LCRM – Legal Resources Centre from Moldova

Implementation of the mixed electoral system starts late and in violation of the law

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The Parliament of the Republic of Moldova approved on 20 July 2017 the Law No 154 on Amendments and Addenda to Some Legislative Acts, which changed the electoral system by switching from the proportional electoral system to a mixed one.

Article III of the Law No 154 obliges the Government to establish the National Commission for the Establishment of Permanent Single-Member Constituencies within 30 days, term which expired on 20 August 2017. Contrary to the obligation mentioned above, the **Government did not establish the National Commission within the deadline stipulated by the Law.** However, on 18 August 2017, two days before the deadline, the Ministry of Justice launched for public consultations a draft Regulation on the operation of the National Commission for the Establishment of Permanent Single-Member Constituencies. **The Regulation provides neither the nominal structure of the Commission, nor the duration of its mandate.** Instead, the draft Regulation stipulates how the Commission should be established and organised, the rights and obligations of its members, the duties of the Commission's Chairperson and Secretary. Concurrently, the draft establishes how to organise and conduct the Commission's meetings, and how to adopt its decisions.

Article 74(3) of the Electoral Code, in the version issued after the adoption of Law No 154 of 20 July 2017, states that the **independent Commission for the Establishment of Single-Member Constituencies shall act under its own regulation, approved by the Government. Accordingly, the Government's initiative to regulate the activity of a commission, which, pursuant to the law, is presumed to be independent and should draw up its own Activity Regulation, which should only technically be approved by the Government, is nothing but a direct interference in the work of this body and an intention to suppress its independence.**

Civil society representatives reiterate the position that granting the right to set up permanent single-member constituencies to a political body, namely the Government, which is subordinated to the parliamentary majority, and the failure to include the boundaries of the single-member constituencies in the Electoral Code are major deficiencies of the mixed electoral system approved by Law No 154 of 20 July 2017. Besides, we point out other shortcomings of the draft Regulation to be taken into account by the established Commission when drafting its own Regulation as follows: the introduction of a new position for the Commission's members, the unfinished member revocation procedure, the limitation of the number of representatives of civil society organisations and so on.

However, we welcome and recommend that, when developing its own Regulation, the Commission take into account the suggestion of the Ministry of Justice to include in its composition members with consultative voting rights from other relevant entities: central public authorities, extra-parliamentary political parties, civil society organisations, etc. We also believe that developing a Calendar Plan is a useful tool that can be taken forward, but it is better for it to be mandatory for a good and orderly operation.

The entire declaration is available here (in English).

The entire declaration is available here (in Romanian).

The entire declaration is available here (in Russian).

Signatories:

1. **Promo-LEX Association**
2. **Legal Resources Centre from Moldova (LRCM)**

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