

# OPINION of Promo-LEX Observation Mission for the New Local Elections on suspending the second round of elections on 5 December 2021 in Bălți Constituency

**Promo - LEX**

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***Promo-LEX Observation Mission for the New Local Elections expresses its bewilderment and disagreement with Central Electoral Commission's decision to 'suspend' the second round of the new local elections for the position of mayor in Bălți Constituency.***

Promo-LEX has constantly advocated for free and fair elections in compliance with the law. Unfortunately, the incomplete legal framework, in tandem with abuses committed by some electoral contenders in funding their electoral campaign

undermined the rights of voters and of the other electoral contenders to free and fair elections.

In this context, the Mission draws the attention ***that the electoral law does not provide for suspension of the second round of elections on grounds stated in CEC decision.*** Moreover, according to Article 26(1)(o) of the Electoral Code, CEC has the positive obligation to ‘ensure the conduct of the second round of elections (...)’.

The Mission finds that, though the legislator regulated the situation when a competitor could be sanctioned by removal from the electoral race, it did not provide any possibility for suspending or annulling the elections on grounds of removal of a contender from the second round of the election. Note that ***only courts may check and establish the lawfulness of elections, confirm election results or declare the election null, as appropriate.***

At the same time, ***CEC interpretation of the ‘impossibility to conduct the second round of the local elections for the position of Mayor with one single candidate’*** (Article 145(2) of the Electoral Code), ***does not correlate with the previous practice.*** Local elections have been held previously with one single candidate, and their outcomes were confirmed by the court and by the Central Electoral Commission, respectively<sup>[1]</sup>.

Therefore, Promo-LEX Association maintains its position presented in the Opinion<sup>[2]</sup> of 3 December 2021, stating that ***the second round of elections shall be organised according to Article 51(7)***, and stamp ‘withdrawn’ shall be applied next to the name of the de-registered candidate.

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<sup>[1]</sup> For instance, the elections for the position of Mayor of Hirova village, Călărași district of 14.05.2017, and the elections for the position of Mayor of Lăpușna township, Hîncești district, November-December 2017.

[\[2\] Opinion](#) of Promo-LEX on how the second round of elections should be conducted if the Central Electoral Commission's application for de-registration of the electoral contender Marina Tauber from the local elections in Bălți Municipality is admitted.