

OPINION of the Promo-LEX Association on holding the republican referendum on the same day with the parliamentary or presidential elections



The Promo-LEX Association recommends the Parliament to review its initiative on the possibility of holding the republican referendum and the parliamentary or presidential elections simultaneously, in the context of the re-examination of the draft law, included in the agenda of the plenary session on Thursday, 18 January.

The Promo-LEX considers that art. 184 para. (2) of the Electoral Code which stipulated that the republican referendum cannot take place on the day of the parliamentary,

presidential and general local elections **should not be amended**, as its provisions are in accordance with the recommendations of the European reference institutions in the field of democracy and international and national election observation missions.

We emphasize that the amendment of that article, which makes organizing the republican referendum and the presidential and parliamentary elections on the same day possible, was approved on 28 December 2023, by ignoring the legislation on decision-making transparency during consultation, debate and voting. Furthermore, it is not clear what are the reasons for amending the legislation from arguments presented by the author of the amendment on the organization of the referendum simultaneously with other elections.

The subject of European integration is one of strategic public interest for the Republic of Moldova, which should not be “adopted” or “monopolized” for electoral purposes by a certain political force. The fact that the initiative to organize the referendum on the same day with the presidential elections comes from a future candidate in the elections can give him/her an advantage over other candidates. We mention, in context, that the importance of the European path for the future of the Republic of Moldova as a democratic state and society has been demonstrated over the years by several governments of different political colors. Furthermore, at least 28 (45%) political parties out of the 63 registered ones, according to the Public Services Agency page, have included the desired “European integration” in their charters.

If the Parliament or another public authority will still decide to initiate a referendum for the 2024 autumn, simultaneously with the presidential elections, we believe that **it should be a constitutional one, which would produce binding legal effects**, given the issue of major national interest of the expected referendum. A possible constitutional referendum would imply supplementing the Constitution with

rules on guaranteeing the European path of the Republic of Moldova, thus being more justified in terms of legal effects and organizational costs.

The Promo-LEX has previously expressed that the simultaneous holding of the referendum with the elections for various elective positions can affect the free expression of will of the people both during the referendum and the elections.

The full opinion can be consulted [here](#).