

REPUBLIC OF LITHUANIA
LAW ON ELECTIONS TO MUNICIPAL COUNCILS

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CHAPTER ONE
GENERAL PROVISIONS

Article 1. Fundamentals of Elections of Municipal Councillors

1. Members of municipal councils of the Republic of Lithuania (hereinafter referred to as “municipal councillors”, “councillors”) shall be elected for a four-year term in multi-member constituencies by universal and equal suffrage, in a secret ballot at direct elections under the proportional electoral system. One multi-member constituency of a municipality (hereinafter referred to as a “constituency”) shall be formed in each municipality.

2. This Law has been harmonised with the legal acts of the European Union referred to in the Annex to this Law.

Article 2. Universal Suffrage

1. The right to elect municipal councillors shall be enjoyed by permanent residents of the respective municipality, who are 18 years of age on polling day, i.e. voters. Persons who have been recognised legally incapable by the court shall not participate in elections to municipal councils (hereinafter referred to as “elections”).

2. Any permanent resident of a particular municipality, who is at least 20 years of age on polling day, may be elected as member of the council of that municipality.

3. A permanent resident of a particular municipality shall be any citizen of the Republic of Lithuania who has declared his place of residence pursuant to legal acts of the Republic of Lithuania within the territory of this municipality or whose last known address of residence is within the territory of this municipality, or who has indicated by public declaration his place of residence within the territory of this municipality and such a place of residence is, in the prescribed manner, regarded as his principal place of residence, or any citizen of any other

member state of the European Union who has the right to reside in the Republic of Lithuania and who has declared his place of residence pursuant to legal acts of the Republic of Lithuania within the territory of this municipality or who is included in this municipality in the records of persons who do not have a place of residence, or any other person who is entitled to permanent residence in the Republic of Lithuania and holds the document confirming this right and who has declared his place of residence pursuant to legal acts of the Republic of Lithuania within the territory of this municipality or who is included in this municipality in the records of persons who do not have a place of residence. A person who declared his place of residence pursuant to legal acts of the Republic of Lithuania within the territory of a particular municipality not later than the date of submission of application documents to the respective municipal electoral commission, may be elected as member of the council of this municipality.

4. A person who has not completed a court-imposed sentence at least 65 days before elections, as well as a person who has been declared legally incapable or insane by the court may not be elected as municipal councillor. A citizen of a foreign state whose passive voting right has been restricted by the court in the state of which he is a citizen may not be elected as municipal councillor.

5. 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 whose participation in political activities is restricted under special laws or statutes, may not be elected as municipal councillor.

6. Other direct or indirect abridgements of the right to vote of permanent residents of that municipality on the grounds of origin, political opinion, social and property status, nationality, gender, education, language, relationship with religion, type and character of their occupation shall be prohibited.

Article 3. Equal Suffrage

1. Each voter shall have one vote to cast for a list of candidates for municipal councillor (hereinafter referred to as a “list of candidates”) or for a self-nominated candidate, i.e. a mandate vote (the sums of the mandate votes cast for each list or self-nominated candidate shall determine the number of mandates of municipal councillor received or not received by a concrete list of candidates, or whether or not the self-nominated candidate has been elected). A voter voting for a list of candidates may cast preference votes for the candidates of this list (a place of each candidate on the list after the election shall be determined by the sums of these votes cast for each candidate on the list).

2. All candidates for municipal councillor, whether nominated or self-nominated, shall be equal.

Article 4. Direct Elections

There shall be no voting by proxy in elections to municipal councils.

Article 5. 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 is unable to vote in person because of his disability, may vote with the assistance of another person whom he trusts, as provided for in this Law.

2. It shall be prohibited to control the will of voters in elections. During the voting it shall be prohibited to influence the self-determination or will of a voter to vote, or not to vote, for a particular candidate or list of candidates as well as to hasten a voter to vote. Necessary measures must be taken to enable a voter to mark a ballot paper in secret and without interference. It shall be prohibited to handle a ballot paper in such a way so as to reveal the secret of voting.

Article 6. Prohibition against Bribery of Voters or Persons Eligible to Vote

1. It shall be prohibited to buy, directly or indirectly, votes, to induce, by offering gifts, services 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 a particular person to be nominated as a candidate or self-nominated, a candidate or a list of candidates, as well as to promise voters a reward for voting after the election with the purpose of affecting the will of voters in respect of particular political parties or candidates or persons to be nominated as candidates, thereby preventing citizens from exercising their right to vote.

2. Production or free distribution of printed materials (a programme, biography of a political party or a candidate or a person to be nominated as a candidate or self-nominated, or any other information leaflets, calendars, postcards, stickers) and pins intended for campaigning for a political party or a candidate or a person to be nominated as a candidate or self-nominated shall not be considered as bribery of voters.

3. The facts of bribery of voters and persons eligible to vote shall be examined and decided by electoral commissions in accordance with the procedure laid down by the Central Electoral Commission. The Central Electoral Commission shall publish information about the established facts of bribery on the website together with a pledge of the candidate who has violated this Article to comply with the prohibition against bribing voters and persons eligible to

vote. The recognition of the facts of bribery of voters and persons eligible to vote as a gross violation of this Law shall lead to the consequences defined in this Law and other laws.

Article 7. Announcement of a Date of Elections to Municipal Councils

1. All municipal councillors shall be elected at the same time.
2. Elections to municipal councils shall be announced by the Seimas of the Republic of Lithuania no later than five months prior to the expiration of the powers of the incumbent municipal councillors. If four months prior to the expiration of the powers of the incumbent municipal councillors the Seimas of the Republic of Lithuania fails to announce the date of elections to municipal councils, elections to municipal councils shall be held on the last Sunday coming at least one month prior to the expiration of the powers of the incumbent municipal councillors. Elections to municipal councils shall be held no earlier than two months and no later than one month prior to the expiration of the powers of the incumbent municipal councillors.
3. If elections to municipal councils must be held in time of war, a decision on holding such elections shall be taken according to special laws or other legal acts.
4. The day when ballots are cast in polling stations of polling districts shall be considered to be the day of elections to municipal councils. Voting at places other than polling stations (by post or in other ways provided for in this Law) shall be carried out before polling day or finished on polling day as it is provided for in this Law. The term which is calculated from polling day and may be implemented only when election results are proclaimed shall commence on the day of proclamation of the election results.
5. The date of rerun elections in a municipality shall be announced by the Central Electoral Commission in cases provided for in this Law no later than within 15 days from the day when the grounds for holding such elections occurred, unless otherwise provided for in this Law. It shall also announce an election date in the case specified in paragraph 2 of this Article.

Article 8. Openness of Preparation and Holding of Elections

1. A public notice about a forthcoming meeting of an electoral commission shall be put on the notice board placed in the premises where the electoral commission has its office, and the members of this electoral commission shall be personally notified about the forthcoming meeting at least 24 hours before the start of the meeting.
2. Meetings and voting of electoral commissions shall be open and may be observed by representatives for the election of political parties (hereinafter referred to as "parties"), self-nominated candidates, self-nominated candidates who have joined together to form a joint list (hereinafter referred to as "representatives for the election") and electoral observers upon

presenting certificates of the established form or credentials validated by the seal of the parties which have authorised them, as well as representatives of the mass media upon presenting their professional cards or employment certificates. Every candidate shall have the right to participate in a meeting of an electoral commission if an issue pertaining to his personal activities or circumstances directly related to his person is being considered or if he has been invited to attend the meeting by the chairman of the electoral commission.

3. Persons present in the conference hall of the electoral commission 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 commission.

4. Electoral commissions may not hold closed meetings. The Central Electoral Commission may prohibit anyone from entering the workroom of the service staff of electoral commissions, document storing premises if it is necessary to guarantee undisturbed working conditions of the staff and to protect election documents.

5. If there is a reason to believe that during a meeting of the electoral commission a threat to the security of participants of the meeting may arise, the chairman of the commission shall ask the police to check the documents and belongings of the persons entering the conference hall or to carry out their personal search.

6. The electoral commission may remove from the conference hall the persons who interfere with the work of the commission.

Article 9. Expenditure Related to the Preparation and Holding of Elections

Expenditure related to the preparation and holding of elections to municipal councils shall be covered by the State and municipalities. The expenditure of electoral commissions related to the organisation and conduct of elections and the work of the members of electoral commissions and the service staff shall be covered from the state budget. The maintenance of premises of polling stations and the office space of municipal electoral commissions and district electoral commissions, expenditure related to the purchase and maintenance of the polling stationery and equipment of polling stations shall be covered from municipal budgets. If the municipality fails to provide adequate premises or polling stationery and equipment for the offices of the municipal electoral commission and district electoral commissions as well as for polling stations, the Central Electoral Commission shall cover the expenditure related thereto with the funds of the state budget allocated to it. In such a case, the actual expenses on premises

and polling stationery and equipment for polling stations shall be recovered without litigation by the Central Electoral Commission from the municipality within two months after the elections.

CHAPTER TWO

CONSTITUENCIES AND POLLING DISTRICTS

Article 10. Number of Municipal Councillors to be Elected

1. Under the proportional electoral system, the following number of municipal councillors shall be elected:

- 1) 51 municipal councillors – in municipalities with more than 500 000 inhabitants;
 - 2) 41 municipal councillors – in municipalities with a population between 300 000 and 500 000 inhabitants;
 - 3) 31 municipal councillors – in municipalities with a population between 100 000 and 300 000 inhabitants;
 - 4) 27 municipal councillors – in municipalities with a population between 50 000 and 100 000 inhabitants;
 - 5) 25 municipal councillors – in municipalities with a population between 20 000 and 50 000 inhabitants;
 - 6) 21 municipal councillors – in municipalities with a population between 10 000 and 20 000 inhabitants;
 - 7) 17 municipal councillors – in municipalities with a population between 5 000 and 10 000 inhabitants;
 - 8) 15 municipal councillors – in municipalities with less than 5 000 inhabitants.
2. The Central Electoral Commission shall, at least 110 days before elections, announce the number of municipal councillors to be elected.

Article 11. Formation of Polling Districts

1. Seeking to ensure convenient access for voters to polling stations and depending on the number of voters, the territories of municipalities shall be divided into polling districts.

2. The division of the territory of a municipality, which shall be permanent when organising and conducting various elections and referenda, into polling districts shall, on the recommendation of the director of the municipal administration, be approved and changed, when necessary, by the Central Electoral Commission.

3. No more than 5 000 voters must reside within the territory of a polling district.

4. 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. In his recommendation to approve the division of the territory of a municipality into polling districts, the director of the municipal administration shall specify the proposed name of a polling district, the addresses comprising the polling district, the number of voters in the polling district which is being formed, the address and telephone number of a polling station. The recommendation on changes in the division of the territory of a municipality into polling districts shall specify the proposed changes. These changes must be submitted to the Central Electoral Commission at least 110 days before elections. Where it is impossible to conduct voting at the polling station designated earlier, the Central Electoral Commission may, on the recommendation of the municipal electoral commission, change the address of the polling station of the district electoral commission at a period shorter than the one specified in this Article.

5. A list of the approved polling districts and changes made therein shall be announced by the Central Electoral Commission at least 100 days before elections.

CHAPTER THREE

ORGANISATION OF ELECTIONS TO MUNICIPAL COUNCILS

Article 12. Electoral Commissions

1. Elections to municipal councils shall be organised and conducted by:

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

2. Any citizen of the Republic of Lithuania may be proposed as a member of an electoral commission provided that he is eligible to stand for elections to the Seimas (without applying the age requirement set for a candidate to Seimas member, but not younger than 18 years of age on polling day) and was not removed from an electoral commission or a referendum commission during the last three elections to the Seimas, presidential elections, elections to municipal councils or the referendum for violations of laws on elections or the Law on the Referendum.

3. The same person may not concurrently be an electoral commission member and a candidate; a candidate and a representative for the election; a representative for the election and an electoral commission member; a candidate and an electoral observer; an electoral commission member and an electoral observer. An electoral commission member wishing to stand as a candidate – before giving a commission member's pledge, or a person wishing to stand as a candidate – before nominating himself as a candidate or giving his consent to stand as a

candidate must respectively resign from the duties of the electoral commission member or withdraw his application documents at least ten days in advance. If an electoral commission member fails to do so, he shall be dismissed from the electoral commission for the violation of this Law and shall not be registered as a candidate or his name shall be struck off the list of candidates.

Article 13. Formation of Municipal Electoral Commissions

1. For the period of elections, the Central Electoral Commission shall form municipal electoral commissions at least 74 days before elections.

2. A municipal electoral commission shall be composed of:

1) one person who resides or works in the territory of that municipality has higher legal education and is nominated by the Minister of Justice;

2) one person who resides or works in the territory of that municipality has higher legal education and is nominated by the Lithuanian Lawyers' Association;

3) one career civil servant who works in the administration of that municipality and is nominated by the director of the administration of that municipality;

4) persons nominated by parties, cross-party coalitions which during the last elections to the Seimas received mandates of Seimas member in the multi-member constituency;

5) persons nominated by parties, cross-party coalitions which during the last elections to the municipal council received at least 3 mandates of members of that municipal council.

3. The Minister of Justice, the Lithuanian Lawyers' Association and the director of the municipal administration may propose more than one person.

4. Every party, cross-party coalition which received mandates of Seimas member in the multi-candidate constituency shall each have the right to propose one representative (hereinafter referred to as a "nominee") to municipal electoral commissions for one list (joint list) of candidates nominated in the multi-member constituency. Every party, cross-party coalition which, during the last elections to the municipal council, received mandates of members of that municipal council according to the list (joint list) of nominated candidates shall each have the right to propose one nominee to the respective municipal electoral commission for one list (joint list) of nominated candidates. If the party may propose nominees on the basis of the results of both elections to the Seimas and elections to the municipal council, it shall propose nominees on the basis of either of these results of its choice. If one of the parties which participated in the coalition does not propose or refuses to propose nominees, or chooses to propose nominees on the basis of the results of the elections other than those for which the coalition was formed, the other parties which participated in this coalition shall have the right to propose nominees without

its participation. Parties, their coalitions shall submit lists of nominees to the Central Electoral Commission at least 81 days before elections. If nominees meet the requirements of this Law, the Central Electoral Commission cannot reject the said nominees. Where no nominees have been proposed, the Central Electoral Commission may additionally, instead of them, appoint as commission members persons who are proposed by the Minister of Justice, the Lithuanian Lawyers' Association or the director of the municipal administration.

5. In all cases, not less than three municipal electoral commission members must be persons appointed to a municipal electoral commission from the candidates proposed by the Minister of Justice, the Lithuanian Lawyers' Association and the director of the municipal administration. In the event of less than three persons, the commission shall be enlarged from the persons proposed by the Minister of Justice, the Lithuanian Lawyers' Association or the director of the municipal administration.

6. If elections to the European Parliament or the Seimas, or the office of President of the Republic, or the municipal council, or a referendum are concurrently held on the same day, the same district electoral commissions or referendum commission shall be formed. The Central Electoral Commission shall form a single – municipal electoral, constituency electoral or referendum – commission on a separate electoral or referendum territory and shall define its functions in organising and carrying out other elections or referendum.

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

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

Article 14. Powers of the Municipal Electoral Commission

The municipal electoral commission shall:

- 1) in accordance with the procedure laid down by the Central Electoral Commission, inform voters who reside within the territory of the respective municipality about the boundaries of polling districts, offices of district electoral commissions, their working hours and polling stations;
- 2) supervise the implementation of this Law in the municipal territory;
- 3) form district electoral commissions;

4) within the limits of the estimate of the municipal electoral commission approved by the Central Electoral Commission, approve estimates of expenses of district electoral commissions and control the use of funds assigned in these estimates;

5) register electoral observers and issue certificates to them, observe political campaigning in the municipal territory and submit observation-related information to the Central Electoral Commission in accordance with the procedure laid down by it;

6) accept application documents, verify them, register lists of candidates and self-nominated candidates, issue certificates to the registered candidates, register cross-party coalitions which are being formed or wound up, determine the numbering of joint lists of candidates;

7) inspect forms for the collection of voters' signatures (or assign this task to district electoral commissions) and determine whether or not the required number of signatures of voters who supported the self-nomination of a candidate has been collected;

8) make up a list of health care (except out-patient), social care and guardianship institutions, military elements, arrest houses, remand prisons (detention facilities) and penal institutions situated within the territory of the municipality, and together with the head of the post office take care of the organisation of voting by post in the said places, as well as organise early voting;

9) draw up a vote counting record of the constituency, establish election results and forward them to the Central Electoral Commission for approval; following the decision of the Central Electoral Commission publish the list of the elected municipal councillors in the press;

10) consider complaints against decisions and actions of district electoral commissions and take decisions; revoke decisions of district electoral commissions which are not in compliance with the requirements of laws or other legal acts; and

11) exercise other powers provided for in this Law.

Article 15. Formation of District Electoral Commissions

1. At least 65 days before elections, the municipal electoral commission shall determine the number of members of each district electoral commission that must be a multiple of the number of the parties which have the right to propose nominees to district electoral commissions. In the event of an insufficient number of proposed nominees or a vacancy in the district electoral commission, the director of the administration of the municipality in the territory of which the polling district is formed may propose the lacking nominees.

2. The following shall have the right to propose an equal number of nominees to a district electoral commission:

1) a party or cross-party coalition which during the last elections to the Seimas received mandates of Seimas member in the multi-member constituency. If the party received mandates of Seimas member while in the coalition, it may propose nominees together with the parties which participated in the coalition;

2) a party or cross-party coalition which during the last elections to the municipal council received at least 2 mandates of members of that municipal council. If the party received mandates of municipal councillor while in the coalition, it may propose nominees together with the parties which participated in the coalition.

3. If the party may propose nominees on the basis of the results of both elections to the Seimas and elections to the municipal council, it shall propose nominees on the basis of either of these results of its choice. If one of the parties which participated in the coalition does not propose or refuses to propose nominees, or chooses to propose nominees on the basis of the results of the elections other than those for which the coalition was formed, the other parties which participated in this coalition shall have the right to propose nominees without its participation.

4. Parties shall submit lists of nominees for members of district electoral commissions to municipal electoral commissions at least 48 days before elections.

5. District electoral commissions shall, for the period of elections, be formed by municipal electoral commissions at least 45 days before elections. If a nominee proposed by the party to the district electoral commission meets the requirements of this Law, the municipal electoral commission cannot reject him.

6. If no nominees have been proposed or the proposed nominees do not meet the requirements of this Law, or they have been proposed after the set time limit, a municipal electoral commission may decrease the earlier fixed number of members of the district electoral commission or address the director of the municipal administration so that the latter would propose the lacking number of nominees to the district electoral commission. Persons proposed by the director of the municipal administration may not be members of parties or become one prior to the expiration of the powers of the electoral commission member. If at the meeting appointing a member of a district electoral commission at least three members of a municipal electoral commission object to the appointment of the person proposed by the director of the municipal administration, that person may not be appointed a commission member.

7. The municipal electoral commission shall appoint the chairman of a district electoral commission from among its members. A person who has got experience of working as the chairman or member of an electoral commission or a person who has a university degree or

equivalent degree or non-university degree of higher education (college education) shall be appointed as the chairman of a district electoral commission.

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

Article 16. Powers of the District Electoral Commission

The district electoral commission shall:

1) receive district electoral rolls from the municipal electoral commission, take the necessary measures to enable voters, representatives for the election to familiarise themselves with the said rolls, deliver or otherwise distribute poll cards to voters, inform the municipal electoral commission about inaccuracies noticed in the district electoral roll;

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

3) in accordance with the procedure laid down by the Central Electoral Commission, supervise the course of voting by post in the territory of a polling district to enable voting by post in all health care (except out-patient), social care and guardianship institutions, military elements, arrest houses, remand prisons (detention facilities) and penal institutions situated within the territory of a polling district, as well as organise voting at home;

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 of the polling district and transmit the data of this record through means of electronic communication in accordance with the procedure laid down by the Central Electoral Commission;

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

8) exercise other powers provided for in this Law.

Article 17. Written Pledges of Electoral Commission Members

1. A member, chairman of an electoral commission shall start holding a position in the electoral commission only upon giving a written pledge. A person who gives a written pledge shall have the right to choose one of the texts of a written pledge set forth in paragraph 2 of this Article and to give a written pledge in compliance with it.

2. The Central Electoral Commission shall establish the procedure for giving a written pledge by members, chairmen of municipal electoral commissions and district electoral commissions. The texts of a written pledge of a member, chairman of an electoral commission 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 commission 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 commission and refrain from actions violating laws and human rights."

3. Upon giving a written pledge, a person shall sign at the foot of the pledge. The text of a written pledge may not be altered. The pledge shall be effective for the whole duration of the appointment to the electoral commission.

4. Written pledges of members, chairmen of the electoral commission shall be kept in the custody of the electoral commission which has appointed them.

5. The decision of the Central Electoral Commission or a municipal electoral commission on the appointment of an electoral commission member shall fix the time when the electoral commission member must give a written pledge. A person who has not given a written pledge within 15 days after his appointment as an electoral commission member shall be removed from his position in the electoral commission.

Article 18. Organisation of the Work of Electoral Commissions

1. Meetings of electoral commissions shall be valid if attended by at least three-fifths of the commission members. Decisions of commissions shall be adopted by open vote of the majority of the commission members present in the meeting. In the event of a tie, the commission chairman shall have a casting vote. Commission members who do not agree with the decision shall be entitled to express a dissenting opinion in writing. It shall be attached to the minutes and shall form an integral part of the minutes.

2. After the close of elections, the powers of the chairmen and members of municipal electoral commissions and district electoral commissions shall be terminated. The decision to terminate the powers shall be adopted by the electoral commission which appointed the commission members, provided this commission and its chairman have fulfilled all the tasks assigned to them under this Law.

3. The chairman or member of an electoral commission who has given a written pledge shall be prohibited from any form of election campaigning or attempts to influence the will of voters in any other way. A person who has violated this requirement or a written pledge of the commission member must be dismissed from the electoral commission and may be held liable under law.

Article 19. Appeals against Decisions of Electoral Commissions Adopted before the Close of the Poll

1. A party which has nominated candidates, a self-nominated candidate, a representative for the election, an electoral observer shall have the right to appeal against any decision of the electoral commission adopted before the close of the poll or against any other act of the commission:

- 1) that of the district electoral commission – to the municipal electoral commission;
- 2) that of the municipal electoral commission – 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 the election who does not agree with the decision of the district electoral commission which has been adopted on his complaint concerning the errors made in the electoral roll which prevent the voter from implementing his right to vote (he has been incorrectly entered in or struck off the electoral roll as well as inaccurate data about the voter has been entered in the electoral roll) shall be entitled to appeal against such a decision of the district electoral commission to the administrative court of an appropriate region.

3. An appeal filed with the regional administrative court must be investigated within 48 hours from the filing thereof. Non-working days shall also be included in this time limit. The decision of the court shall become effective after its pronouncement. 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 commission which must investigate them. A district electoral commission, a municipal electoral commission cannot refer to the Central Electoral Commission for consideration appeals which are within their own jurisdiction but have not been investigated by them.

Article 20. Support Provided to Electoral Commissions and Allocation of State Budget Funds to Municipal Electoral Commissions to Organise Elections

1. State and municipal institutions, enterprises, establishments and organisations as well as their officials must assist electoral commissions in exercising their powers and must provide information necessary for the performance of their functions.

2. State and municipal institutions, enterprises, establishments and organizations as well as their officials must not later than within three days consider requests submitted by electoral commissions and give justified replies to the electoral commissions.

3. The chairman of a municipal electoral commission shall enjoy the right to conclude employment contracts with employees necessary to carry out ancillary works related to the organization of elections. These employment contracts shall be concluded by the chairman of the electoral commission under the power of attorney on behalf of the Central Electoral Commission. The procedure of remuneration for work in electoral commissions and the amounts of such remuneration shall be approved by the Government, on the recommendation of the Central Electoral Commission.

4. At the request of the municipality, state establishments and other organisations shall provide electoral commissions with adequate premises and equipment for the preparation and holding of elections.

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

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

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

2) the intended purpose of the use of 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 organisation of elections;

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

6) 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 the organisation of elections to the accounts indicated in paragraph 5 of this Article in accordance with the estimates of municipal electoral commissions approved by the Central Electoral Commission.

8. The chairman of a municipal electoral commission shall control how the state budget funds allocated to the municipal electoral commission for the organisation of elections are used and shall account to the Central Electoral Commission for the use thereof.

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

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

Article 21. Payment for Work of Electoral Commission Members

1. Chairmen, deputy chairmen, secretaries and members of electoral commissions shall receive payment for their work in electoral commissions at the rates submitted by the Central Electoral Commission and approved by the Government.

2. Members, chairmen and deputy chairmen of electoral commissions shall be paid for their work in electoral commissions against actual time sheets, without exceeding the appropriations allocated to an appropriate electoral commission for remuneration. The Central Electoral Commission shall establish the procedure for filling in time sheets in electoral commissions. The chairman of an appropriate electoral commission 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 commissions.

3. The procedure for imposing incentive measures to chairmen, deputy chairmen and members of electoral commissions shall be approved by the Government on the recommendation of the Central Electoral Commission.

Article 22. Changes in the Composition of an Electoral Commission

1. The chairman or member of an electoral commission may be removed from his position in the commission by the electoral commission which approved the composition of the said commission, or by the Central Electoral Commission.

2. The electoral commission may consider only a justified proposal of a party to recall the member of the electoral commission whom the party proposed.

3. When necessary, a new chairman or member of the electoral commission may be appointed in accordance with the procedure established by this Law even upon the expiration of the time limits set in paragraph 1 of Article 13 and paragraph 5 of Article 15 of this Law.

CHAPTER FOUR

ELECTORAL ROLLS AND POLL CARDS

Article 23. Electoral Rolls

1. For organising and holding elections 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 – provisional and final. These rolls may be used only for the organisation and holding of elections.

3. The procedure for drawing up electoral rolls must be so that every person eligible to vote shall be entered on an electoral roll. No one may be entered on an electoral roll more than once.

4. The electoral roll of the Republic of Lithuania and electoral rolls of municipalities which are drawn up and managed by the management body of the Residents' Register shall be made in electronic data media. Electoral rolls of polling districts shall be printed. The procedure, form, method of compiling electoral rolls and the procedure of their use shall be laid down by the Central Electoral Commission. When drawing up electoral rolls, the following personal data shall be used:

1) in the electoral roll of the Republic of Lithuania: name, surname, personal number, date of birth, number of the document confirming citizenship, home address and grounds for entering the address in the Residents' Register;

2) in the municipal electoral roll: name, surname, personal number, date of birth, home address and grounds for entering the address in the Residents' Register;

3) in the polling district electoral roll: name, surname and home address. The home address of a voter who has expressed disagreement about his home address appearing in the polling district electoral roll shall be indicated only in the annex to the polling district electoral roll and in the poll card.

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

Article 24. General Procedure for Entering Voters on the Electoral Roll of the Republic of Lithuania

1. All persons eligible to vote shall be entered on the electoral roll of the Republic of Lithuania on the basis of the data of the issuance of the passport, identity card or permit for permanent residence in the Republic of Lithuania, as well as the data of the Residents' Register of the Republic of Lithuania. State and municipal institutions and establishments which issue documents confirming the identity of a person or the right to permanently reside in the Republic of Lithuania, manage the data pertaining to the declaration of the place of residence of persons, register the death of persons and the loss of citizenship, shall also be responsible for accurate and timely changes and updates of the data in the Residents' Register of the Republic of Lithuania. Electoral rolls compiled on the basis of the data of the Residents' Register of the Republic of Lithuania shall be provisional.

2. Compiling, updating and management of electoral rolls shall be organised by the Central Electoral Commission on the basis of the information furnished by state, municipal institutions and municipal electoral commissions.

3. The following persons shall be struck off the electoral roll of the Republic of Lithuania:

- 1) a diseased voter;
- 2) a person who has lost the citizenship of the Republic of Lithuania and does not have a document confirming the right to permanently reside in the Republic of Lithuania;
- 3) a voter after a court decision, whereby he has been declared legally incapable, becomes effective;
- 4) a person whose document confirming the right to permanently reside in the Republic of Lithuania has been revoked in accordance with the procedure laid down by the law.

4. Provisional electoral rolls with changes done therein and acknowledged in accordance with the procedure established by the Central Electoral Commission shall be approved as final electoral rolls not more than 7 days before elections. Changes in final electoral rolls may be done only with the consent of the Central Electoral Commission.

Article 25. Electoral Rolls of Municipalities

A municipal electoral roll shall be drawn up in the electronic data media by the Central Electoral Commission according to the electoral roll of the Republic of Lithuania and the home address of a voter (the last known or declared home address of the voter) indicated therein, and shall be delivered to the municipal electoral commission at least 39 days before elections. Concurrently, rolls of voters whose home addresses are unknown shall be drawn up.

Article 26. Electoral Rolls of Polling Districts

A polling district electoral roll shall be drawn up by the municipal electoral commission according to the municipal electoral roll and the voter's home address indicated therein, and shall be delivered to the district electoral commission at least 26 days before elections.

Article 27. Public Announcement of, and Access to, Electoral Rolls

1. The district electoral commission shall, at least 25 days before elections, take the necessary measures to enable voters to familiarise themselves with the polling district electoral roll. Voters shall only have access to their own data specified in an annex to the polling district electoral roll. It shall be prohibited to make copies of polling district electoral rolls or to duplicate or distribute such lists in any other manner. A notice must be posted at the entrance to the premises of an electoral commission indicating the duty hours of the commission members and telephone numbers by which voters may check whether they have been entered on the electoral roll. Upon the expiration of the time limit specified in this Law for issuing poll cards, notices indicating the duty hours of the district electoral commission, its contact telephone numbers and the polling district on the electoral roll of which the residents of a multi-family apartment building have been entered must also be posted in the stairways of such buildings.

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 a voter on the electoral roll may be provided to the voter concerned by telephone.

Article 28. Poll Card

1. A poll card shall be an information certificate about an election to a voter, a nominal invitation to participate in an election. Poll cards together with other information about the election shall be delivered to voters or such delivery shall be organised by electoral commissions. 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 through means of electronic communication (via the internet or a mobile short text message) in

accordance with the procedure laid down by the Central Electoral Commission. In this event, the voter himself shall sign his poll card, except for the cases when he cannot sign it himself because of his disability and the poll card is signed by another person chosen by the voter, indicating his name, surname and personal number. Electoral commissions 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 a polling district on the electoral roll of which the voter has been entered, and the address of a polling station;
- 4) the successive number of the voter on the polling district electoral roll; and
- 5) election date, polling time at the polling station of the polling district; invitation to attend the election, other information relevant to the voter or the organisation of the election.

3. If a voter requests to issue him with a duplicate of a poll card in place of the poll card he has lost or has not received, a duplicate must be issued to the voter immediately as soon as his data to be entered on the card are established.

Article 29. Delivery of Poll Cards

1. The delivery of poll cards to voters shall be organised by a district electoral commission.

2. The procedure for delivering poll cards to voters who are in health care (except out-patient), social care and guardianship institutions, military elements, arrest houses, remand prisons (detention facilities) and penal institutions shall be laid down in Articles 66, 67 and 68 of this Law.

3. The delivery of a poll card shall be noted in a provisional polling district electoral roll. 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 the poll card cannot be delivered because the voter or the person residing with him is not at home, a general invitation to come to vote may be put into a mailbox or handed to the voter's neighbour who knows the voter and undertakes to give the poll card to the voter. The delivery of poll cards to voters must be finished at least 8 days before elections.

4. The voter who has not received a poll card in due time or who has received a poll card with inaccuracies, must without delay inform thereof the district electoral commission on whose service territory he resides and produce his passport or any other identification document. If the

voter has been entered on the electoral roll of this polling district, the district electoral commission 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 Residents' Register's data is assigned to the territory of this polling district or the voter produces other evidence that he resides within the territory of this polling district, the district electoral commission shall provide a request blank the form whereof is established by the Central Electoral Commission to be filled out by the voter to enter him on the electoral roll of this polling district (or a member of the district electoral commission shall himself fill out this request, the voter may submit this request electronically) and shall immediately inform the municipal electoral commission thereof, which must take care of entering the voter on the electoral roll of this polling district under the abovementioned request. The poll card shall be written out and delivered to the voter as soon as electoral rolls are updated.

Article 30. Updating Electoral Rolls before Drawing up Final Electoral Rolls

1. Provisional electoral rolls shall be updated by transferring a voter from one electoral roll of a municipality or a polling district into another, deleting 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 into another if it becomes clear that the voter's home address in the provisional electoral roll is incorrect or it has changed after the said roll was drawn up.

3. Transferring of a voter from the electoral roll of one polling district into another within the same municipality shall be carried out by the municipal electoral commission which shall notify the Central Electoral Commission about the changes made in the electoral rolls of the polling districts. Transferring of a voter from the electoral roll of one municipality into the electoral roll of another municipality shall be executed by the Central Electoral Commission on the recommendation of the municipal electoral commission and the changes made shall be notified to the municipal electoral commissions. Only the Central Electoral Commission may enter a voter on or strike him from the electoral roll of the Republic of Lithuania in the cases provided for in Article 24 of this Law.

Article 31. Entering of Voters who are in Military Elements, Arrest Houses, Remand Prisons (Detention Facilities) and Penal Institutions on Electoral Rolls

1. Voters performing the mandatory military service shall be entered on the electoral roll of the polling district on the territory of which they permanently resided before they have been called up 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. Voters who are in arrest houses, remand prisons (detention facilities) or penal institutions shall be entered on the electoral rolls of the polling district on 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 an arrest house, remand prison (detention facilities) or penal institution is situated. A person who declared his place of residence before he has been placed in an arrest house, remand prison (detention facilities) or penal institution may not be entered on the electoral roll of the polling district on the territory of which the arrest house, remand prison (detention facilities) or penal institution is situated.

Article 32. Updating Electoral Rolls upon Drawing up Final Electoral Rolls as well as on Polling Day

1. If following the approval of the final electoral rolls, but no later than until 6pm on polling day, a district electoral commission is addressed by a voter who has not been entered on the electoral roll of that polling district and submits his passport, identity card or permit for permanent residence in the Republic of Lithuania and the document certifying the declared place of residence within the territory of that polling district, the district electoral commission 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, as well as immediately communicate the voter's name, surname, personal number, the number of his passport or any other identification document, and his address to the municipal electoral commission. The municipal electoral commission 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 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 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 of his municipality, provided that all the polling districts of this municipality are connected through means of electronic communication to the electronic electoral roll and the district electoral commissions can confirm that the voter has not voted in any of the polling districts, and the

electoral commission 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 by post, will not be counted.

Article 33. Complaints about Electoral Rolls

1. A voter or a representative for the election shall be entitled, at least seven days before elections, to lodge complaints with the district electoral commission concerning the errors made in the electoral roll due to which the voter has not been entered on the electoral roll in accordance with the procedure laid down by this Law or has been entered on several electoral rolls. The district electoral commission must consider the complaint and take a decision thereon either immediately or within two days of the receipt thereof, if more than ten days are left until polling day.

2. A decision of the district electoral commission concerning the complaint referred to in paragraph 1 of this Article may within three days be appealed against to the respective regional administrative court. The court shall consider the complaint 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. District electoral commissions shall report to the municipal electoral commission about the received complaints and the changes made in the electoral rolls as a result of the court's decision, and the municipal electoral commission shall report to the Central Electoral Commission as soon as possible but not later than within 12 hours.

CHAPTER FIVE NOMINATION OF CANDIDATES

Article 34. Nomination of Candidates

1. Candidates may be nominated by parties registered in compliance with 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. A party shall nominate candidates by presenting a general list of candidates for municipal councillor in which the candidates are entered in the order established by the party. In total the candidates in the list of candidates submitted by the party cannot make up less than a half and more than twice of councillors to be elected in that municipality.

3. Every person who meets the requirements established in Article 2 of this Law may nominate himself as a candidate, provided that his self-nomination is supported by signatures of not less than ten per cent of voters of that municipality when calculating for one mandate of municipal councillor, but at least 100 voters of that municipality. The number of signatures to be collected, which is fixed according to the results of the last election and rounded to the first two significant digits, shall be announced by the Central Electoral Commission at least 74 days before elections.

Article 35. Application Documents of Candidates for Municipal Councillor

1. Submission of application documents of candidates shall commence 65 days before elections. The submission of the said documents shall end at 5 pm 34 days before elections.

2. Upon the commencement of submission of application documents but not later than 40 days before elections, a party must submit to the Central Electoral Commission the following application documents:

- 1) an application for the participation in the election;
- 2) a copy of its registration document; it may also submit the party's programme, election programme;
- 3) a list of municipalities in elections of councillors of which the party intends to nominate candidates;
- 4) the power of attorney for a representative for the election to represent the party in the Central Electoral Commission, as well as the power of attorney for a representative for the election to represent the party and the candidates nominated by it in municipal electoral commissions;

5) the document confirming the payment of the election deposit;

3. If a party nominated candidates or lists of candidates in the last elections to the Seimas or municipal councils or to the European Parliament, it shall have the right to submit to the Central Electoral Commission a copy of the report on the funding of the respective political campaign.

4. The party must file with the municipal electoral commission the following application documents:

- 1) a list of nominated candidates for municipal councillor signed by the representative for the election. The Central Electoral Commission shall set the form of such a list;
- 2) written consents of the nominated candidates to be nominated by this party in this constituency, a questionnaire for a candidate for municipal councillor filled in by the candidate himself, as well as 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 the respective tax inspectorate, as well as his declaration of private interests and a pledge of the form set by the Central Electoral Commission to comply with the prohibition against bribing voters and persons eligible to vote. The data of the candidate's declaration of private interests shall be submitted by the municipal electoral commission to the Central Electoral Commission not later than within 5 days in accordance with the procedure laid down by the latter;

3) the certificate issued by the Central Electoral Commission concerning the registration of the party, nominating lists of candidates, for the participation in the election to the council of this municipality as well as the certificate concerning the registration of this party as an independent participant of political campaign;

4) the certificate issued by the Central Electoral Commission concerning the registration of the list of candidates for municipal councillor as an independent participant of political campaign or the certificate indicating that the application (request) to register this list as an independent participant of political campaign has not been submitted.

5. Upon the commencement of submission of application documents but not later than 45 days before elections, a person who has decided to nominate himself as a candidate for municipal councillor (hereinafter referred to as a "potential candidate") must submit to the Central Electoral Commission the following application documents:

1) an application regarding his self-nomination as a candidate;

2) a questionnaire for a candidate for municipal councillor filled in by the candidate himself, 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 the respective tax inspectorate, as well as his declaration of private interests and a pledge of the form set by the Central Electoral Commission to comply with the prohibition against bribing voters and persons eligible to vote. The data of the candidate's declaration of private interests shall be submitted by the municipal electoral commission to the Central Electoral Commission not later than within 5 days in accordance with the procedure laid down by the latter;

3) the document confirming the payment of the election deposit;

4) the certificate issued by the Central Electoral Commission concerning the registration of the candidate for municipal councillor as an independent participant of political campaign.

6. In addition to the application documents referred to in paragraph 5 of this Article, a potential candidate may submit a power of attorney to represent him in the Central Electoral Commission and the electoral commission of that municipality, as well as his election programme.

7. The municipal electoral commission shall, within three days from the receipt of the documents specified in paragraph 5 of this Article, register a person as a potential candidate and shall hand out voter signature collection forms. A voter signature collection form must contain the following text and a table for voter's particulars:

I, a voter of municipality confirm my support for
(name of a municipality)
 the self-nomination of as a candidate for municipal councillor:
(name, surname)

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	Voter's date of birth	Voter's home address	Voter's signature	Date of signing

8. The name and surname of a person who has collected signatures of voters, the number of his passport or identity card or document confirming the right of permanent residence in the Republic of Lithuania, home address, signature and the date of signing must be indicated at the bottom of the voter signature collection form.

9. Having received voter signature collection forms a potential candidate shall have the right to make relevant announcements through the mass media and to organise collection of voters' signatures. A potential candidate himself or any other voter under his instruction shall have the right to collect voters' signatures. A person collecting voters' signatures may collect signatures only for one potential candidate. A voter himself shall put his name, surname and signature in the voter signature collection form; other particulars and the date of signing may be entered by the person who collects voters' signatures. If a voter cannot enter his particulars and sign the form because of his disability, another voter (except for the person collecting signatures) shall carry out these actions at his request. This fact must be indicated by an appropriate inscription on the voter signature collection form and attested by the signature of the person who collected voters' signatures. When collecting signatures of voters, it shall be prohibited to bribe voters, to reward or to promise any reward for signing, to use psychological or any other violence or otherwise induce any voter to sign or refrain from signing in the voter signature collection form. If not more than 41 days before elections the number of voters' signatures fixed

by this Law has not been collected, the collection of signatures shall be terminated and a potential candidate must, at least 40 days before elections, return the voter signature collection forms (including the unused forms) to the municipal electoral commission. The municipal electoral commission shall sign an act of return of the voter signature collection forms. The said act shall also be signed by the potential candidate.

10. Having received the voter signature collection forms the municipal electoral commission shall, not later than within six days, inspect them and count the signatures of the municipal voters who supported the self-nomination of this candidate. The signatures of persons who are not eligible to vote, voters who are not entered on the electoral roll of that municipality, voters who have not written down all the particulars established by this Law or who have written down inaccurate particulars, as well as all the signatures of voters who have signed more than once in support of the same candidate shall not be counted.

11. If the voter signature collection forms contain the number of signatures of the constituency voters as set by this Law, the municipal electoral commission shall recommend the potential candidate to the Central Electoral Commission to be registered as a candidate for municipal councillor. If it is established that the voters' signatures have been forged or that the voter's will has been influenced or the procedure for collecting signatures has been violated otherwise during signature collection, the municipal electoral commission shall recommend the Central Electoral Commission not to register the potential candidate as a candidate.

12. In the questionnaire for a candidate for municipal councillor a person who is nominated as a candidate for municipal councillor or has nominated himself as a candidate for municipal councillor must himself fill in the following data: name, surname, number of the passport or any other identification document or the document confirming the right of permanent residence in the Republic of Lithuania, personal number, date of birth, home address, whether or not he has a court-imposed conviction which has not 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 who has been transferred to the reserve or has retired from the service, whether or not he is an officer of a statutory institution or establishment whose right of participation in political activities is restricted under special laws or statutes, whether or not he holds office incompatible with the office of municipal councillor, and whether or not he is a member of the elective administration body of another state, and sign. If a candidate for municipal councillor is a citizen of another state, he must also indicate whether his passive voting right has not been restricted in the state of which he is a citizen. The questionnaire for a candidate for municipal councillor may also include other additional questions established by the Central Electoral Commission, which may be left unanswered.

13. In the questionnaire for a candidate for municipal councillor a person who is nominated as a candidate for municipal councillor or has nominated himself as a candidate for municipal councillor must, besides the information set in paragraph 12 of this Article, indicate if he, under the conviction (decision) of the court of the Republic of Lithuania or a foreign state which became effective after 11 March 1990, was found guilty for committing a criminal act or, under the effective decision of the court of the Republic of Lithuania or a foreign state, was ever found guilty of committing a serious or grave crime, regardless of the fact whether the conviction has expired or has been expunged. When furnishing the abovementioned information, the person must indicate in the questionnaire for a candidate for municipal councillor the state (place) of adoption of the conviction (decision), the name of the institution which adopted the said conviction (decision), the date of the adoption of the conviction (decision) as well as the criminal act for the committing of which the person was sentenced. It shall not be necessary to specify the information referred to in this paragraph, if the person was found guilty by the occupation regime's court of a crime against the state. When providing the information referred to in this paragraph, the questionnaire of a candidate for municipal councillor shall also specify that the person was found guilty by the decision of the court of the criminal act which has been later decriminalized or that the person was found guilty by a foreign state's court of the act which is not considered to be a crime under the law of the Republic of Lithuania or the prosecution for which is considered to be political persecution.

14. Application documents may be filed with electoral commissions by electronic means. Voters may also support the self-nomination of a candidate with their signatures by electronic means in accordance with the procedure laid down by the Central Electoral Commission.

Article 36. Registration of Candidates

1. Upon the commencement of registration of candidates, at the request of the Central Electoral Commission, the Ministry of Justice shall within one day inform in writing which parties are registered, the number of members of which parties meets the statutory requirements, and the activities of which parties have been suspended or terminated.

2. Upon receiving 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. The Ministry of Justice must within two days reply in writing to the Central Electoral Commission. Having inspected the application documents and determined their compliance with the requirements of this Law, the Central Electoral Commission shall, within seven days following the receipt of the application documents, issue to the representative for the election of the party nominating lists of candidates

a certificate concerning the registration of the party nominating lists of candidates to participate in the election.

3. While inspecting the application documents filled in by a candidate, the municipal electoral commission shall determine whether or not the candidate meets the requirements of Article 2 of this Law. Where necessary, the Central Electoral Commission may refer to the Ministries of Foreign Affairs, the Interior, Justice, the Register of Legal Entities or other state institutions asking to provide with any data relevant to the registration of the candidate. Such a 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. After the municipal electoral commission has inspected the submitted application documents and determined that they meet the requirements of this Law, it must adopt a decision concerning the registration of a candidate within 10 days following the submission of the application documents, but at least 31 days before elections.

5. If the application documents are incorrect, the electoral commission must immediately inform the appropriate representative for the election thereof.

6. If following the registration of a candidate the Central Electoral Commission establishes that the candidate concerned does not meet the requirements laid down in Article 2 of this Law, or if the candidate refuses to submit the documents or a pledge to comply with the prohibition against bribing voters and persons eligible to vote referred to in subparagraph 2 of paragraph 4 or subparagraph 2 of paragraph 5 of Article 35 of this Law, or he submits inaccurate documents or pledge, or fails to submit them within the time limit set by the Central Electoral Commission, or if a party, a candidate has grossly violated the provisions of paragraph 1 of Article 6 of this Law, the Central Electoral Commission shall respectively cancel the registration of the candidate concerned or revoke the announcement of the list (joint list) of candidates of that political party.

7. If a person who is nominated as a candidate for municipal councillor or nominated himself as a candidate for municipal councillor has failed to meet the requirements set out in paragraph 13 of Article 35 of this Law (has not provided the information specified in this Law or has provided the erroneous information), the electoral commission shall not register him as a candidate for municipal councillor; in the case the electoral commission has already registered such a person as a candidate, the Central Electoral Commission shall immediately cancel the registration of this person as a member for municipal councillor.

8. If a candidate for municipal councillor has justly specified in the questionnaire the information set out in paragraph 13 of Article 35 of this Law, a poster of a candidate or a poster with a list of candidates issued by the electoral commission must contain the following note next

to the surname of the candidate concerned: "Has been found guilty of the criminal act by the court's conviction "; such a note shall not be obligatory if the candidate for municipal councillor has provided in the questionnaire the information that he was found guilty by the occupation regime's court of the crime against the state or he has justly indicated that he was found guilty by the decision of the court of the criminal act which was later decriminalized or when the person was found guilty by a foreign state's court of the act which is not considered to be a crime under the law of the Republic of Lithuania, or the prosecution for which is considered to be political persecution.

Article 37. Representatives for the Election

1. Upon announcing the date of elections to municipal councils, the Central Electoral Commission may start accepting powers of attorney of the parties to represent them in electoral commissions on the next day following the formation of an appropriate electoral commission. The power of attorney to represent them in an electoral commission may be submitted by self-nominated candidates, self-nominated candidates who have joined together to form a list of candidates to the Central Electoral Commission on the next day following the submission of application documents or the formation of a joint list of candidates respectively. The Central Electoral Commission shall not later than within three days register the power of attorney of a representative for the election and shall issue a certificate of the representative for the election to him. The validity of the power of attorney for the representative for the election and the certificate of the representative for the election shall expire after the lapse of 20 days following the proclamation of the final results of the election.

2. The representative for the election shall represent the party or a self-nominated candidate on all issues in the Central Electoral Commission or the municipal electoral commission. The representative for the election shall attend meetings of an electoral commission in an advisory capacity and with the right to express a separate opinion on all issues under consideration. The representative for the election shall have all the rights of the electoral observer within the territory of the municipality in the electoral commission whereof he is authorised to represent.

3. If a party, a self-nominated candidate revokes the power of attorney for his representative for the election before polling day, the Central Electoral Commission must be immediately notified thereof. The latter shall immediately cancel the registration of the power of attorney for the representative for the election and revoke the validity of the certificate of the representative for the election. The provisions of this Law shall apply to the assignment of

another representative for the election, the registration of a power of attorney for this representative and the issuing of a certificate of the representative for the election to him.

Article 38. Election Deposit

1. The election deposit for registering a self-nominated candidate, a list of candidates nominated by one party in one municipality shall be equal to the amount of the most recently announced average monthly earnings of employees of the whole economy (hereinafter referred to as “AMEs”).

2. The election deposit for changing the place of one candidate on the list of candidates, entering a new candidate on the list of candidates shall be in the amount of 0.5 AMEs; the election deposit for a self-nominated candidate to join together with other self-nominated candidates to form a joint list, for joining lists of candidates nominated by the party shall be in the amount of 0.3 AMEs for each list which is being joined or for every self-nominated candidate.

3. Election deposits for registration of a list of candidates shall be doubled for that party which at the last election to the Seimas or municipal councils or the last election to the European Parliament nominated candidates or the list (lists) of candidates and did not submit a report on the sources and the use of funds for election campaigning to be published in the press according to the procedure laid down by the law.

4. Upon the expiration of the period of political campaign, the Central Electoral Commission shall return the election deposits to the parties or the self-nominated candidates who paid them, provided that the reports on the funding of their political campaign are submitted.

5. Where the registration of a candidate is cancelled or the announcement of the party's list (joint list) of candidates is revoked on the grounds referred to in paragraph 6 of Article 36 of this Law or where the list (joint list) of candidates is not registered because of the belatedly submitted application documents, the election deposit shall not be returned.

6. The election deposits which are not to be returned shall be transferred by the Central Electoral Commission to the State budget.

Article 39. Prohibition for One Person to Stand as a Candidate in Several Lists of Candidates

1. Every candidate nominated by a party may be entered only on one list of candidates. Self-nominated candidates may join together to form lists of self-nominated candidates. A self-nominated candidate may be only on one joint list of self-nominated candidates.

2. A candidate who has been entered on a list of candidates of more than one party, or who has been nominated by a party and has nominated himself as a candidate, or who has been entered on more than one joint list of candidates of parties or more than one joint list of self-nominated candidates must choose in which list of candidates he will participate in an election or choose to participate in an election as a self-nominated candidate, and not later than within three days notify the Central Electoral Commission in writing thereof. The Central Electoral Commission shall, within five days but not later than 35 days before the election, update lists of candidates according to the notifications submitted in accordance with the procedure laid down by this paragraph. If a candidate fails to fulfil the obligation set in this paragraph, the Central Electoral Commission shall exclude him from candidates.

Article 40. Joint Lists of Candidates. Joining of Self-nominated Candidates Together to Form Lists

1. At least 35 days before the election, parties may form coalitions and join the lists of nominated candidates to make a joint list of candidates in which candidates are enlisted in accordance with a newly established succession. Candidates in the joint list of candidates of parties cannot make up less than a half and more than twice of municipal councillors to be elected. The name of a coalition of parties must include the word “coalition” and it cannot contain any references to the names of parties which do not join this coalition or the names of self-nominated candidates. A joint list of candidates of parties shall be considered to be a single list. In one municipality the same party may not participate in more than one coalition.

2. Self-nominated candidates may join together to form joint lists of self-nominated candidates. Not less than two self-nominated candidates may form a joint list of self-nominated candidates, and a self-nominated candidate may be entered only on one joint list.

3. In order to form a joint list of candidates of parties or for self-nominated candidates to join together to form a joint list of self-nominated candidates the appropriate representatives for the election must submit to a municipal electoral commission an application concerning the joining of the lists of candidates nominated by parties or an application concerning the joining of self-nominated candidates together to form a joint list of self-nominated candidates. An application of the parties’ representatives for the election concerning the joining of the lists of candidates nominated by parties shall specify the name of the coalition of the parties, and the election number of which participant in the coalition is chosen to be the election number of the coalition. The application concerning the joining of the lists of candidates nominated by parties shall be accompanied by a joint list of candidates of the parties and the document confirming the payment of the election deposit fixed in Article 38 of this Law. An application of self-nominated

candidates' representatives for the election concerning the joining of self-nominated candidates together to form a joint list of nominated candidates shall enlist the self-nominated candidates in the order which they themselves determine by mutual agreement, as well as the name of such a joint list. The name of a joint list of self-nominated candidates must include the word "coalition" and it cannot contain any references to the names of parties or the names of self-nominated candidates who are not included in the said list.

Article 41. Withdrawing and Supplementing Application Documents

1. A party, a cross-party coalition, a candidate shall have the right to withdraw all its (his) application documents or a part thereof not later than 25 days before the election. The party or the cross-party coalition must notify the Central Electoral Commission thereof by a statement, while the candidate must notify the Central Electoral Commission thereof by a notarised statement; the relevant representatives for the election in the Central Electoral Commission shall be also informed thereof. When changing the order of candidates on the list of candidates or when nominating new candidates new application documents may be submitted by the end of the time limit set by this Law for the submission of application documents.

2. If the application documents are withdrawn by a self-nominated candidate who is entered on the joint list of self-nominated candidates, or by a party participating in the coalition, the self-nominated candidate shall be struck off the joint list of self-nominated candidates, while the candidates nominated by the party participating in the coalition shall be struck off the joint list of candidates of parties; if the name of the coalition contains the reference to the name of that party, the name of the coalition shall be changed. The self-nominated candidate, the party – participant in the coalition must notify in writing the relevant representatives for the election in the Central Electoral Commission about the withdrawal of their application documents. If upon the withdrawal of the application documents there is only one candidate on the joint list of self-nominated candidates or there are candidates nominated by only one party on the joint list of candidates of parties, they shall participate in the election only as candidates of this party or as a self-nominated candidate.

3. If upon the withdrawal of the application documents or the cancellation of the registration of candidates in the list of candidates of a party or in the joint list of candidates of parties the remaining number of candidates is less than a half of municipal councillors to be elected in that municipality, the registration of all the candidates on this list shall be cancelled.

Article 42. Announcement of Candidates and Lists of Candidates. Beginning of Election Campaigning Election Numbers

1. At least 30 days before the election, the Central Electoral Commission shall announce lists of parties, joint lists of cross-party coalitions, lists of self-nominated candidates, and joint lists of self-nominated candidates participating in the election in each municipality, election numbers determined for parties by lot, election numbers reserved by lot for self-nominated candidates, lists of candidates and candidates.

2. Election numbers of parties shall be the same in all the municipalities. Municipal electoral commissions shall, in accordance with the procedure laid down by the Central Electoral Commission, determine by lot the concrete election numbers of self-nominated candidates from the election numbers reserved for self-nominated candidates. The number of a joint list of candidates of parties shall be chosen by the parties participating in the coalition by mutual agreement from the election numbers determined for them. If the participants in the coalition fail to choose an election number, the Central Electoral Commission shall assign to a joint list of candidates of parties the smallest number from the numbers determined for the participants in the coalition.

3. At the time set in paragraph 1 of this Article, a municipal electoral commission shall give to an appropriate representative for the election certificates of candidates for municipal councillor with the election numbers of candidates written down in them. At the moment of its assignment the election number of a candidate who is on the list of candidates shall coincide with the candidate's number on the list (joint list) of nominated candidates. The candidate's election number shall not be changed until the proclamation of the final election result.

4. At least 18 days before the election, the municipal electoral commission shall announce lists of self-nominated candidates, joint lists of self-nominated candidates, lists (joint lists) of candidates of parties which participate in the election, as well as the election numbers of candidates.

CHAPTER SIX

GUARANTEES OF CANDIDATES FOR MUNICIPAL COUNCILLOR

Article 43. Right of Candidates to Speak at Meetings, to Use the Mass Media

1. After the announcement by the Central Electoral Commission of lists of candidates as well as candidates, candidates in constituencies shall enjoy the equal right to speak at voters' meetings or any other meetings, gatherings, conferences as well as through the mass media, and to announce their election programme or the election programme of the party which has nominated them.

2. Heads of state, municipal institutions and agencies must help candidates to organise meetings with voters and to receive necessary information, except for information the disclosure of which is restricted under laws and other legal acts.

Article 44. Liability for Violation of this Law

Persons who by force, threat, deception, bribery or otherwise prevent voters from implementing the right to vote, to organise and carry out election campaigning or who have violated the election campaigning procedure, announced or otherwise disseminated false data about a candidate or prevented a candidate from meeting with voters, or who have otherwise violated this Law, as well as members of electoral commissions or other officials who have falsified, damaged, destroyed, stolen or hidden election documents, made incorrect vote counts, violated the secrecy of voting or otherwise violated this Law, shall be held liable under laws of the Republic of Lithuania.

Article 45. Candidates' Leave

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 or a Seimas member. The procedure for releasing a candidate who is a member of the Government from official duties shall be laid down in the Law on the Government.

Article 46. Immunity of Candidates

1. After the announcement by the Central Electoral Commission of lists of candidates as well as candidates and until the final election results become effective, a candidate may not be prosecuted, arrested, his freedom may not be restricted in any other way without the consent of the Central Electoral Commission.

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

CHAPTER SEVEN

ELECTION CAMPAIGNING

Article 47. Basic Principles of Election Campaigning

1. The provisions of this Law regulating the election campaigning shall apply from the announcement of the election date. Election campaigning expenses and political advertising expenses must be declared in accordance with the procedure laid down by the law and must not exceed the maximum permissible amount of political campaign expenses fixed by the law.

2. Election campaigning may be conducted in any form or manner, except for those which violate the Constitution and laws, conflict with the morals, justice or society's cohesiveness, contravene fair and respectable elections.

3. Requirements for the marking of political campaign shall be laid down in laws; the procedure for marking the political campaign shall be laid down by the Central Electoral Commission.

Article 48. Conditions and Procedure for the Use of the Mass Media

1. After the announcement by the Central Electoral Commission of lists of candidates as well as candidates, candidates shall be granted the right to use the national mass media free of charge.

2. The rules for preparing programs intended for election campaigning shall be approved and the actual duration and time of the National Radio and Television of Lithuania programs shall be set by the Central Electoral Commission after consultation with the head of the National Radio and Television of Lithuania. This Commission shall distribute the time of programmes in such a manner that the principles of equality of candidates and lists of candidates are preserved.

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

4. 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.

5. Groups of independent participants of political campaign taking part in debates (consisting of two and more persons) shall be set up by mutual agreement and in the event of failure to reach mutual agreement – by lot.

6. All broadcasters shall have the right to produce, on their own initiative, debate programmes in compliance with the provisions of paragraph 2 of Article 18 of the Law on

Funding of Political Parties and Political Campaigns, and its Control. Other terms and conditions provided for in this Article shall not apply to the said broadcasters.

7. The election programme of a self-nominated candidate, a list of candidates shall, within 20 days after its submission, be published by the municipal electoral commission in accordance with the procedure laid down by the Central Electoral Commission. An election programme which was submitted to the municipal electoral commission belatedly and therefore has not been published may not be published during the period of prohibition of election campaigning as well as after the election.

8. The procedure for printing election programmes shall be established by the Central Electoral Commission. The election programme of a list of candidates shall not be announced after polling day and during the period of prohibition of election campaigning.

9. 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.

10. 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 establishments;

2) inside or outside 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, and 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 permission of the owner of the land, construction works or other structures on or in which it is displayed;

7) in places other than those provided for in accordance with the procedure laid down in paragraph 11 of this Article.

11. 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.

12. 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.

13. Persons who have violated the requirements for displaying outdoor political advertising as well as the requirements of the election campaigning procedure shall be held liable under the law.

14. All disputes concerning election campaigning and the communication of political advertising shall be settled by the Central Electoral Commission in compliance with this Law.

Article 49. Release of Material Compromising a Candidate and the Candidate's 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 (at the latest, such data may be publicised 5 days before the election in a means of mass media which is issued more than three times a week, or 10 days before the election in other means of mass media, but in all cases any material compromising a candidate may be publicised not later than in the next-to-last issue of a means of mass media before the election), it must provide the candidate with a possibility of expressing a countering opinion. The countering opinion of the candidate shall consist of a short exposition of the released compromising material and the candidate's response. In general, the extent of the candidate's countering opinion may not exceed the volume of the compromising material more than three times. The means of mass media must publicise the candidate's countering opinion within seven days after it has been expressed, but not later than two days before the beginning of the prohibition of election campaigning. If the means of mass media cannot announce the countering opinion itself during the time limit set by this Law, it must make arrangements to publicise the candidate's countering opinion at its own expense in another means of mass media.

2. Any material which is intended to induce voters not to vote for a particular candidate and which communicates negative news about that candidate shall be considered as material compromising the candidate. An opinion about a candidate announced in the mass media (unlike hard news, an opinion shall not be subject to the criteria of truth), including a negative opinion, shall not be considered as compromising material and shall not entitle the candidate to demand announcing a countering opinion. The request of the candidate to publish his countering opinion may also be refused in cases where: the released material does not concern the candidate personally; the released material about the candidate is not compromising; the compromising material about the candidate is released by him, or by another candidate who is nominated on the

same list of candidates or by the same party, or by a self-nominated candidate; the released material contains no information describing the candidate; the candidate has already exercised the right to a countering opinion.

3. If the candidate has submitted the countering opinion to the means of mass media in due time, but it has not been announced, 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 advertising fees. In this event, the means of mass media must pay the Central Electoral Commission two times the amount of the broadcast costs.

4. If the compromising material about the candidate was released during the period of prohibition as set out 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 advertising 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 mass media from liability under laws of the Republic of Lithuania.

6. When the candidate's countering opinion is broadcast on the decision of the Central Electoral Commission, the broadcast costs set by this Law shall be recovered without litigation from that means of mass media which has released the material compromising the candidate during the period of prohibition as set out under this Law or which has failed to announce the candidate's countering opinion in due time.

Article 50. Release of Material Compromising a Party which has Nominated Lists 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 party which has nominated lists of candidates (at the latest, such data may be publicised 5 days before the election in a means of mass media which is issued more than three times a week, or 10 days before the election in other means of mass media, but in all cases any material compromising a party which has nominated lists of candidates may be publicised not later than in the next-to-last issue of a means of mass media before the election), it must provide the party (one of its branches) 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. In general, the extent of the countering opinion may not exceed the volume of the compromising material more than three times. The means of mass media must publish the countering opinion within

seven days after it has been expressed, but not later than two days before the beginning of the prohibition of election campaigning. If the means of mass media cannot announce the countering opinion itself during the time limit set by this Law, it must make arrangements to publicise the countering opinion at its own expense in another means of mass media.

2. Any material which is intended to induce voters not to vote for candidates nominated by a particular party and which communicates negative news about that party (its branch) shall be considered as material compromising the party. An opinion about a party announced in the mass media (unlike hard news, an opinion shall not be subject to the criteria of truth), including a negative opinion, shall not be considered as compromising material and shall not entitle the party to demand announcing a countering opinion. The request to announce a countering opinion may also be refused in cases where: the released material does not concern the party; the released material is not compromising; the compromising material about the party is released by a candidate nominated by the party; the material contains no information describing the party; the party (its branch) has already exercised the right to a countering opinion.

3. The party shall give its countering opinion to the means of mass media through its representative for the election in the Central Electoral Commission or through its representative for the election in the municipal electoral commission. If the representative for the election has submitted the countering opinion to the means of mass media in due time, but it has not been publicised, 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 advertising fees. In this event, the means of mass media must pay the Central Electoral Commission two times the amount of the broadcast costs.

4. If the compromising material about the party which has nominated a list of candidates was released during the period of prohibition as set out under this Law, 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 advertising 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 mass media from liability under laws of the Republic of Lithuania.

6. When the countering opinion is broadcast on the decision of the Central Electoral Commission, the broadcast costs set by this Law shall be recovered without litigation from that means of mass media which has released the material compromising the party which has

nominated a list of candidates during the period of prohibition as set out under this Law or which has failed to announce the countering opinion in due time.

Article 51. 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 Lithuanian National Radio and Television, regional broadcasters or municipal mass media for carrying out election campaigning or from instructing other persons to do so, or from trying to influence the will of voters in any other manner by taking advantage of his official position. State and municipal officials and civil servants shall be prohibited from using their official position in creating exceptional election campaigning conditions for themselves or their party. Persons who violate this Article shall be held liable in accordance with the procedure laid down by the law.

2. A person who holds office in state, municipal institutions or agencies and simultaneously is a candidate may speak on the Lithuanian National Radio and Television, the regional broadcaster or the municipal mass media in the course of election campaigning only in accordance with the procedure laid down in Article 48 of this Law. If the official duties of a candidate require him announcing important news through the mass media, he may do so only at a press conference. The Lithuanian National Radio and Television, regional broadcasters or municipal mass media may publicise only the record of this conference, provided it does not contain election campaigning elements.

Article 52. Funding of Political Campaigning of Elections to Municipal Councils

Funding of political campaigning of elections to municipal councils and control of such funding shall be regulated by the Law on Funding of Political Parties and Political Campaigns, and its Control.

Article 53. Prohibition of Election Campaigning on Polling Day

1. Campaigning, regardless of its methods, forms and measures, shall be prohibited for the last 30 hours before the election and on polling day until the close of poll, with the exception of permanent visual campaigning material in the designated places, provided that it was displayed at least 48 hours before the beginning of the election. During the period of prohibition of election campaigning 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.

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 54. Establishment of Sample Election Document

The Central Electoral Commission shall establish the samples and forms of poll cards, a questionnaire of a candidate for municipal councillor (hereinafter referred to as a "candidate questionnaire"), certificates of a representative for the election and an electoral observer, lists of candidates, posters with particulars of a candidate (candidates), ballot papers (as well as ballot papers for early voting), ballot paper envelopes and postal vote covering envelopes, blanks, other documents and seals used in elections, as well as the samples for filling them out.

Article 55. Ballot Papers

1. Each voter shall be handed one ballot paper.

2. The ballot paper must contain the following:

1) printed instructions for the voter how to fill in a ballot paper, and special spaces in the ballot paper for expressing the voter's will;

2) by allotting an equal space for each list of candidates and for each self-nominated candidate in one part of the ballot paper, the election numbers of lists of candidates, self-nominated candidates, names of parties or coalitions of parties, the name and surname of a self-nominated candidate, which are printed using the uniform-type font and arranged according to the assigned numbers in an increasing order. The name and surname of the first candidate entered on the list shall be written down next to the name of the party, coalition of parties, the joint list of self-nominated candidates. The words "Self-nominated candidate" shall be written down by the self-nominated candidate. The font size of entries shall be selected so as to be best fitted for filling the space for entries;

3) five special boxes in the other part of the ballot paper intended for a voter, who votes for a particular list of candidates, to put down the election numbers of chosen candidates. If there are five candidates on the list of candidates for which a voter casts his vote, the voter shall fill in

not more than four boxes; if there are four candidates – three boxes; if there are three candidates – two boxes; if there are two candidates – one box.

Article 56. Delivery of Ballot Papers and Postal Vote Covering Envelopes

1. Municipal electoral commissions shall deliver ballot papers and postal vote covering envelopes to central post offices at least two days before the beginning of postal voting, ballot papers to polling districts – at least 12 hours before the opening of the poll.

2. The Central Electoral Commission shall ensure the publishing of ballot papers and postal vote covering envelopes and be responsible for keeping records and delivery thereof within the time limit fixed in this Article.

Article 57. Preparation of Polling Stations

1. The polling station of a polling district must be prepared for the election not later than 12 hours before the opening of the poll. By the prescribed time the district electoral commission should have all the ballot papers, received from the municipal electoral commission, counted and their acceptance act drawn up. In the polling station of a polling district there must be a ballot box, a polling booth (booths) where a voter could fill out ballot papers in private. A secret voting booth must contain the information for voters, issued by the Central Electoral Commission, concerning the completion of ballot papers as well as the lists of candidates of the parties, the joint lists of candidates of the parties, the lists of self-nominated candidates, and the joint lists of self-nominated candidates with candidates' election numbers specified. The lists displayed in the polling booth must also be posted in the polling station; the election campaigning or voter information material issued by the Central Electoral Commission may be displayed in the polling station as well. Working places for electoral commission members and places for electoral observers must be arranged in each polling district; the text of this Law must also be available in each polling district. Any election campaigning material or any other voter information material other than the material issued by the Central Electoral Commission must be removed from the polling station, passageways leading to or out of it (corridors) and within 50 metres of the building which houses the polling station. Upon the arrangement of the polling station, it shall be closed, sealed, left under the police protection and the chairman of the district electoral commission shall inform the municipal electoral commission thereof.

2. The chairman of the district electoral commission shall be responsible for arranging the polling station of the polling district. If the municipality does not allocate suitable premises for establishing a polling station or fails to supply polling stationary and equipment, the chairman of the district electoral commission must immediately inform the municipal electoral

commission thereof and take measures to choose a suitable polling station and to acquire appropriate polling stationary and equipment pursuant to Article 9 of this Law.

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

Article 58. Electoral Observers

1. Parties, self-nominated candidates as well as representative for the election shall have the right to appoint electoral observers. A certificate of the form set by the Central Electoral Commission shall confirm the status of electoral observer. The electoral observer certificate shall be issued by:

1) the Central Electoral Commission – to observe elections within the entire territory of the Republic of Lithuania or only in particular municipalities, polling districts on the recommendation of the Minister of Foreign Affairs, the President of the Republic, at the request of individuals representing foreign states or international institutions, as well as at its own discretion;

2) a municipal electoral commission – to observe elections within the entire territory of the respective municipality, in one or several polling districts to persons at the request of a party (its branch), a self-nominated candidate or a representative for the election; the said request must indicate the person's name, surname, personal number, the name of the polling district.

2. Electoral observer certificates shall be issued by the chairman of the electoral commission or, on his instruction, any other member of the electoral commission. It shall not be allowed to refuse an electoral observer certificate or delay its issuance, if the person concerned meets the requirements of this Law. Refusal to issue an electoral observer certificate must be reported at the next electoral commission meeting and communicated to the respective representative for the election.

3. An electoral observer shall have the right to observe elections conducted within the territory of that municipality or polling district which is indicated in his certificate. An electoral observer shall be entitled to demand that the chairman and members of the electoral commission, as well as persons who are present in the polling station adhere to this and other laws of the Republic of Lithuania. If an electoral observer violates this or other laws, his electoral observer certificate may be declared invalid by the decision of the chairman of the municipal electoral commission. The members of the electoral commission, the Central Electoral Commission, the respective party, self-nominated candidate and representative for the election shall be immediately notified of the said decision.

CHAPTER NINE**VOTING****Article 59. Time and Place of Voting**

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

Article 60. 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. No events can either be held in the passageways leading to or out of the polling station (corridors) and at the entrance to the building which houses the polling station.

Article 61. Opening of the Poll

On polling day, the polling station shall be opened only when at least $\frac{3}{5}$ of the members of the district electoral commission have gathered. Until the polling station is opened for voters, only the electoral commission members, electoral observers and the police officer on duty can be present inside. On polling day, before the opening of the poll, the chairman of the district electoral commission shall, together with the members of the electoral commission, make sure that a ballot box is empty and seal it up. After the district electoral commission establishes that the polling station is arranged according to the established requirements, the chairman of the district electoral commission shall register the total amount of ballot papers received by this district electoral commission from the municipal electoral commission into the vote counting record, stamp ballot papers, distribute the electoral roll and hand ballot papers to the members of the electoral commission, as well as write down the number of ballot papers issued to each member of the electoral commission in the vote counting record of the polling district. The chairman of the district electoral commission shall then open the polling station for voters. The opening of the polling station shall be considered the opening of the poll.

Article 62. Voter Identification

1. After the voting begins, at the entrance to the polling station, a voter shall produce to a member of the district electoral commission 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 the electoral roll of which he is entered, a commission member shall hand the voter an arrival card stamped with the seal of the polling district, indicating the numerical order of the voter's arrival at the polling station to vote, and shall show the commission member to be approached for a ballot. It shall be prohibited to hand several arrival cards to one voter or to hand another voter's arrival card to him. If a person arrives at the polling station without the required documents or it is not clear whether he has been entered on the electoral roll of this polling district, the commission member shall not hand him the arrival card, but shall give him a guest's card and refer him to the commission chairman or deputy chairman to clarify the issue of voting.

2. Having established on the basis of the produced documents that the person who has arrived to vote is indeed the person who is entered on the electoral roll, or where two persons entered on the electoral roll of that polling district witness to this fact in writing to the electoral commission chairman, the commission member who is instructed to hand out ballot papers shall find the surname of the voter on the electoral roll and collect the arrival card from that person. After the voter and the commission member who hands ballot papers sign in the electoral roll of the polling district, the voter shall be handed one ballot paper. The arrival card shall not be returned to the voter. When voting by post, in advance or at home, an entry shall be made on the poll card concerning the issue of a ballot paper, and the poll card shall be returned to the voter.

3. It shall be prohibited to hand the voter a ballot paper intended for another voter, with the exception of the case specified in paragraph 4 of Article 63 of this Law. The member of the electoral commission who violate this requirement shall be held liable in accordance with the procedure laid down by the law.

Article 63. 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. If a voter spoils the ballot paper and requests a new one, the member of the electoral commission shall cross the voter's spoilt ballot paper through, sign it and hand a new ballot paper to the voter.

2. On the ballot paper, the voter shall mark that list of candidates, self-nominated candidate for whom he is voting. Where a voter casts a vote for a list of candidates, in the boxes of the ballot paper specially designated to indicate preference votes, he shall write down the election numbers of the chosen candidates from this list; where a voter casts a vote for a joint list of self-nominated candidates, he shall write down the election number or numbers of the chosen candidates from this list (if there are less than six candidates on the list, the number of chosen

candidates must be at least one candidate less than the number of candidates on the list); and where a voter casts a vote for a self-nominated candidate who is not on the joint list, he shall not indicate preference votes. If the election number of the same candidate is put down two or more times on the ballot paper, only one vote shall be counted for this candidate according to this ballot paper. Preference votes shall not be counted for candidates who are not on the joint list.

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

4. If a voter cannot carry out the actions specified in this Article himself because of his disability, at his request, his ballot paper shall be completed by a person chosen by him. This person must complete the ballot paper in the voter's presence under his instructions, preserve the secrecy of voting and place the ballot paper into the ballot box in the voter's presence. The commission members, electoral observers and representatives for the election shall be prohibited from carrying out any actions for a voter with disabilities.

5. Spoilt ballot papers shall be recorded and kept separately.

Article 64. Postal Voting

1. Voting by post shall be provided for voters who due to their status of health or age are in health care (except out-patient), social care or guardianship establishments, or are performing the mandatory military service and therefore are unable to arrive at a polling district to vote, or are performing the active military service, civil service or working under employment contracts in international military operations abroad, or are serving 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 voting (hereinafter referred to as "special post offices") during their business hours on the last Wednesday, Thursday or Friday before polling day. In military elements 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 an appropriate post office shall be responsible for organising postal voting. The chairman of the electoral commission of the polling district 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 district electoral commissions who have been given such assignment by the municipal electoral commission, organise the participation of members of the electoral commissions during voting in special post offices. Commanders of military elements deployed abroad shall be responsible for organising postal voting in those military elements.

3. With the consent of the municipal electoral commission, the head of the post office shall appoint postal workers, who are entrusted with the work with election documents, to issue and accept ballot papers and postal vote covering envelopes during voting by post. If the municipal electoral commission 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 commission certificates of 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 commission member or electoral 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 commission thereof.

4. The places referred to in Articles 66, 67 and 68 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 electoral observers who have electoral observer certificates permitting 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 covering envelopes. A covering envelope shall be addressed by the postal worker to the district electoral commission which is indicated in the person's poll card. When voting by post, in advance or at home, an entry shall be made on the poll card concerning the issue of a ballot paper, and the poll card shall be returned to the voter.

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

- 1) mark the ballot paper;
- 2) put the marked ballot paper into the ballot paper envelope;
- 3) seal the ballot paper envelope;
- 4) place the ballot paper envelope into the covering envelope together with the poll card;
- 5) seal the covering envelope.

7. The voter shall hand the sealed covering envelope (which contains the poll card, the ballot paper envelope and the ballot paper in it) to the postal worker (person who issued election documents). Upon having received the envelope handed by the voter, he shall seal the envelope with a special label in the presence of the voter and give the voter a receipt confirming the acceptance of this envelope.

8. The actions referred to in paragraphs 6 and 7 of this Article shall be carried out by a voter himself. If a voter is unable to carry out the said actions himself because of his disability, such actions shall, at his request, be carried out by a person of his choice. This person must mark the ballot paper in the voter's presence under his instructions and preserve the secrecy of voting.

9. Electoral observers and postal workers shall be prohibited from carrying out the actions referred to in paragraphs 6 and 7 of this Article on behalf of voters, as well as from accepting unsealed covering envelopes from voters, or from issuing voters with election documents in places and to persons other than those provided for in Articles 66, 67 and 68 of this Law.

10. Voters shall be prohibited from taking postal ballot papers, postal vote covering envelopes out of special post offices or giving them to other persons.

Article 65. Voting at Home and Early Voting

1. Only the following persons may vote at home: voters with disabilities, voters with temporary working incapacity due to illness, voters aged 70 and over if they are unable because of their status of health to come to a polling district on polling day and if they have submitted a voter's request, the form of which is set by the Central Electoral Commission, for voting at home and if they have been entered on the roll of voters voting at home. Electoral commissions which make up and verify such lists shall be entitled to receive information about persons with disabilities from the State Social Insurance Fund Board or its territorial offices, and information about persons with temporary working incapacity – from health care establishments. Electoral commissions must not disseminate this information and shall use it only for making up and verifying lists of voters voting at home.

2. Only those voters may vote in advance, who are unable to arrive at a polling district to vote on polling day. A municipal electoral commission shall organise early voting. Early voting must be conducted from 8 am to 8 pm on the last Wednesday and Thursday before polling day, in the premises arranged beforehand and fitted for voting, which are located in the building where the workplace of the municipal mayor (director of the administration) is located. The chairman of a municipal electoral commission shall appoint at least two members of the municipal electoral commission or district electoral commissions, 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 commission or, on his instruction, a member of the municipal electoral commission.

3. Voters' requests for voting at home shall be submitted to district electoral commissions. 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 is unable to fill in a request for voting at home because of his disability or to hand it to a district electoral commission, may authorise his family member, neighbour or a person who takes care of him or a commission member to carry out the said actions on his behalf. These persons shall sign the voter's request and indicate their name, surname and personal number.

4. On the last Thursday before polling day, a district electoral commission 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 last Wednesday before polling day, a municipal electoral commission shall draw up and approve a roll of voters who reside or temporarily stay within the territory of a particular polling district, but are entered on the electoral roll of another polling district and have not been entered on the electoral roll of this polling district in the course of its revision.

5. On the last Friday or Saturday before polling day, from 8 am to 8 pm, at least two members of a district electoral commission shall deliver vote covering envelopes and ballot papers to the homes of voters who have been entered on the roll of polling district voters voting at home and who are voters of this polling district. On the last Thursday before polling day, at least two members of a municipal electoral commission or, on the instruction of its chairman, at least two members of a district electoral commission shall deliver vote covering envelopes and ballot papers to the homes of voters who have been entered on the electoral roll of 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 electoral observers who have a certificate permitting to observe elections in any polling district of this municipality. After the completion of voting, the sealed covering envelopes shall be delivered to the municipal electoral commission which shall transfer them to district electoral commissions together with election documents of voters who voted by post. Lists of voters who voted at home and in advance, unused ballot papers shall be recorded and securely stored by the electoral commissions which organised the voting, and after the election the said documents together with other elections documents shall be transferred to the respective municipal electoral commission or the Central Electoral Commission.

6. A concrete schedule of arrivals of electoral commission members at the homes of voters shall be approved by the chairman of a district or municipal electoral commission not later than on the last Thursday or Wednesday, respectively, before 12 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 commission on the day of the approval of the schedule. Only electoral commission members and electoral observers proposed by different parties may come together to the homes of voters.

7. The provisions of paragraphs 4, 5, 6, 8, 9 and 10 of Article 64 of this Law shall apply to voting at home and early voting.

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 commission. Upon having received the envelope handed by the voter, he shall seal the envelope with a special label in the presence of the voter and give the voter a receipt confirming the acceptance of this envelope.

9. Commission members and electoral observers shall be prohibited from carrying out the actions referred to in paragraphs 6 and 7 of Article 64 of this Law on behalf of the voter, as well as from accepting an unsealed covering envelope from the voter. Voters shall be prohibited from taking out ballot papers or giving them to other persons.

Article 66. Voting in Health Care (Except Out-patient), Social Care and Guardianship Institutions

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

2. A municipal electoral commission 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 voting days in them are in compliance with paragraph 1 of Article 64 of this Law.

3. The heads of institutions referred to in paragraph 1 of this Article shall draw up lists of voters voting in special post offices. The list of voters voting in a special post office must indicate the following: voter's name and surname, personal number, whether or not a 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 commission, receive poll cards from it or print them on the basis of the data received through means of electronic communication and ensure the delivery of poll cards to voters, allocate 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 paragraphs 6 and 8 of Article 64 of this Law. Voters with motor disorders shall be visited by

at least two district electoral commission members, electoral observers (if they wish so) and employees of the special post office.

5. Voters who are unable to vote themselves because of their disability may authorise 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 commission members, employees of a special post office and electoral 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.

Article 67. Voting in Military Elements

1. Voters performing the mandatory military service shall be entitled to vote in the military elements 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 elements deployed abroad and involved in those international military operations. The procedure for and the time of voting in military elements deployed abroad shall be laid down by the Central Electoral Commission on the recommendation of the Minister of National Defence.

2. A municipal electoral commission shall, not later than 15 days before polling day and on the recommendation of the commanders of the military elements deployed within the territory of the Republic of Lithuania, 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 paragraph 1 of Article 64 of this Law.

3. The commanders of military elements shall draw up lists of voters voting in special post offices. The list of voters voting in a special post office must indicate the following: voter's name and surname, personal number, municipality on the electoral roll of which the voter has been entered, whether or not the voter has a poll card. The commander of a military element shall transfer the list of voters voting in a special post office to a municipal electoral commission, receive poll cards from it or print them on the basis of the data received through means of electronic communication and ensure the delivery of poll cards to voters, allocate 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. Where 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 elements (except for the commanders of military elements deployed abroad) shall enable voters to go to another special

post office for voting or on polling day to get to the polling district on the electoral roll of which they have been entered.

4. The provisions of paragraphs 6, 7, 8 and 10 of Article 64 of this Law shall apply to voting in military elements.

Article 68. Voting in Penal Institutions

1. Voters who are serving a sentence of arrest or imprisonment or are in arrest houses, remand prisons (detention facilities) shall be entitled to vote in the respective penal institution. The provisions of Article 64 of this Law shall apply to voting in penal institutions.

2. A municipal electoral commission shall, not later than 15 days before polling day and on the recommendation of the heads of penal 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 paragraph 1 of Article 64 of this Law.

3. The heads of penal institutions shall draw up a list of voters voting in special post offices. The list of voters voting in a special post office shall indicate the following: voter's name and surname, personal number, municipality on the electoral roll of which the voter has been entered, whether or not the voter has a poll card. The head of a penal institution shall transfer a list of voters voting in a special post office to a municipal electoral commission, receive poll cards from it or print them on the basis of the data received through means of electronic communication and ensure the delivery of poll cards to voters before the voting, allocate 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 this Article and Article 64 of this Law shall apply to voting in arrest houses, remand prisons (detention facilities).

CHAPTER TEN COUNTING OF VOTES

Article 69. 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 covering envelopes and ballot papers when voting by post shall be managed by the heads of the respective post offices. The head of the post office shall enter the accounting data in the register specially designated for this purpose.

3. The accounting for, issue and acceptance of covering envelopes and ballot papers used when voting in military elements deployed abroad shall be managed by the commanders of those military elements. The commanders of the military elements shall transfer to the Central Electoral Commission the accounting data on election documents, as well as unused covering envelopes, ballot papers and covering envelopes with ballot papers completed 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 electoral commission of the polling district on the electoral roll of which the voter concerned has been entered.

4. The head of the post office or a person authorised by him shall, one day before polling day, deliver unused covering envelopes, receipts confirming the acceptance of envelopes, special labels and ballot papers to the respective municipal electoral commission.

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

6. Vote covering envelopes of voters who voted at home on the last Thursday before polling day, as well as unused and spoilt ballot papers, receipts confirming the acceptance of envelopes, special labels shall be forwarded to the respective municipal electoral commission by the electoral commission members who went to the homes of these voters pursuant to the provisions of Article 65 of this Law. The municipal electoral commission shall, not later than on the last Friday before polling day, deliver vote covering envelopes to the post office.

7. Vote covering envelopes of voters who voted at home on the last Friday or Saturday before polling day, as well as unused and spoilt ballot papers, receipts confirming the acceptance of envelopes, special labels shall be transferred (forwarded?) to the chairman of the respective district electoral commission not later than by 9 pm of the same day. Having checked the received election documents, the district electoral commission shall decide whether or not voting at home has met the requirements of this Law.

8. Vote covering envelopes shall be kept together with ballot papers.

9. Before starting to count votes, postal vote covering envelopes shall be placed together with vote covering envelopes of voters who voted at home, mixed and counted pursuant to Article 73 of this Law together and in the same manner as the votes received by post.

Article 70. Organisation of Work of a District Electoral Commission in the Vote Counting

1. The chairman of a district electoral commission shall organise and direct the vote counting in this electoral commission. His instructions for the vote counting shall be compulsory and must be adhered to by all persons present in the polling station. The chairman of the district electoral commission must ensure that votes are counted in accordance with the established procedure and shall have the right to warn any person present in the polling station if he disrupts the work of the commission or fails to perform his duties properly. The commission chairman shall publicly announce his decision shall communicate his decision publicly. The decision shall be entered in the vote counting record. The decision must be enforced immediately and, where necessary, the electoral commission may consider it only after the vote counting record has been signed.

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

Article 71. Accounting for Ballot Papers in Polling Districts

1. Upon the closing of a polling station, the chairman of the district electoral 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 district electoral commission and counted publicly, as well as the number thereof shall be entered in the vote counting record. On the basis of signatures in the electoral roll, arrival cards, ballot papers which have been spoiled by voters and returned for replacement with new ballot papers it shall be verified whether a commission member has handed all the ballot papers legitimately.

3. The electoral commission shall count unused and spoilt ballot papers publicly; annul them by cutting off the upper right corner; place them into envelopes specially designated for

this purpose and stamp these envelopes. The number of unused or spoiled ballot papers shall be entered in the vote counting record.

Article 72. Counting of Votes of Voters who Voted in the Polling Station of the Polling District

1. The district electoral commission shall, in the presence of at least $\frac{3}{5}$ of its members, inspect the ballot box of the polling district to ascertain whether the seals have not been broken and whether there are no other signs indicating that it could have been opened or that ballot papers could have been removed in any other way. If the commission, by not less than $\frac{3}{5}$ of its members, decides that the ballot box was tampered with, an act shall be drawn up about this, the ballot box shall be packed up, the packet shall be sealed and votes shall not be counted. The ballot box shall be delivered to the municipal electoral commission so that the latter would take a decision on the counting of the votes contained in this ballot box.

2. Having ascertained that the ballot box has not been tampered with, it shall be opened in the presence of at least $\frac{3}{5}$ of the district electoral commission members as well as observers, all ballot papers shall be put on tables without any documents and writing-materials on them (except black lead pencils), and the commission shall count all the ballot papers from the ballot box. When counting ballot papers, the commission may divide them into groups according to votes cast by voters for lists of candidates, self-nominated candidates, and it may also single out a group of invalid ballot papers. Upon having counted the ballot papers within each group, the number of votes cast by voters for lists of candidates and self-nominated candidates, as well as the number of invalid ballot papers shall be determined. Ballot papers which do not possess the required attributes (ballot papers of irregular form, which are not stamped or are stamped with the seal of a different electoral commission, etc.) must, if found, be separated from the rest of the ballot papers. The municipal electoral commission shall be immediately informed about such ballot papers and this fact must be entered in the vote counting record of the polling district. All ballot papers must be recounted two times. For the second time, different commission members must check whether ballot papers are grouped according to the marks made by voters, as well as recount the ballot papers. Counting results must be proclaimed and entered in the vote counting record of the polling district, counted ballot papers must be put into a special envelope (envelopes) which is sealed and stored securely. After the electoral commission establishes how many votes have been cast for lists of candidates, self-nominated candidates by voters who voted in the polling station of the polling district, the counting of postal votes shall commence.

3. Ballot papers from the marking whereof it is possible to establish which list of candidates or self-nominated candidate a voter has voted for, but it is impossible to establish for

whom the voter has cast a preference vote or votes, may not be declared invalid solely 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 or when it is impossible to define a voter's will from the inscription or inscriptions regarding the preference, a preference vote or votes in the special box (boxes) of the second part of this ballot paper shall not be counted. If the election number of the same candidate is put down more than once on the ballot paper, 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 event of a dispute between the commission members concerning the assessment of marks in the ballot paper shall be adopted by the electoral commission by voting. The results 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 ballot papers may be observed by all the electoral observers (observer), representatives of the mass media present during the counting of votes, and they would be satisfied that votes are counted fairly and justly. The electoral commission must recount the votes if at least one commission member or electoral observer requests so before the signing of the vote counting record.

6. A specific procedure for counting ballot papers and votes shall be established by the Central Electoral Commission not later than 14 days before elections.

Article 73. Accounting of Voters who Voted by Postal Vote Covering Envelopes, Counting of Their Votes and Preference Votes for Candidates

1. Upon having counted the ballot papers found in the ballot box, the ballot papers received from voters who voted not in the polling station of the polling district shall be counted in the following manner:

1) the chairman of the district electoral commission shall present unopened all vote covering envelopes of voting by post and at homes. Their number shall be announced and entered in the vote counting record;

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

3) a voter card shall be taken out of a vote covering envelope, the voter's surname shall be read aloud, checked against the electoral roll of the polling district, and the ballot paper envelope shall be stamped with the seal of the polling district. If the person on the voter card is not on the electoral roll, or the voter has already signed the electoral roll indicating that he has already voted in the polling district, or there is an inscription indicating that the voter has voted in another polling district, or another postal vote covering envelope has been received from the same voter, or there is no voter card in the covering envelope, or there is more than one ballot

paper envelope in the covering envelope, the seal shall not be stamped and the ballot paper in the envelope shall be considered invalid and the envelope shall not be opened. The ballot paper must be noted as invalid on the ballot paper envelope (envelopes). The content of such envelopes shall not be reckoned in the vote counting record of the polling district;

4) in the electoral roll of the polling district, the words "voted by post" or "VBP" shall be written next to the surname of the voter whose vote has been received by post or at home;

5) the stamped 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 paper envelopes shall be opened. If there is more than one ballot paper in the ballot paper envelope, all the ballot papers in the envelope shall be considered invalid. The votes received by post shall be further counted according to the requirements of Article 71.

2. If only one sealed ballot paper envelope for voting by post or at home is in the polling district (commission), in order to protect the secrecy of voting, it shall not be opened and shall be handed over to the municipal electoral commission which has formed this commission; the said municipal electoral commission shall enter the voting results in its vote counting record.

3. After votes cast in the polling station, by post and at home for lists of candidates and self-nominated candidates have been counted, and all the data have been entered in the first part of the vote counting record, this part of the record has been signed by the commission members, chairman and electoral observers, and the district electoral commission has reported to the municipal electoral commission that the mandate votes have been counted, the district electoral commission may commence counting the votes cast for candidates (preference votes). The district electoral commission 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 to the municipal electoral commission in a special envelope to be stored securely. In this case, the municipal electoral commission must, after having accepted election documents from the district electoral commission, adopt one of the following decisions on the counting of preference votes in the ballot papers transferred to it:

1) to return the ballot papers to the respective district electoral commission and to instruct it to count preference votes;

2) to change the decision of the district electoral commission, from which the election documents have been received, regarding the counting of preference votes and to instruct the

electoral commission of another polling district to count preference votes, or to count preference votes itself. In this case, the municipal electoral commission must set the place and time of the counting of preference votes.

4. If the electoral commission counts preference votes at another time or recounts ballot papers, it shall, in the presence of at least $\frac{3}{5}$ of the commission members, check whether the special envelope (envelopes) has not been tampered with. If the district electoral commission decides that the special envelope has been tampered with or its contents have been changed, an act shall be drawn up about this, the envelope shall be packed, the packet shall be sealed and the votes shall not be counted. The packet shall be delivered to the municipal electoral commission. The Central Electoral Commission shall be immediately notified thereof. The municipal electoral commission shall adopt a decision concerning the counting of the votes which are in this packet. Upon having ascertained that the special 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 commission 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 commission, and the other in the premises where preference votes will be counted. When counting preference votes, electoral observers may be present and a police officer must be on duty. All ballot papers shall be put on tables without any documents and writing-materials on them (except black lead pencils), and the commission shall check if there are all the ballot papers from which preference votes must be counted. A concrete (particular/specific?) procedure for counting preference votes shall be established by the Central Electoral Commission not later than 7 days before elections. Preference votes must be counted in such a way that this procedure may be observed by all the persons present during the counting of votes and they would be satisfied that votes are counted fairly and justly. Counted preference votes shall be recorded in the second part of the vote counting record, the ballot papers shall be packed, the packet shall be sealed and transferred to the municipal electoral commission.

Article 74. Vote Counting Record of the Polling District

1. A vote counting record consisting of two parts shall be drawn up in every polling district. 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 commission;

3) the number of ballot papers handed to each member of the commission, the number of ballot papers handed to voters, the number of signatures of voters, 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 ballot papers found in the ballot box by which voters have not voted for any list of candidates or self-nominated candidate, or voted for several lists of candidates, or voted for a list of candidates and a self-nominated candidate;

8) the number of ballot papers found in the ballot box by which voters have voted for one list of candidates or self-nominated candidate;

9) the number of votes found in the ballot box cast for each list of candidates or for each self-nominated candidate;

10) the number of vote covering envelopes of voters who have voted at home, the number of postal vote covering envelopes, the total number of vote covering envelopes received from voting by post and at home, and the number of stamped ballot paper envelopes;

11) the number of ballot papers received by post by which voters have not voted for any list of candidates or self-nominated candidate, or voted for several lists of candidates, or voted for a list of candidates and a self-nominated candidate;

12) the number of ballot papers received by post by which voters have voted for one list of candidates or self-nominated candidate;

13) the number of votes received by post cast for each list of candidates or for each self-nominated candidate;

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

15) the total number of the ballot papers by which voters have not voted for any list of candidates or voted for several lists of candidates, or voted for a list of candidates and a self-nominated candidate;

16) the total number of the votes cast for each list of candidates and for each self-nominated candidate;

2. The number of the voters of the polling district shall be established on the basis of the electoral rolls of the polling district. The number of the voters who have been issued ballot papers shall be established according to their signatures proving that the ballot papers have been received. The number of the voters who have voted in the polling station of the polling district shall be established according to the number of the ballot papers 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 according to the number of the ballot papers found in the ballot box of the polling district and the number of the ballot papers received by post.

3. If more ballot papers are found in the ballot box than it has been delivered to voters, the district electoral commission shall take measures to ascertain the reasons. This fact shall be entered in the vote counting record indicating the number of extra ballot papers.

4. After all the data have been entered in the first part of the vote counting record of the polling district and all the ballot papers have been put into the sealed packets and the special envelope (envelopes), this part of the vote counting record of the polling district shall be signed by the chairman and members of the district electoral commission, followed by the signatures of the electoral observers. Remarks of the electoral observers, separate opinions of the commission members shall be appended to the first part of the vote counting record and shall be an inseparable part thereof. An extract or a copy of the first part of the record shall be presented to the electoral observers and the electoral commission members at their request.

5. 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 preference votes cast for each candidate;
- 3) the sum total of preference votes received by all candidates;
- 4) the number of invalid ballot papers;
- 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.

6. After all the data have been entered in the second part of the vote counting record of the polling district and all the counted ballot papers have been put into the sealed packets, this part of the vote counting record of the polling district shall be signed by the chairman and members of the district electoral commission, followed by the signatures of the electoral observers. Remarks of the electoral observers, separate opinions of the commission 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 electoral observers and the electoral commission members at their request.

7. If the district or municipal electoral commission establishes that a mistake has been made in the data recorded in the first part of the vote counting record, a record shall be drawn up to correct the mistake. The second part of the record and the ballot papers shall be returned to the municipal electoral commission. The municipal electoral commission shall take a decision concerning the mistake.

Article 75. Invalid Ballot Papers

Invalid ballot papers shall be:

- 1) ballot papers of a non-established sample;
- 2) ballot papers stamped with the seal of the electoral commission of another polling district (ballot papers received by post – not stamped with the seal of the municipal electoral commission);
- 3) ballot papers in which none of the lists of candidates or self-nominated candidates is marked;
- 4) ballot papers in which more than one list of candidates or more than one self-nominated candidate are marked;
- 5) ballot papers in which a list of candidates and a self-nominated candidate are marked;
- 6) ballot papers from the marks made wherein it is impossible to determine the voter's will, with the exception of the cases specified in paragraph 3 of Article 72 of this Law regarding preference votes.

Article 76. Submission of Documents of the Polling District to the Municipal Electoral Commission

1. The district electoral commission shall, in accordance with the procedure laid down by the Central Electoral Commission, put all ballot papers, including invalid and unused ballot papers, other election documents into packets, inventory and seal them, then pack the packets (hereinafter referred to as a “package”), inventory and seal them. These packages together with the vote counting record of the polling district and its annexes, electoral rolls, minutes of meetings of the district electoral commission shall be delivered to the municipal electoral commission not later than within 12 hours after the close of poll, unless the Central Electoral Commission provides otherwise. Financial documents for the period of the work of the district electoral commission shall be delivered to the municipal electoral commission within two days after the close of poll.

2. The Central Electoral Commission and an institution authorised by the Ministry of the Interior must ensure the security of the transportation of election documents and the persons transporting them.

Article 77. Counting of Votes in the Municipal Electoral Commission

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

1) whether all the required documents (packets, packages and special envelopes with ballot papers referred to in paragraph 1 of Article 76 of this Law) have been submitted;

2) the sealing of and inscription on the packets, packages and envelopes (whether the inscription is full and correct);

3) whether all the data have been entered in the first part (parts) of the vote counting record of the polling district; whether they do not contradict one another; whether they correspond to the data available to the municipal electoral commission, i.e. the number of issued ballot papers, the number of voters, the number of vote covering envelopes received by post, the total number of ballot papers according to the first and second parts of the record; whether all of the necessary signatures have been put; whether all separate opinions of the commission members, remarks of electoral observers are appended to the record in which they are specified;

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

2. The municipal electoral commission shall, in accordance with the procedure laid down by the Central Electoral Commission, immediately report to the Central Electoral Commission the data of the parts of the vote counting record, its comments concerning the documents submitted by the district electoral commission, and shall ensure the secure storage of the submitted documents.

3. The packages sealed by the district electoral commissions, which contain ballot papers or other election documents, may be opened in the municipal electoral commission only by the decision of the municipal electoral commission. The special envelope with ballot papers for completing the counting of the votes in the municipal electoral commission may be submitted only to the chairman of the district electoral commission or to a commission member authorised by him in writing. The Central Electoral Commission and an institution authorised by the Ministry of the Interior must ensure the security of the transportation of special envelopes with ballot papers and the persons transporting them.

4. Upon establishing the lack of the documents submitted by the district electoral commission, the municipal electoral commission shall take appropriate measures and request the chairman of the district electoral commission to supply the missing documents.

5. The municipal electoral commission shall count the votes in the following manner: summing up the data submitted by district electoral commissions and adding to them those votes cast by voters by post and at home which have been counted in the municipal electoral commission.

Article 78. Submission of Documents by Municipal Electoral Commissions to the Central Electoral Commission

All the documents (except financial documentation) received from polling districts, electoral rolls, the vote counting record of the constituency, the records of the municipal electoral commission for the whole period of its work and other election documents shall be put by the municipal electoral commission into special packets and sealed. The said packets shall be delivered to the Central Electoral Commission within the time limit set by the Central Electoral Commission.

Article 79. Participation of Electoral Observers in the Counting of Votes and Establishment of Election Results

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

2. Electoral observers shall be entitled to make remarks and claims to electoral commissions concerning violations of this and other laws of the Republic of Lithuania, but they must not disrupt the work of electoral commissions. An electoral observer shall have the right to make a written protest to the district electoral commission or the municipal electoral commission. Protests of electoral observers to the district electoral commission shall be appended to the vote counting records of the polling district and delivered to the municipal electoral commission together with other election documents of the polling district. Protests of election observers to the municipal electoral commission shall be appended to the vote counting records. Protests of voters shall be considered by that electoral commission to which they have been filed.

Article 80. Proclamation of Preliminary Election Results

1. Preliminary election results may be proclaimed only by the Central Electoral Commission. If the municipal electoral commission 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 release shall be immediately placed on the website of the Central Electoral Commission.

2. Until the release of the Central Electoral Commission specified in paragraph 1 of this Article, representatives of the mass media shall be prohibited from disseminating, through video or sound recording equipment, orally, in writing or otherwise, any information about the vote counting or election results.

Article 81. Complaints against Decisions of Electoral Commissions Taken after the Close of the Poll

1. Parties which have nominated lists of candidates, candidates, representatives for the election, electoral observers may appeal against decisions of district electoral commissions concerning the drawing-up of vote counting records to the municipal electoral commission not later than within 24 hours after they were drawn up. These complaints must be considered not later than within 24 hours.

2. Decisions of the municipal electoral commission concerning the drawing-up of vote counting records may be appealed against to the Central Electoral Commission not later than within 72 hours after they were drawn up, and must be considered before the official proclamation of the final election results.

3. When considering complaints against decisions of a district electoral commission concerning the drawing-up of vote counting records, the municipal electoral commission may, in the presence of at least 3/5 of the commission members, recount ballot papers delivered by the district electoral commission, and, in the event of a mathematical error in the record, incorrectly counted valid or invalid ballot papers, 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 commission shall have no right to nullify the vote counting record of the district electoral commission.

4. When considering complaints against decisions of a municipal electoral commission concerning the drawing-up of the vote counting record of the constituency, the Central Electoral Commission may recount ballot papers delivered by the municipal electoral commission, and, in the event of a mathematical error in the record, incorrectly counted valid or invalid ballot papers, shall draw up an additional vote counting record of the constituency, the polling district and append it to the vote counting record of the constituency.

5. After the official proclamation of the final election results until the first sitting of a newly elected municipal council any decisions of the Central Electoral Commission or its any other acts may be appealed against by the parties which nominated lists of candidates, candidates, elected municipal councillors to the Supreme Administrative Court of Lithuania within five days after the decision of the Central Electoral Commission becomes effective or after the disputable act becomes known. The Supreme Administrative Court of Lithuania shall hear such complaints within five days.

6. After the first sitting of a newly elected municipal council, the parties which nominated lists of candidates, candidates, persons entered on the lists of candidates who received

mandates, municipal councillors may appeal against decisions of the Central Electoral Commission taken on the termination of the powers of the municipal councillor or the recognition of the powers for new municipal councillors, or refusals to take such decisions to the Supreme Administrative Court of Lithuania within 15 days after the decision becomes effective. The Supreme Administrative Court of Lithuania shall hear such complaints within 15 days.

Article 82. Vote Counting Records of Constituencies

1. Based on vote counting records and, where necessary, ballot papers and other election documents of polling districts, the municipal electoral commission shall establish and enter in the vote counting record of the municipality the following:

- 1) the number of voters in the constituency;
- 2) the number of voters who have participated in the election in the constituency;
- 3) the number of invalid ballot papers in the constituency as well as the vote counting data established by the Central Electoral Commission which are necessary to verify whether the votes cast by voters have been counted accurately;
- 4) the number of votes cast for each list of candidates, each self-nominated candidate and for all lists of candidates, all self-nominated candidates.

2. A post-electoral order of precedence of the list of candidates shall be separately drawn up for each list of candidates according to preference votes cast for each candidate. The candidate who received more preference votes shall be entered higher in the post-electoral order of precedence of the list of candidates. If the number of preference votes received by candidates is equal or smaller than the number of municipal councillors to be elected, a candidate who has been entered higher on the succession of application documents shall be entered higher on the said post-electoral order of precedence.

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

CHAPTER ELEVEN

ESTABLISHMENT AND PROCLAMATION OF ELECTION RESULTS

Article 83. Establishment of Election Results in the Multi-Member Constituency

1. The preliminary election results shall be established by the municipal electoral commission after the vote counting record of the constituency has been signed.

2. Mandates for lists of candidates and self-nominated candidates shall be distributed according to the number of mandate votes cast by voters, which have been received by each list and each self-nominated candidate, applying the method of quotas and remainders. A list of candidates may get mandates of municipal councillor (participate in the distribution of mandates) only if not less than four per cent of the voters who participated in the election voted in favour of it, and the joint list of candidates of parties or the joint list of self-nominated candidates may get mandates of municipal councillor (participate in the distribution of mandates) if not less than six per cent of the voters who participated in the election voted in favour of them. If less than 60 per cent of votes were cast for lists of candidates participating in the distribution of mandates and for self-nominated candidates, the right to participate in the distribution of mandates shall be acquired by that list of candidates (or lists if an equal number of votes were cast in favour of them) which so far has not participated in the distribution of mandates and in favour of which the highest number of votes was cast. In the same manner, the number of lists of candidates which have the right to participate in the distribution of mandates shall be increased to reach such a number that not less than 60 per cent of votes would be cast for lists of candidates participating in the distribution of mandates and for self-nominated candidates.

3. The quota of the distribution of mandates shall be calculated. It shall be equal to the sum of the cast mandate votes received by lists of candidates participating in the distribution of mandates and by self-nominated candidates, divided by the number of mandates. If a remainder is received when dividing, 1 shall be added to the quotient.

4. A self-nominated candidate who is not on a joint list shall receive a mandate if the number of votes cast for him is equal to or higher than the quota of the distribution of mandates. The number of votes cast for each list of candidates participating in the distribution of mandates shall be divided by the quota of the distribution of mandates. The received integer quotient shall be the number of mandates for each list of candidates according to the quota of the distribution of mandates, and the remainders received as a result of the division shall be used to distribute the remaining mandates (which have not been distributed to self-nominated candidates who are not on a joint list, and lists of candidates) according to the remainders. Therefore, the names of all lists of candidates shall be written down in succession in which the last is followed by the first according to the remainders of the division received by lists, beginning with the largest. If two lists of candidates have an equal number of remainders, the first written down shall be the list which possesses a smaller election number. The mandates, left undistributed during the

distribution by the method of quotas, shall be distributed by one to lists of candidates according to the succession, beginning with the list of candidates which was written down first.

5. If one of the lists of candidates receives more mandates than there are candidates on the list, these mandates shall be distributed to other lists by further applying the method of remainders to the distribution of mandates.

6. Candidates for municipal councillor of the same list shall receive mandates in accordance with the post-electoral order of precedence of the lists of candidates.

Article 84. Establishment and Proclamation of Final Election Results

1. Upon the examination of all complaints and the establishment of all election results in a particular constituency, the Central Electoral Commission shall approve the final election results not later than within seven days after the election. The Central Electoral Commission shall, without deliberation, approve decisions of those municipal electoral commissions with regard to which within three days after the election no complaints about the violation of this Law which had an essential effect on election results have been received from representatives for the election. Following the approval by the Central Electoral Commission of the municipal electoral commission's decision on the approval of the final election results, the municipal electoral commission concerned shall proclaim the results of the municipal council election no later than within two days after the approval of the decision.

2. If the Central Electoral Commission modifies the decision of the municipal electoral commission or takes a decision regarding the seat of a bygone municipal councillor, the election results shall be proclaimed by the Central Electoral Commission. The Central Electoral Commission shall start issuing municipal councillor certificates not earlier than seven days and finish issuing them not later than ten days after the proclamation of the election results or an appropriate decision.

3. The Central Electoral Commission shall, not later than within three months from the proclamation of the final election results, publish a book about the election results and, within four months, transfer the vote counting records of polling districts and constituencies, application documents, minutes of meetings and decisions of the Central Electoral Commission as well as a set of samples of election documents to the State Archives for unlimited preservation. After that the Central Electoral Commission may take a decision to destroy any election documents that are not subject to preservation.

Article 85. Declaration of the Election Invalid

The Central Electoral Commission may declare the election results in a constituency invalid if it establishes that violations of the provisions of paragraph 1 of Article 6 of this Law or other gross violations of this Law committed in the polling district or constituency, or the falsification of documents or the loss thereof have had an essential effect on the election results, or that the following essential results cannot be determined from the vote counting records or other election documents: lists of candidates participating in the distribution of mandates, self-nominated candidates, or the number of mandates for a list of candidates can be determined only with the accuracy of more than one mandate.

Article 86. Rerun Elections

1. Rerun elections shall be held in a constituency in which the election to the municipal council has been declared invalid in accordance with the procedure established by this Law.

2. Rerun elections shall be held no later than within three months after the recognition of the election invalid. The Central Electoral Commission shall also take a decision concerning the extension of the powers of the municipal electoral commission to hold rerun elections, the change of the composition of this commission or the setting-up of a new commission. Further on, rerun elections shall be held in accordance with the procedure established by this Law. Election deposits of parties nominating lists of candidates, self-nominated candidates, joint lists of self-nominated candidates who registered to participate in the last election in this municipality shall be counted.

3. After the Central Electoral Commission declares the results of the rerun election to the municipal council invalid, the Seimas of the Republic of Lithuania shall consider a motion made by the Commission on State Administration and Local Authorities regarding the introduction of direct rule into the municipality and set the date of new elections to the municipal council.

Article 87. Discontinuation of the Powers of Municipal Councillor Prior to the Expiration of His Term of Office

1. The powers of municipal councillor shall discontinue or he shall lose the right to hold office of municipal councillor:

1) upon his resignation – according to a resignation statement of the municipal councillor. This resignation statement must be notarised or signed by the mayor of the municipality, and if the municipal councillor has been nominated by the party – the resignation statement must also be signed by the head of the party (its branch), or the municipal councillor must personally submit it to the Central Electoral Commission;

2) when he resigns in compliance with Article 90 of this Law before taking up the office incompatible with the office of municipal councillor;

3) if he has failed to attend 3 consecutive municipal council meetings without a reasonable excuse – according to the recommendation of the Commission of Ethics of the municipal council and the decision of the Central Electoral Commission;

4) if the court declares him legally incapable – according to an effective decision of the court;

5) if a court's conviction becomes effective – according to an effective conviction of the court;

6) if he leaves for permanent residence outside the territory of the municipality the municipal councillor of which he has been elected – according to the notification of the municipal mayor and the data of the Residents' Register of the Republic of Lithuania;

7) when the Central Electoral Commission adopts a decision pursuant to Article 89 of this Law;

8) if he dies – pursuant to the data of the Residents' Register of the Republic of Lithuania;

9) if the court takes a decision on the deportation of the municipal councillor who is not a citizen of the Republic of Lithuania from the Republic of Lithuania – according to an effective decision of the court;

10) if he takes up the office incompatible with the office of municipal councillor and does not resign from such office;

11) when direct rule is temporarily introduced within the territory of a municipality in accordance with the procedure laid down by the law by the decision of the Seimas of the Republic of Lithuania, with the exception of cases where the temporary introduction of direct rule relates to the introduction of state of emergency within the territory of a municipality.

2. A municipal councillor, before taking up the office which is incompatible with the office of municipal councillor under the Constitution, this Law and other laws, shall, at least ten days in advance, personally submit to the municipal mayor and the Central Electoral Commission a written statement (statements) concerning the renouncement of the mandate of municipal councillor or mail such statement, upon having it notarised. A person who loses the mandate of municipal councillor on the grounds specified in subparagraphs 1, 3, 4, 5, 7, 8, 9 and 10 of paragraph 1 of this Article shall lose the right to fill the vacant seat of municipal councillor in accordance with the procedure laid down by Article 88 of this Law.

3. The Central Electoral Commission shall, within 15 days from the occurrence of the grounds referred in paragraph 1 of this Article, recognise the powers of municipal councillor as discontinued before the expiration of his term of office.

Article 88. Filling a Vacant Seat of Municipal Councillor

1. If the powers of municipal councillor discontinue before the expiration of his term of office on the grounds specified in paragraph 1 of Article 87 of this Law or a municipal councillor loses his mandate, a vacancy occurs in the council for the position of municipal councillor. It shall be filled in the following manner: the top candidate, who did not receive the mandate of municipal councillor, on the post-electoral list of candidates according to which the former municipal councillor had been elected, shall become a municipal councillor. If there are no candidates on the list of candidates who can fill the vacant seat of municipal councillor or if the powers of the municipal councillor, who was a self-nominated candidate and was not entered on a list of candidates, have ended before the expiration of his term of office, the mandate of municipal councillor shall be transferred to another list according to the order of precedence 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 of candidates following the list of candidates which was the last to receive the mandate according to this order of precedence. So the first candidate, who has not received the mandate of municipal councillor, on the list of candidates which has newly received a mandate shall become a municipal councillor.

2. When the circumstances which constituted the grounds for recognising the powers of municipal councillor as discontinued before the expiration of his term of office under subparagraphs 2 and 6 of paragraph 1 of Article 87 of this Law cease to exist, or when the circumstances due to which the elected municipal councillor has lost the mandate of municipal councillor under Article 90 of this Law cease to exist, for the time period between elections the said person shall enjoy the right of precedence to fill an occurring vacant seat of municipal councillor on the post-electoral list of candidates. In this case, the person must within 15 days submit to the Central Electoral Commission a notarised request to recognise the position on the post-electoral list of candidates who have not received the mandate of municipal councillor. It shall be permitted to recognise only once a position of such a person on the post-electoral list of candidates who have not received the mandate of municipal councillor. The Central Electoral Commission must take a decision concerning the recognition of the mandate of municipal councillor for a new municipal councillor not later than within seven days after the occurrence of a vacant seat of municipal councillor.

3. If a person who should receive the mandate of municipal councillor in accordance with paragraph 1 of this Article fails to meet the requirements laid down in Article 2 of this Law or would fail to meet the said requirements upon his becoming a municipal councillor, the Central Electoral Commission shall immediately take a decision pursuant to Article 87 of this Law, and this person shall be struck off the order of precedence in the list of candidates.

Article 89. Loss of the Mandate of Municipal Councillor because of Failure to Disclose to Voters the Previous Conviction Imposed by the Court Conviction (Decision)

If a person who is nominated as a candidate for municipal councillor or nominates himself as a candidate for municipal councillor failed to meet the requirements set out in paragraph 13 of Article 35 of this Law (indicated in the questionnaire of a candidate for municipal councillor the information requested under this Law or provided the erroneous information) and this fact has come to light after the election to municipal councils at which this person was elected a municipal councillor:

- 1) the powers of the municipal councillor who has not taken an oath of municipal councillor shall end before the expiry thereof;
- 2) the municipal councillor who has taken an oath of municipal councillor shall lose his mandate.

Article 90. Office Incompatible with the Office of Municipal Councillor, and the Loss of the Mandate of Municipal Councillor

1. The office of municipal councillor shall be incompatible with the office of President of the Republic, Seimas member, European Parliament member, Government member, head of a government agency or an agency under a ministry, whose work is related to the supervision and control of activities of municipalities, Government representative in the county, Auditor General and his deputies. Moreover, the office of municipal councillor shall be incompatible with the post of a civil servant of political (personal) confidence of the mayor of that municipality, the office of controller of that municipality or the post of a civil servant of the controller's service of that municipality, the office of director of the administration of that municipality and his deputy or the post of a civil servant or an employee working under the employment contract in the administration of that municipality, the post of a career civil servant or an employee working under the employment contract at the secretariat of the council of that municipality, the office of head of a budgetary institution of that municipality, the office of single-person head and member of the collegiate management body of a public establishment of that municipality, an undertaking

of that municipality, the office of member of the collegiate management body (board) of a company controlled by that municipality or the office of head of a company controlled by that municipality.

2. If a person holding the office incompatible with the office of municipal councillor under the Constitution, this Law or other laws is elected as a municipal councillor, he must decide and renounce the abovementioned office or a mandate of elected municipal councillor. An elected municipal councillor who decides to renounce the mandate of municipal councillor shall, no later than 10 days before the first meeting of a municipal council, submit to the Central Electoral Commission personally or by mail a notarised statement concerning the renouncement of the mandate of elected municipal councillor. Upon the receipt of this statement, the Central Electoral Commission, in the capacity of the mandates commission, shall, no later than seven days before the first meeting of a municipal council, take a decision regarding the loss of the mandate of elected municipal councillor and the recognition of the mandate for a new municipal councillor. Candidates of the post-electoral list of candidates for a vacant seat of municipal councillor, who decide to renounce the mandate of elected municipal councillor, must also submit to the Central Electoral Commission statements concerning the renouncement of the mandate of municipal councillor no later than seven days before the first meeting of a municipal council. If an elected municipal councillor fails to notify the Central Electoral Commission no later than 10 days before the first meeting of a municipal council that he renounces the office incompatible with the office of municipal councillor, the Central Electoral Commission, in the capacity of the mandates commission, shall, no later than seven days before the first meeting of a municipal council, take a decision on the loss of the mandate of this municipal councillor.

Annex to
Republic of Lithuania Law
on Elections to Municipal Councils

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (OJ 2004 special edition, Chapter 20, Volume 1, p. 12), as last amended by Council Directive 2006/106/EC of 20 November 2006 (OJ 2006 L 363, p. 409).