

# **To the attention of the Government of the Republic of Moldova, the Diaspora and other citizens with voting rights**

**To the attention of the Government of the Republic of Moldova!**

**To the attention of Diaspora and other citizens with voting rights!**

Today, September 19, 2018, the **Government** is to approve the opinion on the bill on **special diaspora rights** [\[1\]](#).

**The Promo-LEX Association regrets that the proposed legal provisions with regard to facilitating the exercise of the electoral rights of persons living abroad are rejected.**

**We also draw attention to the superficial nature of the arguments put forward by the Government.**

**Promo-LEX is fully convinced that at least technical proposals can be accepted by the Government and voted by the Parliament**[\[2\]](#), and **the reason for completely rejecting them is not clear to us. In particular:**

- voting outside the Republic of Moldova on the basis of identity cards and provisional identity cards, and, should this be the case, the analysis of the opportunity of voting with identity documents with an expired term;
- submitting online complaints by which the voters abroad would be able to report in an operative and effective manner the violations on the day of the elections;
- funding the work of political parties, initiative groups

and electoral competitors by diaspora voters by setting, should it be the case, a reasonable maximum ceiling.

We believe that the position of the Government should be based on its mission to ensure the most active and wide inclusion of the citizens with the right to vote, especially of the under-represented categories, including those who, on the election day, are voting abroad.

The Promo-LEX Association is disappointed that the authorities of the state, in this case the Parliament and the Government, undermine the authority of the Constitutional Court by ignoring the execution of the Court's addresses[3] made on the basis of the Decision[4] No. 34 of December 13, 2016 "regarding the confirmation of the election results and the validation of the mandate of the President of the Republic Moldova".

### **Opinion on the Government's draft opinion on the draft law on Diaspora Rights No. 217 of 27.06.2018**

At its meeting on September 19, 2018, the Government is expected to approve the opinion on the draft law regarding the Special Rights of the Diaspora.

The Promo-LEX Association regrets that the provisions proposed to be included in the Electoral Code, which are intended to facilitate the exercise of electoral rights of persons living abroad, are rejected without substantiated arguments. In particular:

- the authors of the opinion find that the provision regarding the possibility of voting outside the Republic of Moldova on the basis of expired identity documents "does not correlate with point 12 of the SIAS Concept, approved by Law no. 101/2008". The Promo-LEX Association notes with regret that, as the motivation to reject the proposal to amend the Election Code (organic law), serves the lack of a legal provision in a conception,

approved by ordinary law. The lack of technical impediments has not led the authors of the opinion to support this proposal, the operation of the State Electoral Information System eliminating the risk of multiple voting.

- regarding the proposal on the exercise of the right to vote on the basis of identity cards and provisional identity cards, the authors of the opinion have not expressed their opinion. We underline that this proposal has been formulated on various occasions (conferences, seminars, congresses, etc.) by our countrymen permanently or temporarily living abroad as the main factor that would facilitate their presence on election day.
- regarding the provision on submitting online complaints, the authors of the opinion have not expressed their thoughts. Such a provision would allow voters who would vote abroad to promptly and effectively report the violations encountered during the day of elections. We remind that, during the presidential elections, the Constitutional Court found several deficiencies in the Electoral Code regarding the examination of the appeals, and pointed out that the procedure for examining the appeals formulated on the day of the elections (which couldn't be filed to the Court on the same day) is not clear.
- concerning the provision regarding the possibility of financing the activity of political parties, initiative groups and electoral contestants by voters from the diaspora, the authors of the opinion mention the lack of correlation of the proposed norm with Art. 41 par. (1) of the Electoral Code. The provision included in the draft law is important, especially within the mixed electoral system, where the persons abroad will vote for the electoral candidate on a majoritarian constituency, established abroad. *Taking into account that full electoral rights are guaranteed to voters, regardless of*

*their place of residence, we believe that Moldovan citizens, who are permanently or temporarily residing abroad, should have the right to donate (support) a particular political party, initiative group or competitor, just as the citizens who are settled in the Republic of Moldova have the right to do, should it be the case, by setting a reasonable maximum ceiling.*

Promo-LEX Association is disappointed that the authors have formulated a negative and critical opinion on the draft law No. 217 of 26.06.2018, invoking also financial reasons, a lack of usefulness of the proposed provisions, and inconsistencies with the legal norms of the Electoral Code or legal acts that have legal force inferior to the Electoral Code.

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[1]

[https://gov.md/sites/default/files/document/attachments/intr09\\_166.pdf](https://gov.md/sites/default/files/document/attachments/intr09_166.pdf)

[2]

<https://promolex.md/12871-opinia-promo-lex-asupra-proiectului-de-lege-pentru-modificarea-si-completarea-unor-acte-legislative-drepturile-speciale-ale-alegatorilor-din-diaspora-nr-217-din-26-06-2018/?lang=ro>

[3] Two of the six addresses refer to the facilitation to exercise the right to vote for Moldovan citizens from abroad

[4]

<http://constcourt.md/ccdocview.php?tip=hotariri&docid=602&l=ro>

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