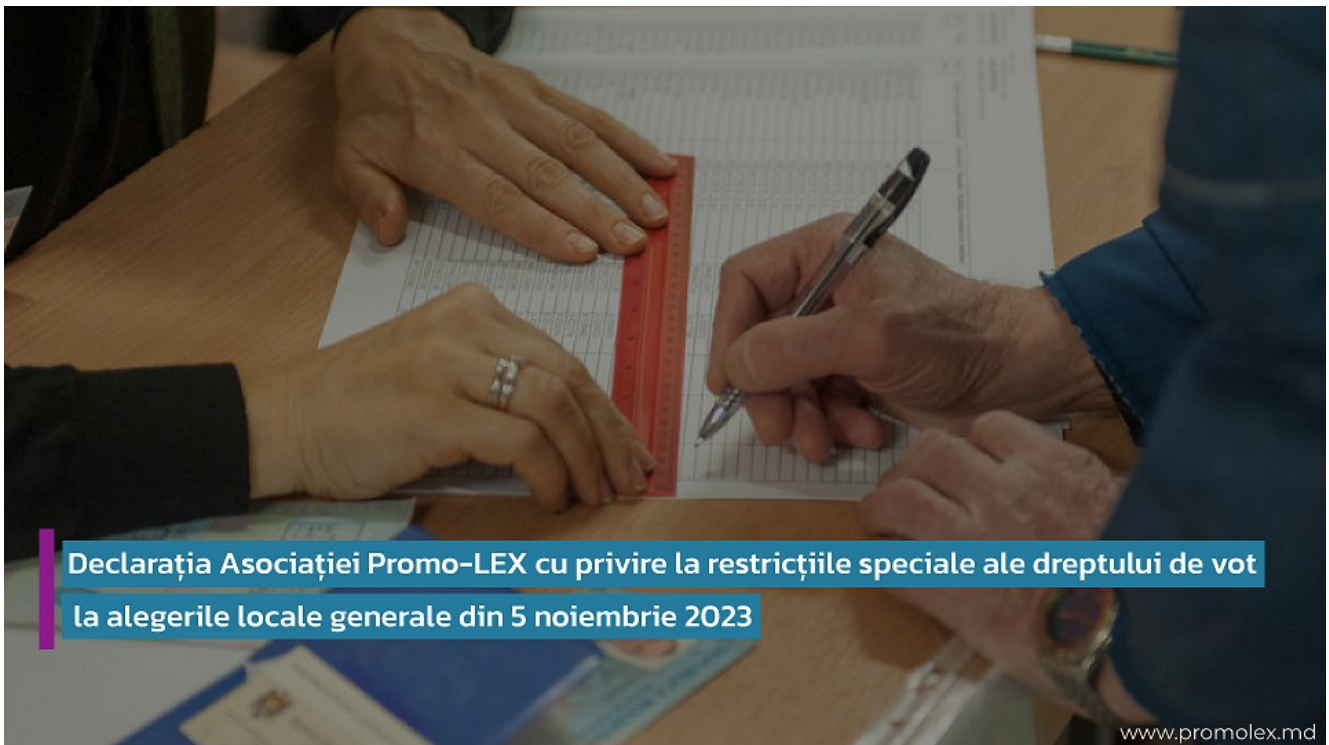


STATEMENT of the Promo-LEX Association with regard to special restrictions of the right to vote in the general local elections of November 5, 2023



On July 24, 2023, the CEC published a press release, briefly explaining the voting restrictions established by art. 160 of the Electoral Code. Undoubtedly, informing citizens about the changes made is necessary and beneficial, but unfortunately, it seems to be insufficient, considering that the novelty and the restrictive nature of these provisions are causing some concerns.

According to art. 160 para. (1) of the Electoral Code in force, voters who are not registered at their domicile or at a

temporary residence in the respective administrative-territorial unit do not participate in local elections. This norm existed in the old Electoral Code, too.

At the same time, in the new Electoral Code, we find, in para. (2), the new restrictions that will, for the first time, be applied in the local elections of November 5, 2023. Thus, in order to be able to vote, the citizens must have their domicile or temporary residence registered at least 3 months before the date of the first round of voting, i.e., by August 5, 2023.

In this context, the Promo-LEX Association emphasizes the fact that the introduction of the 3-month deadline for changing the domicile or residence was aimed at preventing the “artificial migration” of voters, a phenomenon previously observed in some settlements during the local elections of 2015[\[1\]](#) and 2019[\[2\]](#).

Such a measure was promoted by the Promo-LEX Association and by the international election observation missions[\[3\]](#), being in accordance with the Code of Good Practice in Electoral Matters[\[4\]](#). At the same time, we remind you that, in its opinion on the draft of the new Electoral Code, the Venice Commission also appreciated this measure as a reasonable precaution for the integrity of local elections[\[5\]](#).

However, when drafting the recommendations and consulting the draft of the new Electoral Code, the Promo-LEX Association emphasized that by solving the problem of “artificial migration” we must not unduly affect the citizens’ voting rights[\[6\]](#).

We remind you that, in the summary table of the draft of the new Electoral Code, the Parliament expressly mentioned that the technical aspects of the change of residence will be developed in a Regulation. Accordingly, we recommend that the CEC should express its opinion on such sensitive subjects not only through press releases, but primarily by fulfilling its

legal obligation.

Thus, we consider that, either in the Regulation on Voters' Lists or in the one on the State Register of Voters, it is necessary to describe in detail all the possible cases, in which the registration of the domicile or residence within 3 months will affect or not the citizens' right to vote.

In principle, we consider that in case the voters, having both a domicile and a temporary residence, change one of them within three months prior to the elections, they must have the right to vote according to the domicile or residence that has not been changed. Another case that needs to be regulated is that of students who, obtaining residence visas in the settlement where they study in autumn, risk being limited in their right to vote.

In the context of the *above*, we recommend the CEC:

- to develop and publish, in optimal terms, a Regulation that will include all possible cases regarding the registration of domicile or residence within 3 months prior to the elections and that will ensure the observance of the right to vote for all eligible voters;
- to proactively inform citizens, including through local public authorities, about the new changes/restrictions regarding the right to vote;
- to explain to the society that the new changes/restrictions are intended to solve the problem of "artificial migration" of voters and are in line with the recommendations of the Venice Commission. Presentation of some statistical data regarding the respective phenomenon would facilitate the understanding of both the problem and the proportionality of the adopted measures;
- to submit to the Agency of Public Services the request to inform citizens who change their domicile or residence in the period between August 5 and November 5,

2023 about the restrictions on the right to vote in the upcoming general local elections.

[1]

<https://promolex.md/wp-content/Raport-final-electoral-a-2015.pdf>, page 17-18

[2]

https://promolex.md/wp-content/uploads/2019/12/Raport_ALG_2019_web.pdf, page 47

[3]

<https://www.osce.org/files/f/documents/4/8/181246.pdf>, page 9

[4]

[https://www.venice.coe.int/webforms/documents/default.aspx?pdf_file=CDL-AD\(2002\)023rev2-cor-rom](https://www.venice.coe.int/webforms/documents/default.aspx?pdf_file=CDL-AD(2002)023rev2-cor-rom),

[5]

https://promolex.md/wp-content/uploads/2022/11/Aviz-comun_Comisia-de-la-Venetia_OSCE_ODIHR-ROM_final.pdf, point 53

[6]

<https://www.parlament.md/LegislationDocument.aspx?Id=02a687df-e877-4e13-b66c-38d66adcb6c2>, page 234-235