

**REPUBLIC OF LITHUANIA**  
**LAW**  
**ON ELECTIONS TO THE EUROPEAN PARLIAMENT**

**20 November 2003 IX-1837**

Vilnius

(As last amended on 12 November 2013 No XII-588)

**CHAPTER ONE**  
**GENERAL PROVISIONS**

**Article 1. Purpose of the Law**

1. This Law shall establish the procedure for organising and holding elections when electing members of the European Parliament in the Republic of Lithuania. The Constitution of the Republic of Lithuania (hereinafter: 'the Constitution'), the legal acts of the European Union, international treaties, this Law and other laws, the resolutions of the Seimas of the Republic of Lithuania concerning the setting of the date of elections, the decisions of the Central Electoral Commission of the Republic of Lithuania (hereinafter: 'the Central Electoral Commission') shall constitute the legal basis for elections to the European Parliament.

2. The purpose of this Law shall be to ensure the application of the legal acts of the European Union, specified in the Annex to this Law.

3. The number of the members of the European Parliament elected in the Republic of Lithuania shall be established by the legal acts of the European Union. Members of the European Parliament shall be elected for a term of five years in one multi-member constituency, comprising the whole territory of the Republic of Lithuania, on the basis of proportional representation, by preferential voting.

**Article 2. Definitions**

1. **Measures to prevent double-voting (double-candidacy)** shall mean a set of measures ensuring that at the same elections to the European Parliament a vote may vote or stand as a candidate only in one Member State of the European Union.

2. **Citizen of the Member State of the European Union** shall mean a citizen of any Member State of the European Union.

3. **Member State of residence** shall mean a Member State of the European Union in which a citizen of the Member State of the European Union lawfully resides but of which he is not a national.

4. **Home Member State** shall mean the Member State of the European Union, of which a citizen of the Member State of the European Union is a national.

5. **Citizen of any other Member State of the European Union** shall mean a citizen of any other Member State of the European Union, except the Republic of Lithuania.

6. **The reference date** shall be the date on which 65 days are left before elections.

7. **Preferential voting** shall mean voting when voters may also express their will concerning the order of preference of the candidates from the list of candidates, while voting for such list.

8. **Electoral roll** shall mean the official register of all voters entitled to vote, drawn up and kept up to date under this Law, and in conformity with which electoral rolls of polling districts are printed.

9. **Elections to the European Parliament** (or elections) shall mean elections of the statutory number of members of the European Parliament provided for in the legal acts of the European Union in the Republic of Lithuania.

10. **Public Election Committee** (hereinafter: 'the election committee') shall mean according to the requirements of the law formed voters' group that has the right to nominate a list of candidates for elections to the European Parliament.

### **Article 3. Universal Suffrage**

1. Citizens of the Republic of Lithuania as well as citizens of other Member States of the European Union, permanently residing in the Republic of Lithuania, who, on the day of elections, are 18 years of age shall have the right to vote in elections to the European Parliament. Persons who have been declared legally incapable by the court shall not participate in elections.

2. It shall be possible to vote or to stand as a candidate in elections only in one Member State of the European Union.

3. Persons who may vote or stand as candidates in the Republic of Lithuania and any other Member State of the European Union, must choose and vote or stand as a

candidate only in one State. Citizens of the Member States of the European Union may not vote or stand as candidates if they do not have the right to vote in the home Member State.

4. A citizen of the Republic of Lithuania or any other citizen of the Member State of the European Union, permanently residing in the Republic of Lithuania, who is at least 21 years of age on polling day, and who does not stand as a candidate in elections to the European Parliament in any other Member State of the European Union, may be elected in the Republic of Lithuania as a member of the European Parliament. A citizen of the Republic of Lithuania or any other Member State of the European Union shall be considered to be permanently residing in the Republic of Lithuania when he has declared his place of residence in the Republic of Lithuania and the data relating to his place of residence in the Republic of Lithuania have been entered on the Residents' Register of the Republic of Lithuania prior to the reference date.

5. Persons who, by the reference date, have not yet served their sentence imposed by the court, as well as persons to whom the application of compulsory medical measures imposed by the court, has not ended by the reference date, and persons who have been declared legally incompetent by the court may not be elected as members of the European Parliament.

6. A person who on polling day is in the active or alternative national defence service, as well as a serviceman of the professional military service or an officer of a statutory institution or establishment, who has not been transferred to the reserve or has not retired at least 65 days before elections and who may not participate in political activities under special laws or statutes, may not be elected as member of the European Parliament.

7. Persons who, on request of electoral committees, refuse to declare whether they satisfy the requirements of this Article, may not vote or stand as candidates.

8. Other direct or indirect abridgements of suffrage of the citizens of the Republic of Lithuania or the European Union on the grounds of their origin, political convictions, social or property status, nationality, sex, education, language, religion, or the type or character of their occupation shall be prohibited.

9. A person who votes in the same elections in the Republic of Lithuania and any other Member State of the European Union, or who votes in more than one polling district, shall be held liable in accordance with the procedure established by the law.

**Article 4. Equal Suffrage**

Every voter shall have one vote to cast for a list of candidates or a candidate, and this vote shall have the same value as the vote of any other voter. All the voters shall have equal rights to express their opinion about the candidates by casting preference votes for the priority of five candidates from the list for which they have voted, and such preference votes shall have the same value as the preference vote of any other voter.

**Article 5. Prohibition to Bribe Voters and Persons Eligible to Vote**

1. During the political campaign of elections to the European Parliament, i.e. from the announcement of a date of elections to the European Parliament until the end of the period of election campaign as set out by this Law as well as on polling day it shall be prohibited to directly or indirectly buy votes, to induce by offering gifts or other rewards a voter or a person eligible to vote to attend or not to attend elections and (or) to vote for or against one or another person to be nominated, a candidate or a list of candidates, as well as to promise to reward voters for voting after the elections with the purpose to affect the will of voters regarding particular political parties, election committees, lists of candidates, candidates or persons eligible for candidates and thus hinder citizens from implementing their right to vote.

2. Production or free distribution of printed material (programmes of a political party, the election committee, the list of candidates, a candidate or a person expected to be nominated as a candidate, biographies or other information booklets, calendars, postcards, stickers), as well as minor things (the price of which is up to 5 litas) which are marked with the symbols of a political party, an election committee, a list of candidates, a candidate or a person expected to be nominated as a candidate, and which are declared to the Central Electoral Commission in its prescribed manner for promotion of a political party, an election committee, a list of candidates, a candidate or a person expected to be nominated as a candidate.

3. Municipal electoral committees shall, in accordance with the procedure laid down by the Central Electoral Commission, examine the facts of bribery of voters or persons eligible to vote; the Central Electoral Commission shall evaluate such facts. The Central Electoral Commission shall announce the established facts of bribery on its website together with a pledge of the candidate, who has violated this Article of the Law, to adhere to the prohibition to bribe voters or persons eligible to vote. After the

recognition of the facts of bribery as a grave violation of this Law, the consequences defined in this Law and other laws shall arise.

#### **Article 6. Direct Elections**

There shall be no voting by proxy in elections to the European Parliament.

#### **Article 7. Secret Ballot**

1. Voters shall vote in person and by secret ballot. It shall be prohibited to vote for another person or to vote by proxy. A voter who can not vote himself due to the physical handicap, illness or other reasons may vote in accordance with the procedure established by this Law with the assistance of the person whom he trusts. If someone gets to know the secret of another person's voting, it shall be prohibited to divulge it.

2. It shall be prohibited to control the will of voters in elections. It shall be prohibited during the voting to influence the will of a voter to vote for or against any candidate or a list of candidates. A voter must be provided with the conditions to mark a ballot paper in secret and without interference. It shall be prohibited to handle a ballot paper in such a way that the secret of voting might be disclosed.

#### **Article 8. Announcement of the Date of Elections**

Elections to the European Parliament shall be held in the Republic of Lithuania on a Sunday which falls within the same period when elections to the European Parliament are held in all Member States of the European Union. The date of elections shall be announced by the Seimas of the Republic of Lithuania not later than six months prior to a Sunday falling within the specified period.

#### **Article 9. Openness of Preparation and Conduct of Elections**

1. A public notice about a forthcoming meeting of an electoral committee shall be put on the notice board placed in the premises where the electoral committee has its office, and the members of this electoral committee shall be personally notified about the forthcoming meeting at least 24 hours before the start of the meeting.

2. Meetings and voting of electoral committees shall be open and may be observed by representatives and observers of political parties (hereinafter: 'parties') and election committees upon presenting certificates in the established form, representatives of the mass media upon presenting their service cards.

3. Persons present in the conference hall of the electoral committee may, from their seats, record, write down in shorthand or take down everything that is said at the meeting, photograph, film or make video recordings. Taking photographs or filming, video recording that requires walking around the premises or using special lighting equipment, as well as live radio or television broadcasting of meetings shall be subject to the permission of the chairman of the electoral committee.

4. Electoral committees may not hold closed meetings.

5. The Central Electoral Commission may prohibit anyone from entering the workroom of the service staff of electoral committees, document storing premises if it is necessary to guarantee undisturbed working conditions of the staff and to protect election documents.

6. If there are reasons to believe that during a meeting a threat to the security of an electoral committee or its participants may arise, the chairman of the committee may request the police to check the documents and belongings of the persons entering the conference hall or carry out their personal search.

7. The electoral committee may remove from the conference hall the persons who interfere with the work of the committee.

#### **Article 10. Expenditure Related to Preparation and Conduct of Elections**

Expenditure related to the preparation and conduct of elections shall be covered from the state and municipal budgets. The expenditure of electoral committees related to the organisation and conduct of elections shall be covered and the work of the members of electoral committees and the service staff, as well as voting committees shall be paid from the state budget. The maintenance of premises of polling stations and the office space of municipal electoral committees and polling district committees, expenditure related to the purchase and maintenance of the polling stationery and equipment of polling stations shall be covered from municipal budgets. If the municipal administration fails to provide adequate premises and supplies for the office of the polling district and the polling station, state budget funds shall be used for this purpose by the decision of the Central Electoral Commission. In such case, the actual expenses on polling stations and the supplies shall be recovered without suit by the Central Electoral Commission from the municipality within two months after the elections. Expenses related to transportation of voters to polling districts to vote where this is organised in accordance with the procedure laid down by the Central Electoral Commission shall be paid from the state and municipal budgets.

## **CHAPTER TWO CONSTITUENCIES AND POLLING DISTRICTS**

### **Article 11. Formation of the Constituency**

For the organisation and conduct of elections, one multi-member constituency shall be established in the Republic of Lithuania, in which all the voters shall cast their votes and the number of the European Parliament members to be elected in Lithuania as specified in the European Union legal acts shall be elected.

### **Article 12. Formation of Polling Districts**

1. With a view of making it more convenient for voters to reach a polling station and with account of the number of voters, the territories of municipalities shall be divided into polling districts. The boundaries of a polling district shall be adjusted and the address of a polling station shall be changed when necessary, but no later than 100 days before elections.

2. The division of the territory of a municipality into polling districts shall be permanent when organising and holding elections and referenda; however, it may be changed, where necessary, by the Central Electoral Commission on the recommendation of the director of the municipality administration. The director of the municipality administration shall provide the recommendation in accordance with the procedure laid down by the Central Electoral Commission. The list of the approved polling districts and the amendments thereof shall be published by the Central Electoral Commission on its website.

## **CHAPTER THREE ORGANISATION OF ELECTIONS**

### **Article 13. Electoral Commission and Electoral Committees**

1. Elections to the European Parliament shall be organised and conducted by:

- 1) the Central Electoral Commission;
- 2) municipal electoral committees; and
- 3) polling district committees.

2. A citizen of the Republic of Lithuania who is of good repute or a citizen of any other Member State of the European Union who is of good repute and who is permanently residing in Lithuania, may be nominated to municipal electoral committee and a polling

district committee, provided he is eligible to stand in elections as a member of the European Parliament (without taking into consideration the minimum age limit set for a candidate, but who is not younger than 18 years of age on polling day) and has not been dismissed in the course of the last three elections to the Seimas, the office of the President of the Republic, the European Parliament, municipal councils or a referendum from the an electoral or referendum committee due to violations of the Law on Elections to the Seimas, the Law on Presidential Elections, the Law on Elections to the European Parliament, the Law on Elections to Municipal Councils or the Law on the Referendum. The requirement to have the higher education shall not apply to a member or chairman of a polling district committee who has the experience of serving as an electoral committee member or chairman; the said requirement shall not apply to a member or chairman of a municipal electoral committee who has the experience of serving as a member or chairman of a municipal electoral committee. The Central Electoral Commission shall, in accordance with the procedure laid down by it, organise trainings for members and chairmen of electoral committees.

3. A person shall not be considered of good repute if:

1) he has been found guilty, by an effective judgment of conviction, of a criminal act and his prior conviction has not expired yet or has not been expunged;

2) he has been dismissed from the office, to which he was appointed or elected, because he broke the oath or promise, degraded the name of the officer and less than three years have elapsed from the date of the dismissal or entry into force of a decision to revoke the mandate;

3) he has been dismissed from work, from the office or has lost the right to engage in the relevant activity for non-compliance with the requirement of good repute set out in laws and for breach of ethics laid down in legal acts, and less than three years have elapsed since the dismissal from work, from the office or loss of the right to engage in the relevant activity;

4) he is a member of an organisation which is prohibited in accordance with the procedure laid down by the law.

4. The same person may not concurrently be: an electoral committee member and a candidate; a candidate and a representative for the election; a representative for the election and an electoral committee member; a candidate and an electoral observer; an electoral committee member and an electoral observer. If a member of the electoral committee seeks to stand as a candidate, at least 10 days in advance of giving his consent

to stand as a candidate, he must hand in a written resignation from the post of a member of the electoral committee. If a member of the electoral committee fails to do so, he shall be dismissed from the electoral committee for the violation of this Law and shall be not registered as a candidate or his name shall be struck off the list of candidates.

#### **Article 14. Powers of the Central Electoral Commission in Elections**

When conducting elections, besides the functions laid down in Article 3(2) of the Law on the Central Electoral Commission, the Central Electoral Commission shall:

- 1) accept application documents as well as applications concerning the withdrawal of such documents, examine them, register electoral committees, register the candidates for participation in elections, register representatives of the parties for elections and issue certificates to them, make public the parties, election committees, and the lists of candidates who will participate in the elections, the numbers they have been assigned, and adopt decisions concerning the withdrawal of application documents of the candidates;
- 2) issue certificates of the European Parliament member to the members of the European Parliament, elected in the Republic of Lithuania, and proclaim the results of the elections to the European Parliament.

#### **Article 15. Formation of Municipal Electoral Committees**

1. The Central Electoral Commission shall, for the period of elections, form municipal electoral committees no later than 74 days in advance of the elections.
2. Municipal electoral committees shall comprise:
  - 1) a person nominated by the Minister of Justice of the Republic of Lithuania, having a university law degree, who resides or works in the territory of that municipality;
  - 2) a person nominated by the Lithuanian Lawyers' Association, having a university law degree, who resides or works in the territory of that municipality;
  - 3) a career civil servant employed in the administration of that municipality, nominated by the director of the administration of the that municipality;
  - 4) persons nominated by the parties which during the last elections to the Seimas have received the mandates of the Seimas members in the multi-member constituency of the elections to the Seimas.
3. The Minister of Justice, the Lithuanian Lawyers' Society or the director of the municipal administration may nominate more candidates for members of the committee.

4. Parties which have received the mandates of the Seimas members in the last elections to the Seimas according to the list (joint list) of candidates shall each have the right to nominate one representative to municipal electoral committees from the list of nominated candidates (joint list). If the representatives meet the requirements of this Law, the Central Electoral Commission may not reject the said candidates. If candidates have not been nominated, the Central Electoral Commission may determine a smaller number of members of a municipal electoral committee or may, instead of them, additionally appoint as members of the committee the persons nominated by the Minister of Justice, the Lithuanian Lawyers' Society or the director of the municipal administration.

5. In all cases, no less than three committee members must be persons who have been appointed to municipal electoral committees from among the candidates nominated by the Minister of Justice, the Lithuanian Lawyers' Society or the director of the municipal administration. If the number of such persons is less, additional members to the committee shall be appointed from among the candidates nominated by the Minister of Justice, the Lithuanian Lawyers' Society or the director of the municipal council.

6. If elections to the Seimas or elections of the President of the Republic, or elections to a municipal council, or a referendum are concurrently held on the same day, the same polling district committees or referendum committees shall be formed. The Central Electoral Commission shall decide which committee will be formed in a separate electoral, referendum territory (in a municipality or a constituency), and shall form a single – municipal, constituency or referendum – committee, and shall define its functions in organising and conducting other elections or a referendum.

7. The Central Electoral Commission shall appoint the chairman of a municipal electoral committee from the committee members. A person who has got experience of working as the chairman or member of the Central Electoral Commission or a municipal electoral committee, or a constituency electoral committee or who has got experience of working as the chairman of a polling district committee shall be appointed as the chairman of a municipal electoral committee.

8. During its first meeting, the municipal electoral committee shall elect a deputy chairman and a secretary of the committee.

#### **Article 16. Powers of the Municipal Electoral Committees**

The municipal electoral committee shall:

- 1) inform, in the manner established by the Central Electoral Commission, the voters who reside in the territory of the municipality about the boundaries of the polling districts, their offices, their working hours and polling stations;
- 2) supervise the implementation of this Law in the territory of the municipality;
- 3) form polling district committees;
- 4) within the limits of the estimate of the municipal electoral committee approved by the Central Electoral Commission, approve estimates of expenses of polling district committees and control the use of funds assigned in these estimates;
- 5) register election observers and issue certificates to them;
- 6) make up a list of health care (except out-patient), social care institutions, military units, corrective institutions, remand prisons (detention institutions), and penitentiary institutions situated in the territory of the municipality, in which special post offices will be open, and together with the heads of these institutions and the head of the post office make arrangements to organise voting by post in those institutions, and to create conditions for the voters who are in those institutions, to vote by post;
- 7) draw up a vote counting record, establish voting results and transfer them for approval to the Central Electoral Commission;
- 8) consider complaints against decisions and actions of the polling district committees and adopt decisions concerning them; and
- 9) in accordance with the procedure laid down by the Central Electoral Commission, conduct monitoring of political advertising on the territory of a municipality during the election campaign and submit the monitoring data to the Central Electoral Commission;
- 10) exercise other powers provided for in this Law.

#### **Article 17. Formation of Polling District Committees**

1. No later than 65 days prior to elections, the municipal electoral committee shall set the number of members of an electoral committee of each polling district that must be a multiple of the number of the parties having the right to nominate candidates to electoral committees. At least five members must comprise a polling district committee. If the number of the candidates nominated by the parties is insufficient or if there is a vacancy in the committee and the party does not nominate a candidate, the director of the administration of the municipality in the territory whereof the polling district is formed

may nominate the needed candidates, upon the request of the municipal electoral committee.

2. An equal number of candidates to the polling district committees may be nominated by:

1) each party or a coalition of the parties which, during the last elections to the Seimas, received mandates of the Seimas members in the multi-member constituency. If a party received mandates of the Seimas members while in a coalition, it may nominate candidates together with the parties of the coalition;

2) a party or a coalition of parties which during the last election to the municipal council received mandates of the municipal councillors. If a party received mandates of the municipal councillors while in the coalition, it may nominate candidates together with the parties of the coalition.

3. If a party may nominate candidates in accordance with the results of both the elections to the Seimas and the elections to the municipal council, a party shall nominate its candidates only according to the results of one of the said elections, whichever it chooses. If one of the parties which have participated in the election coalition does not nominate candidates or refuses to nominate them, or chooses to nominate candidates according to the results of the elections other than those for which the coalition was formed, other parties which have participated in this coalition shall have the right to nominate candidates in its absence.

4. A party shall submit its list of candidates for the members of the polling district committees to the municipal electoral committee no later than 48 days prior to elections.

5. Polling district committees shall, for the period of the elections, be formed by the municipal electoral committee no later than 45 days before elections. If a candidate nominated by the party meets the requirements of this Law, the municipal electoral committee may not turn him down.

6. If no candidates have been nominated or the nominated candidates do not meet the requirements of this Law, or if they have been nominated after the expiration of the prescribed time limit, municipal electoral committees may reduce the number of members of the polling district committee established earlier or may ask the director of the municipal administration to nominate the lacking number of candidates. Persons proposed by the director of the municipal administration may not be members of parties or become them prior to the expiration of the powers of the electoral committee member. If during a meeting of a municipal electoral committee which appoints a member of the polling

district committee nominated by the director of the municipal administration no less than three members of the municipal electoral committee object to the appointment of the candidate, this candidate may not be appointed a member of the committee.

7. Chairmen of polling district committees shall be appointed from among the committee members by the municipal electoral committee. A person who has got the experience of working as the chairman or a member of an electoral committee or a person who has got the higher education shall be appointed as chairman of the polling district committee.

8. During its first meeting the polling district committee shall elect a deputy chairman and a secretary of the committee.

### **Article 18. Powers of the Polling District Committee**

The polling district committee shall:

1) receive electoral rolls of the polling district from the municipal electoral committee, provide voters, representatives for the election with an access to such rolls, compile electoral rolls of voters who will vote at home, hand in poll cards to voters or distribute them in some other manner, inform the municipal electoral committee about inaccuracies noticed in the electoral roll of the polling district, about the persons who have refused to declare, have not declared whether they meet the requirements of Article 3 of this Law, and transmit these data electronically in accordance with the procedure laid down by the Central Electoral Commission;

2) consider complaints concerning errors made in the electoral roll of the polling district;

3) in accordance with the procedure laid down by the Central Electoral Commission, supervise the course of voting by post on the territory of the polling district and monitor the provision of opportunities for voting in all health care (except out-patient), social care institutions, military units, arrest houses, remand prisons (detention facilities) and penitentiary institutions situated within the territory of the polling district as well as organise voting at home or early voting;

4) together with a representative of the municipal administration, take care of the arrangement of polling stations, polling booths and ballot boxes in due time pursuant to the requirements laid down in this Law;

5) organise voting in the polling district on polling day;

6) count votes, draw up a vote counting record and transmit the data of this record electronically in accordance with the procedure laid down by the Central Electoral Commission;

7) consider complaints of the voters and observers of its polling district on issues concerning the preparation of elections, organising of voting, vote counting, drawing-up of vote counting records and take decisions related thereto; and

8) exercise other powers provided for in this Law.

### **Article 19. Written Pledges of Electoral Committee Members**

1. A member, chairman of an electoral committee shall start holding the position in the electoral committee after a written pledge.

2. The Central Electoral Commission shall establish the procedure for giving a written pledge by members, chairmen of municipal electoral committees and polling district committees. A person who gives a written pledge shall have the right to choose one of the texts of the written pledge, set forth in this paragraph, and then to give the written pledge in compliance with it. The texts of the written pledge of an electoral committee member or chairman shall read as follows:

1) "I, (name, surname), swear to be faithful to the Republic of Lithuania, observe its Constitution and laws, conscientiously and honestly perform my duties in the electoral committee and refrain from actions violating laws and human rights."

So help me God.";

2) "I, (name, surname), swear to be faithful to the Republic of Lithuania, observe its Constitution and laws, conscientiously and honestly perform my duties in the electoral committee and refrain from actions violating laws and human rights."

3. The person who has given the written pledge shall sign the text of the written pledge. The text of the written pledge shall not be changed. The written pledge shall be effective for the whole duration of the appointment to work in the electoral committee.

4. The written pledges of the electoral committee members and chairmen shall remain in the custody of the electoral committees which have appointed them.

5. When appointing an electoral committee member, the electoral committee shall fix the date by which he must give a written pledge. The person who has not given a written pledge for more than 15 days after his appointment, may not begin performing his duties in the electoral committee and the decision concerning his appointment must be

repealed. The committee which has appointed the said person shall adopt a decision to this effect.

#### **Article 20. Organisation of the Work of Electoral Committees**

1. Meetings of electoral committees shall be valid if attended by at least three-fifths of the committee members. Decisions of electoral committees shall be adopted by open vote of the majority of the committee members present in the meeting. In the event of a tie vote, the electoral committee chairman shall have the casting vote. Electoral committee members who do not agree with the decision shall have the right to give a separate opinion in writing, which shall then be appended to the minutes of the meeting and shall be its integral part.

2. After the end of the elections, the powers of the chairmen and members of municipal electoral committees and polling district committees shall be terminated. The decision to suspend the powers shall be adopted by the electoral committee which appointed the committee members, provided this committee and its chairman have fulfilled all tasks assigned to him under the law.

3. The chairman or a member of an electoral committee who have given a written pledge shall be prohibited from any form of campaigning or from influencing the voters' will in any other way. The chairmen or the member of the electoral committee who violate this requirement, the written pledge of a member, the chairman of the electoral committee must be dismissed from the committee and may be held liable under the law.

#### **Article 21. Appeals against Decisions of Electoral Committees Adopted before Closing of the Polls**

1. A party, an election committee, which have nominated candidates, a candidate, a representative for elections, and an election observer may appeal the decision of the electoral committee which was adopted before closing of the polls or against any other act of the committee:

- 1) that of the polling district committee – to the municipal electoral committee;
- 2) that of the municipal electoral committee – to the Central Electoral Commission;
- 3) that of the Central Electoral Commission – to the Supreme Administrative Court of Lithuania.

2. A voter, a representative for elections who do not agree with the decision of the polling district committee which has been adopted on his appeal concerning the errors made in the electoral roll because of which the voter may not implement his right of voting (he has been incorrectly put on or struck off the electoral roll or if the data about the voter has been inaccurately entered into the electoral roll), may appeal against the decision of the polling district committee to the administrative court of an appropriate county.

3. Decisions of the Central Electoral Commission or its other acts may be appealed to the Supreme Administrative Court of Lithuania within five days after adoption of the decision but no later than before the closing of the polls. Appeals must be investigated within 48 hours of lodging them. Rest days and public holidays shall also be included in this time limit. The decision of the court shall become effective after its pronouncement.

4. Appeals which have been filed not in compliance with the procedure established in this Article shall not be considered and shall be referred to the electoral committee which must investigate them. The polling district committee, the municipal electoral committee may not forward to the Central Electoral Commission the appeals for investigation which fall within their respective remit and have not been investigated by them.

## **Article 22. Assistance for Electoral Committees and Use of State Budget Funds to Organise Elections**

1. State and municipal institutions and agencies must assist electoral committees in exercising their powers and provide information necessary for the performance of their functions.

2. State and municipal institutions and agencies must, within three days, consider requests submitted to them by electoral committees and give them reasoned responses.

3. For carrying out auxiliary work the Central Electoral Commission may recruit employees under the employment contract. Employment contracts shall be signed by the Chairman of the Central Electoral Commission or persons authorised by him. The Government (hereinafter: 'the Government') shall, on the recommendation of the Central Electoral Commission, lay down the procedure for paying the employed staff for work and the amount of such payment.

4. State and municipal institutions and agencies must provide electoral committees with suitable premises, equipment, computer hardware and internet connection for

organizing and conducting elections. Polling stations provided for elections and access to them must be suitable for voters with movement disorders and vision impairment as well as for older voters.

5. The Central Electoral Commission shall transfer the state budget funds allocated to municipal electoral committees for organisation of elections to the bank account of the Central Electoral Commission opened for each electoral committee.

6. The Chairman of the Central Electoral Commission shall sign an agreement with the chairman of a municipal electoral committee on the use of state budget funds that specifies:

1) the amount of state budget funds transferred to the municipal electoral committee and the programme of the Central Electoral Commission under which these funds are allocated;

2) the intended purpose of the use of state budget funds;

3) planned detailed distribution of budget funds according to the economic purpose of expenditure and the calculation of remuneration costs (appended to the agreement);

4) the procedure for accounting to the Central Electoral Commission for the use of state budget funds (indicating the economic purpose of expenditure) and submitting the accounting documents justifying the use of the funds;

5) other provisions helping the Central Electoral Commission to ensure the legitimacy, cost-effectiveness, efficiency and effectiveness of the implementation of programmes and the use of the allocated appropriations.

7. The Central Electoral Commission shall transfer the state budget funds for organisation of elections to the accounts indicated in paragraph 5 of this Article according to the estimates of municipal electoral committees approved by the Central Electoral Commission.

8. The chairman of a municipal electoral committee shall be responsible for the use of the state budget funds allocated for the municipal electoral committee for organisation of elections and shall account to the Central Electoral Commission for that.

9. The Central Electoral Commission shall examine the report on the use of the state budget funds for organisation of elections and the documents justifying the expenditure presented by the chairman of a municipal electoral committee. Having established violations of financing, use of funds or accounting, the Central Electoral Commission shall initiate full recovery of damages from the guilty persons.

10. The chairman of a municipal electoral committee shall be liable for the damages inflicted during the period of validity of the agreement on the use of state budget funds for organisation of elections even after the expiration of such an agreement.

**Article 23. Remuneration of Members of Municipal Electoral Committees and Polling District Committees**

1. For their work in electoral committees, the chairmen, deputy chairmen, secretaries and members of the municipal electoral committees and electoral committees of polling districts shall be remunerated at the rates submitted by the Central Electoral Commission and approved by the Government.

2. Electoral committee chairmen, deputy chairmen, secretaries and members shall be paid for their work in electoral committees the time sheets, without exceeding the appropriations allocated to an appropriate electoral committee for remuneration. The Central Electoral Commission shall establish the procedure for filling in time sheets in electoral committees. The chairman of an appropriate electoral committee shall be responsible for the accuracy of the time sheets. Limitation on the working time defined in the Labour Code of the Republic of Lithuania shall not be applied to work in electoral committees.

3. The procedure for imposing incentive measures to the chairmen, their deputies and members of the municipal and district polling committees shall be established by the Government on the recommendation of the Central Electoral Commission.

**Article 24. Changing of the Composition of Municipal Electoral Committees and Polling District Committees**

1. The chairman or a member of a municipal electoral committee, a polling district committee may be removed from his office in the committee by the municipal electoral committee which appointed him to this office, or by the Central Electoral Commission.

2. The Central Electoral Commission, the municipal electoral committee may consider only a reasoned proposal of a party or a coalition to recall a member of the electoral committee whom it has nominated.

3. When necessary, a new chairman or a member of the municipal, polling district committee may be appointed in accordance with the procedure established by this Law even upon the expiration of the time limits set in Article 15(1) and Article 17(5) of this Law.

## **CHAPTER FOUR**

### **ELECTORAL ROLLS AND POLL CARDS**

#### **Article 25. Electoral Rolls**

1. For the organisation and conduct of elections to the European Parliament, the following electoral rolls shall be compiled:

- 1) the electoral roll of the Republic of Lithuania;
- 2) electoral rolls of municipalities; and
- 3) electoral rolls of polling districts.

2. Electoral rolls shall be drawn up twice – preliminary and final. These rolls may be used only for organisation and conduct of elections.

3. The procedure for drawing up electoral rolls must be such that every person who is eligible to vote is entered on electoral rolls. No one may be entered on an electoral roll more than once. The procedure, form, method of compiling electoral rolls and the procedure of their use shall be laid down by the Central Electoral Commission.

4. The electoral roll of the Republic of Lithuania and electoral rolls of municipalities shall be drawn up and kept electronically by the Central Electoral Commission in conjunction with the management body of the Residents' Register of the Republic of Lithuania. Electoral rolls of polling districts shall be held in electronic information media and printed as a preliminary electoral roll of a polling district which is used for issuing poll cards and for voters to familiarise themselves with. The printed final electoral roll of a polling district shall be used for voting on polling day. Annexes to the final electoral roll of a polling district shall be printed together with that electoral roll, indicating the changes made therein. When drawing up electoral rolls, the following personal data shall be used:

- 1) on the electoral roll of the voters of the Republic of Lithuania: name, surname, personal number, date of birth, home Member State, number of the identity document confirming the citizenship of the Republic of Lithuania or another Member State, data of the document confirming the period of time lived in the Republic of Lithuania by a citizen of another Member State, area or constituency of a Member State in the electoral roll of which he was included last time (a citizen of another Member State shall, in accordance with the procedure indicated by the Central Electoral Commission, refer to the data on the location or constituency of a Member State in the electoral roll of which he was included

last time), address of the declared place of residence and the date of the entry of this address into the Residents' Register of the Republic of Lithuania;

2) on the electoral roll of a municipality: name, surname, personal number, date of birth, address of the declared place of residence, home Member State;

3) on the electoral roll of a polling district: name, surname and address of the place of residence. The address of the voters, who have expressed disagreement that their address would be announced in the electoral roll of a polling district, shall be indicated in the annex to the electoral roll of the polling district and in the poll card.

5. Every voter shall have the right to express disagreement about his address being made public in the electoral roll of a polling district. The Central Electoral Commission shall, together with the management body of the Residents' Register of the Republic of Lithuania, take the necessary measures to enable a voter to exercise his right to express disagreement about his address being made public in the electoral roll of a polling district.

#### **Article 26. General Procedure for Entering Citizens on the Electoral Roll of the Republic of Lithuania**

1. All citizens of the Republic of Lithuania who have the right to vote as well as the citizens of other Member States of the European Union specified in Article 3(1) of this Law, shall be entered on the electoral roll of the Republic of Lithuania according to the data of issuance of the document (passport or identity card) certifying citizenship and according to the Residents' Register of the Republic of Lithuania. State and municipal institutions and agencies which issue documents certifying citizenship of the Republic of Lithuania, manage information related to the statement of persons' residence and register citizens' death and loss of citizenship shall also be responsible for a timely and proper updating of the Residents' Register of the Republic of Lithuania. Electoral rolls compiled according to the data of the Residents' Register of the Republic of Lithuania shall be preliminary.

2. Drawing up, updating and keeping of electoral rolls shall be organised by the Central Electoral Commission on the basis of the information furnished by state and municipal institutions and polling district committees.

3. The following persons must be struck from the electoral roll of the Republic of Lithuania:

1) a diseased citizen of the Republic of Lithuania or any other citizen of a Member State of the European Union, who permanently resided in the Republic of Lithuania;

2) a person who has lost the citizenship of the Republic of Lithuania and does not have the citizenship of any other Member State of the European Union;

3) a citizen who permanently resides in the Republic of Lithuania but who has lost the citizenship of a Member State of the European Union;

4) a citizen of the Republic of Lithuania who has confirmed that he will make use (or has made use) of the right to vote when electing European Parliament members in another Member State of the European Union at these elections to the European Parliament, or a citizen of the Republic of Lithuania who on reasonable grounds (a notification has been received about his entry on the electoral roll or a candidates list of another Member State of the European Union, he permanently resides in any other Member State of the European Union, etc.) is held that he will make use (or have made use) of the right to vote in these elections to the European Parliament, when electing the European Parliament members in another Member State of the European Union, and who refuses to confirm or has not confirmed that he will make use of the right to vote when electing the European Parliament members only in the Republic of Lithuania;

5) a citizen of a Member State of the European Union, permanently residing in the Republic of Lithuania, who has refused to declare or has not declared that he will make use of the right to vote in these elections to the European Parliament, when electing the European Parliament members only in the Republic of Lithuania, or that he has not been deprived of the right to vote in his home Member State;

6) a person who has been declared legally incompetent by the court.

4. The Central Electoral Commission shall establish the form of and procedure for presenting the information about the implementation of the requirements laid down in subparagraphs 4 and 5 of paragraph 3 of this Article.

5. Preliminary electoral rolls with changes done therein and acknowledged in the procedure established by the Central Electoral Commission shall be, not more than seven days prior to the elections, approved as final electoral rolls. Changes in final electoral rolls may be made (because of the voter's death, voting abroad, measures pertaining to the avoidance of double voting, upon the change of the voter's address after the drawing-up of a roll, etc.) only in the manner prescribed by the Central Electoral Commission through the institution authorised to keep electoral rolls. A change in the final electoral roll shall be made upon the receipt of the consent of the chairman of the Central Electoral Commission or a member (members) of the Commission, authorised by him, regarding the changes in the electoral roll. The members of the Central Electoral Commission shall be immediately

informed about the number of the changes in the final electoral roll. After the elections the electronic electoral roll of the Republic of Lithuania shall be stored and used pursuant to the the procedure laid down by the Central Electoral Commission.

6. In order to avoid double voting, the Central Electoral Commission shall maintain relations with the institutions of other Member States of the European Union, holding elections to the European Parliament, and notify them about the entry or removal of the citizens of their States from the electoral roll of the Republic of Lithuania, and about the striking-off of the citizens of the Republic of Lithuania who will vote in any other Member State of the European Union, from the electoral roll of the Republic of Lithuania.

### **Article 27. Electoral Rolls of Municipalities, and of Voters Residing Abroad**

1. The electoral roll of a municipality shall be drawn up in the electronic information media by the Central Electoral Commission according to the electoral roll of the Republic of Lithuania and the place of residence of a voter indicated therein, and shall be delivered to the municipal electoral committee at least 39 days before the elections.

2. Rolls of citizens of the Republic of Lithuania residing abroad shall be drawn up in accordance with the electoral roll of the Republic of Lithuania and the information supplied by the diplomatic missions and consular posts of the Republic of Lithuania. The persons entered on such rolls shall be requested to confirm that in these elections they will elect the European Parliament members only for the Republic of Lithuania. Such confirmation shall not be requested from the voters who vote in the State other than a Member State of the European Union. Rolls of citizens of the Republic of Lithuania residing abroad shall be revised by the Lithuanian diplomatic missions and consular posts by electronic means of communication in accordance with the procedure established by the Central Electoral Commission.

3. A roll of citizens of the Republic of Lithuania whose place of residence is unknown shall be compiled besides the rolls specified in paragraphs 1 and 2 of this Article.

### **Article 28. Electoral Rolls of Polling Districts**

The electoral roll of a polling district shall be drawn up by the municipal electoral committee according to the electoral roll of the municipality and the place of voter's residence indicated therein, and shall be delivered in the printed form to the electoral committee of the polling district at least 26 days prior to the elections. A roll of citizens

who have not declared their place of residence shall be drawn up according to the electoral roll of the Republic of Lithuania and the last known address of the place of citizen's residence or the address indicated in the electoral roll of the Republic of Lithuania of the last elections or referendum. Voters - ship crew members and passengers who are unable to return to Lithuania during the period of voting by post or on the polling day, shall, according to the procedure established by the Central Electoral Commission, be entered on the electoral roll of the polling district in the territory where the administration of the ship's registration harbour is located.

#### **Article 29. Public Announcement of, and Access to, Electoral Rolls**

1. A polling district committee, a diplomatic mission and a consular post shall, at least 25 days prior to an election, provide access for the voters to electoral rolls of the polling district. Voters shall only have access to their own data specified in an annex to the electoral roll of the polling district. It shall be prohibited to make copies of the electoral rolls of the polling districts or to copy or disseminate such electoral rolls in any other way. A notice must be posted at the entrance to the premises of an electoral committee indicating duty hours of the committee members and telephone numbers at which the voters may check whether their names have been entered on the electoral roll. Following expiration of the time period for delivering poll cards, as prescribed by this Law, the business hours of the polling district committee, its telephones must be on display in stairwell entrances of apartment houses. The time and place for the voters to exercise their right to have access to electoral rolls shall be on display in a diplomatic mission, and a consular post, at the entrance to the premises of the polling district committee.

2. The electoral roll of the Republic of Lithuania and electoral rolls of municipalities shall not be made public, however, information about the entry of the voter's name on the electoral roll may be provided by telephone to the voter concerned.

#### **Article 30. Poll Card**

1. A poll card shall be a document giving information about an election to a voter, a nominal invitation to participate in an election. Poll cards together with other information about an election shall be delivered to voters or such delivery shall be organised by electoral committees. A voter himself or at his request – any other person may print or write out his poll card in accordance with the data of the electoral roll of the Republic of Lithuania received in accordance with the procedure established by the

Central Electoral Commission. The voter shall sign his poll card himself, except for the cases where he cannot sign it himself because of his physical handicap, illness or any other reason and the poll card is signed by any other person chosen by the voter, indicating his name, surname and personal number. Electoral committees shall distribute poll card forms which may be filled out by the voter himself. A poll card shall be mandatory only in the cases where a voter votes not on polling day at a place other than a polling district.

2. A poll card shall specify:

1) the voter's name and surname;

2) the voter's home address;

3) the name and number of the municipal electoral committee to the territory of which the polling district is allotted;

4) the name, number of the polling district on the electoral roll whereof the name of the voter has been entered, as well as the address of the polling station;

5) the successive number of the voter on the electoral roll of the polling district; and

6) election date, polling time at the polling station of the polling district; invitation to attend an election, other information relevant to the voter or the organisation of an election.

3. A poll card may indicate that this particular voter must declare he meets the requirements laid down in Article 3 of this Law.

4. If a voter applies for a poll card in place of the poll card he has lost or has not received, a poll card must be issued to the voter as soon as his data, which must be entered on the card, are established.

### **Article 31. Delivery of Poll Cards**

1. The delivery of poll cards to voters shall be organised by a polling district committee.

2. Articles 69, 72, 73 and 74 of this Law shall lay down the procedure for delivering poll cards to voters in health care (except out-patient), social care institutions, military units, arrest houses, remand prisons (detention facilities) and penitentiary institutions, and to voters who have gone abroad.

3. A poll card to a citizen of another Member State shall be handed only after he confirms in writing (declares) that he has the right to vote in his home Member State will

exercise the right to vote in these elections to the European Parliament by voting for members of the European Parliament only in the Republic of Lithuania.

4. The delivery of a poll card shall be noted in the preliminary electoral roll of a polling district. A poll card shall be handed either to a voter, who has the right to vote at home, personally or to any other person residing with the voter. If it is impossible to deliver a poll card because a voter or any other person living together with the voter is not at home, the poll card shall be returned to the polling district committee, this fact shall be noted in the preliminary electoral roll and a general invitation to arrive to vote shall be left for the voter. This invitation may be put into a mailbox or handed to the voter's neighbour who knows the voter and undertakes to give it to the voter. The delivery of poll cards to voters must be finished at least eight days before an election. If elections to the Seimas or presidential elections, or elections to municipal councils, or a referendum, or a run-off voting is scheduled for the same date, only one poll card shall be handed.

5. The voter who has not received a poll card in due time or who has received a poll card with incorrect data, must forthwith inform the polling district committee in the territory of which he resides, and to produce his passport or other document confirming his identity to the electoral committee. If the voter has been entered on the electoral roll of this polling district, the district electoral committee must write out a new poll card to the voter and issue it to him immediately. If the voter has not been entered on the electoral roll of this polling district, but the voter's home address according to the data of the Residents' Register of the Republic of Lithuania is allotted to this territory of the polling district or the voter produces other evidences that he resides within the territory of this polling district, the polling district committee shall provide an application form, as prescribed by the Central Electoral Commission, to be filled out by the voter in order to be entered on the electoral roll of this polling district (or a member of the district electoral committee shall himself fill out this application form; this application form may also be submitted electronically by the voter in accordance with the procedure laid down by the Central Electoral Commission) and shall immediately inform the municipal electoral committee about this, which must have care of entering, in compliance with the above-mentioned application, the voter on the electoral roll of this polling district. A poll card shall be written out and delivered to the voter as soon as electoral rolls are updated.

6. A municipal electoral committee may, in accordance with the procedure laid down by the Central Electoral Commission, issue a poll card to the voter whose name is entered on the electoral roll of a polling district of a different municipality if the said voter

cannot return to his permanent place of residence to collect or obtain the poll card in some other manner.

### **Article 32. Updating of Electoral Rolls before Drawing up Final Electoral Rolls**

1. Preliminary electoral rolls shall be updated when transferring a voter from one electoral roll of a municipality or a polling district onto another, when removing a voter from or entering him on the electoral roll of the Republic of Lithuania.

2. The voter shall be transferred from one electoral roll onto another if it becomes clear that the address of his place of residence in the preliminary electoral roll is incorrect or it has changed after the said electoral roll was drawn up.

3. Transferring of a voter from the electoral roll of one polling district into another in the same municipality shall be the responsibility of the municipal electoral committee which shall notify the Central Electoral Commission about these changes made in the electoral rolls of the polling districts. Transferring of a voter from the electoral roll of one municipality onto another shall be made by the Central Electoral Commission, on the recommendation of the municipal electoral committee, or an institution authorised by it for this; the Central Electoral Commission shall notify municipal electoral committees about the changes made. A voter may be entered on or removed from the electoral roll of the Republic of Lithuania only by the Central Electoral Commission in the cases specified in Article 26 of this Law, as well as by municipal electoral committees in the cases specified in Article 26(3) and (5) of this Law.

### **Article 33. Entry on Electoral Rolls of Citizens of the Republic of Lithuania who are Staying Abroad**

1. Citizens of the Republic of Lithuania who are staying in other states shall be entered on the electoral roll of the municipality of the city of Vilnius.

2. A diplomatic mission and a consular post of the Republic of Lithuania shall, at least 15 days before an election, submit to the Central Electoral Commission an electoral roll compiled in the diplomatic mission and the consular post as well as the information regarding its updating. This roll may be supplemented with the voters who cannot return to Lithuania during the period of voting by post or to be present on polling day and who shall vote in a diplomatic mission or a consular post.

**Article 34. Entering on Electoral Rolls of Voters who are in Military Units, on Ships, Arrest Houses, Remand Prisons (Detention Facilities) and Penitentiary Institutions**

1. Voters performing the mandatory military service shall be entered on the electoral rolls of the polling district within the territory of which they permanently resided before they were summoned for the mandatory military service.

2. Voters performing the active military service, civil service or working under employment contracts in international military operations abroad shall be entered on the electoral rolls of the polling district on the territory of which they have declared their place of residence.

3. The voters who are aboard a ship and who cannot return to Lithuania during the period of voting by post or to be present on polling day shall be entered on the additional electoral roll of the polling district on whose electoral roll the ship's crew is entered.

4. Voters who are in arrest houses, remand prisons (detention facilities) or penitentiary institutions shall be entered on the electoral rolls of the polling district in the territory of which they have declared their place of residence. If such a person has not declared his place of residence he, at his written request, shall be entered on the electoral roll of the polling district on the territory of which the arrest house, remand prison (detention facilities) or penitentiary institution is situated. A person who declared his place of residence before he was placed in an arrest house, remand prison (detention facilities) or penitentiary institution may not be entered on the electoral roll of the polling district within the territory of which the arrest house, remand prison (detention facilities) or penitentiary institution is situated.

**Article 35. Updating Electoral Rolls upon Drawing up Final Electoral Rolls and on Polling Day**

1. If following the approval of the final electoral rolls, but no later than until 6pm on polling day, a polling district committee is addressed by a voter who has not been entered on the electoral roll of that polling district and submits the passport or identity card and the document about the declared place of residence (the place of residence must be allotted to the territory of this polling district), the polling district committee shall enter the voter on the additional electoral roll of the polling district and allow him to vote according to the procedure established by the Central Electoral Commission, and immediately communicate the voter's name, surname, personal number, the number of his passport or

identity card and his address to the municipal electoral committee. The municipal electoral committee shall check whether the voter has been entered on the municipal electoral roll and take measures to ensure that the voter would not be able to vote twice or that the ballot papers filled by him would be counted only once. If the voter has voted twice, only the vote which was put in the ballot box of the polling district shall be counted. The other vote of the voter, received by post or when cast according to the additional electoral roll of the polling district, shall not be counted.

2. On polling day a voter who has not yet voted may, in accordance with the procedure laid down by the Central Electoral Commission, vote in another polling district, provided that both of these polling districts are connected through means of electronic communication to the electronic electoral roll and the information system of the Central Electoral Commission and district electoral committees can confirm that the voter has not voted in any of the polling districts, and the electoral committee of the polling district on whose electoral roll the said voter is entered confirms that an entry has been made in the electoral roll of this polling district on the arrival of the said voter to vote at another polling district and the voter's vote, if received in a postal vote envelope, will not be counted.

### **Article 36. Complaints about Electoral Rolls**

1. A voter or a representative for the elections may, no later than seven days before an election, lodge complaints with the polling district committee concerning the errors made in electoral rolls due to which the voter has not been entered on the electoral roll in the manner prescribed by this Law or has been entered on several electoral rolls. The polling district committee must investigate the complaint and adopt a decision thereon either immediately or within two days of the receipt thereof, if more than 10 days are left until polling day.

2. A decision of the polling district committee may be appealed against within three days to an appropriate regional administrative court. The court shall consider the appeal within two days. The decision of the court shall be final.

3. Complaints and comments shall not be considered after the expiration of the term set for filing comments or complaints.

4. Polling district committees shall report to the municipal electoral committee about the received complaints and changes made in the electoral rolls according to the

court's decision, and the municipal electoral committee shall report to the Central Electoral Commission as soon as possible but no later than within 12 hours.

## **CHAPTER FIVE**

### **NOMINATION OF CANDIDATES**

#### **Article 37. Nomination of Candidates**

1. Candidates may be nominated by parties registered in compliance with the Republic of Lithuania Law on Political Parties (hereinafter: 'the Law on Political Parties') at least 185 days before elections and meeting the requirements set by the Law on Political Parties regarding the number of party members.

2. The candidates may be nominated by the election committee meeting the requirement set in Article 38(1) of this Law regarding the number of the election committee members.

3. A party, the election committee may nominate candidates after they are registered as participants of a political campaign in compliance with the Republic of Lithuania Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns (hereinafter: 'the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns'), but not later than 65 days before elections.

4. A party, an election committee shall nominate their candidates by presenting a list of candidates in which candidates are recorded in the succession established by the party, election committee. Unless the statutes of a political party provide otherwise, the list of candidates, recorded in succession, shall be approved at the congress or conference of the party. Unless the election committee's rules of procedure provide otherwise, the list of candidates, recorded in succession, shall be approved by the general meeting of election committee. The list of candidates (joint list) must not include less than five candidates. The number of candidates in the list (joint list) must not exceed more than two times the number of European Parliament members elected in the Republic of Lithuania.

5. The list of candidates nominated by the party, election committee must be supported by not less than 10 000 voters.

#### **Article 38. Election Committee**

1. The number of voters comprising an election committee must be at least twofold the number of members of the European Parliament to be elected in the Republic of Lithuania elected at least. The same voter may be a member of one election committee only. The election committee shall be registered by the Central Electoral Commission. Receipt of documents for registration of an election committee shall start from the moment the date of elections to the European Parliament is announced and end 85 days before elections.

2. An election committee shall be established with the aim of participating in particular elections to the European Parliament by concluding the rules of procedure of the election committee, which are signed by all members of the election committee. Model rules of procedure shall be approved by the Central Electoral Commission. The rules of procedure of an election committee shall include:

1) members of the election committee (name, surname, personal number, declared place of residence entered on the Resident's Register of the Republic of Lithuania, contact details: phone and fax numbers, e-mail address);

2) a representative (coordinator) of the election committee and his powers;

3) the place of residence and contact details of the representative (coordinator) of the election committee: phone and fax numbers, e-mail address;

4) decision-making procedure of the election committee;

5) property and non-pecuniary obligations of the members of the election committee with respect to their activities in the committee, their fulfilment procedure and deadlines.

3. At the meeting, the election committee shall:

1) adopt and amend the rules of procedure, which itself or its amendments come into force after their registration with the Central Electoral Commission;

2) elect and replace the representative (coordinator) of the election committee;

3) decide on the nomination of the list of candidates, may decide on the election programme;

4) decide on the termination of the the election committee's activities, if the election committee's activities are terminated by the end of a political campaign.

4. The meeting of the election committee shall be valid if more than two-thirds of the members of the election committee participate in it. Decisions shall be taken by a majority vote of all of the election committee members .

5. The election committee shall have a representative (coordinator) of the election committee elected from the members of the election committee. The representative (coordinator) of the election committee shall:

- 1) implement the decisions of the election committee meeting;
- 2) conclude agreements on behalf of the committee, provide reports to the general meeting of the election committee, represent the election committee in state and municipal institutions and agencies;
- 3) open a bank account to be used as a bank account of the political campaign and conclude a property trust agreement with the political campaign treasurer.

6. The election committee may start its activities from the day of its registration with the Central Electoral Commission. When registering the election committee, following the order of registration time of the election committees at the Central Electoral Commission, the Central Electoral Commission shall assign it a letter without a diacritical mark.

This letter is considered to be the name of the election committee and is included in the ballot paper of the elections to the European Parliament. The decision on the registration of the election committee or the amendment of the rules of procedure of the election committee shall be adopted by the Chairman of the Central Electoral Commission Chairman or a member authorized by him not later than within three working days after receipt of the request and the rules of procedure. If shortcomings of the documents are identified, the committee representative (coordinator) shall be offered to remove them within three days. Refusal to register the election committee or the amendment of its rules of procedure must be motivated. If the election committee does not agree with the adopted decision, the decision may be appealed against to the Central Electoral Commission within five working days from the date of its adoption. The Central Electoral Commission must examine the complaint within three working days. The decision of the Central Electoral Commission may be appealed against to the Supreme Administrative Court of Lithuania not later than within five working days from its adoption. An appeal must be investigated not later than within 48 hours of the receipt thereof. The decision of the Supreme Administrative Court of Lithuania shall become effective from its pronouncement.

7. Activities of the election committee shall end when:

- 1) the election committee at the general meeting decides to terminate its activities;

2) in accordance with the procedure laid down in this Law, the Central Electoral Commission adopts a decision to revoke registration of the electoral committee if the committee members remain fewer than the minimum specified in paragraph 1 of this Article; the election committee fails to collect voters' signatures provided for in Article 39(3) of this Law; the interests of the election committee or its nominated candidate seriously violated this Law or the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns; the registration of a participant of the political campaign is refused or revoked;

3) the political campaign ends;

4) the election committee withdraws the electoral application documents.

### **Article 39. Application Documents for the Nomination of Candidates**

1. A party or an election committee must file with the Central Electoral Commission the following application documents:

1) an application for the participation in an election;

2) true copies of the registration papers of a political party; the programme and the election programme may be submitted as well;

3) the list of nominated candidates;

4) a written consent of every nominated candidate to be nominated by this party or the election committee, a questionnaire for a candidate for members to the European Parliament filled in by the candidate himself and the extracts containing the basic data from his personal income tax return and property declaration submitted to the State Tax Inspectorate, which are approved by that tax inspectorate to which the said documents were submitted as well as his declaration of private interests and a pledge in the form set by the Central Electoral Commission to comply with the prohibition against bribing voters and persons eligible to vote. In addition, the party or election committee must submit a photograph of each candidate, and a description of life;

5) an authorisation for a representative for elections to represent it in the Central Electoral Commission; the party shall also have the right to grant authorisation to represent it or election committee and the candidates nominated by it in the municipal electoral committees;

6) a document confirming that the party, members of the election committee, nominated candidates have paid the election deposit, and a notification stating the bank

account with a bank registered in Lithuania to which the deposit will be refunded in accordance with Article 42(3) of this Law;

7) the information about the cash in the settlement account (accounts) with a bank and in hand, received during the period from 1 January of the current year to the first day of the month when the documents were submitted.

2. The person nominated as a candidate must himself write in the questionnaire of a candidate for a member of the European Parliament his name, surname, number of the passport or any other identification document, personal number, date of birth, the permanent place of residence, whether or not his court-imposed sentence has expired, whether or not he is a person who is in the active service or alternative national defence service, whether or not he is a serviceman of the professional military service or an officer of a statutory institution and agency who has not been transferred to the reserve at least 65 days before elections, or a person whose right of participation in political activities is restricted under special laws or statutes; the above-mentioned candidate must answer the questions indicated in Article 96 of this Law and sign it. A citizen of another Member State, in addition to these data, must indicate the home Member State, that he has the right to vote in his home Member State, and the location or constituency of the Member State in the electoral roll of which he was included last time. Other questions, additionally established by the Central Electoral Commission, may also be included in the questionnaire of a candidate for a member of the European Parliament, to which the person is not bound to give answers.

3. For the purpose of collecting signatures of voters supporting candidates' nomination, the Central Electoral Commission shall, within three days, issue to a party or an election committee which submitted the application documents the individual forms for the collection of voter signatures with the name and the surname of the candidates of the party or the election committee. The member of a party or an election committee, a candidate who is included on the election committee list shall collect voter signatures either himself or charge other persons having the right to vote to perform the task. The person who collected the signatures shall put his signature at the end of the forms for the collection of voter signatures and shall be responsible for the collection of signatures according to the procedure laid down in this Law. A voter who supports the nomination of the list of candidates must personally write down the data specified in paragraph 4 of this Article in the form for the collection of voter signatures and sign it. Where a person who supports the nomination of the list of candidates is unable, due to some physical handicap,

illness or any other reason, to personally write down the required data in the form for the collection of voter signatures, he may request any other person having the right to vote, except for the person collecting the signatures, to do this for him. In this case, an entry set out by the Central Electoral Commission shall be made in the form for the collection of voter signatures. It shall be prohibited to bribe voters who supported self-nomination, to give or promise to give remuneration for supporting the candidate list nomination and also to demand under threat that the person put his signature or in any other way violate the principle of voluntariness. The persons collecting the signatures must return the forms for the collection of voter signatures to the Central Electoral Commission not later than 45 days before an election. Having received the forms for the collection of voter signatures, the Central Electoral Commission shall verify them within 10 days. The Central Electoral Commission shall calculate the number of signatures of the voters who supported the nomination of the list of candidates. The following signatures shall not be counted: the signatures of persons with no right to vote, of voters who are not entered on the electoral roll; of persons who failed to record all the data prescribed by this Law; if incorrect data are recorded; all signatures of the voter who has several times signed for the nomination of the same list of candidates. If it is established that the voters' signatures have been forged, that the principle of voluntariness or other requirements of this Law have been violated during signature collection, the Central Electoral Commission shall not register the list of candidates for elections to the European Parliament.

4. Signatures must be collected on the form for the collection of voter signatures which shall contain the following text:

'I, the voter, certify that I support the list of candidates (name, surname) nominated by the party, election committee (name of the party or the election committee) in elections to the European Parliament:

Serial No	Voter's surname, name	Number of voter's identity card, passport or document confirming the right of permanent residence in the Republic of Lithuania	Date of birth	Place of residence	Signature and date
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5. The Central Electoral Commission shall start accepting application documents of a party, election committee, except for the filled-in forms for the collection of voters signatures, 85 days before and end at 5 p.m., 65 days prior to an elections. The application

documents filed after the deadline for filing may not be recognised as application documents.

6. Application documents may be filed electronically. Voters may also support the list nominated by a party or an election committee with their signatures electronically in accordance with the procedure laid down by the Central Electoral Commission.

#### **Article 40. Registration of Candidates**

1. Upon the commencement of filing of application documents, at the request of the Central Electoral Commission the Ministry of Justice (hereinafter: 'the Ministry of Justice') shall, within one day, confirm officially which parties have been registered, the activities of which parties have been suspended or terminated.

2. Having received the application documents of a party, the Central Electoral Commission must, not later than the next working day, apply to the Ministry of Justice regarding confirmation of the fact of the registration of the party and the validity of the submitted statutes of the party. The Ministry of Justice must give a written reply within two days and submit to the Central Electoral Commission a transcript of the effective statutes.

3. While checking the application documents filled in by a candidate, the Central Electoral Commission shall determine whether or not the candidate meets the requirements of Article 3 of this Law. When necessary, it may appeal to the Ministries of Foreign Affairs of the Republic of Lithuania, the Ministry of the Interior of the Republic of Lithuania (hereinafter: 'the Ministry of the Interior'), Ministry of Justice or other state institutions to furnish the data important for registering the candidate. Such request of the Central Electoral Commission must be considered as a matter of extreme urgency and a written reply must be given within seven days, but not later than 32 days before elections.

4. Having checked out the submitted application documents of a party, an election committee and having established their compliance with the requirements of this Law as well as that the party, election committee which nominated a list of candidates for elections to the European Parliament have been registered as independent participants of a political campaign, and that the nominated list has the support of 10 000 voters, the Central Electoral Commission must take a decision concerning the registration of the list of candidates not less than 31 days prior to elections.

5. If upon filing of application documents or following the registration of a candidate, the Central Electoral Commission establishes that this candidate does not meet

the requirements laid down in Article 3 of this Law, or if a candidate refuses to fill in the pledge provided for in Article 39(1)(4) to comply with the prohibition to bribe voters and persons eligible to vote or does not file the pledge within time limits established in this Law, or if a candidate has failed to meet the requirements of Article 96(3) (has not provided the required information under this Law or presented false data), the Central Electoral Commission shall revoke the announcement of the joint list of a respective election committee, political party or parties' coalition, shall not register individual's nomination to be a candidate for the member to the European Parliament or shall repeal such registration. The Central Electoral Commission may adopt a decision not later than 21 days left before polling day.

6. If a political party or an election committee or a candidate has grossly violated the provisions of Article 5(1) of this Law and such violation has been established not later than 15 days before polling day, the Central Electoral Commission shall revoke the announcement of the joint list of respective election committee, political party or parties' coalition, shall not register individual's nomination to be a candidate for the member to the European Parliament or shall repeal such registration. The Central Electoral Commission may adopt a decision not later than 12 days left before polling day.

#### **Article 41. A Representative for Elections**

1. A representative for elections shall represent a party or an election committee which has authorised him on all issues in the Central Electoral Commission or the municipal electoral commission. The representative for elections shall attend meetings of an electoral committee in an advisory capacity and with the right to express a separate opinion on all issues under consideration. The representative for elections shall have all the rights of the election observer in the appropriate electoral territory. Following the announcement of the date of elections to the European Parliament, authorisation by parties or an election committee to represent them in electoral committees may be filed with the Central Electoral Commission the following day after the formation of an appropriate electoral committee. If the candidature of a representative for elections meets the requirements of this Law, the Central Electoral Commission shall within three days register the power of attorney given to him and shall issue a representative's for elections certificate. The authorisation for a representative for elections shall expire after the lapse of 20 days following the proclamation of the final results of the election.

2. Until polling day, the party or election committee may revoke an authorisation at any time and authorise another person to be a representative for elections. In this case a representative for elections must be registered, a certificate must be issued to him, and the registration of the previous representative for elections must be terminated within three days from the filing of appropriate authorisation of a party, an election committee with the Central Electoral Commission.

#### **Article 42. Election Deposit**

1. The election deposit left in order to register one list of candidates shall be in the amount of ten most recently published average monthly earnings in the whole economy (hereinafter: 'AMEs'). A change of the place of one candidate on the list or entry of a new candidate on the list shall be in the amount of one AME. Joining the candidates' lists shall be in the amount of 0.3 AME for each joint list. If the number of a candidate on the list changes because of the change of the place of another candidate or the entry of a new candidate on the list, or the removal of the previously entered candidate, the election deposit shall not be charged. The election deposit may be paid only by a party, members of an election committee or candidates by bank transfer from their own funds.

2. An election deposit for registration of one list of candidates shall be tripled for the party which during three preceding elections to the European Parliament, the Seimas, or municipal councils did not furnish a copy of the report on the funding of the political campaign and sets of financial statements of the political party for the previous calendar year in accordance with the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns, or if it was established that not all sources of funds or campaigning expenses were indicated in the said reports.

3. Upon the expiration of the period of political campaign, the Central Electoral Commission shall within 40 days refund the electoral deposit to the party, the election committee or the candidate who furnished it, provided that:

1) a participant of a political campaign in accordance with the terms provided for in the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns together with a political campaign funding statement, submits its annexes and the documents substantiating political campaign proceeds and expenditure;

2) candidates did not violate Article 5 of this Law, or did not grossly violate the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns;

3) the list of candidates obtained in the elections at least 3 percent of the votes of all voters participating in the election.

4. The non-refundable deposits shall be transferred to the state budget.

#### **Article 43. Measures to Prevent Double-Candidacy**

1. Each candidate may be entered only on one list of candidates in the Republic of Lithuania and may stand as a candidate only in one Member State of the European Union in a single election to the European Parliament. Double candidacy in elections to the European Parliament shall be prohibited.

2. If a person has given his consent to be entered on more than one list of candidates in the Republic of Lithuania, he shall be removed from all the lists of candidates and his registration as a candidate shall be cancelled.

3. If a person has given his consent to be entered on a list of candidates in the Republic of Lithuania and has given his consent to be nominated as a candidate in any other Member State of the European Union, he shall be removed from the list of candidates and his registration as a candidate in the Republic of Lithuania shall be cancelled.

4. In order to prevent double candidacy, the Central Electoral Commission shall maintain relations with the institutions of other Member States of the European Union, which organise elections or are responsible for the registration of candidates for elections to the European Parliament, shall notify the said institutions about the registration of citizens of their States as candidates and collect information about the registration of citizens of the Republic of Lithuania as candidates for members of the European Parliament in other Member States of the European Union.

#### **Article 44. Joining the Lists of Candidates**

1. Before the deadline for filing application documents several parties may join the lists of candidates nominated by them. In order to do so, they must submit a statement to the Central Electoral Commission concerning the joining of the lists of candidates, indicating the name of the coalition. The joint list in which the candidates are entered in a newly established succession, as well as the document confirming that the election deposit for the joining of the lists of candidates has been furnished shall be submitted as well. Only those persons may be put down on the joint list who are on the lists which are being joined together. The name of a coalition must include the word 'coalition' and it may not

contain any references to the names of the parties which do not form this coalition. The joint list shall be considered to be a single list. The same party may not participate in more than one coalition.

2. The list of party candidates shall be considered to be a joint list if it contains two or more candidates belonging to other parties.

#### **Article 45. Right to Withdraw or Supplement Electoral Application Documents**

1. An election committee, party or election coalition may, at any time but no later than 28 days before elections, declare their application documents fully or partially withdrawn. An election committee, party or election coalition shall notify the Central Electoral Commission about this by a statement and the relevant representatives for elections in the Central Electoral Commission shall also be informed about the said fact. If application documents are withdrawn, the election deposit may be refunded only after the election, provided it becomes refundable as stipulated in Article 42 of this Law. Upon the annulment of the registration of a whole list of candidates or when a list of candidates is not registered due to deficiencies in application documents, or application documents have not been filed in good time, the electoral deposit shall not be returned.

2. Parties, election committees shall be allowed to additionally submit, before the deadline for the filing of application documents set in Article 39(5) of this Law, new application documents and supplement the list of candidates with no more than two candidates, altering the sequence of candidates on a list of candidates respectively. In such case the forms for the collection of signatures shall not be changed.

3. If the application documents are withdrawn by the party that has formed a coalition or the election committee, the candidates nominated by them shall be removed from the joint list of candidates, and, if the name of the coalition contains a reference to its name or the name of the election committee, the name of the coalition shall be changed. In this event it is necessary to notify in writing the representatives for elections of the coalition partners in the Central Electoral Commission. If, upon withdrawal of the electoral application documents, the candidates of only one party or election committee remain on the coalition's joint list of candidates, they shall participate in an the election only as the nominees of that party.

4. If, upon withdrawal of application documents or the removal of candidates, there are less than five candidates left on the list of candidates (joint list), the registration of all the candidates of this list shall be annulled.

#### **Article 46. Announcement of Candidates and Lists of Candidates**

With not less than 30 days prior to elections, the Central Electoral Commission shall publish in its own website the names of the lists of candidates of parties, coalitions, and election committees and the names of the candidates in the lists; election numbers assigned to the lists of candidates by drawing lots; election numbers assigned to the candidates on the above lists. The Central Electoral Commission shall hand over the certificates of candidates with the election numbers assigned to the candidates to the representative for elections. At the moment of its assignment the candidate's election number shall coincide with the candidate's successive number on the list of nominated candidates (joint list). The candidate's assigned election number may not be changed until the announcement of election results.

### **CHAPTER SIX**

#### **GUARANTIES OF ACTIVITIES OF THE CANDIDATES**

##### **Article 47. Right of a Candidate to Speak at Meetings, to Use the Mass Media**

1. After the announcement of candidates and lists of candidates by the Central Electoral Commission, the candidates shall have equal rights to speak at voters' meetings or any other meetings, gatherings, conferences as well as through the state mass media, and to announce their respective election programmes.

2. Heads of state and municipal institutions and agencies, also directors of the administrations of municipalities or persons authorised by them must help candidates to organise meetings with voters, to obtain necessary information, with the exception of the information which is considered confidential according to laws of the Republic of Lithuania and resolutions of the Government.

##### **Article 48. Liability for Violation of this Law**

Persons who by force, threat, deception, bribery or otherwise prevent voters and persons entitled to vote from implementing their right to vote or stand as a candidate in

elections to the European Parliament, to organise and carry out election campaign, who have violated the procedure of election campaign, announced or otherwise disseminated fraudulent data about a candidate or prevented a candidate from meeting with voters, or who have otherwise violated this Law, as well as the members of electoral committees or other officers who have falsified, damaged, destroyed, stolen or hidden election documents, made an incorrect vote count, violated the secrecy of voting or otherwise violated this Law, shall be held liable under the law of the Republic of Lithuania.

**Article 49. Right of a Candidate to be Relieved from Work or his Official Duties**

1. After the announcement by the Central Electoral Commission of lists of candidates as well as candidates, a candidate shall, at his written request, be released from work or official duties for a period not exceeding 30 days. A request to be released from work or official duties shall be submitted to the person who has the right to grant leave.

2. The provisions of paragraph 1 of this Article shall not apply to a candidate who is the President of the Republic, a member of the European Parliament or the Seimas. The procedure for relieving a candidate for a member of the European Parliament who is a member of the Government from the performance of official duties shall be laid down in the Law of the Republic of Lithuania on Government.

**Article 50. Immunity of a Candidate**

1. After the announcement by the Central Electoral Commission of candidates and lists of candidates as well as prior to the first sitting of a newly elected European Parliament, a candidate may not, without the consent of the Central Electoral Commission, be found criminally liable, arrested, nor his freedom may be restricted otherwise.

2. The provisions of paragraph 1 of this Article shall not apply to a candidate who is the President of the Republic, a member of the European Parliament or the Seimas, a member of the Government. An issue of the immunity of such persons shall be resolved in accordance with the procedure laid down by the Constitution and laws.

**CHAPTER SEVEN  
ELECTION CAMPAIGNING**

**Article 51. Basic Principles of Election Campaigning**

1. The provisions of this Law regulating the election campaign shall apply upon the announcement of the election date. Election campaign expenses and political advertising expenses must be declared in the manner prescribed by the law and must not exceed the maximum permissible amount of political campaign expenses fixed by the law.

2. Election campaign may be conducted in any form or manner, provided it does not violate the Constitution and the laws, conflict with the morals, justice or societal cohesion, contravene fair and respectable elections.

3. Requirements for marking of the political advertising shall be laid down by the law. The Central Electoral Commission shall establish the procedure for marking political advertising.

4. Outdoor political advertising shall be communicated in compliance with the rules of communication of outdoor political advertising approved by the Central Electoral Commission.

#### **Article 52. Conditions and Procedure of Election Campaign**

1. After the announcement by the Central Electoral Commission of candidates as well as lists of candidates, candidates shall be granted the right to use the national mass media free of charge. The Lithuanian National Radio and Television shall prepare and broadcast programmes intended for campaigning from the funds allocated in the state budget. The Central Electoral Commission shall cover additional expenses related to broadcasting of such programmes. The rules for preparing programs intended for election campaigning shall be approved and the actual duration and time of the Lithuanian National Radio and Television programs shall be set by the Central Electoral Commission after consultation with the head of the Lithuanian National Radio and Television. Moreover, the Central Electoral Commission shall allocate the time of the programs distributing it in such a manner that the principle of equality of the lists of candidates is preserved.

2. Debates of candidates over the radio and television shall be financed with state budget funds from the appropriations allocated for the Central Electoral Commission.

3. The Central Electoral Commission shall:

1) in accordance with the procedure laid down by the law, choose producers and broadcasters of debate programmes;

2) approve the rules on producing debates.

4. Groups of independent participants of political campaign taking part in discussions (consisting of two and more persons) shall be set up by mutual agreement and in the event of failure to reach mutual agreement - by drawing lots.

5. All broadcasters shall have the right to produce, on their own initiative, debate programmes in compliance with the provisions of the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns. Other terms and conditions provided for in this Article shall not apply to the said broadcasters.

6. The Central Electoral Commission shall publish the lists of candidates and their election programmes within 20 days after the submission thereof. The procedure for printing election programmes shall be established by the Central Electoral Commission.

7. For the purpose of this Law, outdoor political advertising shall mean political advertising communicated to the public through audio or visual media. Outdoor political advertising shall also be political advertising which is announced in public areas, buildings, vehicles.

8. It shall be prohibited to display outdoor political advertising:

1) on buildings occupied by state administration, law-enforcement and other state and municipal institutions and agencies;

2) inside or on the vehicles belonging to state or municipal enterprises;

3) on motorways and in their sanitary protection areas, as well as in and alongside streets if it might obstruct technical traffic regulation means and road signs, reduce visibility, blind traffic participants, distract their attention, thereby posing danger to traffic participants; it is also prohibited to use advertising that imitates road signs;

4) on sculptures and monuments;

5) within 50 metres around the building which houses a polling station;

6) without the consent of the owner of the land, construction works or other structures on or in which it is being set up.

9. Outdoor political advertising in protected areas and immovable cultural properties, as well as in their territories shall be permitted only upon agreement with a state agency responsible for the protection of cultural properties and an agency authorised by the founder of the protected area.

10. A person who displayed outdoor political advertising shall have an obligation to remove outdoor political advertising before the beginning of the period established by the law when election campaigning is prohibited.

11. Persons who have violated the requirements of the procedure for installing and communicating outdoor political advertising shall be held liable under the law.

12. All disputes concerning the election campaign shall be settled by the Central Electoral Commission in compliance with this Law.

**Article 53. Releasing the Material Compromising a Party or an Election Committee which Has Nominated a Candidate or a List of Candidates, and the Countering Opinion**

1. If, after the announcement by the Central Electoral Commission of lists of candidates as well as candidates, the mass media publicise any material compromising a candidate, party or an election committee which has nominated a list of candidates (at the latest, such data may be publicised five days before an election in the means of the mass media which is issued more than three times a week, or 10 days before an election in other means of the mass media, but in all cases any material compromising a candidate, party or an election committee, which has nominated a list of candidates may be publicised not later than in the next-to-last issue of a means of mass media before an election), it must provide the candidate, party or the election committee with a possibility of expressing a countering opinion. The countering opinion shall consist of a short exposition of the released compromising material and the response. Usually, the extent of the countering opinion may not exceed the volume of the compromising material more than three times. The means of the mass media must make public the countering opinion within seven days after it has been expressed, but not later than two days before the campaign prohibition becomes effective. If the said means of the mass media may not itself make public the countering opinion within the time limit set by this Law, it must publicise with its own funds the countering opinion in another means of the mass media.

2. The material which is aimed at influencing voters not to vote for an individual candidate (candidates) nominated by a particular party or election committee and which contains information negatively describing the party (its branch or division), election committee or the candidate shall be considered as compromising material. An opinion about the party, election committee or the candidate announced in the mass media (unlike hard news, the criteria of truth shall not apply to an opinion), including a negative opinion, shall not be considered as compromising material and shall not entitle the candidate or the party to demand announcing a countering opinion. The demand to announce a countering opinion may also be rejected in cases when: the released material does not concern that

party, election committee or candidate; the released material is not compromising; the compromising material about the party, election committee or the candidate is released by a candidate nominated by that party or election committee; the material contains no information characterising the party, election committee or the candidate; the party, election committee or the candidate has already exercised the right to a countering opinion.

3. A party, election committee or a candidate shall furnish the countering opinion to the means of the mass media through its (his) representative for elections in the Central Electoral Commission or through its (his) representative for elections in a municipal electoral committee. If the representative for elections has duly furnished the countering opinion to the means of the mass media, but it has not been announced, the countering opinion shall, by the decision of the Central Electoral Commission, be broadcast on the Lithuanian national radio or television and shall be paid for at the rates of advertisement fees. In this event, the means of the mass media must pay the Central Electoral Commission two times the amount of the broadcast costs.

4. If the compromising material was released during the time period when its release is not permitted under this Law, the candidate's countering opinion shall, by the decision of the Central Electoral Commission, be broadcast on the Lithuanian national radio or television and shall be paid for at the rates of advertisement fees. In this event, the means of mass media must pay the Central Electoral Commission three times the amount of the broadcast costs.

5. In any case a countering opinion shall not be announced during the period when election campaigning is prohibited. Announcement of a countering opinion shall not exempt the means of the mass media from liability under laws of the Republic of Lithuania.

6. When the countering opinion is made public by the decision of the Central Electoral Commission, its costs, set by this Law, shall be recovered from that means of the mass media which has released the material compromising the candidate during the period when such release is not permitted or which has not announced the countering opinion in proper time.

#### **Article 54. Prohibition to Take Advantage of one's Official Position for Election Campaigning**

1. Anyone shall be prohibited from taking advantage of his official position in state or municipal institutions, agencies or organisations, as well as in the state or municipal mass media for any form of campaigning or from instructing other persons to do so, or from trying to exert influence upon the will of voters in any other manner, taking advantage of his official position. State or municipal officials, civil servants shall be prohibited from taking advantage of their official position in order to provide exclusive conditions for campaigning for themselves, the election committee or the party. An administrative or criminal action may, in accordance with the procedure established by laws, be taken against the person who has violated this Article.

2. If a person is a candidate, he may use the national mass media only according to the procedure set forth in Article 52 of this Law. If the fulfilment of their duties requires announcing to the mass media important news, they may do it only at a press conference. It shall be permitted to broadcast through the means of the national mass media or in programmes of the mass media financed from the state or municipal funds only a recording of the conference or a portion thereof which contains no elements of campaigning.

#### **Article 55. Financing of Political Campaigns of Elections to the European Parliament**

Financing of political campaigns of elections to the European Parliament shall be regulated by the Law on Funding of, and Control Over Funding of, Political Parties and Political Campaigns.

#### **Article 56. Prohibition of Election Campaigning on Polling Day**

1. Campaigning, regardless of its methods, forms and measures, shall be prohibited during 30 hours before the beginning of an election and on polling day until the end of voting, with the exception of permanent visual campaign material provided it was placed before the beginning of this election campaign prohibition. During the period of election campaign prohibition and the period of early voting no visual campaigning material (with the exception of those issued by the Central Electoral Commission) may be displayed in a polling station or within 50 meters of the building which houses a polling station or in which special postal voting is carried out. If campaigning for elections to the Seimas, or presidential elections, or municipal councils, or campaigning regarding a referendum is conducted concurrently, election campaigning shall be prohibited during 30 hours before

the beginning of the election and on polling day until the end of voting, under the same conditions and in accordance with the same procedure as specified in this paragraph.

2. Information about the course of elections, its importance for the life of the country, the number of voters who have come to vote, the documents required to vote, invitation to come to vote or any other information which does not instigate non-participation in the election, vote for or against a candidate or a list of candidates shall not be regarded as election campaigning.

3. Persons who violate the provisions of paragraph 1 of this Article shall be held liable under the law.

## **CHAPTER EIGHT**

### **PREPARATORY ACTIVITIES OF THE ORGANISATION OF ELECTIONS**

#### **Article 57. Establishment of Sample Election Documents**

The Central Electoral Commission shall establish the samples and forms of poll cards, ballot papers, postal vote envelopes, other documents, blanks, questionnaires, official envelopes, packages, seals, posters used in elections as well as the samples for filling them out.

#### **Article 58. Ballot Papers**

1. A ballot paper for elections shall contain all lists of candidates arranged according to the assigned election numbers in an increasing order on the same space and in the same type (types). The type shall be chosen of such size which would best fit to fill the space designated for inscription. A ballot paper shall contain the election number set by drawing lots, the name of the party, election committee, coalition (indicated in its application documents) and the election numbers of the candidates on the list, as well as the names and surnames of the candidates. Instructions for the voter regarding the procedure for filling out the ballot paper must be printed on the ballot-paper which must also contain a special space designated for indicating the voter's will.

2. The second part of the ballot paper shall contain five designated spaces where the voter shall record the election numbers of the chosen candidates.

3. The ship ballot papers shall be printed in accordance with the description or the ballot template transmitted by the Central Electoral Commission.

#### **Article 59. Delivery of Ballot Papers**

1. Municipal electoral committees shall deliver ballot papers and envelopes for voting by post to central post offices at least 2 days prior to the beginning of voting by post, ballot papers to polling district committees - 12 hours preceding the beginning of voting on polling day.

2. At the diplomatic missions and consular posts of the Republic of Lithuania, voters must be provided with free access to ballot papers and postal vote envelopes at least 20 days before elections. On ships voters must be provided with free access to the text of ballot papers not less than 15 days prior to elections.

3. The Central Electoral Commission shall be responsible for the publishing of ballot papers and postal vote envelopes, as well as for the keeping of records and delivery thereof without violating the fixed time limits.

#### **Article 60. Preparation of Polling Stations**

1. A polling station of a polling district must be completely prepared for elections not later than 12 hours before the beginning of voting. The polling district committee must also have counted all ballot papers received from the municipal electoral committee and drawn up their acceptance report by the prescribed time. In the polling station of a polling district there must be a ballot box, secret voting booth (booths) in which a voter could fill out ballot papers in private. The campaigning and voter's information material issued by the Central Electoral Commission may be displayed in the polling station; lists of candidates must be displayed in the polling station as well. The text of this Law must be accessible in each polling district. The campaigning material, except for the material issued by the Central Electoral Commission, must be removed from the polling station, passageways leading to or out of it (corridors) and from the territory within 50 metres of the building in which the polling station is situated. Working places for electoral committee members and for election observers must also be arranged. Upon the arrangement of the polling station, it shall be closed, sealed, left under the police protection and the chairman of the polling district committee shall inform the municipal electoral committee thereof.

2. Other requirements for the arrangement of polling stations shall be established by the Central Electoral Commission.

3. The chairman of a polling district committee shall be responsible for the timely and proper preparation of a polling station. If the municipality administration fails to allocate premises suitable for establishing a polling station or fails to ensure the provision

of equipment necessary for voting, the chairman of the polling district committee must forthwith notify the municipal electoral committee thereof and take measures to find premises suitable for fitting out a polling station and to acquire the necessary equipment as prescribed in Article 10 of this Law.

### **Article 61. Election Observers**

1. Parties, election committees, representatives of parties and election committees in electoral committees and candidates shall each enjoy the right to appoint not more than two election observers in every polling district. An election observer shall be a person having a certificate in the form established by the Central Electoral Commission. He shall have the right to observe elections conducted in the territory of the municipality or polling district which is indicated in his certificate, as well as in any post office. The electoral observer's certificate shall be issued by:

1) the Central Electoral Commission - to observe elections in the entire territory of the Republic of Lithuania, diplomatic missions and consular posts of the Republic of Lithuania, or only in particular municipalities or polling districts by the advice of the Minister of Foreign Affairs, the President of the Republic or upon the request of the persons representing foreign states or international institutions, as well as at its own discretion;

2) a municipal electoral committee - to observe elections in the entire territory of the municipality, in one or several polling districts to citizens of the Republic of Lithuania who are above 18 years of age or other persons who enjoy the right to vote, at the request of the election committee, local branch of the party or its representative for elections; the surname and name of the person proposed to be an election observer, his personal code, name (names) of the polling district (districts) must be indicated in the certificate.

2. The election observer's certificate shall be issued by the chairman of the electoral committee on behalf of the electoral committee or by any other member of the committee at the behest of the committee chairman. It shall be prohibited to refuse to issue an election observer's certificate or to delay the issuance thereof. All refusals to issue an observer's certificate shall be reported at the next committee sitting and an appropriate representative for elections shall be notified thereof.

3. The Central Electoral Commission shall register international election observers and issue certificates to them. The Central Electoral Commission shall have the right to

refuse registering of international election observers and issuing the certificates to them in case the activities of such international observers do not comply with the requirements of the laws and the Constitution of the Republic of Lithuania. If the international election observers violate the laws or the Constitution of the Republic of Lithuania, their registration may be revoked and the election observer's certificate may be declared invalid. International election observers shall have all the rights provided for to the election observers in this Law.

4. An election observer shall be entitled to demand that the chairman and members of the electoral committee as well as persons who are present in the polling station adhere to this and other laws. Electoral committees must make arrangements to ensure that an election observer be provided with proper conditions in the polling station of a polling district to monitor the observance of this Law. If an election observer violates this or other laws himself, his observer's certificate may be revoked on the decision of the chairman of the municipal electoral committee. The members of the municipal electoral committee, the Central Electoral Commission and an appropriate representative for elections shall be immediately notified of the decision.

## **CHAPTER NINE**

### **VOTING**

#### **Article 62. Time and Place of Voting**

Voting shall take place on polling day from 7 am until 8 pm at the place designated by the electoral committee of the polling district. The voter shall vote in the polling district on whose electoral roll his name has been entered, unless this Law provides otherwise.

#### **Article 63. Prohibition to Hold other Events in the Polling Station**

It shall not be allowed to hold any other events in the polling station, except the organisation of the election and voting. It shall also not be allowed to carry out any activities in the passageways leading to or out of the polling station (corridors) and at the entrance to the building where the polling station is situated.

#### **Article 64. Commencement of Voting**

On polling day, the polling station shall be opened only when at least 3/5 of the members of the polling district committee have gathered. Prior to opening of the polling

station for voters, only the polling district committee members, election observers and the policeman on duty may be present in it. The chairman of the polling district committee together with the members of that electoral committee shall make sure that a ballot box is empty and shall seal it up. After the polling district committee checks that the polling station has been furnished according to the established requirements, the chairman of the polling district committee shall register the amount of the ballot papers received by the polling district committee from the municipal electoral committee into the vote counting record, affix the seal on ballot papers, distribute ballot papers and the electoral roll among the members of the polling district committee, register the number of ballot papers issued to each member of the electoral committee into the vote counting record of the polling district, and open the polling station to the voters, thereby proclaiming the commencement of the election.

#### **Article 65. Voter Identification**

1. At the entrance to the polling station, a voter shall produce to a member of the polling district committee his passport or any other identification document; he may also produce the poll card. In the polling districts which are connected through means of electronic communication to the electronic electoral roll, the voter's arrival to vote shall be indicated in the electronic electoral roll. Upon having established that the voter has arrived at the polling district on whose electoral roll his name has been entered, the committee member shall hand the voter an arrival card indicating which the voter was to come to the polling station to vote and shall indicate the committee member to be applied to for a ballot. It shall not be permitted to hand several arrival cards to one voter or to hand another voter's arrival card to him. If upon arriving at the polling station, the person does not have the required documents or it is not clear whether he has been entered on the electoral roll of this polling district, the committee member shall not hand the arrival card to this person, instead, the person shall be handed a guest's card and shall be referred to the committee chairman or deputy chairman to clarify his voting status.

2. The committee member who is tasked with handing ballot papers, having established on the basis of the produced documents that the person who arrived to vote is indeed the citizen who has been entered on the electoral roll, or if two citizens of the Republic of Lithuania or two citizens of any other Member State of the European Union, permanently residing in the Republic of Lithuania, who are entered on the electoral roll of

that polling district testify to this fact in writing to the electoral committee chairman, shall find the name of the voter on the electoral roll, and shall take the the arrival card from the person. After the voter and the committee member who hands ballot papers sign in the electoral roll of voters of the polling district, the voter shall be handed ballot papers. The arrival card shall not be returned to the voter.

3. It shall be prohibited to hand the voter the ballot paper of another person. The member of an electoral committee who violates this provision shall be liable under the law of the Republic of Lithuania.

### **Article 66. Voting Procedure**

1. Upon the receipt of a ballot paper, a voter shall proceed to the polling booth and complete the ballot paper. It shall be prohibited to mark a ballot paper outside the polling booth.

2. The voter shall mark on a ballot paper the list of candidates whom he is voting for and, expressing his opinion about the candidates on the list, shall enter the election numbers of the five chosen candidates in the designated spaces of the ballot paper. In this way preference votes are given for the candidates. If the election number of one and the same candidate is entered two or more times on the ballot paper, only one preference vote from the ballot paper shall be considered for the candidate. Where the marks on the ballot paper make it impossible to determine the voter's preferences regarding the election numbers of one or more candidates, it shall be considered that the voter has not expressed his preferences regarding the candidates.

3. The voter shall personally place his completed ballot paper into the ballot box.

4. Upon the request of the voter, who hasn't cast his ballot paper into the ballot box, spoiled ballot paper shall be exchanged for a new one. A spoiled ballot paper shall be crossed and signed by a member of the electoral committee who shall then hand a new ballot paper. Spoiled ballot papers shall be recorded and kept separately.

5. Voters who because of physical handicaps, illness or any other reason cannot carry out the actions referred to in this Article may choose another person to mark the ballot papers for them. This person must complete the ballot paper in the voter's presence under his instructions, preserve the secrecy of voting and put the ballot paper into the ballot box in the voter's presence. The members of the electoral committee, election observers and representatives for elections shall be prohibited from carrying out voting-

related actions for the person who cannot carry out these actions because of physical handicaps, illness or any other reason.

### **Article 67. Postal Voting**

1. Voting by post shall be made possible for voters who due to the health or age are in healthcare (except out-patient), social care institutions or carry out mandatory military service and therefore are unable to arrive at a polling district, or they carry out active military service, civil service or work under employment contracts in international military operations abroad, or serve a sentence of arrest or imprisonment, or are in arrest houses, remand prisons (detention facilities) . Postal voting shall be possible at post offices set specially for postal voting (hereinafter: 'special post offices') during their business hours on a last Wednesday, Thursday or Friday before polling day. In military units deployed abroad, postal voting shall be conducted in accordance with the procedure laid down by the Central Electoral Commission, on the recommendation of the Minister of National Defence. Expenses related to postal voting shall be covered from the state budget.

2. The head of the post office shall be responsible for the organisation of postal voting. The chairman of the polling district committee on the territory whereof a post office is situated shall be responsible for organising the supervision over the post office work related to voting by post. He shall, together with the chairmen of other polling district committees who have been given such assignment by the municipal electoral committee, organise the participation of members of the electoral committees during voting in special post offices. Commanders of military units deployed abroad shall be responsible for organising postal voting in those military units.

3. The head of the post office, with the consent of the municipal electoral committee, shall appoint postal workers for the issue and collection of ballot papers and postal vote envelopes during voting by post, who are entrusted with the work with election documents. If the municipal electoral committee requests so, the head of the post office must remove a postal worker from the work with election documents. Postal workers who are authorised to issue and accept election documents shall be issued by the municipal electoral committee the certificates in the established form. A postal worker who does not hold such a certificate shall not have the right to issue and accept election documents. An electoral committee member or election observer who has produced his certificate to the postal worker, a voter who has produced the poll card and his identification document

shall have the right to write down their remarks in the said certificate. The head of the post office shall immediately notify the municipal electoral committee thereof.

4. The places referred to in Articles 71, 72, 73 and 74 of this Law must have some premises (place) where voter can, without interference and in secrecy, mark the ballot paper and place it into a ballot paper envelope. In these cases the voting procedure may be observed by election observers who have election observer's certificates allowing them to observe elections in any polling district.

5. The postal worker shall issue election documents to a voter in accordance with the procedure established by the Central Electoral Commission. Together with ballot papers, voters shall be given postal vote envelopes. A covering envelope shall be addressed by the postal worker to the polling district committee which is indicated in the person's poll card.

6. The voter shall vote in person and in secrecy:

- 1) mark a ballot paper;
- 2) put the marked ballot paper into the ballot paper envelope;
- 3) seal the ballot paper envelope;

7. The actions referred to in paragraph 6 of this Article shall be carried out by a voter himself. If because of the physical handicaps, an illness or any other reasons a voter is unable to carry out the said actions himself, at his request such actions shall be carried out by a person chosen by him. This person must mark the ballot paper in the voter's presence in compliance with his instructions and preserve the secrecy of voting.

8. The voter or, at his request, the person chosen by him shall put the ballot paper envelope together with the voter's poll card in the covering envelope. The sealed covering envelope (with the voter's poll card, the ballot paper envelope and the ballot paper in it) shall be handed by the voter or by a person chosen by him to a postal worker. Having received the envelope, he shall seal it with a special mark and give the voter a receipt confirming the acceptance of this envelope.

9. Postal workers shall be prohibited from carrying out for a voter the actions referred to in paragraphs 6 and 8 of this Article, as well as accepting from the voter a covering envelope which is not sealed, issuing voters with election documents in other places and to other persons than those provided for in Articles 72, 73 and 74 of this Law. Voters shall be prohibited from taking postal ballot papers, postal vote envelopes out of special post offices or giving them to other persons.

**Article 68. Voting at Home and Early Voting**

1. Only the following persons may vote at home: disabled voters, voters with temporary working incapacity, voters aged 70 and over if because of the health condition they are unable to come to a polling district on election day and if they produce a voter's request, the form of which is set by the Central Electoral Commission, for voting at home. Electoral committees which make up and verify lists of voters voting at home shall be entitled to receive information concerning disabled persons from the State Social Insurance Fund Board or its territorial departments, and information concerning persons with temporary working incapacity – from healthcare institutions. Electoral committees must not disseminate this information and shall use it only for verifying lists of voters voting at home.

2. Voters' requests for voting at home shall be submitted to polling district committees. The acceptance of requests for voting at home from voters who reside within the territory of the respective particular polling district shall start with the issue of poll cards to such voters and end on the last Wednesday before polling day. The acceptance of requests for voting at home from voters who temporarily stay within the territory of the respective polling district and have not been entered on the electoral roll of this polling district shall end on the last Tuesday before polling day. A voter who because of his physical handicaps, illness or other reasons is unable to fill in a request for voting at home or to hand it to a polling district committee, may authorise his family member, neighbour or a person who takes care of him to carry out the said actions for him. These persons shall sign the voter's request and indicate their name, surname and personal number.

3. Only those voters may vote in advance, who are unable to arrive at a polling district to vote on polling day. A municipal electoral committee shall organise early voting. Early voting must be conducted from 8 am to 8 pm on the Wednesday and Thursday preceding a polling day, in the premises prepared beforehand and fitted for voting, which are situated in the building in which a workplace of mayor (director of the administration) of that municipality is located. The chairman of a municipal electoral committee shall appoint at least two members of the municipal electoral committee or polling district committees, who may not be proposed by the same political party, to issue and collect ballot papers and vote covering envelopes during early voting. Early voting shall be supervised by the chairman of the municipal electoral committee or, on his instruction, a member of the municipal electoral committee. The chairman of the Central Electoral Commission, a member of this Commission authorised by him or the chairman

of the municipal electoral committee who has established, in accordance with the procedure laid down by the Central Electoral Commission, the cases of bribery of voters or other cases grossly violating the voter's rights, must suspend early voting until the violations will be removed and it will be possible to conduct an election freely and democratically in accordance with the requirements of this Law.

4. On the last Thursday before polling day, a polling district committee shall draw up and approve a roll of voters voting at home, who are entered on the electoral roll of that polling district. On the Wednesday before polling day a municipal electoral committee shall draw up and approve a roll of voters who reside or temporarily stay within the territory of a particular polling district but have been entered on the electoral roll of another polling district and have not been entered on the electoral roll of this polling district when revising them.

5. On the Friday or Saturday before polling day, from 8 am to 8 pm at least two members of a polling district committee shall deliver voucher envelopes and ballot papers to the homes of the voters who have been entered on the roll of the polling district voters voting at home and who are the voters of this polling district. On the Thursday before polling day at least two members of a municipal electoral committee or, by order of its chairman, at least two members of a polling district committee shall deliver postal vote envelopes and ballot papers to the homes of the voters who have been entered on the electoral roll of the municipal voters voting at home, but who have not been entered on the electoral roll of the polling district within the territory of which they temporarily stay. Voting at home and early voting may be observed by election observers who have a certificate to observe elections in any polling district. After the completion of voting, the sealed covering envelopes shall be delivered to the municipal electoral committee which shall transfer them to polling district committees together with election documents of voters who voted by post. Lists of voters who voted at home and in advance, ballot papers which were not used, shall be included into the records and preserved by the electoral committees which organised voting. After the end of election such committees shall transfer the said documents together with other election documents to an appropriate municipal electoral committee or the Central Electoral Commission.

6. A concrete schedule of electoral committee members' coming to the homes of voters shall be approved by the chairman of a polling district or municipal committee not later than, respectively, in the Wednesday or Thursday preceding the noon of polling day. This schedule shall be available to the public; its copy shall be posted on the notice board

of the district (municipal) electoral committee on the day of the approval of the schedule. Only the electoral committee members and election observers proposed by different political parties may come together to the homes of the voters.

7. The provisions of Article 67(6) and (7) of this Law shall apply to voting at home.

8. The voter shall hand the sealed covering envelope (which contains the poll card, the ballot paper envelope and the ballot paper in it) to a member of the district (municipal) electoral committee. Having received the envelope handed by the voter, he shall seal it with a special mark and give the voter a receipt confirming the acceptance of this envelope.

9. When a voter votes at home, it shall be prohibited to exert influence on his determination and to hasten his voting. Committee members shall be prohibited from carrying out the actions for a voter, referred to in Article 67(6) and (7) of this Law, as well as from accepting an unsealed covering envelope from a voter. Voters shall be prohibited from taking out ballot papers or giving them to other persons.

#### **Article 69. Voting in Diplomatic Missions and Consular Posts of the Republic of Lithuania**

1. Voters who have gone to foreign states shall be entitled to vote in diplomatic missions or consular posts of the Republic of Lithuania during their business hours. Not less than 4 hours must be allotted for voting during a business day of the said institutions. Voting shall end on polling day at the Republic of Lithuania time.

2. Voting committees set up by the diplomatic missions or consular posts of the Republic of Lithuania shall hand election documents to the voters who have notified the said institutions about their places of residence, or, at their request, deliver the documents by post and accept them.

3. Voters who have come for voting to a diplomatic mission or consular post of the Republic of Lithuania shall be prohibited from taking out the election documents or giving them to another persons.

#### **Article 70. Voting on Ships**

1. Voters (ship's crew and passengers) who are aboard a ship, if they left from a port of the Republic of Lithuania not later than four days before polling day and have not returned until polling day, or in the presence of other circumstances because of which they

cannot vote in their polling district, by post, in a diplomatic mission or consular post of the Republic of Lithuania, shall have the right to vote on the ship.

2. On the recommendation of the Minister of Transport and Communications, the Central Electoral Commission shall draw up a list of ships sailing under the flag of the State of Lithuania, on which there are no less than five crew members - voters, voting is organised and with which the radio communication is maintained during the voting. On the recommendation of the Minister of Transport and Communications, the Central Electoral Commission shall fix such time for voting on the ship that each voter who is aboard the ship is given the opportunity to vote.

3. Poll cards shall not be issued to the voters voting on ships.

#### **Article 71. Organisation of Voting in Diplomatic Missions, Consular Posts and on Ships of the Republic of Lithuania**

1. Voting committees shall be set up in diplomatic missions, consular posts and on ships of the Republic of Lithuania in order to organise voting and count the votes cast.

2. Voting committees shall be composed of a chairman and at least two members. A voting committee shall be set up in diplomatic missions or consular posts of the Republic of Lithuania by their heads from the employees of the diplomatic mission or consular post of the Republic of Lithuania, or from other citizens of the Republic of Lithuania residing in a foreign country. The procedure for giving written pledges of voting committee members shall be established by the Central Electoral Commission.

3. Voting committees on ships shall be set up by ship captains – citizens of the Republic of Lithuania, taking into account the decision of a meeting of the ship's crew – citizens of the Republic of Lithuania.

4. The Central Electoral Commission shall establish the procedure for voting, vote counting and submitting records to the Central Electoral Commission as well as the procedure for issuing certificates to election observers.

5. On the recommendation of the Minister of Foreign Affairs, the Central Electoral Commission shall draw up a list of diplomatic missions and consular posts of the Republic of Lithuania in which voting shall be conducted and shall set polling days (no less than 10) for each diplomatic mission or consular post.

6. In diplomatic missions, consular posts of the Republic of Lithuania their heads and on ship their captains – citizens of the Republic of Lithuania shall be responsible for organizing voting, submitting to the Central Electoral Commission the records and other

documents determined by it. The Ministry of Foreign Affairs of the Republic of Lithuania shall guarantee safe electronic means by which the voting commissions will electronically transmit to the Central Electoral Commission the data of election documents in accordance with the procedure laid down by the Central Electoral Commission.

7. Voting shall not be organised on ships in which there are no conditions for organising the voting in accordance with the requirements of this Law.

8. Chairmen, deputy chairmen and members of voting committees shall be paid remuneration for their work in the voting committees in accordance with the rates submitted by the Central Electoral Commission and approved by the Government.

#### **Article 72. Voting in Healthcare (Except Out-patient), Social Care Institutions**

1. Voters who because of their health condition or age are in healthcare (except out-patient) facilities, institutions of social care shall be entitled to vote in such institutions.

2. A municipal electoral committee shall, not later than 15 days before polling day and on the recommendation of the heads of institutions referred to in paragraph 1 of this Article, draw up a list of special post offices and, on the recommendation of the head of the post office, set such working hours of the post offices so as to make sure that polling days therein are in compliance with Article 67(1) of this Law.

3. The heads of the institutions referred to in paragraph 1 of this Article shall draw up lists of voters voting in special post offices. The following must be indicated in the list of voters voting in a special post office: the voter's name and surname, personal number, municipal electoral committee (name and number), whether or not the voter has a poll card. The head of an institution shall transfer the list of voters voting in a special post office to a municipal electoral committee, receive poll cards from it or print them on the basis of the data received electronically and ensure the delivery of poll cards to voters, providing premises suitable for voting, and be responsible for voters being notified about the working place and time of the special post office as well as facilitating the access of voters to the special post office.

4. Voters without motor disorders shall vote in accordance with the procedure laid down in Article 67(6) and (7) of this Law. Voters with motor disorders shall be visited by at least two polling district committee members, election observers (should they wish so) and employees of special post offices.

5. If because of the physical handicaps, illness or any other reasons voters are unable to vote themselves, they may entrust other persons to vote for them. These persons must mark the ballot paper in the voter's presence under his instructions and preserve the secrecy of voting.

6. Electoral committee members, employees of a special post office and election observers shall be prohibited from carrying out actions related to voting on behalf of a voter, as well as from accepting an unsealed covering envelope from the voter.

7. It shall be prohibited to exert influence upon the self-determination of a voter who is in a healthcare, social care institution, or to rush him to vote.

### **Article 73. Voting in Military Units**

1. Voters performing the mandatory military service shall be entitled to vote in the military units where they serve. Voters performing the active military service, civil service or working under employment contracts in international military operations abroad shall be entitled to vote in the military units deployed abroad and involved in those international military operations. The procedure for and the time of voting in military units deployed abroad shall be laid down by the Central Electoral Commission on the recommendation of the Minister of National Defence.

2. A municipal electoral committee shall, not later than 15 days before polling day and on the recommendation of the commanders of the military units, draw up a list of special post offices and, on the recommendation of the head of the post office, set such working hours of the post offices so as to make sure that polling days in them are in compliance with Article 67(1) of this Law.

3. The commanders of military units shall draw up lists of voters voting in special post offices. The following must be indicated in such list of voters voting in a special post office: the voter's name and surname, personal number, municipal electoral committee (name and number), whether or not the voter has a poll card. The commander of a military unit shall transfer the list of voters voting in a special post office to a municipal electoral committee, receive poll cards from it or print them on the basis of the data received electronically and ensure the delivery of poll cards to voters, provide premises suitable for voting, and be responsible for voters being notified about the working place and time of the special post office as well as facilitating the access of voters to the special post office. In it is impossible to set a special post office or to ensure that voters will be able to properly carry out actions related to voting, the commanders of military units (with the

exception of the commanders of the military units stationed abroad) shall create conditions for voters to go to a post office for voting or on polling day to travel to a polling district on the electoral roll of which they have been entered.

4. The provisions of Article 67 of this Law shall apply to voting in military units.

5. It shall be prohibited to exert influence upon self-determination of a voter voting in a military unit, or to rush him to vote.

#### **Article 74. Voting in Penitentiary Institutions**

1. Voters who serve arrest or imprisonment sentence shall be entitled to vote in an institution they serve a sentence.

2. A municipal electoral committee shall, not later than 15 days before polling day and on the recommendation of the heads of penitentiary institutions, draw up a list of special post offices and, on the recommendation of the head of the post office, set such working hours of the post offices so as to make sure that voting days in them are in compliance with Article 67(1) of this Law.

3. The heads of penitentiary institutions shall draw up a list of voters voting in special post offices. The following must be indicated in this list of voters voting in a special post office: the voter's name and surname, personal number, whether or not the voter has a poll card. The head of a penitentiary institution shall transfer a list of voters voting in a special post office to a municipal electoral committee, receive poll cards from it or print them on the basis of the data received electronically and ensure the delivery of poll cards to voters before the voting, provide premises suitable for voting, and be responsible for voters being notified about the working place and time of the special post office as well as facilitating the access of voters to the special post office.

4. The provisions of Article 67 of this Law shall apply to voting in penitentiary institutions.

5. The provisions of this Article and Article 67 of this Law shall apply to voting in arrest houses, remand prisons (detention facilities).

6. It shall be prohibited to exert influence on self-determination of a voter voting in an arrest house, remand prison (detention facilities) or penitentiary institution, or to rush him to vote.

## **CHAPTER TEN**

## COUNTING OF VOTES

### **Article 75. Accounting for Covering Envelopes and Ballot Papers**

1. The procedure for accounting for covering envelopes and ballot papers in the Republic of Lithuania shall be laid down and such accounting shall be managed by the Central Electoral Commission.

2. The accounting for, issue and acceptance of postal vote envelopes and postal ballot papers when voting by post shall be managed by the heads of the respective post offices. They shall indicate accounting data in a journal specially designated for this purpose. The accounting for, issue and acceptance of postal vote envelopes and postal ballot papers when voting by post in military units stationed abroad shall be managed by the commanders of those military units. They shall transfer to the Central Electoral Commission accounting data pertaining to election documents, unused postal vote envelopes, ballot papers and postal vote envelopes with ballot papers marked by voters. The Central Electoral Commission shall, not later than before polling day, forward the received covering envelopes with ballot papers completed by voters to the polling district committee on the electoral roll of which the voter concerned has been entered.

3. The day before polling day the post office head shall deliver unused postal vote envelopes and ballot papers, receipts confirming the acceptance of the envelopes, special marks and ballot papers to the municipal electoral committee.

4. The heads of the post offices or persons authorised by them shall deliver postal vote envelopes containing ballot papers completed by voters to municipal electoral committees on polling day, but not later than by 11 am, and the municipal electoral committees shall forward them to the respective polling district committees by the end of voting.

5. Covering envelopes, unused and damaged ballot papers of voters who voted on the Thursday preceding polling day, shall be transferred to a municipal electoral committee by the members of the electoral committees who went to the homes of the voters pursuant to the provisions of Article 68 of this Law. The municipal electoral committee shall, not later than on the last Friday before polling day, deliver covering envelopes to the post office.

6. Covering envelopes, unused and damaged ballot papers of voters who voted on the Friday or Saturday preceding polling day, shall be transferred to the chairman of a polling district committee not later than 9 pm of the same day. Having checked the

received election documents, the polling district committee shall decide whether or not voting at home has met the requirements of this Law.

7. Covering envelopes shall be kept together with ballot papers.

8. Before starting to count the votes, postal vote covering envelopes of voters shall be put together with covering envelopes of voters who voted at home, mixed and counted together according to Article 79 of this Law and in the same manner as the votes received by post.

### **Article 76. Organisation of Work of a Polling District Committee in the Vote Counting**

1. The chairman of the polling district committee shall organise and direct vote counting in the committee. His instructions for the vote counting shall be compulsory and must be adhered to by all persons present in the polling station. He must ensure that votes would be counted in accordance with the established procedure and shall have the right to warn any person present in the polling station if he hinders the committee in its work or does not perform his duties properly. The committee chairman shall publicly announce such a decision. The decision shall be entered into the vote counting record of the polling district, and shall be signed by the committee chairman. The decision must be enforced immediately and, where necessary, the electoral committee may consider it only after the vote counting record has been signed.

2. The data which are entered into the record must be publicly announced in such a manner that all the persons participating in vote counting would hear them. If the validity of the ballot paper or the meaning of the marks therein raises doubts, the committee chairman shall present it to the committee members and shall announce voting concerning its evaluation (if there are several such ballot papers, he shall produce them one by one). The results of this voting shall be entered on the empty side of the ballot paper.

### **Article 77. Accounting for Ballot Papers in Polling Districts**

1. Upon the closing of a polling station, the chairman of the polling district commission shall, in the presence of at least  $\frac{3}{5}$  of the commission members, seal and stamp the ballot box slot.

2. Unused ballot papers shall be individually collected from each member of the polling district committee, shall be counted publicly, the number of them shall be entered into the vote counting record of the polling district. It shall be inspected against the

signatures in the electoral roll, arrival cards, ballot papers which have been spoilt by voters and returned to be replaced if the committee member has handed all ballot papers lawfully.

3. The polling district electoral committee shall count the unused and spoiled ballot papers publicly; annul them by cutting off the upper right corner; put them into the envelopes specially designated for this purpose and seal these envelopes. The number of unused or spoiled ballot papers shall be entered in the vote counting record of the polling district.

### **Article 78. Counting of Votes of Voters who Voted in the Polling Station of the Polling District**

1. The polling district committee, in the presence of at least  $\frac{3}{5}$  of its members, shall inspect the ballot box of the polling station whether the seals have not been broken and whether there are no other evidences which indicate that it could have been opened or that ballot papers could have been removed in any other way. The electoral committee, in the presence of at least  $\frac{3}{5}$  of its members, shall decide if the ballot box has been tampered with. If the committee decides that the ballot box was tampered with, an act shall be drawn up about this, the ballot box shall be packed up, the package shall be put under seal and votes shall not be counted. The ballot box shall be delivered to the municipal electoral committee. The municipal electoral committee shall adopt a decision concerning counting of votes of this ballot box.

2. Having ascertained that the ballot box has not been tampered with, in the presence of at least  $\frac{3}{5}$  of the members of the polling district committee as well as election observers, it shall be opened, all ballot papers shall be placed on tables, on which there must not be any other documents and writing materials (except black lead pencils), and the committee shall count all the ballot papers from the ballot box. Ballot papers shall be sorted out into valid and invalid ballot papers. Valid ballot papers shall be divided into groups according to the marks made in them by voters. Each group of ballot papers must be recounted at least two times. For the second time ballot papers must be counted by other members of the committee. Ballot papers which do not hold necessary attributes (irregular ballot papers, unsealed or sealed with a seal of an electoral committee of another polling district, etc.) must, if found, be separated from the rest of the ballot papers. The municipal electoral committee shall be immediately informed about such ballot papers and such fact must be entered into the vote counting record of the polling district. Counting results must be proclaimed and entered into the record, counted ballot papers put into a

special envelope (envelopes) which is (are) sealed and safeguarded. After the electoral committee establishes how many votes have been cast by voters who voted in the polling station of the polling district for lists of candidates, counting of votes received by post shall commence.

3. Ballot papers from the marking whereof it is possible to establish which list of candidates a voter voted for, but it is impossible to establish what kind of opinion he expressed regarding the candidates from the list he voted for, may not be declared invalid only because of this reason. If a voter has not indicated the election number of a candidate in the ballot paper, indicated a non-existing election number of a candidate, as well as when it is impossible to define voter's will from the inscription or inscriptions, preference vote or votes in the special space (spaces) of the second part of this ballot paper shall not be counted. If the election number of the same candidate is put down two or more times, only one vote shall be counted for this candidate according to this ballot paper.

4. A decision regarding the declaration of a ballot paper invalid or in the presence of dispute between committee members concerning the assessment of marks in the ballot paper shall be adopted by the electoral committee by way of voting. The result of such voting shall be indicated on the other side of the ballot paper.

5. Votes shall be counted in such a way that this procedure, marks of voters in the ballot papers may be observed by all the persons present during the counting of votes, and they would be able to make sure that votes are counted justly and fairly. The electoral committee must recount the votes if at least one committee member or election observer requests so before the signing of the vote counting record of the polling district.

6. The Central Electoral Commission shall lay down a specific procedure for the counting of ballot papers and votes not later than 14 days before an election.

### **Article 79. Keeping Records of Voters who Voted by Postal Vote Envelopes, Counting of Their Votes and Preference Votes for Candidates**

1. After the counting of ballot papers found in the ballot box, ballot papers received in postal vote envelopes shall be calculated in the following procedure:

1) the chairman of the polling district committee presents unopened covering envelopes, that is the covering envelopes of voters of this polling district who voted at home, as well as the covering envelopes of voters who voted in advance and whose covering envelopes were received from the municipal electoral committee. The number of the said covering envelopes shall be announced and entered in the vote counting record.

2) covering envelopes shall be opened one at a time;

3) a poll card is taken out of the covering envelope, the voter's surname and the number of the poll card are read aloud, these data are checked against the electoral roll of the polling district, and in the polling districts which are connected to the electronic electoral roll - against the data of the said electoral roll. The postal ballot paper envelope shall be stamped with the seal of the polling district. If the person on the roll card in the covering envelope is not on the electoral roll of the polling district or if the voter has already signed such electoral roll indicating that he already voted in the polling district, or if it is indicated in the electoral roll that the consent was given for that person to vote in another polling district, or if another covering envelope has been received from the same voter, if there is no poll card or there is more than one poll card in the covering envelope, or if there is more than one postal ballot paper envelope in the covering envelope, such postal vote envelope shall be considered invalid. The seal shall not be affixed on the postal ballot paper envelope (envelopes) enclosed in the covering envelope which is recognised as inappropriate, the postal ballot paper envelope shall be crossed through, left unopened, the word "Inappropriate for stamping" shall be written down on it and the reason for recognising the postal vote envelope as inappropriate shall be indicated. The content of the envelopes recognised as inappropriate shall not be taken into account in the vote counting record of the polling district, however, the number of such envelopes shall be entered.

4) in the electoral roll of the polling district, the words "balsavo paštu" (postal voting) or "BP" (PV) are written by the surname of the voter whose vote has been received by post and at home, while in the electronic roll in the polling districts connected to the electronic electoral roll it is indicated that a voter has voted;

5) the sealed postal ballot paper envelope shall be cast into the ballot box prepared and sealed according to the established requirements; and

6) when all envelopes received by post have been inspected, the ballot box shall be opened and the stamped ballot box envelopes shall be opened. If there is more than one ballot paper in the postal ballot paper envelope, all ballot papers in the postal ballot paper envelope shall be considered invalid. The votes received by post shall be further counted according to the requirements of Article 78 of this Law.

2. If only one sealed postal ballot paper envelope is in the polling district (committee), it, in order to protect the secrecy of voting, shall not be opened, and shall be handed over to the electoral committee which has formed this committee. This committee shall enter the results of the voting in its vote counting record.

3. After votes cast in a polling station and by post for lists of candidates have been counted, all data have been entered into the first part of the vote counting record of the polling district, the record and the first part of the record have been signed by the committee members, chairman and election observers, and the polling district committee has announced to the municipal electoral committee that the votes for lists of candidates were counted, the polling district committee may commence counting preference votes cast for the candidates. The polling district committee may decide to count preference votes straight away or, with the consent of the chairman of the municipal electoral commission, at another time, but not later than after 24 hours. If it is decided to count preference votes at another time, the ballot papers to be counted shall, in accordance with the procedure laid down by the Central Electoral Commission, be transferred in a special envelope for safekeeping to the municipal electoral committee. In this case, the municipal electoral committee, after it has accepted the election documents from the polling district electoral committee, must adopt one of the following decisions on the counting of preference votes in the ballot papers transferred to it:

1) to return ballot papers and to instruct the polling district committee, from which it has got the preference votes, to count such votes;

2) to change the decision of the polling district committee, from which the election documents have been received, regarding the counting of preference votes and to instruct the electoral committee of another polling district to count preference votes, or to count preference votes itself. In this case, the municipal electoral committee must set the place and time of counting preference votes.

4. If the polling district committee counts preference votes at another time or recounts ballot papers, it shall, in the presence of at least  $\frac{3}{5}$  of the members, check whether the special envelope (envelopes) has not been opened. If the polling district committee adopts a decision that the envelope has been tampered with or its contents have been changed, an act shall be drawn up concerning this fact, the envelope shall be packed, the package shall be sealed and the votes shall not be counted. The packet shall be delivered to the municipal electoral committee. The Central Electoral Commission shall be immediately notified thereof. The municipal electoral committee shall adopt a decision concerning the counting of the votes which are in this packet. Having ascertained that the envelope has not been tampered with, the counting of preference votes shall commence. Information on the time and place of the counting of preference votes, also in the case when the municipal electoral committee decides to recount ballot papers, must, not later

than one hour before the commencement of the counting, be announced on two notice boards: the one installed in the building housing the headquarters of the municipal electoral committee, and the other in the premises where preference votes will be counted. When counting preference votes, election observers may attend and a police officer must be on duty. All ballot papers shall be put on tables on which there are no other documents and writing materials (except black lead pencils), and the committee shall check if there are all the ballot papers from which preference votes must be counted. A procedure for counting preference votes shall be established by the Central Electoral Commission not later than seven days before elections. Preference votes must be counted in such a way that such procedure might be observed by all the persons present during the counting of votes and would be able to ascertain that votes are counted fairly and justly. Counted votes shall be recorded in the second part of the vote counting record of the polling district, the ballot papers shall be packed, the package shall be sealed and transferred to the municipal electoral committee.

#### **Article 80. Vote Counting Records of the Polling District**

1. In each polling district the vote counting record of the polling district shall consist of two parts.

2. The first part of the vote counting record of the polling district shall comprise the following:

- 1) the number of voters in the polling district;
- 2) the number of ballot papers received from the municipal electoral committee;
- 3) the number of ballot papers delivered to each member of the committee, the number of ballot papers delivered to voters, the number of voters' signatures in the electoral roll of the polling district, the number of arrival cards, and the number of unused and spoilt ballot papers;
- 4) the number of annulled ballot papers;
- 5) the number of voters who have voted in the polling station of the polling district;
- 6) the time of the opening of the ballot box;
- 7) the number of invalid ballot papers found in the ballot box;
- 8) the number of valid ballot papers found in the ballot box;
- 9) the number of votes found in the ballot box which have been separately cast for a list of candidates nominated by each party (their coalition), election committee;

10) the number of covering envelopes of voters who have voted at home, the number of covering envelopes of voters who have voted in advance (the envelopes being received from the municipal electoral committee), the number of covering envelopes received by post, the total number of covering envelopes received, the number of sealed postal ballot paper envelopes, the number of envelopes recognised as inappropriate;

11) the number of invalid ballot papers received by covering envelopes (ballot papers which are in unsealed and unopened envelopes shall not be counted and shall not be indicated as invalid);

12) the number of valid ballot papers received by covering envelopes;

13) the number of votes received by covering envelopes for a list of candidates nominated by each party (their coalition), election committee;

14) the total number of voters who participated in the election in the polling district;

15) the total number of invalid ballot papers in the polling district; and

16) the total number of votes cast for a list of candidates nominated by each party (their coalition), election committee.

3. The number of the voters of the polling district shall be established according to the electoral roll of the polling district. The number of the voters who have been delivered the ballot papers, shall be established according to the voters' signatures in the electoral roll of the polling district, proving that the ballot papers have been received. The number of the voters who have voted in the polling district shall be established according to the number of the ballot papers lawfully delivered to voters by the electoral committee of that polling district and found in the ballot box of the polling district. The total number of the voters who have participated in the election in the polling district shall be established by adding the number of the ballot papers found in the ballot boxes to the number of the ballot papers received by post and counted.

4. If more ballot papers are found in the ballot box than it has been delivered to voters, the polling district committee shall take measures to discover the causes. This shall be entered in the vote counting record of the polling district, indicating the number of extra ballot papers which were found.

5. After all data have been entered into the first part of the vote counting record of the polling district and all ballot papers have been put into sealed packages and the special envelope (envelopes), the vote counting records of the polling district shall be signed by the chairman and members of the polling district committee. After that the election

observers shall sign the records. Remarks of the election observers, separate opinions of the committee members shall be appended to the vote counting record and shall be an inseparable part thereof. An extract or a copy of the record shall be presented to the election observers and the electoral committee members at their request.

6. The second part of the vote counting record of the polling district shall comprise the following:

- 1) the number of ballot papers which are being counted;
- 2) the number of ballot papers in which voters have not indicated preference votes;
- 3) the number of preference votes cast for each candidate;
- 4) the sum total of preference votes received by all candidates;
- 5) other vote counting data established by the Central Electoral Commission which are necessary to verify whether the votes cast by voters have been counted accurately.

7. After all data have been entered into the second part of the vote counting record of the polling district and all counted ballot papers have been put into sealed packages, this part of the vote counting record of the polling district shall be signed by the chairman and members of the polling district committee. After that the election observers shall sign the second part of the record. Remarks of the election observers, separate opinions of the committee members shall be appended to the second part of the vote counting record and shall be an inseparable part thereof. An extract or a copy of the second part of the record shall be presented to the election observers and the electoral committee members at their request. If when counting preference votes the polling district committee or the municipal electoral committee establishes that a mistake in the first part of the vote counting record is made, a record shall be drawn up to correct the mistake. The second part of the record and ballot papers shall be returned to the municipal electoral committee. The municipal electoral committee shall take a decision concerning the mistake.

#### **Article 81. Invalid Ballot Papers**

1. Invalid ballot papers shall be:

- 1) ballot papers of a non-established sample;
- 2) ballot papers sealed with the seal of the electoral committee of the wrong polling district (ballot papers received by post - without the seal of the electoral committee);

3) those ballot papers on which the voter has marked more than one list of candidates or has not marked any list of candidates, or it is impossible to ascertain the voter's will from the mark made thereon.

2. The decision to declare a ballot paper invalid in the event of dispute among the committee members as to the assessment of markings on the ballot paper, shall be made by the polling district committee by voting. The result of such voting shall be indicated on the other side of the ballot paper. If the polling district committee declares the ballot papers invalid in accordance with points 1 or 2 of paragraph 1 of this Article, it shall immediately inform the municipal electoral committee about this.

### **Article 82. Submission of Documents of the Polling District to the Municipal Electoral Committee**

1. The polling district committee shall put all ballot papers, as well as invalid and unused ballot papers, other election documents into packages, inventory them and affix the seal to them in accordance with the procedure laid down by the Central Electoral Commission. The packages together with the vote counting record of the polling district and its annexes, electoral rolls, minutes of the sittings of the polling district committee and financial documentation for the whole period of its work shall be delivered to the municipal electoral committee within 12 hours of the end of voting, unless the Central Electoral Commission provides otherwise.

2. The Central Electoral Commission and the Ministry of the Interior must ensure the safety of transportation of the election documents and the persons transporting them.

### **Article 83. Counting of Votes in the Municipal Electoral Committee**

1. The municipal electoral committee shall accept the documents submitted by the polling district committee and shall check:

1) whether all required documents and packages with ballot papers have been delivered;

2) sealing and descriptions of the packages (whether the description is full and correct);

3) whether all data have been entered in the vote counting records of the polling district; if they do not contradict one another; if they correspond to the data available to the municipal electoral committee (the number of ballot papers issued to the polling district committee, the number of voters, the number of covering envelopes received by

post, data on the votes cast by voters for the lists of candidates, which are indicated in the first and second parts of the vote counting record, etc.); if there are all necessary signatures; whether all separate opinions of the polling district committee members, remarks of election observers are appended to the record in which they are specified;

4) whether all remarks and complaints of voters have been considered in the polling district committee.

2. The municipal electoral committee shall immediately report the data of the vote counting record of the polling district, its comments concerning the documents submitted by the polling district committee to the Central Electoral Commission in the manner prescribed by it, and shall ensure the safety of the submitted documents.

3. The packages sealed by the polling district committees, which contain ballot papers or other election documents, may be opened in the municipal electoral committee only by decision of the municipal electoral committee. The municipal electoral committee may recount the ballot papers of the polling district committee or instruct the polling district committee, from which it has received the ballot papers, to recount the said ballot papers, or instruct another polling district committee to recount the ballot papers. When recounting votes, electoral committees must act in compliance with Article 79(4) of this Law. The municipal electoral committee must, in the cases specified in paragraph 6 of this Article, adopt a decision to recount ballot papers of all or only individual polling district committees.

4. Having established the shortcomings in the documents submitted by the polling district committee, the municipal electoral committee shall take measures to eliminate these shortcomings and to request the chairman of the polling district committee to submit the missing documents.

5. The municipal electoral committee shall count the votes in the following manner: shall sum up the data submitted by the polling district committees and shall add to them the votes cast by post and at home, which have been counted in the municipal electoral committee.

6. A municipal electoral committee shall, in accordance with the procedure laid down by the Central Electoral Commission, select by drawing lots the polling district or districts and the list or lists of candidates thereof, for which the votes have been cast and the preference votes for the candidates of which must be recounted, and organize the vote recounting. After the votes have been recounted, the votes counting record of the polling district shall be drawn up. If after the vote recounting, the different vote counting results

are found than those of the polling district committee, all votes cast in that polling district shall be recounted.

#### **Article 84. Vote Counting Records of the Municipality**

1. According to vote counting records, ballot papers and other election documents of the polling districts, the municipal electoral committee shall establish and enter into the municipal vote counting record the following:

1) the number of voters in the municipality and the number of voters who participated in the election in the municipality;

2) the number of the invalid ballot papers in the municipality, as well as the vote counting data established by the Central Electoral Commission, necessary when checking if the votes cast by voters, final number of ballot papers, covering and ballot paper envelopes, blanks used in the election have been counted precisely;

3) the number of valid ballot papers in the municipality;

4) the number of votes cast for each list of candidates;

5) the number of preference votes cast for each candidate.

2. The chairman and the members of the municipal electoral committee shall sign the municipal vote counting record only after having considered separate opinions of the members of the polling district committees, remarks of election observers and complaints of voters. An extract or a copy of the vote counting record of the municipality shall be presented to the election observers and the electoral committee members at their request. The municipal electoral committee may recommend the Central Electoral Commission to declare the election in the municipality invalid.

#### **Article 85. Submitting of Vote Counting Documents of the Municipality to the Central Electoral Commission**

All documents (except financial documentation) received from polling districts, voter lists, the vote counting record of the municipality, the minutes of the sittings of the municipal electoral committee for the whole period of the activities and other election documents shall be placed into special packages and sealed by the municipal electoral committee. Packages shall be delivered to the Central Electoral Commission within the time limits fixed by the Central Electoral Commission.

### **Article 86. Participation of Election Observers in the Counting of Votes and Establishment of Election Results**

1. The election observers as well as representatives of the mass media may participate in the counting of votes in polling districts and municipalities, and also in the establishment of election results in municipalities.

2. The election observers shall have the right to make remarks and claims to the electoral committees concerning the violations of this Law and other laws of the Republic of Lithuania, but they must not hinder the work of the electoral committees. An election observer shall have the right to make a written protest to the polling district committee. Protests shall be appended to the vote counting record of the polling district and delivered to the municipal electoral committee together with other election documents of the polling district. The protest of the election observers to the municipal electoral committee shall be appended to the municipal vote counting record. The protests shall be considered by that electoral committee to whom they have been filed.

### **Article 87. Proclamation of Preliminary Election Results**

1. Preliminary election results may be proclaimed only by the Central Electoral Commission. If the municipal electoral committee delivers the preliminary data of the election results in all polling districts, the Central Electoral Commission must immediately prepare a release to the mass media. This media release shall be announced by the Central Electoral Commission on the website in the first place, but no earlier than the end of voting at the elections in all Member States of the European Union.

2. The representatives of the mass media shall be prohibited from disseminating the information about the vote counting or election results by video or sound recording equipment, orally, in writing, or otherwise, until the announcement of the media release of the Central Electoral Commission.

### **Article 88. Appeals against Decisions of Electoral Committees Taken after the End of Voting**

1. Parties, election committees which have nominated candidates, their representatives for elections, election observers may appeal against the decisions of the polling district committee concerning the drawing-up of vote counting records to the municipal electoral committee not later than within 24 hours of their drawing-up. These

complaints must be investigated no later than within 24 hours of the submitting of such claims to the municipal electoral committee.

2. The decisions of the municipal electoral committee concerning vote counting records may be appealed against to the Central Electoral Commission no later than within 72 hours following their drawing-up and must be considered before the proclamation of the final election results.

3. While investigating complaints against the decisions of polling district committees concerning the drawing-up of vote counting records, municipal electoral committees, in the presence of at least 3/5 of the committee members, may recount ballot papers which are presented by the polling district committee, and, in the event of an arithmetical error in the records, incorrectly calculated valid and invalid ballot papers, the committees shall draw up an additional vote counting record of the polling district and append it to the vote counting record of the polling district. The municipal electoral committee shall not have the right to nullify the vote counting records of the polling district committee.

4. While investigating the complaint against the decision of the municipal electoral committee concerning the drawing-up of the municipal vote counting record, the Central Electoral Commission may recount ballot papers which are presented by the municipal electoral committee (or to instruct another municipal or polling district committee to do so), and, in the event of an arithmetical error in the record, incorrectly calculated valid and invalid ballot papers, shall draw up an additional vote counting record of the municipality, the polling district and append it to the vote counting record of the municipality.

5. Parties, election committees which have nominated candidates and their representatives for elections in the Central Electoral Commission may appeal against the decisions of the Central Electoral Commission or against the refusal of the Central Electoral Commission to investigate complaints about the violations of this Law not later than within three days after the official announcement of the election results, to the Supreme Administrative Court of Lithuania. The Supreme Administrative Court of Lithuania shall hear such complaints within three days. Its decision shall become effective from the moment of its pronouncement.

## **CHAPTER ELEVEN**

### **ESTABLISHMENT AND PROCLAMATION OF ELECTION RESULTS**

**Article 89. Establishment of Election Results**

1. A list candidates or a joint list of candidates of the party or election committee may receive mandates of members of the European Parliament (takes part in the distribution of mandates) only if not less than 5 percent of the voters participating in the election voted for it. If less than 60 percent of all voters participating in the election vote for the lists of candidates involved in the distribution of mandates, the list of candidates (lists of candidates if an equal amount of votes is cast for them) which has not taken part in the distribution of mandates up till then and which receives the votes of the majority of the voters shall be eligible to take part in the distribution of mandates. The number of lists of candidates eligible to participate in the distribution of mandates shall be further increased in the same manner until reaching not less than 60 percent of all the voters participating in the election and voting for the lists of candidates involved in the distribution of mandates.

2. Mandates for lists of candidates shall be distributed according to the number of votes received by each of them, applying the method of largest remainder.

3. The quota shall be counted, that is, how many votes are needed to receive one mandate. It shall be equal to the sum of votes, divided by the number of members of the European Parliament which are being elected, cast by voters for the lists participating in the distribution of mandates. If a remainder is received when dividing, one shall be added to the quotient.

4. The amount of votes cast for each list of candidates shall be divided by the quota. The received integer quotient shall be the number of mandates for each list according to the quota and the remainders of this division shall be used to distribute according to the remainders the remaining mandates to the lists of candidates lists of candidates participating in the distribution of mandates. Therefore, all names of the lists of candidates participating in the distribution of mandates shall be written down in succession in which the first follows the last, according to the size of the remainders of the dividing received by the lists, beginning with the largest. If the remainders of two lists are equal, the first written down shall be the list which has received more votes of voters and if these numbers are also equal, the first written down shall be the list which possesses the smaller election number. The mandates which have not been distributed when distributing by the method of quotas shall be distributed by one to the lists according to the succession, beginning with the list which was written down first.

5. If one of the lists receives the larger number of mandates than there were candidates on the list, these mandates will be distributed to other lists, further continuing the dividing thereof by the method of remainders.

6. Candidates of the same list shall receive mandates in the order which is established according to the preference votes cast by voters, after the Central Electoral Commission has counted the election rating of candidates.

7. If the election committee, party, coalition submits together with the application documents the request that their rating should not be established, voters shall be notified about this in advance, indicating this in a ballot paper and the election rating of candidates shall not be counted, and the registered sequence of candidates on the list shall be considered final.

#### **Article 90. Counting of the Election Rating of Candidates and Establishment of the Final Order of Succession of the Lists of Candidates**

1. Taking into account violations made indicated in Article 5 of this Law, the Central Electoral Commission shall calculate the election rating of candidates and establish a final order of succession of the candidate in the lists in accordance with the opinion expressed by voters and preference votes cast.

2. At first preference votes cast for each candidate shall be summed up. In the event when the sum total of the candidate's preference votes is bigger than the number of members of the European Parliament who are being elected or such sum is equal to the said number, the election rating of the candidate shall be equal to that sum, if it is smaller - the election rating of the candidate shall be considered to be equal to zero.

3. The final order of candidates in each list shall be established according the points of the rating received by each candidate. The first written down in the succession shall be the candidate who has received more points of the election rating. In the event that several candidates receive the equal amount of the election rating points, then the first written down shall be the candidate whose election number is smaller.

4. The Central Electoral Commission shall announce the final succession of candidates on the list.

#### **Article 91. Declaration of the Election Invalid**

1. If a political party or an election committee or a candidate has grossly violated Article 5(1) of this Law and such violation has been established or committed later than

provided for in Article 40(6) of this Law, the Central Electoral Commission shall adopt a decision regarding revocation of the announcement of the list of candidates or repeal the candidate registration after the polling day. After the revocation of the announcement of the list of candidates, the votes cast for the list of candidates, and, after the repeal of candidate registration, the preference votes cast for the candidate shall be deemed invalid. After the votes are deemed invalid, it may be decided to declare the election invalid in accordance with the procedure provided for in this Article.

2. The Central Electoral Commission may declare the election results invalid if it establishes that violations specified in Article 5(1) of this Law or other gross breaches of laws were committed in the municipality or polling district, or the falsification of documents or the loss thereof had an essential influence on the election results, or the lists of candidates participating in the distribution of mandates cannot be determined from the vote counting records or other election documents, or the number of mandates due to the list of candidates can be determined at the exactness of only more than one mandate.

3. The election may not be declared invalid if the indisputably determined election results allow determining the essential election results.

#### **Article 92. Establishment and Proclamation of the Final Election Results, Storage of Data**

1. The Central Electoral Commission shall establish the final election results after it has investigated all complaints and established all election results, including the votes of the voters who have voted on ships and abroad.

2. The Central Electoral Commission shall proclaim on their website the final election results not later than within seven days following the election .

3. The Central Electoral Commission shall not later than within four months transfer the vote counting records of polling districts and municipalities, application documents, minutes of the sittings and the decisions of the Central Electoral Commission, as well as the collection of sample election documents to the State Archives for unlimited safekeeping. After that the Central Electoral Commission may decide to destroy any election documents that are not subject to preservation, and the electronic data of election documents shall be left for unlimited safekeeping in accordance with the procedure established by the Central Electoral Commission.

#### **Article 93. Certificate of a Member of the European Parliament**

1. After the proclamation of the election results the Central Electoral Commission shall, within seven days, issue to the elected candidates certificates of a member of the European Parliament elected in the Republic of Lithuania . The Central Electoral Commission shall notify the institutions of the European Union about the election results and the names and surnames of the elected members of the European Parliament.

2. All disputes concerning the non-issuance of the certificate of a member of the European Parliament shall, not later than within three days, be settled by the Supreme Administrative Court of Lithuania. The decision of the said Court shall become effective from the moment of its pronouncement.

#### **Article 94. Recognition of the Lapse of the Powers of a Member of the European Parliament**

The Central Electoral Commission shall recognise the lapse of the powers of a member of the European Parliament not later than within 15 days after the occurrence of a cause for it:

1) if a member of the European Parliament dies – pursuant to the data of the Residents' Register of the Republic of Lithuania;

2) upon the resignation of a member of the European Parliament - according to the resignation statement written by the member of the European Parliament himself. The member of the European Parliament must repeat this statement himself during a sitting of the Central Electoral Commission. If because of the state of health the member of the European Parliament is unable to attend the sitting, the sitting shall be held in the place where the member of the European Parliament is in the Republic of Lithuania;

3) when the court declares a member of the European Parliament legally incompetent - according to the effective decision of the court;

4) when the European Parliament withdraws a mandate of Member of the European Parliament in accordance with the procedure established by the regulations of the European Parliament – in accordance with the effective decision of the European Parliament;

5) when the mandate of the member of the European Parliament is lost because of the failure to disclose the candidate's collaboration with the special services of other states, or the sentence imposed by the court judgement according to Article 96 of this Law, or the incompatibility of the mandate of the member of the European Parliament and the duties according to Article 97 of this Law.

**Article 95. Filling a Vacant Seat in the European Parliament**

Upon the recognition of the lapse of the powers of a member of the European Parliament, a seat shall fall vacant in the European Parliament. The first candidate, who has not received the mandate of the member of the European Parliament, from the list of candidates according to which the former member of the European Parliament was elected shall become a member of the European Parliament. If there are no candidates on this list of candidates who have not received mandates of the member of the European Parliament, the mandate of the member of the European Parliament shall be transferred to another list according to the sequence of the lists of candidates which was established after the election for the distribution of mandates by the method of remainders, that is to the list following the list which was the last to receive the mandate according to this sequence. So the first candidate, who has not received the mandate of the member of the European Parliament, on the list which has newly received a mandate shall become a member of the European Parliament. The Central Electoral Commission must adopt the decision concerning recognition of the mandate of the member of the European Parliament for a new member of the European Parliament not later than within seven days after the a seat falls vacant in the European Parliament.

**Article 96. Requirement to Disclose to Voters the Candidate's Collaboration with the Special Services of other States and Earlier Conviction Imposed by Court's Ruling**

1. Each candidate must make a public disclosure of his deliberate collaboration with the special services of other states, provided that he was not thereby carrying out the assignments of his home Member State, except for the candidates who are the citizens of other Member States of the European Union, permanently residing in the Republic of Lithuania and who collaborated with the special services (service) of their home Member State. He shall indicate this fact in the questionnaire for a candidate for the European Parliament. A poster with the list of candidates, issued by the Central Electoral Commission, must contain the following notice beside the surname of the candidate: "Has deliberately and not on the instruction of his home Member State collaborated with the special services of another state".

2. If the candidate fails to indicate this and there is a valid court sentence which has established a fact having juridical meaning (or this fact has been confirmed by the

candidate himself in the manner prescribed by the law) that he with full awareness collaborated with the special services of other states which was not related to carrying out the assignments of his home Member State, the Central Electoral Commission shall not register him as a candidate; where it has already registered him a candidate, the Central Electoral Commission shall immediately cancel his registration as a candidate. If the candidate has not indicated it and after the election the Supreme Administrative Court of Lithuania recognises in the manner prescribed by the law that he deliberately collaborated with the special services of other states which was not related to carrying out the assignments of his home Member State, the Central Electoral Commission must, within five working days after the coming into effect of the court's decision, acknowledge that the said person has lost the mandate of the member of the European Parliament, announce the said fact on its website, as well as notify the European Parliament about this. A vacant seat of a member of the European Parliament shall be filled in accordance with the procedure established in Article 95 of this Law.

3. Each candidate must make a public disclosure that under the sentence of the court of the Republic of Lithuania or any other Member State of the European Union, which became effective during the last 10 years before the fixed date, he was found guilty for committing a criminal act or under the effective court judgement he was at any time found guilty for committing a serious or grave crime. He shall indicate this fact in the questionnaire for a candidate for the European Parliament, regardless of whether the conviction has expired or has been annulled. With this data, the candidate to the European Parliament members must indicate the country (location) where a conviction (decision) was issued, the name of the authority which issued the conviction (decision), the date when the sentence (decision) was adopted and the offence for which he was convicted. It shall not be obligatory to indicate such information if the person concerned was found guilty of the crime against the State by the court of the occupation regime. When submitting information referred to in this paragraph, it shall also be stated in the questionnaire of the candidate to members of the European Parliament that the person was convicted by the court of an offence that is later decriminalized or that the person has been found guilty by a foreign state court for the conduct which, under the law of the Republic of Lithuania, is not considered a criminal act or initiation of criminal proceedings for such act is regarded as political persecution. A poster with the list of candidates, issued by the Central Electoral Commission, must contain the following notice beside the surname of the candidate: 'Under the court judgement found guilty for committing a criminal act'

and it shall not contain a notice if the candidate to the members of the European Parliament provided data in the questionnaire that he was found guilty of the crime against the State by the court of the occupation regime, provided reasonable evidence that he was convicted by the court of an offence that was later decriminalized or that the person has been found guilty by a foreign state court for the conduct which, under the law of the Republic of Lithuania, is not considered a criminal act or initiation of criminal proceedings for such act is regarded as political persecution.

4. If the candidate has not indicated the sentence imposed on him by the court judgement, as required in paragraph 3 of this Article, or provided false data and a court judgement of the Republic of Lithuania or any other Member State of the European Union by which a person was found guilty for committing a criminal act has become effective during the last 10 years prior to the fixed date, or a court judgement by which a person has been found guilty at any time for committing a serious or grave crime has become effective (except the case where the person concerned was found guilty of the crime against the State by the court of the occupation regime), the Central Electoral Commission shall not register him as a candidate and where it has already registered him, the Central Electoral Commission shall immediately cancel his registration as a candidate. If the candidate failed to disclose this fact and, following the election, it has been established that there is a sentence of the court of the Republic of Lithuania or any other Member State of the European Union, effective during the last 10 years prior to the fixed date by which that person has been found guilty for committing a criminal act or a court judgement by which that person was found guilty at any time for committing a serious or grave crime has become effective (except the case where the person concerned was found guilty of the crime against the State by the court of the occupation regime), the Central Electoral Commission shall, within 15 days, submit copies of the court judgement and the questionnaire of a candidate for member of the European Parliament to the Supreme Administrative Court of Lithuania for it to adopt a decision by which a person is found guilty of having violated the requirement of paragraph 3 of this Article. If the Supreme Administrative Court of Lithuania adopts a decision to find a person guilty of having violated the requirements of paragraph 3 of this Article, the Central Electoral Commission must, within five working days after the coming into force of the court decision, declare that this person has lost the mandate of the member of the European Parliament, announce the said fact on its website, as well as notify the European Parliament about this. A vacant

seat of a member of the European Parliament shall be filled in accordance with the procedure established in Article 95 of this Law.

**Article 97. Incompatibility of the Mandate of the Member of the European Parliament with Certain Duties**

1. The office of the member of the European Parliament shall be incompatible with the office of President of the Republic, Seimas member, Government member, or municipal councillor. Moreover, a mandate of the member of the European Parliament shall be incompatible with the office held in the institutions of the European Union specified in legal acts of the European Union.

2. The person performing the duties specified in paragraph 1 of this Article, elected a member of the European Parliament or upon becoming such member by filling a vacant seat in the European Parliament, must decide and resign from the office which is incompatible with a mandate of the member of the European Parliament, or resign from the office of the member of the European Parliament. A person, who has been elected to the European Parliament or has become a member of the European Parliament by filling a vacant seat and who decides to resign from the office of the member of the European Parliament, must resign in accordance with the procedure established in Article 94(2) of this Law not later than 15 days prior to the first sitting of a newly elected European Parliament or not later than within 15 days from the date on which the Central Electoral Commission adopted a decision regarding the acknowledgement of his mandate.

3. Where a person elected to the European Parliament fails to resign during the set time limit or a person referred to in paragraph 1 of this Article assumed the duties of the member of the European Parliament, the Central Electoral Commission must, within five working days after it became aware of the incompatibility of a mandate of the member of the European Parliament with the office held, acknowledge by a reasoned decision that such person has lost a mandate of the member of the European Parliament and must announce the said fact on its website and, before 1 January 2014, in the next issue of the *Valstybės žinios* (the Official Gazette), as well as notify the European Parliament about this. A vacant seat of a member of the European Parliament shall be filled in accordance with the procedure established in Article 95 of this Law.

4. Complaints concerning the loss of a mandate of the member of the European Parliament shall be filed with the Supreme Administrative Court of Lithuania within 10

days of the publication of an announcement of the Central Electoral Commission on its website or, before 1 January 2014, in the *Valstybės žinios* (the Official Gazette), and must be considered not later than within three days of the receipt thereof. Complaints filed with the court after the expiration of the time limit shall not be considered. Court decisions regarding the said issues shall become effective from the date of their adoption.

#### **Article 98. Final Provisions**

The procedure for organising and holding elections established by this Law shall not be changed when less than six months are left until the day of election to the European Parliament, except where it is necessary to remove a contradiction of this Law or its part to the Constitution of the Republic of Lithuania or when this Law is amended in accordance with the procedure established in Article 3(10) of the Law of the Republic of Lithuania on the Central Election Commission.

Annex to  
the Law of the Republic of Lithuania  
on Elections to the European Parliament

#### **LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW**

1. Council Decision 76/787/ECSC, EEC of 20 September 1976, Euratom, as last amended on 25 June and 23 September 2002 by Council Decision 2002/772/EC, Euratom (OJ 2004 special edition, Chapter 1, Volume 4, p. 137).

2. Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (OJ 2004 special edition, Chapter 20, Volume 1, p. 7; OJ 2013 L 26, p. 27).

*I promulgate this Law passed by the Seimas of the Republic of Lithuania.*

PRESIDENT OF THE REPUBLIC

DALIA GRYBAUSKAITĖ