appropriate.

(3) The provisions of this Code shall be applied accordingly for the establishment of the electoral blocs with a view to participating in the electoral campaign for the referendum.

(4) The Central Electoral Commission, by adopting a decision, shall decide on the registration or the refusal to register in capacity of referendum participant within 7 days from the date of receipt of the documents listed in paragraph (2)."

52. Article 167:

in paragraph (1), the text: „Each sheet of paper shall be authenticated by affixing the stamp of the local public authority concerned. " is excluded;

in paragraph (3), the text „ ; lists that have not been authenticated by affixing the stamp of the local public administration authority concerned" is excluded.

53. In the article 172 paragraph (1), the words „for" and „against" are replaced by the words „YES" and „NO".

54. In the Articles 174 and 176, paragraphs (2), the words „for" and „against" are replaced by the words „YES" and „NO".

56. Article 194:

in paragraph (1), the text: „Each sheet shall be authenticated by affixing the stamp of the local public authority concerned." is excluded;

in the paragraph (3), the text „, lists that have not been authenticated by affixing the stamp of the local public administration authority concerned" is excluded.

57. In the article 196 paragraph (2) letter a), the figures „45" are replaced by the figures „60".

58. In the article 197 paragraph (4), the text „Polling stations shall be numbered." is replaced by the text „At the proposal of the mayors of cities (municipalities), sectors and villages (communes), the ceiling of 3000 voters may be exceeded by a maximum of 10 percent. The polling stations shall be numbered.".

59. Article 198:

paragraph (3) is abrogated;

paragraph (5) is amended to read:

„(5) At the first meeting, each electoral district council and electoral bureau of the polling station shall elect from among its members a chairperson, a deputy chairperson and a secretary.".

60. Article 203:

in the paragraph (1), the words „for" and „against" are replaced by the words „YES" and „NO";

the paragraph (3) is amended to read:

„(3) The ballots shall be drawn up according to the conditions in the Chapter 8".

61 In articles 205 and 206 the paragraphs (2), the words „for" and „against" are replaced by the words „YES" and „NO".

Art. II – The Contravention Code of the Republic of Moldova no. 218/2008 (republished in the Official Journal of the Republic of Moldova, 2017, no.78-84) with the subsequent amendments, is amended as follows:

1. Article 52 is amended to read:

„Article 52. Electioneering

(1) Engaging in electioneering on election day or the day before election day

shall be sanctioned with a fine from 40 to 60 conventional units applied to the natural person, with a fine from 100 to 150 conventional units applied to the legal person.

(2) Engaging in electioneering during processions and / or religious services, as well as in the places / premises where they take place

shall be punished by a fine of 30 to 50 conventional units applied to the natural person, by a fine of 50 to 60 conventional units applied to the leaders of denominations or of their component parts, by a fine of 100 to 150 conventional units applied to legal persons.

(3) Involvement in whatever form of non-commercial, trade union, charity organisations in the election campaign

shall be sanctioned with a fine from 30 to 50 conventional units applied to the natural person / person in charge, with a fine from 100 to 150 conventional units applied to the legal person.

(4) Organising the transportation of voters to the polling station on election day in order to get them to vote for one of the candidates

shall be sanctioned with a fine from 60 to 80 conventional units applied to the natural person, with a fine from 100 to 150 conventional units applied to the person in charge and to the legal person.

(5) Use of hate speech and / or incitement to discrimination in the election campaign and / or in electioneering materials

shall be sanctioned with a fine from 150 to 250 conventional units imposed to electoral candidates.”;

2. Article 400, in paragraph (1) after the figures „52”, the text „paragraph (1)-(4)” is inserted;

3. Article 423⁵, in paragraph (1) after the text „in the article”, the text „52 paragraph (5),” is inserted.

Art. III. – The Code of Audiovisual Media Services of the Republic of Moldova no.174/2018, (Official Journal of the Republic of Moldova, 2018, no. 462-466) with the subsequent amendments, is amended as follows:

1. In the article 66, paragraph (5) is amended to read:

„(5) Public media service providers may broadcast paid advertising only in audiovisual programmes that reflect events of major interest, including during the period of election campaigns. Public media service providers have the right to offer, for a fee, to each electoral contender or referendum participant, no more than two minutes of advertising a day during the election campaign.”

2. In the article 80, paragraph (6) is amended to read:

„(6) During the election period, the decisions regarding the examination of appeals and the application of sanctions by the Audiovisual Council shall be published on its official website within 24 hours after being adopted.”

3. Article 84 is completed with paragraphs (10¹) and (10²) as follows:

„(10¹) The media service provider / distributor who gives privileged treatment to some persons / political parties and / or some electoral contenders by virtue of social status and / or of the positions held by their candidates, as well as who violates the obligation of fairness, responsibility, balance and impartiality during the electoral period, shall be sanctioned with the withdrawal of the right to disseminate / publish information on the coverage of elections / referendums *for a period of 7 days, or until the end of the electoral period* in case of repeated violation of the respective provisions.

(10²) The media service provider / distributor that reflects the election campaign without having this right or that does not comply with or does not execute the sanction provided for in paragraph (10¹) shall be sanctioned with the suspension of the broadcasting license or the retransmission authorisation. The suspension of the broadcasting license or retransmission authorisation pursuant to paragraph (10¹) shall be applied only after the repeated sanction with the withdrawal of the right to broadcast / publish information on the coverage of elections / referendums during the election period has been imposed. ”.

Art. IV. – This law enters into force on the date of publication in the Official Journal of the Republic of Moldova.

Speaker of the Parliament

Zinaida GRECEANŪ