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VOTING ABROAD IN THE MOLDOVAN ELECTIONS: PROS AND CONS

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The Association for Participatory Democracy ADEPT is an independent center for analysis and consultancy on decision-making, political, electoral, and socio-economic processes in the Republic of Moldova and the region. ADEPT’s mission is to promote democratic values and support the active participation of citizens in public life.

Since its establishment in 2000, ADEPT has been at the forefront of efforts to promote good governance, electoral integrity, and civic engagement through research, advocacy, and public information. Since 2018, ADEPT has served as the Secretariat of the Coalition for Free and Fair Elections (CALC), a platform that brings together civil society organizations to ensure transparency, inclusion, and integrity in the electoral processes of the Republic of Moldova.

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I. Introduction

In the context of the upcoming 2025 parliamentary elections and the increasingly active voter mobilization among Moldovan citizens residing abroad, the exercise of their electoral rights remains a topic of major interest in both the public and political arenas.

Against this backdrop, a group of Members of Parliament from the Bloc of Communists and Socialists (BCS) has registered a draft law proposing significant amendments to the organization of voting abroad. This legislative initiative raises multiple concerns regarding its compatibility with constitutional principles and international standards in the field of electoral law. As such, a critical analysis is warranted—particularly from the perspective of voters' fundamental rights and the integrity and functionality of the democratic process.

II. Context

The stance of various political parties toward the voting rights of Moldovan citizens residing abroad typically depends on the voting preferences demonstrated by the majority of overseas voters in recent elections. Parties that enjoy strong support among the Moldovan diaspora tend to advocate for the removal of all barriers to the exercise of voting rights, including the introduction of alternative voting methods such as electronic or postal voting. Conversely, parties that fare poorly among the so-called “DIASPORA,” along with their supporters, often invoke a range of arguments aimed at complicating or even prohibiting the exercise of voting rights abroad.

An illustrative example of this dynamic is the position adopted by certain political formations prior to 2014, when the number of Moldovan citizens working in the Russian Federation was estimated at approximately 600,000–700,000. At that time, these parties pushed for the opening of as many polling stations in Russia as possible—[over 150](#), in some cases. However, following the imposition of international sanctions against Russia, the number of Moldovans residing there reportedly dropped by a factor of 8 to 9. In response, the same parties shifted their stance, now advocating for restrictions on the voting rights of the “Diaspora,” citing the migration of these voters toward Europe as justification.

The most recent official attempt to curtail the electoral rights of Moldovan citizens abroad is reflected [in Draft Law No. 102 amending the Electoral Code of the Republic of Moldova No. 325/2022](#) (specifically Articles 39, 78, 86, and 86¹), registered in Parliament by a group of communist MPs in March 2025. This legislative action suggests that the voting rights of Moldovan citizens abroad have become a subject of partisan contention, with political actors prioritizing tactical considerations over legal principles. The proposed reforms appear to be aimed at arbitrarily recalibrating final election outcomes rather than strengthening the legal framework.

III. Key Provisions of the Legislative Initiative to Revise Voting Rules Abroad

On 28 March 2025, a group of Members of Parliament from the Bloc of Communists and Socialists (BCS) submitted a draft law proposing amendments to the Electoral Code. The provisions of the BCS initiative aim to revise existing procedures for voting abroad, with the underlying objective of restricting the electoral rights of Moldovan citizens residing outside the country. In essence, the draft law challenges constitutional norms, legal provisions, and European electoral standards, despite referencing the jurisprudence of the European Court of Human Rights (ECtHR) as justification. Below is a summary of the main provisions of the BCS proposal, along with the arguments invoked by its authors:

- **Mandatory consular registration** for citizens abroad who wish to vote outside the country, requiring their inclusion in the consular records of Moldova’s diplomatic missions in their country of residence;
- **Exclusion from electoral rolls** for those not registered in consular records (the draft law does not specify whether this also applies to supplementary lists). The stated purpose of consular registration is to verify the citizen’s legal status in the host country and to confirm either permanent or temporary residence;
- **Elimination of the right to vote using expired identity documents;**
- **Separate counting of votes cast abroad** and the presentation of those results in a distinct report prepared by the Central Electoral Commission (CEC);
- **Prohibition of votes cast abroad directly affecting the final outcome** of national parliamentary elections;
- **Weighting of diaspora votes** based on the level of voter turnout within the country, using a coefficient to be set by the CEC and approved by Parliament;
- **Establishment of voting principles abroad** framed through a lens of “balancing the rights of the diaspora” with the “priority interests of resident citizens,” as allegedly upheld in ECtHR jurisprudence;
- **Compliance with the principles of electoral fairness** as outlined in *Sitaropoulos v. Greece* (ECtHR, 2012), which emphasized that states may regulate diaspora voting in accordance with national interests and electoral impact.

IV. Citizens’ Electoral Rights, the Value of the Vote, and the Prevention of Multiple Voting

The Constitution of the Republic of Moldova enshrines the principle of equal suffrage, and the jurisprudence of the Constitutional Court confirms the state’s obligation to ensure effective access to voting for all citizens, including those in the diaspora—regardless of their domicile or place of residence. The “Elections” Information System and the State Register of Voters guarantee the uniqueness of each vote through electronic identification, thereby eliminating the risk of multiple voting and strengthening both the integrity and equality of the electoral process.

4.1. The Constitution and the Electoral Code on Electoral Rights

Every vote cast carries equal legal weight, whether it is exercised within the country or abroad. This reflects the principle of equal suffrage, as established by the supreme law. The electoral rights of Moldovan citizens are explicitly laid out in the [Constitution](#) and further detailed in the [Electoral Code](#). Over successive electoral cycles, the Constitutional Court has issued a series of decisions aimed at preventing any restriction of citizens' electoral rights, prompting Parliament to introduce the necessary amendments to ensure consistency between electoral legislation and constitutional provisions.

Article 38 of the Constitution, titled "Right to Vote and Right to Be Elected," establishes five fundamental principles of electoral law, stating: *"The will of the people shall constitute the basis of state power. This will shall be expressed through free elections, held periodically by universal, equal, direct, secret, and freely expressed suffrage."* Accordingly, the Electoral Code dedicates individual articles to explain each of these five principles. For the purposes of this study, we focus on Article 4 of the Electoral Code, titled "Equal Vote," which stipulates: *"In any electoral contest, each voter has the right to cast a single vote. Each vote carries equal legal weight."*

4.2. The Code of Good Practice in Electoral Matters and the Equal Legal Value of Votes

The constitutional provisions referenced above align fully with the [Code of Good Practice in Electoral Matters](#) of the Venice Commission, which, in its explanatory report (page 22), defines equality of the vote as follows: *"Equality in electoral matters covers a range of issues... The principles that must be observed in all cases are numerical equality of votes, equality of electoral power, and equality of opportunity."*

4.3. Constitutional Court Decisions on Electoral Rights

According to the jurisprudence of the Constitutional Court and the constitutional framework on electoral rights, the state is obliged to ensure passive voter registration, meaning that the failure to include a citizen in the voter lists cannot be used to deny them the right to vote.

The proper application of the Electoral Code's provisions regarding voter rights has faced several challenges. For instance, the restriction of voting rights through mandatory inclusion in electoral lists was addressed by the Constitutional Court shortly after the first Electoral Code was adopted in 1997. In [Decision No. 15](#) of 27 May 1998, the Court examined the constitutionality of the electoral law as a whole and declared unconstitutional the phrase "based on the residence visa" from Article 39(6) of the old Electoral Code. That provision had stated: *"A voter may be included in only one electoral list and at a single polling station based on their residence visa."* The Court found that this provision violated Article 38(2) of the Constitution, which stipulates that Moldovan citizens have the right to vote from the age of 18, except those legally declared incapacitated.

In its reasoning, the Court also referred to its earlier [Decision No. 16](#) of 19 May 1997 on the constitutionality of certain provisions of the Regulation on the issuance of identity documents under the national passport system, stating: *"The Constitutional Court does not contest the need for population registration and record-keeping. However, the Court emphasizes that the forms and methods employed must not contradict Article 27(2) of the Constitution, which guarantees every Moldovan citizen the right to establish their domicile or residence anywhere in the country, to leave, to emigrate, and to return to the country."* Therefore, the inclusion of legal clauses

requiring a “residence visa” or “domicile visa” was declared unconstitutional. In this context, the Court listed an exhaustive set of permissible restrictions under Article 54 of the Constitution, stating that rights and freedoms may be limited only by law and only when necessary to: *a) protect national security, public order, health, or morals, or the rights and freedoms of others; b) conduct criminal investigations; c) prevent the consequences of natural disasters or industrial accidents.* From this, it follows that failure to include eligible citizens in the electoral rolls—regardless of the reason—cannot prevent them from exercising their right to vote.

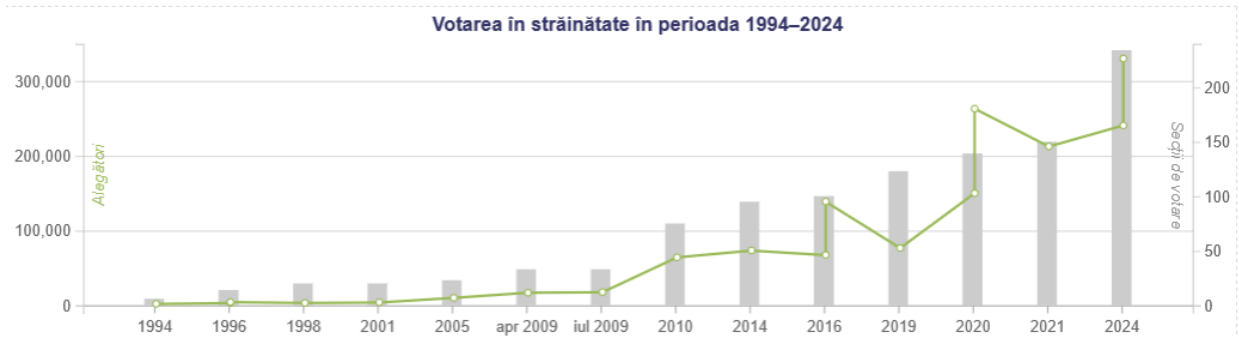
The two aforementioned rulings clearly establish that Moldova employs a passive voter [registration system](#), meaning it is the state’s responsibility to automatically include citizens in the electoral lists upon reaching the age of 18. In contrast, countries using active registration require citizens to take specific steps, outlined by law, in order to register as voters—provided they meet eligibility criteria. For Moldovan citizens without a permanent residence or domicile, the law provides for inclusion in supplementary lists on the day of the election, based on in-person presence at polling stations. Such provisions have existed in all electoral laws adopted since independence. Notably, this is only feasible when the entire country functions as a single electoral constituency, as is the case for parliamentary, presidential, and republican referendum elections.

The implementation of the State Automated Information System “Elections” and the creation of the State Register of Voters ensure the uniqueness of each vote cast, regardless of a citizen’s residence status or the location of their vote. This system effectively eliminates the risk of multiple voting by employing unique electronic identification and real-time voter check-ins. The digitalization of electoral procedures strengthens the equality and transparency of the vote, ensures the practical application of constitutional norms, and enhances public trust in the integrity of elections.

V. Evolution of Legal Norms on Ensuring the Right to Vote Abroad

In response to the steadily increasing number of Moldovan citizens residing abroad—whether temporarily or permanently—the state has progressively developed its legal framework to guarantee the exercise of voting rights outside national borders. Initially limited to voting only at diplomatic missions (1992–1996), legislation gradually evolved toward full legal recognition of diaspora electoral rights (1997–2009), and later, toward the expansion of voting opportunities through the establishment of polling stations outside official missions (since 2010). Beginning in 2017, objective criteria were introduced for opening polling stations abroad, and the Electoral Code adopted in 2022 further consolidated these mechanisms by setting clear numerical indicators and formal procedures. This ensured a transparent, proportional approach adapted to the actual distribution of Moldovan citizens residing abroad.

The chart below illustrates the evolution in the number of polling stations opened abroad and the corresponding voter turnout.



Source: [ALEGERI.MD](https://alegeri.md)

5.1. Period 1992–1996: Voting Abroad Limited to Diplomatic Missions

The first legal provision explicitly addressing voting abroad was [Law No. LP1040/1992 of 26 May 1992 on referendums](#). Article 17 stated: “Lists of citizens temporarily residing in other countries shall be drawn up at polling stations attached to the diplomatic representations of the Republic of Moldova abroad, based on data provided by the heads of those institutions.”

A year and a half later, on 14 October 1993, [Law No. 1609-XII on parliamentary elections](#) was adopted. Article 24 provided: “At each diplomatic mission and consular office of the Republic of Moldova, a polling station shall be established for the staff of these missions and their family members, as well as for citizens of the Republic of Moldova present in those countries. These polling stations shall belong to the electoral constituency of the municipality of Chișinău.”

[Law No. 833-XIII of 16 May 1996](#) on presidential elections expanded this right further. Article 13(5) stated: “At each diplomatic mission and consular office of the Republic of Moldova, a polling station shall be established for the staff and their family members, as well as for Moldovan citizens present in those countries, regardless of their number. These polling stations shall belong to the electoral constituency of the municipality of Chișinău.”

5.2. Period 1997–2009: Voting Abroad as a Legal Principle

The old Electoral Code, adopted by [Law No. 1381 of 21 November 1997](#), aimed to standardize electoral norms and procedures for all types of elections. Drawing from the three aforementioned laws, the Code elevated the electoral rights of citizens abroad to the level of legal principle. Article 2, titled “Principles of Participation in Elections,” stipulated: “Citizens of the Republic of Moldova residing outside the country enjoy full electoral rights under this Code. Diplomatic missions and consular offices are obliged to create the conditions necessary for these citizens to freely exercise their electoral rights.”

5.3. Period 2010–2016: Voting Abroad Extended Beyond Diplomatic Missions

A new phase in expanding the voting rights of Moldovans abroad began in 2010. This was marked by the development of a study by experts from the Venice Commission and the Council of Europe entitled “[Report on Out-of-Country Voting](#)”, published in 2011. One of its authors, [Josette Durrieu](#)—then Co-Rapporteur for Moldova in the Parliamentary Assembly of the Council of Europe—had active dialogue with Moldovan experts and political actors, sharing international experiences regarding out-of-country voting.

This engagement led to the adoption of [Law No. 119 of 18 June 2010](#), which introduced amendments to the Electoral Code, including provisions for expanding voting abroad (see point 17 of the law). The amendments drew inspiration particularly from Bulgaria's example, whose electoral law required the opening of polling stations anywhere in the world upon request by at least 20 Bulgarian citizens (see page 25 of Voting from Abroad: [The International IDEA Handbook, 2007](#)). Article 29/1 was added to the Electoral Code, titled "Specifics of Establishing and Operating Polling Stations and Electoral Offices Abroad." It stated:

- For parliamentary elections and republican referendums, one or more polling stations may be established abroad, not only at diplomatic missions and consular offices.
- Additional polling stations, with the consent of host country authorities, could be opened in other locations. These were to be established by the Central Electoral Commission (CEC), upon the proposal of the Government, in cooperation with the Ministry of Foreign Affairs and European Integration and other central public authorities, based on preliminary voter registration abroad. The regulation on preliminary registration was to be approved by the CEC.

5.4. Period 2017–Present: Criteria for Opening Polling Stations Abroad

In 2017, Moldova adopted a mixed electoral system, moving away from a purely proportional model for parliamentary elections. During the Electoral Code reform ([Law No. 154 of 20 July 2017](#)), new provisions were introduced concerning voting abroad. Article 291 was supplemented with paragraph (3¹), which provided: *"The establishment of polling stations abroad shall take into account the following criteria: a) information held by diplomatic missions and consular offices; b) data from central public authorities, including relevant official statistics; c) information obtained through the preliminary registration of Moldovan citizens abroad, according to a regulation approved by the CEC; d) the number of voters who participated in the previous election."* Later amendments ([see Law No. 113 of 15 August 2019](#), point 11) refined these criteria, excluding the fourth point (past turnout).

The new [Electoral Code](#) adopted in 2022 retained and strengthened these criteria by introducing numerical benchmarks. Article 39, titled "Specifics of Establishing and Operating Polling Stations and Electoral Offices Abroad," states: *în afară de secțiile de votare [de pe lângă misiunile diplomatice], cu acordul autorităților competente ale țărilor respective, pot fi organizate secții de votare pentru o localitate sau mai multe localități în care, conform datelor Ministerului Afacerilor Externe și Integrării Europene, se află temporar sau domiciliază permanent cel puțin 500 de alegători cetățeni ai Republicii Moldova;*

- In addition to polling stations at diplomatic missions, and with the consent of the host country authorities, polling stations may be established for one or more localities where at least 500 Moldovan citizens are temporarily or permanently residing, as confirmed by the Ministry of Foreign Affairs and European Integration;
- The CEC, with prior approval from the Ministry of Foreign Affairs and European Integration (confirming host country consent and logistical feasibility), decides on the establishment of such polling stations;

- The primary basis for establishing polling stations is the voter turnout at the last three elections, supplemented by data from preliminary registration and consular or other relevant statistics provided by the Ministry of Foreign Affairs.
- The regulations governing the establishment of polling stations and preliminary registration abroad are adopted by the CEC.

In conclusion, the evolution of the legal framework governing out-of-country voting in the Republic of Moldova has been continuous and consistent. It reflects the protection of citizens' electoral rights, alignment with international practices, and the state's administrative and financial capacities to expand [access to voting](#) beyond its diplomatic missions.

VI. International Experience and ECtHR Jurisprudence

In most democratic countries, the general trend regarding the exercise of voting rights by citizens residing abroad is one of progressive liberalization. An increasing number of states recognize the importance of diaspora political participation and are gradually removing restrictions related to the duration of absence from the country, prior residency, or the need to justify an inability to return in order to vote. Over the past 15 years, the number of countries allowing their citizens to vote from abroad in various types of elections has more than doubled—from [approximately 60](#) in 2010 to [over 140](#) in 2025—representing nearly three-quarters of the United Nations member states. Nonetheless, countries differ considerably in terms of voter eligibility and voting methods. For example, Canada, the United Kingdom, and Greece have recently revised their restrictive regulations, expanding access to the ballot for citizens residing abroad. Simultaneously, voting methods have diversified—postal voting, in-person voting at diplomatic missions, and even online voting are increasingly being offered to facilitate electoral participation regardless of geographic distance. However, some countries still maintain strict regimes, allowing voting abroad only for specific categories of citizens or imposing additional administrative requirements. Key reference documents in analyzing the global expansion of external voting rights include: [The Report on Out-of-Country Voting](#), adopted by the Venice Commission on 16 June 2011 and The judgment of the European Court of Human Rights (ECtHR) in [Sitaropoulos and Giakoumopoulos v. Greece](#), and a number of comparative studies published by international organizations.

Following Moldova's [presidential elections of 30 October – 13 November 2016](#), the Constitutional Court of the Republic of Moldova adopted [Decision No. 34 of 13 December 2016](#), which cited ECtHR jurisprudence and emphasized that the right to vote is not absolute but must be exercised under the conditions prescribed by law. The Court stated: "Equality of the vote does not imply the obligation to ensure identical voting conditions both domestically and abroad, as citizens residing within and outside the country are in distinct legal situations."

6.1. Key Provisions of the Venice Commission Report on Voting Abroad

The Report on Out-of-Country Voting, prepared under the auspices of the Venice Commission, includes a general finding that the right to vote for persons residing abroad is a highly complex issue. This right is a matter of principle; therefore, if governments choose to grant voting rights

to this specific category of citizens, they must take into account the fact that there are three distinct groups of citizens living abroad:

- a) Citizens who happen to be abroad on election day for business or personal reasons;
- b) Citizens who reside abroad temporarily for academic or employment purposes;
- c) Citizens who live abroad for extended periods, who may hold dual citizenship and reside permanently in host countries.

Given that these three categories must be treated as having equal rights, the Venice Commission report deliberately avoids using the term “Diaspora” when referring to voters of any state residing abroad. At the same time, the report encourages Council of Europe member states to grant their citizens abroad the broadest possible range of opportunities to participate in the electoral process, citing paragraph 7 [of Parliamentary Assembly Resolution No. 1459 \(2005\)](#): *“Considering the importance of the right to vote in a democratic society, Council of Europe member states should allow their citizens residing abroad to vote in national elections, taking into account the complexity of different electoral systems. They should take appropriate measures to facilitate the exercise of these voting rights to the greatest extent possible... Member states should cooperate with one another for this purpose and refrain from placing unnecessary obstacles in the way of the effective exercise of voting rights by foreign citizens residing on their territory.”*

The report also emphasizes that there are no universal practices regarding the granting of voting rights abroad. Different national approaches are often based on the arbitrary interpretation of terms such as “temporarily abroad,” “residing abroad,” or “weak ties with the country of origin.” These interpretations are often reflected in attempts to establish limitations based on certain “legal connections” such as: a) Place of birth (in the home country or abroad); b) Current and previous residence; c) Duration of stay abroad; d) Ownership of property in the home or host country; e) Payment of taxes, etc. Consequently, restrictions imposed by certain states may include: a) Registration on a consular electoral list through a written request; b) Registration with the municipality of origin; c) Presentation of a voter card (in countries with active voter registration systems); d) Presentation of a passport or residence permit, etc.

6.2. ECtHR Jurisprudence in the Case of Sitaropoulos and Giakoumopoulos v. Greece

The case *Sitaropoulos and Giakoumopoulos v. Greece*, adjudicated by the Grand Chamber of the European Court of Human Rights (ECtHR) on 15 March 2012, addresses the issue of voting rights for citizens residing outside their country of origin. The complaint was lodged by two Greek nationals, both employees of the Council of Europe, who argued that they were unable to exercise their right to vote in the Greek parliamentary elections of September 2007 while legally residing in France. The Greek authorities refused to allow them to vote from abroad, citing the absence of legal provisions enabling external voting.¹

¹ Quotation from the justification provided by the Greek authorities: “The Hellenic State reaffirms its intention— frequently expressed at the institutional level—to allow Greek citizens residing abroad to vote from their place of residence. However, it is clear that this requires statutory provisions that are currently lacking. In fact, such

This case is a significant precedent in analyzing the positive obligations of states to ensure the voting rights of citizens living abroad. Although the Court did not find a violation of the European Convention on Human Rights, the judgment brought to light the tension between the state's declarative political will and the lack of implementing legislation to facilitate diaspora electoral participation.

Greece's refusal to organize out-of-country voting was justified by the absence of a law implementing Articles 54(4) and 108 of the [Greek Constitution](#), which state:

- **The conditions governing the exercise of voting rights by persons residing outside the country shall be determined by law, adopted by a two-thirds majority of all Members of Parliament.** For these individuals, the principle of simultaneous elections does not exclude postal voting or other appropriate means, provided that vote counting and result announcements occur simultaneously with those held within the country.
- **The State shall show concern for Greeks abroad and maintain their ties with the homeland.** It shall also ensure their education, and social and professional advancement. The law shall define the organization, operation, and responsibilities of the World Council of Hellenes Abroad, whose mission is to express the Greek identity throughout the world."

Accordingly, the applicants argued that their inability to vote from their place of residence constituted a violation of Article 3 of Protocol No. 1 of the [European Convention on Human Rights](#), which states: "The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which ensure the free expression of the opinion of the people in the choice of the legislature." In its initial judgment of 8 July 2010, the Chamber found, reasoning as follows:

- **a violation** of Article 3 of Protocol No. 1. The case did not concern the recognition of the applicants' right to vote per se, which was already guaranteed by the Greek Constitution, but rather the lack of clear provisions for the exercise of that right by Greek nationals residing abroad. The Chamber noted that Article 51 § 4 of the Greek Constitution—adopted in 1975 and clarified in the 2001 constitutional revision—empowered the legislature to specify the relevant conditions. In practice, the applicants had the option of traveling to Greece to vote;
- There is **no absolute obligation** to guarantee the right to vote in parliamentary elections for citizens living abroad, but the constitutional provision in question (Article 51 § 4) cannot remain unenforced indefinitely, as that would strip the provision—and the intent of its drafters—of any normative value. At the time of the judgment, 35 years had passed since the adoption of Article 51 § 4, and the Greek legislature had still failed to implement it;

provisions cannot be established by a simple administrative decision, as special measures are needed to set up polling stations in embassies and consulates... Given the above, and despite the State's expressed willingness, your request concerning the upcoming elections cannot be approved for objective reasons."

- The **failure to adopt legislation** granting practical effect to expatriates' voting rights could result in unequal treatment of Greek citizens living abroad—particularly those residing far from Greece—compared to those living within the country.

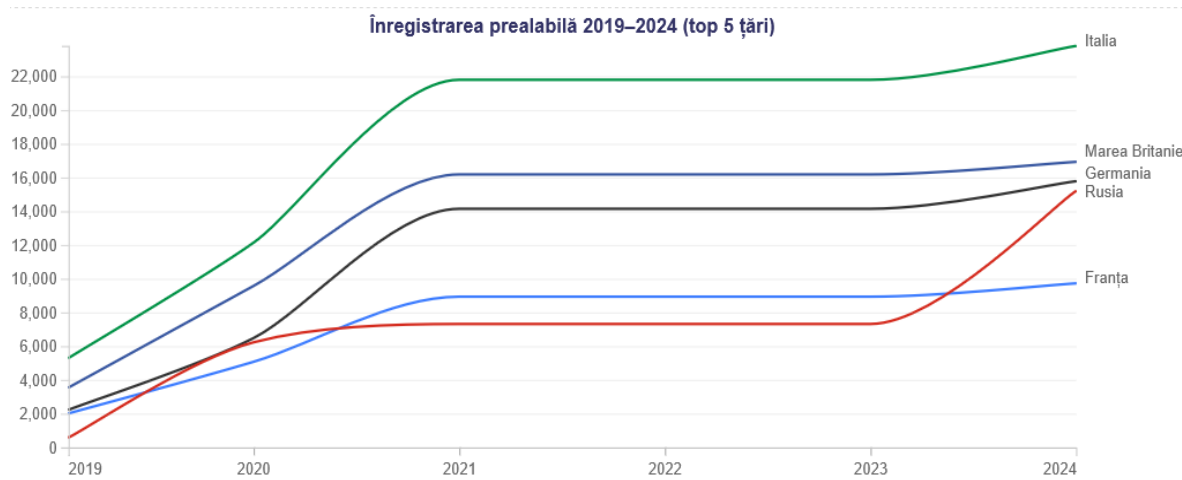
As a result, and in contrast to the Chamber's ruling, the Grand Chamber concluded that although the Greek state had not enacted the necessary legislation to enable its citizens abroad to vote, this omission did not constitute, in itself, a violation of the essence of the right to vote as guaranteed by Article 3 of Protocol No. 1 to the European Convention on Human Rights.

Following this decision, Greece adopted a law in 2019 permitting Greek citizens residing abroad to vote from outside the country. However, it imposed certain restrictive conditions, such as a required minimum period of prior residence in Greece and the obligation to maintain active fiscal ties with the Greek state. In July 2023, the Hellenic Parliament removed these discouraging restrictions on diaspora electoral participation. Furthermore, in 2024, Greece introduced postal voting for the first time, allowing citizens to cast their ballots without being physically present at polling stations—both domestically and abroad.

VII. The Provisions of the BCS Draft Law Contravene National Legislation

The analysis of the BCS draft law reveals a number of inconsistencies with the Constitution and the electoral legislation of the Republic of Moldova:

- ***The requirement for mandatory consular registration of Moldovan citizens residing abroad—in the consular records of the Republic of Moldova's diplomatic missions in their country of residence***—violates the passive voter registration system established by the Electoral Code and affirmed by the Constitutional Court. According to the Court's jurisprudence, the failure to include a citizen in electoral lists cannot serve as grounds for denying their right to vote. In the Republic of Moldova, **preliminary online registration** of voters abroad is used exclusively for estimating the approximate number of potential voters in specific geographic areas, with the purpose of optimizing the placement of polling stations. A citizen's registration—or lack thereof—at a particular polling station must not affect their legal right to vote.



Source: [ALEGERI.MD](https://alegeri.md)

The experience of the past 15 years has demonstrated that the diplomatic missions of the Republic of Moldova do not possess accurate information regarding the number, location, or addresses of polling stations to be opened abroad until such matters are resolved through negotiations with host country authorities and the necessary administrative arrangements are made by the Government and the Central Electoral Commission (CEC);

- **Requiring verification of the legal status of Moldovan citizens abroad as a condition for their inclusion in voter lists** exceeds the legal mandate of Moldovan diplomatic missions. Moreover, such verification must not restrict the right to vote. According to the standards established by the Venice Commission and OSCE/ODIHR, the right to vote is tied to citizenship, not to a person’s legal residence status in the host country. Conditioning the exercise of the right to vote on acquiring an administrative or legal status abroad (e.g., visa, residence permit, or legal residency) would represent an unjustified and discriminatory restriction, disproportionately affecting citizens who are temporarily or precariously settled abroad;
- **The exclusion of voting rights based on expired identity documents** may be viewed as a seemingly reasonable measure. However, the right to vote should depend solely on the unequivocal identification of the voter in the State Register of Voters—not on whether their ID is expired. Such a provision poses risks of perceived intentional disenfranchisement, potentially giving rise to accusations that authorities are obstructing voting rights. For instance, the leader of the “Victory Bloc,” Ilan Șor, lost his passive voting rights following his conviction in the so-called “billion-dollar theft” case, yet he still retains active voting rights—meaning he cannot be elected, but retains the right to vote. Although [Moldovan courts recently annulled his identity documents](#), this does not revoke his legal right to vote;
- **The proposal to count votes cast abroad separately and present them in a distinct report by the CEC** is redundant, as this procedure is already codified in legislation and practiced

in reality. Article 35(12) of the Electoral Code provides that the Central Electoral Commission establishes a distinct electoral council for polling stations abroad, whose results are centralized separately and published transparently on the official CEC website;

- *The provision that votes cast abroad **must not directly affect the final outcome of national parliamentary elections** is in clear contradiction with the fundamental principle of equal suffrage, which states that each vote carries equal weight—enshrined in international law (including Article 21 of the *Universal Declaration of Human Rights*) and in the Constitution of the Republic of Moldova. Furthermore, such a provision would constitute an unlawful interference in election results, a conduct punishable under Article 182(2) of the [Criminal Code](#) (“Falsification of voting results”), which provides for imprisonment of up to five years;*
- *The proposal to **weight diaspora votes** based on in-country voter turnout, through a coefficient set by the CEC and approved by Parliament, violates Article 38 of the Constitution and Article 4 of the Electoral Code, both of which state: “Each voter has the right to one vote. Each vote has equal legal value.” It is evident that the purpose of such a coefficient would be to distort the equal legal weight of each vote, thereby undermining a core democratic principle.*

VIII. Provisions of the BCS Draft Law Concerning Diaspora Rights and Council of Europe Standards

The BCS draft law refers to ECtHR jurisprudence regarding the need to define the "rights of the Diaspora through the lens of the interests of resident citizens." In reality, however, neither the ECtHR rulings nor the Council of Europe’s report on out-of-country voting make use of the term “*Diaspora*.” Instead, they refer to three distinct categories of citizens who find themselves outside the borders of their country of citizenship. This omission is not accidental. Academic institutions that study transnational migration—sometimes referred to as the phenomenon of “[Wanderers among nations](#)”—also emphasize that the term *Diaspora* is often used excessively or imprecisely. Originally, the term appeared in the Greek version of the Bible—the Septuagint—and over the centuries was applied only in paradigmatic cases, particularly to the Jewish, Armenian, or Greek diasporas. That is, it historically referred to ethnic and religious communities who, against their will, due to circumstances such as conquest or the colonization of uninhabited territories, found themselves in foreign socio-political and cultural environments, where they managed to survive over centuries while preserving their cultural identity and traditions.

8.1. BCS Proposal on Distorting the Weight of Diaspora Votes

In recent years, the term “Diaspora” has come to be widely used to describe new realities specific to today’s globalized world. In the Republic of Moldova, the term entered official usage through various Government decisions. The first such reference was Government [Decision No. 544](#) of 18 August 1992, concerning *the registration of the charter of the Basarabian Diaspora Cooperation Society “Liga”*. Later, the Government adopted [Decision No. 809](#) of 10 July 2006 *on the approval of the Action Programme to Support Persons Originating from the Republic of Moldova and*

Residing Abroad (the Moldovan Diaspora) for the years 2006–2009. Along the same lines, on 19 October 2012, the Government adopted the [decision](#) establishing the [Bureau for Diaspora Relations \(BRD\)](#), which published its vision and [first activity report](#) one year later. Since then, beginning in 2012, the Government of the Republic of Moldova has periodically adjusted its diaspora-related policies through the BRD, with the support of Parliament—particularly via the annual state budget law. It is noteworthy that neither any Government decision nor any law has ever addressed the **issue** of “Diaspora rights through the lens of the interests of resident citizens”—a notion implied in the BCS draft law to justify the introduction of vote-weighting coefficients. No legal or policy precedent in Moldova supports such a concept.

8.2. On Electoral Fairness in Light of the Case *Sitaropoulos v. Greece* (ECtHR, 2012)

The BCS draft law seeks to impose the “*respect for the principles of electoral fairness, as established in the case of *Sitaropoulos v. Greece* (ECtHR, 2012), which emphasizes that states have the right to regulate diaspora voting in accordance with national interests and the impact on elections.*” While it is true that the ECtHR judgment in that case confirms that states have the right to regulate out-of-country voting, it is a clear exaggeration on the part of the BCS drafters to claim that this ruling imposes principles of electoral fairness that would justify the introduction of proportionality coefficients for diaspora voting. In fact, the ECtHR judgment explicitly references the Council of Europe’s recommendation to member states to enable their citizens living abroad to participate as fully as possible in electoral processes. Furthermore, the ruling cites a comparative study of domestic legislation in 33 Council of Europe member states, noting that the vast majority had implemented procedures to this end, and criticizes Greece for failing to meet the common standard among member states in this regard.

Therefore, electoral fairness does not consist in restricting the voting rights of citizens living abroad, especially when such rights are already guaranteed by the Constitution. On the contrary, external voting rights must be developed and supported in electoral legislation to ensure their effective implementation. It is precisely in this sense that the ECtHR ruling emphasizes that the Greek applicants complained about the legislature’s failure, over many years, to adopt the necessary measures allowing Greek expatriates to vote in parliamentary elections from their place of residence, despite the Greek Constitution requiring such legislation. Accordingly, the Greek citizens’ complaint did not concern the recognition of the right to vote for expatriates per se—as this right was already acknowledged in Article 51 § 4 of the Greek Constitution, in conjunction with Article 4 of Presidential Decree No. 96/2007—but rather the conditions governing the exercise of that right. Thus, the ECtHR undertook to examine whether, despite the lack of implementing legislation, the Greek electoral system still allowed for “the free expression of the opinion of the people” and preserved “the very essence of the right to vote,” as required by Article 3 of Protocol No. 1 to the European Convention on Human Rights.

8.3. The Profile of the Moldovan “Diaspora” and the Infringement on Its Electoral Rights

The BCS draft law uses the term “Diaspora” to refer to all Moldovan citizens residing abroad, treating them collectively as a single, unified voting bloc. This is despite the fact that the Council of Europe’s report on out-of-country voting highlights the existence of at least three distinct

categories of citizens living abroad: a) Those who happen to be abroad temporarily, for business or personal reasons; b) Those residing abroad for a defined period, for academic or professional purposes; c) Those who have lived abroad for a longer period, often hold dual citizenship, and reside permanently in host countries.

The International Organization for Migration (IOM), part of the United Nations system, [estimates](#) that approximately 25% of the population of the Republic of Moldova lives abroad, which amounts to roughly one-third of the national labor force. Typically, members of the labor force are citizens aged 18 and older—precisely the group that holds voting rights. In this regard, according to [the most recent data](#) from the Central Electoral Commission (CEC), the State Register of Voters includes approximately 3.3 million citizens with the right to vote, of whom, as already noted, around one-third live abroad—that is, approximately 1.1 million citizens. This estimate is also confirmed by the diplomatic missions of the Republic of Moldova. Disaggregated CEC data provides the following breakdown of eligible voters:

- ~2.74 million (83%) are included in the main electoral lists, being assigned to administrative-territorial units in the country based on their official domicile or residence;
- ~276,000 (8.4%) voters are domiciled in the Transnistrian region, outside the control of the constitutional authorities, and therefore are not included in the main electoral lists and may vote based on supplementary lists;
- ~286,000 (8.6%) voters lack a registered place of residence, are not included in the main electoral lists, and may vote on supplementary lists upon request.

From the above, it is important to recognize that the estimated 1.1 million citizens abroad include, in various proportions, all three categories of voters, who may or may not be registered in the main electoral lists. Therefore, it is not precisely known how many of those living abroad: a) have legal domicile in the country; b) have residence abroad; c) maintain both domicile/residence in Moldova and abroad simultaneously. From this perspective, the so-called “Diaspora” cannot be defined as encompassing all citizens who maintain legal domicile or residence in the country. Accordingly, when discussing the Moldovan Diaspora and its rights, we should at least work with realistic estimates. Logically, the number of diaspora voters would be approximately 4–5 times smaller than the figure of 1.1 million, since a significant number of citizens without registered residence are actually still located within Moldova, not abroad.

Other Statistical Data Demonstrating the Diversity of the So-Called Moldovan “Diaspora”

- [Over 14,000 young Moldovans are currently studying](#) at universities across Europe. It would be problematic to qualify these young people as members of the “Diaspora” and subject their vote to distortion—potentially through the application of vote-weighting coefficients;
- According to data from the Border Police, more than 60,000 Moldovan citizens enter and exit the Republic of Moldova [daily](#). Given the liberalized visa regime with the European Union—which allows Moldovan citizens to legally remain in EU countries for up to 90 days—there may be hundreds of thousands of Moldovans legally present on EU territory at any given time, albeit temporarily. This means that the overwhelming majority of the

approximately 1.1 million Moldovans abroad estimated in IOM studies could, in fact, fall under the category of short-term or temporary residents.

The above data suggest that it is difficult to accurately estimate the ratio between Moldovan citizens permanently domiciled abroad and those abroad on a temporary or occasional basis. What we do know with certainty is that in previous electoral cycles, [over 100,000 Moldovan](#) citizens registered in advance to participate in elections held abroad. Studies conducted by the Ministry of Internal Affairs and international organizations such as UNDP indicate that most Moldovans emigrate for a range of reasons, the most frequently cited being: Seeking employment (~80%); Family reunification (~7%); Continuation of studies (~8%), etc. From this, we can estimate that approximately 7% of Moldovan citizens abroad—those who likely hold dual citizenship and reside permanently outside the country—may truly fall under the definition of the Moldovan “Diaspora.”

A notable observation here is that it was precisely the political party whose MPs authored the current BCS draft law—the Party of Communists of the Republic of Moldova (PCRM)—that drafted and adopted the constitutional amendment allowing multiple citizenships. [Originally](#), Article 18(1) of the Constitution was titled and formulated as follows:

Article 18. Restrictions on Citizenship and Protection of Citizens

(1) Citizens of the Republic of Moldova may not be citizens of other states except in cases provided for by international agreements to which the Republic of Moldova is a party.

Following the [constitutional amendment](#) adopted by PCRM in 2002, the title and content of Article 18(1) were reformulated as:

Article 18. Protection of the Citizens of the Republic of Moldova

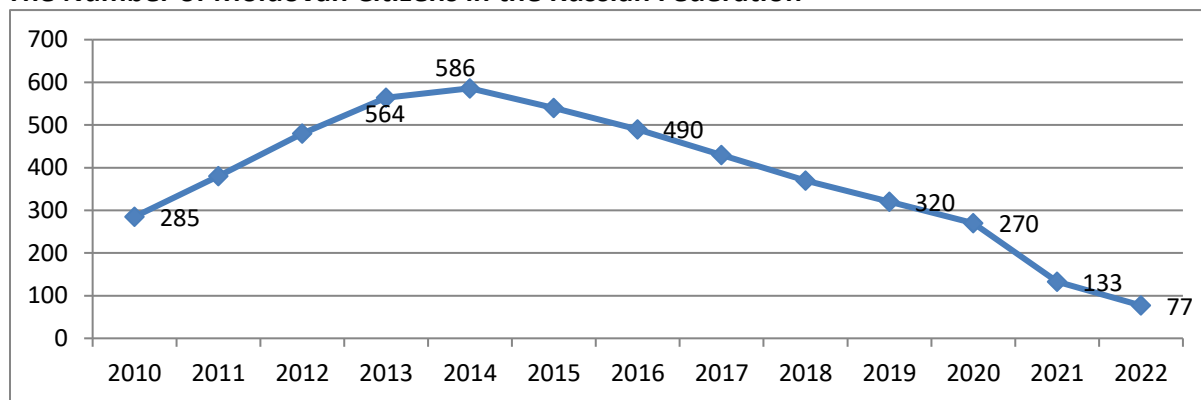
(1) Citizens of the Republic of Moldova shall benefit from the protection of their state abroad.

This modification had serious legal consequences when the PCRM government later attempted to restrict the electoral rights of citizens with dual citizenship. On 27 April 2010, the European Court of Human Rights (ECtHR) issued a unanimous ruling in the case of [Tănase v. Moldova](#), condemning the Republic of Moldova and ordering it to pay compensation in the amount of €8,881.83. It is particularly noteworthy that the Tănase v. Moldova case is explicitly cited by the ECtHR in its later judgment in Sitaropoulos v. Greece (2012)—the very case invoked in support of the BCS legislative initiative.

8.4. Diaspora Rights and the Impact of Migration Trends

The attempt to limit the rights of the “Diaspora” appears to be politically motivated rather than legally grounded. This conclusion is evident when recalling the earlier positions of the political parties forming the BCS bloc, which previously advocated for the opening of over 150 polling stations exclusively in the Russian Federation, based on the assumption that 500,000–600,000 Moldovan citizens resided there. However, according to recent data from competent Russian institutions, the number of Moldovans currently living in the Russian Federation has decreased nearly ninefold over the past decade, reaching approximately 77,000 today.

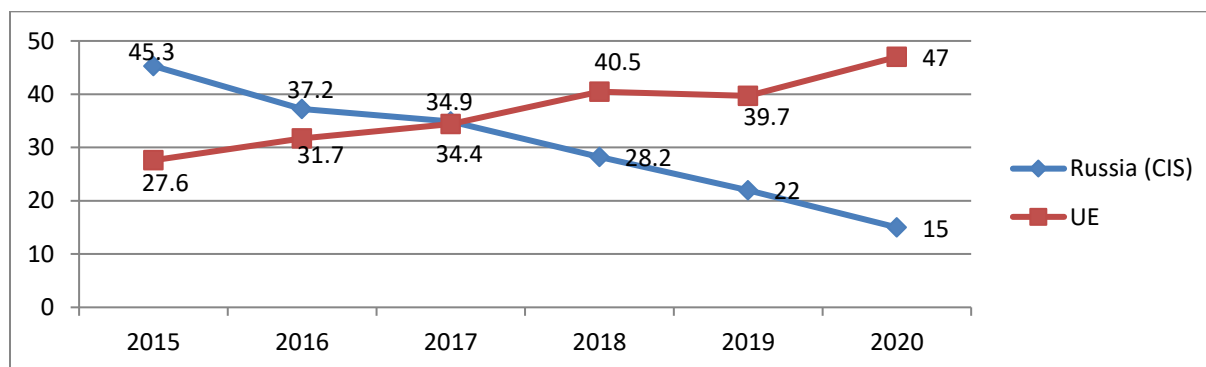
The Number of Moldovan Citizens in the Russian Federation



Source: [PRESS](#)

The majority of Moldovans from Russia have migrated to EU countries, a fact confirmed by data from the National Bank, which shows the dynamics of the shift in remittance sources through the banking system.

Evolution of Remittances (%) from the Russian Federation and the EU



Source: [BNM](#)

These data show that the majority of the so-called Moldovan Diaspora consists of temporary migrants seeking more secure employment opportunities.

IX. Conclusions and Recommendations

The analysis of the legislative proposal submitted by a group of Members of Parliament from the Bloc of Communists and Socialists (BCS) reveals that the initiative contains provisions that contradict the fundamental principles of electoral law as enshrined in the Constitution of the Republic of Moldova, national legislation, and international standards. Proposals such as conditioning the right to vote on consular registration or on legal status in the country of residence, the separate counting of votes from abroad, and the distortion of their weight through arbitrarily set coefficients violate the principle of equal suffrage and represent a disproportionate interference with the electoral rights of Moldovan citizens residing abroad. Moreover, the

selective and incorrect invocation of ECtHR jurisprudence to justify the proposal undermines the initiative's credibility and exposes its political rather than legal character.

Therefore, it is recommended that the legislative proposal be rejected in its current form, as it seriously infringes upon the fundamental rights of citizens and risks setting a dangerous precedent for electoral exclusion. Instead, Parliament should preserve and strengthen the existing legal framework, which guarantees an equal, universal, and freely expressed vote for all citizens, regardless of their location. Any amendments to electoral legislation must be grounded in legal and fair criteria, aligned with international best practices, and aimed at facilitating—not restricting—the exercise of the right to vote.

In any case, it is advisable for Parliament to organize public debates on the BCS proposal in order to enable a detailed discussion of its provisions.

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