

# LCRM – Legal Resources Centre from Moldova

## **The Civic Coalition for Free and Fair Elections calls for the Central Election Commission to allow the citizens of Moldova to vote based on their expired identity documents**

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**The Civic Coalition for Free and Fair Elections calls for the Central Election Commission to adopt and publish, as soon as possible, a decision to allow the citizens of the Republic of Moldova with expired identity documents, wherever they will vote, to vote based on their expired identity documents in the parliamentary elections of 24 February 2019, as long as their identity documents allow their identification.**

The Civic Coalition for Free and Fair Elections is concerned about the [decision of 14 January 2019 of the Constitutional Court](#), which missed the opportunity to set equal voting conditions for all citizens of the Republic of Moldova regardless of their residence. That decision, however, does not set legal impediments for the Central Election Commission (CEC) to continue its practice of previous years and issue a decision allowing Moldovan citizens to vote based on their expired identity documents in the parliamentary elections of 24 February 2019, regardless of their residence.

The CEC decision to allow citizens to vote based on their expired documents is very important and necessary for effectively ensuring the voting rights and the consistence with its previous practice in the parliamentary elections of 2010 and 2014 and the presidential election of 2016. The CEC's practice of allowing the voting based on expired documents is legal and was upheld and confirmed by [the Supreme Court of Justice \(SCJ\) decision of 28 November 2014](#). CEC's previous practice created a legitimate expectation among the citizens that, in the parliamentary election of 2019, the CEC would allow voting based on expired identity documents again and, consequently, the citizens did not take actions in advance to renew their documents. Moreover, the government and the CEC did not carry out an extensive campaign to inform citizens about the intention to change this practice.

The CEC decision to allow citizens to vote based on their expired documents will avert unreasonable denial of the right to vote to a considerable number of people, which otherwise could have major impact on the election results. For example, according to the CEC decisions that allowed the voting based on expired documents in the parliamentary elections of 2014 and presidential elections of 2016, in October 2016, there were 409,791 Moldovan citizens with expired passports, and in November 2014, there were approximately 155,232 Moldovans with expired identity cards and 241,746 Moldovans with expired passports. In 2019, even more citizens might have expired passports, just as in 2016 there were more than in 2014.

The voting based on expired documents will facilitate the exercise of the right to vote. This is not going to create a threat of fraud or distortion of the election results, since, during the voting process, the identification of citizens with the voting right is done by checking the State Register of Voters, intended for collecting, storing, updating and analyzing data about Moldovan citizens aged 18 and above, including those from abroad, who are not forbidden from voting by law ([Article 42 of the Electoral Code](#)). The State Register of Voters is the only official source of personal data about the Moldovan citizens with the voting right, and it is updated automatically on a daily basis (points 5 and 18 of the [Regulations on the State Register of Voters](#), approved by CEC Decision No. 2974 of 19 November 2014).

The CEC has all legal grounds to adopt and publish, as soon as possible, a decision allowing Moldovan citizens with expired identity documents, wherever they will vote, to vote based on their expired identity documents in the parliamentary elections of 24 February 2019, as long as their identity documents allow their identification.

***[The entire text of the public appeal is available here.](#)***

***[The Romanian version of the appeal is available here.](#)***

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