

Modified by amendments adopted till 31 October 2013

The Saeima has adopted and the President
of State has proclaimed the following law:

Law on Elections to the European Parliament

Chapter I General Provisions

Article 1. This Law shall prescribe the procedures by which elections to the European Parliament shall take place in the Republic of Latvia.

Article 2. (1) In the Republic of Latvia the following shall have the right to elect the European Parliament:

1) a Latvian citizen; and

2) a citizen of the European Union who is not a Latvian citizen, but who resides in the Republic of Latvia.

(2) A person who by Election Day has reached 18 years of age has the right to vote if information regarding this person has been entered in the Voters' register in Latvia and none of the restrictions referred to in Article 3 of this Law applies to such person.

Article 3. In the Republic of Latvia the following persons do not have the right to elect the European Parliament:

1) *deleted by the 31.10.2013 law;*

2) *deleted by the 30.10.2008 law;*

3) persons who do not have the right to vote in the Member State of the European Union of which they are citizens.

Article 4. (1) In the Republic of Latvia the following shall have the right to stand as candidates in elections to the European Parliament:

1) a Latvian citizen; and

2) a citizen of the European Union who is not a Latvian citizen, but who resides in the Republic of Latvia.

(2) A person who on Election Day has reached 21 year of age has the right to stand as a candidate if information regarding this person has been entered in the Voters' register in Latvia and none of the restrictions referred to in Article 5 of this Law applies to such person.

Article 5. (1) A person may not be nominated as a candidate in elections to the European Parliament and may not be elected to the European Parliament if he/she in the Republic of Latvia:

1) is a person to whom the court has established trusteeship according to the procedures prescribed by law;

2) is serving a sentence in a place of deprivation of liberty;

- 3) has been convicted of a serious or very serious crime and whose conviction has not been extinguished or set aside, except for the case when the person has been rehabilitated; or
- 4) at the time of the committing of a crime provided for in the Criminal Law was in a state of irresponsibility, state of limited responsibility or also after the committing of the criminal offence became mentally ill, which took away the capacity to understand his/her actions or to control them and to whom in relation to this a compulsory measure of a medical nature has been applied and has not been overturned.
- 5) have been punished by a prohibition to run for elections of the Saeima, European Parliament, city councils and municipality councils unless he/she have been exonerated or his/her criminal record has been expunged or annulled.

(2) A citizen of the European Union who does not have the right to stand as a candidate and be elected in the Member State of the European Union of which he/she is a citizen may not be nominated as a candidate in elections to the European Parliament in the Republic of Latvia and elected to the European Parliament.

Article 6. (1) If a citizen of the European Union votes or stands as a candidate in the elections to the European Parliament in another Member State of the European Union, he/she shall lose the right to vote, to stand as a candidate and be elected to the European Parliament in the Republic of Latvia.

(2) If a citizen of the European Union who is not a Latvian citizen wishes to exercise his/her voting rights in elections to the European Parliament in the Republic of Latvia, he/she shall personally or by post not later than 30 days before the elections submit a submission to the Central Election Commission regarding a wish to vote in the Republic of Latvia and an undertaking not to exercise voting rights in another Member State of the European Union.

(3) The submission by a person shall specify the following information:

- 1) given name, surname;
- 2) personal identity number (if any);
- 3) citizenship (citizenships);
- 4) information regarding the personal identification document (type of document, number and series, date of issue, term of validity, issuing state and issuing authority);
- 5) place of residence in the Republic of Latvia;
- 6) address in a foreign state to which documents for postal voting shall be sent if he/she wishes to vote by post;
- 7) the constituency in a Member State of the European Union where the person until now was entered on an electoral roll, if any; and
- 8) an undertaking to exercise his/her voting rights only in the Republic of Latvia.

(4) The Central Election Commission shall examine the submission of a person regarding his/her wish to vote in the Republic of Latvia and inform the person of the decision taken. If the person is refused participation in the voting, the decision of the Central Election Commission may be disputed in court in accordance with the procedures laid down in the Administrative Procedure Law.

(5) The Central Election Commission is entitled to verify in the home state of the person, whether the right of the relevant person to elect the European Parliament has not been restricted.

(6) The Central Election Commission shall provide the necessary information regarding a Latvian citizen to the relevant Member State of the European Union in which he/she wishes to exercise his/her voting rights in elections to the European Parliament if such information is requested by the relevant Member State of the European Union.

Article 7. The President, a member of the Saeima, a member of the Cabinet, a councillor of a city council or municipality council may be nominated as a candidate in elections to the European Parliament, however, if the relevant person is elected, he/she shall lose the position of State official, as well as the relevant member or councillor mandate on the 30th day after confirmation of election results.

Article 8. The Republic of Latvia is a single electoral constituency.

Chapter II Submission of Lists of Candidates

Article 9. (1) A list of candidates may be submitted by:

- 1) a political party registered in the Republic of Latvia; or
- 2) an association of political parties registered in the Republic of Latvia.

(2) Lists of candidates shall be submitted to the Central Election Commission. A person who has been authorised by the decision-making body of the relevant political party or association of political parties shall submit the list of candidates.

(3) Lists of candidates may be submitted commencing from the eightieth day before Election day. The last day for the submission of lists of candidates is the sixty-fifth day before Election day.

Article 10. (1) The list of candidates shall indicate the given name, surname, personal identity number (if not – voter code).

(2) The number of candidates nominated in the list may not be more than twice the number of members of parliament to be elected.

(3) One and the same candidate may be nominated only to a list of candidates of one name. If a candidate has been nominated to lists of candidates of various names, his/her candidacy shall be deleted from all the lists of candidates.

(4) The name of a list of candidates shall correspond to:

- 1) the name of the relevant political party if the list of candidates is submitted by a political party; or
- 2) the name of the relevant association of political parties if the list of candidates is submitted by an association of political parties.

(5) A list of candidates and the documents attached thereto (Article 11) shall be drawn up in the official language and in accordance with the procedure set by the Central Election Commission.

Article 11. (1) The following documents shall be attached to the list of candidates:

1) a statement signed by every candidate included in the list that they agree to stand as candidates in the relevant elections, they do not stand as candidates in another Member State of the European Union and agree to the processing of their personal data which is to be carried out in accordance with the requirements laid down in this Law. The statement by a citizen of the European Union who is not a Latvian citizen shall in addition specify that he/she is not prohibited through a court decision or an administrative provision in his home Member State to stand as a candidate in elections to the European Parliament.

2) a pre-election programme signed by all the candidates included in the list of candidates, the size of which may not exceed 4000 characters;

3) a declaration signed by every candidate included in the list of candidates, that he/she complies with the requirements of Article 4 of this Law and the restrictions referred to in Article 5 do not apply to him/her;

4) information signed by every candidate included in the list of candidates, specifying the following data regarding the candidate:

- a) given name, surname, date of birth, sex,
- b) personal identity number or voter code,
- c) citizenship,
- d) place of residence (city or municipality),
- e) place of employment,
- f) education, specifying the educational level: basic, secondary or higher; in relation to completed higher education – which educational institution a person has graduated from and in which year, what specialty has been acquired.
- g) whether he/she is or has been in staff positions in the State security service, intelligence or counter-intelligence service of the USSR, the Latvian S.S.R. or of foreign states,
- h) whether he/she has or has not co-operated with the State security service, intelligence or counter-intelligence service of the USSR or Latvian S.S.R. as a non-staff employee of these services, an agent, a resident or keeper of safe house, and
- i) whether after 13 January 1991, he/she has or has not worked in the C.P.S.U. (L.C.P.), the Working People's International Front of the Latvian S.S.R., the United Council of Labour Collectives, the Organisation of War and Labour Veterans, the All-Latvia Salvation of Society Committee or its regional committees,
- j) a citizen of the European Union who is not a Latvian citizen shall in addition specify his/her last address in the home Member State and place of birth.

(2) If a candidate wishes, the following information signed by him/her shall be attached to the list of candidates:

- 1) positions (including positions in associations, trade unions, political parties and religious organisations);
- 2) marital status; and
- 3) self-assessment of the fluency in the Latvian language and other official languages of the European Union.

Article 12. (1) The Central Election Commission shall register only such lists of candidates the submitters of which have paid in deposit with the Central Election Commission a 1400 euro security deposit.

(2) A bank shall issue the person who paid in the security deposit with a document on which is indicated the name of the list of candidates regarding which the security deposit was paid in for, the payer and the time of payment. This document shall be submitted to the Central Election Commission.

(3) The security deposit, which has been paid in for a list of candidates from which in the relevant elections at least one member has been elected to the European Parliament, shall be returned to the payer.

(4) The security deposit that has been paid in for a list of candidates from which in the relevant elections none were elected to the European Parliament, shall be paid by the Central Election Commission into the State budget.

Article 13. (1) Not later than 60 days before Election Day, the Central Election Commission shall send to the competent authorities of other Member States of the European Union lists of those citizens of the European Union who are registered in the Republic of Latvia as candidates, indicating the information the candidate has specified on citizenship, place of residence, place and date of birth and the last address of place of residence in the home Member State.

(2) Not later than 19 days before Election Day, the Central Election Commission shall send to other Member States of the European Union lists of those citizens of the European Union who are registered in the Republic of Latvia as voters.

(3) The Central Election Commission, having received lists of candidates from other Member States of the European Union, shall verify whether any of the candidates registered in another Member State of the European Union has not been registered as a candidate also in the Republic of Latvia. If any of the candidates registered in another Member State of the European Union is also registered as a candidate in the Republic of Latvia, the Central Election Commission shall delete such person from the list of candidates.

(3)¹ The Central Election Commission shall examine the statement sent by competent authorities of other Member States on the rights of a Latvian citizen running for elections in another Member State of the European Union to stand there as a candidate, shall obtain information according to paragraph three of Article 14 of this Law and:

1) within five working days from the time of receipt of the statement (or within as short period as possible if it is requested by the particular competent authority), inform the competent authority of the Member State of the European Union on the rights of a Latvian citizen to stand as candidate in elections to the European Parliament, if a person is eligible to stand as a candidate and be elected according to this Law or he/she is not eligible to stand as a candidate and be elected according to clause 5 of paragraph one of Article 5 of this Law;

2) within five working days from the time of receipt of the statement take a decision on prohibiting a person to stand as candidate in elections to the European Parliament, if he/she is not eligible to stand as a candidate and be elected according to clauses 1, 2, 3 and 4 of paragraph one of Article 5 of this Law. This decision shall be immediately sent to the respective person, and the competent authority of the Member State of the European Union shall be provided with information on the decision.

(4) If the Central Election Commission receives from another Member State of the European Union information that a voter registered in the Republic of Latvia has applied to vote in another Member State of the European Union, a notation in respect of this shall be made in the Voters' register.

Article 14. (1) The Central Election Commission shall examine the submitted lists of candidates and decide on registration of each list of candidates. Lists of candidates, which have been submitted in compliance with the requirements laid down in this Law, shall be registered in the Central Election Commission and the submitters of the list of candidates shall be informed of the decision taken.

(2) Registered lists of candidates cannot be withdrawn, and only the Central Election Commission in one of the following ways may make amendments to them:

1) by deleting the nominated candidate if it is determined that:

a) the person does not have the right to stand as a candidate in elections to the European Parliament;

b) one and the same person has been nominated in lists of candidates under different names or has also been nominated in a list of candidates in another Member State of the European Union, or

c) the candidate has died; or

2) by making corrections of a technical nature.

(3) A candidate shall be deleted from a list of candidates on the basis of a statement issued by the relevant state institution or a court judgment. The fact that the candidate:

1) is not a citizen of the European Union – shall be certified by the competent institution of the Member State of the European Union the citizen of which the candidate claims to be (in the Republic of Latvia – the Office of Citizenship and Migration Affairs);

2) is nominated in the list of candidates of another Member State of the European Union in the relevant elections – shall be certified by the competent institution of the relevant Member State of the European Union;

3) is not entitled to stand as a candidate in the Member State of the European Union of which he/she is a citizen – shall be certified by the competent institution of the relevant Member State of the European Union;

4) is a person to whom the court has established trusteeship according to the procedures prescribed by law – shall be certified by the Office of Citizenship and Migration Affairs;

5) is serving a sentence in a place of deprivation of liberty or has been convicted of a serious or very serious crime and the conviction has not been extinguished or set aside – shall be certified by the Ministry of the Interior Information Centre;

6) at the time of committing a crime provided for in the Criminal Law was in a state of incapacity, state of diminished mental capacity or also after the committing of the criminal offence became mentally ill, which took away the capacity to understand his/her actions or to control them – shall be certified by the Ministry of the Interior Information Centre;

7) by the Election Day has not reached 21 years of age or information regarding him/her has not been included in the Voters' register – shall be certified by the Office of Citizenship and Migration Affairs; or

8) has died — shall be certified by the Office of Citizenship and Migration Affairs.

(4) The State administrative institutions of the Republic of Latvia referred to in Paragraph three of this Article shall submit the relevant information in writing to the Central Election Commission without charge within a period of three working days after receipt of its request.

(5) If information that a nominated candidate does not have the right to stand as a candidate in the elections to the European Parliament is received by the Central Election Commission later than the fiftieth day before the elections and it is not possible to produce new ballot papers of the relevant list of candidates, voters shall be issued with ballot papers of the relevant list of candidates with the given name and surname of this candidate. In counting of the votes and calculation of election results the votes cast for the relevant person shall not be counted.

Article 15. (1) The Central Election Commission shall number the lists of candidates, determining their numbers by lottery. The lottery shall take place in the sequence of registration of the lists.

(2) The Central Election Commission shall ensure the printing of the lists of candidates on separate forms – ballot papers – and the conveyance thereof to election commissions.

(3) The ballot paper shall indicate:

1) the number of the list of candidates;

2) the name of the list of candidates; and

3) the given name and surname of the nominated candidates.

(4) Against the surname of each candidate on the ballot paper there is a space for the voter to make a mark.

Article 16. The Central Election Commission shall ensure that on its webpage and in the newspaper "Latvijas Vēstnesis" [the official Gazette of the Government of Latvia], no later than 19 days before Election Day the following information is published:

1) the pre-election programmes;

2) all lists of candidates and other each candidate's data mentioned in this Law, except for the personal identity number of candidates and the information indicated in subclause "j" of clause 4 of paragraph one of Article 11.

Chapter III Election Procedures

Article 17. At least five days before Election Day the information referred to in Article 16 of this Law shall be available at every polling station.

Article 18. The elections shall take place once every five years on the fourth Saturday of May from 7am till 8pm Latvian time.

Article 19. Starting with the opening of a polling station, the secretary of the polling station commission or – in his/her absence – another member of the commission authorised by the chairperson of the polling station commission shall write up the journal of the voting process in accordance with the procedure set by the Central Election Commission.

Article 20. (1) On Election Day at 7am the chairperson or the secretary of the polling station commission shall, in the presence of the polling station commission, be satisfied that the ballot boxes into which the ballot papers are to be placed are empty. After this the ballot boxes shall be sealed.

(2) Without interfering with the work of the polling station commission, the procedures of voting at the polling station may be concurrently observed by not more than two authorised observers from each political party or association of political parties, which has submitted a list of candidates for the relevant elections, by members of the Central Election Commission and the election commission of the relevant city or municipality as well as persons authorised by these commissions, mass media representatives. A candidate may not be an authorised observer.

Article 21. During the election, the chairperson of the polling station commission shall perform supervision of the procedures in the electoral premises. He/she shall ascertain that in the electoral premises and not closer than 50 metres from the entrance to the building where the polling station is located restrictions of election freedoms and disturbances to order, as well as canvassing does not occur.

Article 22. (1) A voter, upon presenting a personal identification document valid in the Republic of Latvia, shall vote at the polling station in the list of voters of which he/she is registered.

(2) A voter may only vote in person, except for the cases provided for in Article 25 of this Law.

Article 23. (1) Voting in the elections shall be by secret ballot.

(2) In the election premises, a member of the polling station commission, having previously satisfied himself or herself that the information regarding the person are included in the list of voters and it does not contain a notation regarding participation of this person in the relevant elections, shall enter a notation on the list of voters regarding the participation of the voter in the relevant elections. The voter shall sign the list of voters.

(3) Each voter shall receive from the polling station commission ballot papers of all the nominated lists of candidates and a special ballot envelope that is stamped with the seal of the relevant polling station commission. The issuing of separate ballot papers is prohibited.

(4) Members of the polling station commission are prohibited from canvassing for or against candidates or lists of candidates.

Article 24. (1) A separate room or section shall be installed in the election premises where the voter alone shall place in the ballot envelope one ballot paper and seal the envelope.

(2) On the ballot paper alongside the surnames of the candidates the voter may at his/her discretion make a mark "+", not make a mark or strike out the given name or surname of the candidate.

(3) A voter shall make a "+" mark alongside the surname of a candidate if he/she especially supports the election of such candidate. If the voter does not support a candidate from the existing candidates in the ballot paper, he/she shall strike out the given name or surname of such candidate. A voter may also place an unchanged ballot paper (without marks) into the ballot envelope.

(4) The voter shall personally place the sealed envelope in the presence of a member of the polling station commission in a sealed ballot box.

(5) If the voter prior to placing the ballot paper in the ballot envelope and sealing it has damaged the paper or the envelope, he/she shall be issued with a new envelope or new ballot papers of all nominated lists of candidates. A voter shall sign in a separate list for receipt of new ballot papers or ballot envelope.

Article 25. If due a physical disability a voter cannot himself or herself vote or sign the list of voters, in the presence of the voter and on the basis of his/her instructions notations on the ballot paper shall be made or the list of voters shall be signed by either a family member of the voter or another person whom the voter trusts or who has been authorised by the voter. A relevant notation shall be made in the list of voters regarding this. Such person may not be a member of the relevant polling station commission.

Article 26. On Election Day after 8pm ballot papers may be placed only by those voters who were in the electoral premises before 10pm. After that the election premises are closed.

Article 27. A voter may submit a complaint regarding the election procedures to the chairperson of the polling station commission and it shall be registered in the journal of the voting process. Any complaint regarding the election procedures shall be examined without delay and a reply given to the submitter of the complaint, but the content of the complaint and reply shall be recorded in the journal of the voting process.

Chapter IV Exceptions to General Voting Procedures

Article 28. (1) On the basis of a written application which is submitted by a voter, his/her authorised person, or trustee and shall be registered in a special journal, a commission of the polling station shall organize voting at the place where a voter is located, ensuring secrecy, for:

1) voters who are unable to come to the election premises due their state of health and their carers;

2) carers of persons who are ill.

(2) *deleted by the 31.10.2013 law.*

(3) Voting at the place where a voter is located shall take place only if the voter is located in the territory of the polling station on the list of voters of which information regarding him/her has been included.

(4) The polling station commission on Election Day shall continue to accept written submissions regarding voting at the place where a voter is located. Submissions accepted after 12 noon shall be satisfied by the polling station commission if it is possible to arrive at the place where a voter is located up to 8pm.

(5) Information regarding the voters who in accordance with this Article vote at the place where they are located shall be entered into a separate list of voters and sealed ballot envelopes shall be placed in a separate sealed ballot box.

Article 29. Observers authorised for such purpose are entitled to supervise voting at the place where voters are located.

Article 30. (1) If on Election Day a voter due to his/her state of health is in an in-patient medical treatment institution or pre-trial detention is applied to him/her as a security measure, or a voter is serving a sentence that is connected with deprivation of liberty, irrespective of the fact in the list of voters of which polling station he/she is registered, voting shall be organised at the place where such voter is located.

(2) In accordance with the procedure set by the Central Election Commission, the relevant city or municipality election commission shall provide for the organisation of voting at the in-patient medical treatment institutions and in prisons located in the territory of the relevant city

or municipality. Information regarding the voters shall be entered into a separate list of voters.

(3) A voter shall select a ballot paper corresponding to the list of candidates for which he/she shall vote, if he/she so wishes shall make the marks referred to in Article 24 of this Law and shall place the ballot paper in the ballot envelope and seal the envelope. The sealed ballot envelope shall be placed in a registration envelope on which the voter's given name, surname, sequential number under which the voter is registered in the list of voters shall be indicated. The registration envelope shall be sealed and handed over to the polling station commission.

(4) In accordance with the procedure set by the Central Election Commission a polling station commission shall register the registration envelopes and keep them unopened until the counting of the votes is commenced (Chapter V).

(5) *Deleted by the 30.10.2008 law.*

Article 31. (1) Should the voter be unable to vote on Election Day he/she may cast the vote within three days prior to the general election day at the polling station where he/she is registered on the lists of voters. The opening hours of the polling station in the days of advance voting shall be: on Wednesday from 5pm to 8pm; on Thursday from 9am to 12 noon; on Friday from 10am to 4pm. During those periods, the commission of the polling station shall be staffed by no less than four members.

(2) Voters voting before the general Election Day shall place the ballot envelope in a separate sealed ballot box. The election commission shall make a notation in the list of voters that a voter has voted in advance.

(3) Not later than 10 days before Election Day, the City and Municipality election commissions shall display announcements of the location of the polling stations situated in the administrative territory and of their opening hours at the respective council's building (or at information points); at the building where the election commission is located if it is not located in the council's building; at the buildings where the polling stations of the administrative territory are located. This information shall also be published on the webpage of the council (indicating the the respective section of the webpage of the Central Election Commission).

Article 31¹

Voting for soldiers and guardsmen, who perform their service in international operations, shall be organized in the procedure set by the Central Election Commission.

Article 32. (1) Voters residing in foreign states may participate in the elections by voting by post.

(2) A voter shall submit an application for voting by post to the diplomatic or consular missions specified by the Central Election Commission not later than 42 days before Election Day, by arriving in person or sending it by post. In the application the voter shall specify his/her given name, surname, personal identity number, residential address and address in a foreign state to which voting materials are to be sent.

(3) A diplomatic or consular mission of the Republic of Latvia shall send the applications of voters to the polling station for postal voting.

(4) The application may be sent by post or handed over directly at the polling station for postal voting.

(5) The commission of the polling station for postal voting shall examine applications, which it has received not later than 30 days before the elections.

(6) Having received the applications, the polling station commission for postal voting shall:

1) verify that the submitter is a voter who has not yet registered for postal voting;

- 2) make a notation in the Voters' register regarding the application by the person to participate in the relevant elections by postal vote;
- 3) not later than 24 days before Election Day send to the voter by registered letter to the address specified in the application ballot papers of all lists of candidates nominated, a ballot envelope stamped with the seal of the polling station commission for postal voting, a registration envelope and information regarding the procedures as to how voting is done, indicating also the sequential number with which the voter is registered in the list of voters for voting by post and the address of the polling station to which the ballot envelope is to be sent.
- (7) If the applicant exceeds the time limit prescribed in Paragraph five of this Article or is not a voter, the polling station commission shall by a reasoned decision refuse to send election documents. This decision shall be sent in a registered letter to the applicant to the address specified by him/her.

Article 32¹. *deleted by the 31.10.2013 law.*

Article 33. (1) A voter who has received the documents for voting by post shall select the ballot paper which corresponds to the list of candidates for which he/she shall vote, if he/she so wishes shall make the marks referred to in Article 24 of this Law and shall place the ballot paper in the ballot envelope and seal the envelope.

(2) The voter shall place the sealed ballot envelope into the registration envelope on which shall be indicated his/her given name, surname and the sequential number under which he/she is registered in the list of voters and the address of the polling station commission for postal voting and shall send the envelope, taking into account that the polling station commission shall open only those envelopes which are received before the counting of the votes commences.

(3) If on Election Day a voter comes to a polling station and denies having voted by post, he/she may vote in accordance with the procedure laid down by Chapter III of this Law. The polling station commission in accordance with the procedure set by the Central Election Commission shall inform the polling station commission for postal voting thereof.

Chapter V

Counting of Votes and Determination of Election Results

Article 34. (1) The counting of votes shall commence immediately after the closing of the polling station. Counting is done by the polling station commission in an open meeting.

(2) Without interfering with the work of the commission, the meeting may be concurrently attended by not more than two authorised observers from each political party or association of political parties, which have submitted a list of candidates for the relevant elections, by members of the Central Election Commission and the election commission of the relevant city or municipality as well as persons authorised by these commissions, mass media representatives.

Article 35. Immediately after the closing of the polling station, the polling station commission shall, in accordance with procedure set by the Central Election Commission, seal the ballot boxes, close the lists of voters and prepare the premises for the counting of votes. Election materials not used in voting shall be packed or placed in a manner that does not hinder the counting of votes.

Article 36. (1) In respect of the counting of votes the polling station commission shall write vote-counting minutes in two copies. The authorised observers after completion of the counting of votes shall also have the right to become acquainted with the vote-counting minutes.

1) *deleted by the 31.10.2013 law.*

2) *deleted by the 31.10.2013 law.*

(2) Prior to the opening of ballot boxes, the polling station commission shall state the number of the received, used and spare ballot envelopes, the number of voters at the polling station and at places where voters were located.

(3) Subsequent stating the information referred to in Paragraph two of this Article and the packaging of materials and ballot envelopes not used in the counting of votes, the ballot boxes shall be opened. The ballot boxes shall be opened one by one and the ballot envelopes shall be counted.

(4) Ballot envelopes taken out of each ballot box, without opening them, shall be sorted into valid and invalid ballot envelopes.

(5) Torn ballot envelopes and ballot envelopes, which are not sealed with a seal of the relevant polling station commission, shall be deemed to be invalid.

(6) Invalid ballot envelopes shall be counted and packaged unopened, specifying that the pack contains invalid ballot envelopes and the number thereof. The total number of invalid ballot envelopes shall be entered in the first part of the journal of the voting process.

(7) The number of valid ballot envelopes taken out of each ballot box shall be equal to or less than the relevant number of voters.

(8) If a ballot box contains ballot papers, which are not inserted in ballot envelopes, they shall be cancelled and packaged in accordance with the procedure set by the Central Election Commission.

Article 37. (1) Subsequent to the counting of the valid ballot envelopes they shall be opened and concurrently their content shall be determined:

- 1) the envelope contains one ballot paper of the relevant constituency;
- 2) the envelope contains more than one ballot paper;
- 3) the envelope contains a ballot paper of another constituency;
- 4) the envelope contains a torn ballot paper; or
- 5) there is no ballot paper in the envelope.

(2) Envelopes, which contained one ballot paper of the relevant constituency, do not have to be kept after ballot papers are taken out. Ballot papers from these envelopes shall be placed together for counting.

(3) Empty ballot envelopes, as well as ballot envelopes, which contained more than one ballot paper or a torn ballot paper, or a ballot paper of another constituency shall together with their contents be placed separately.

Article 38. (1) When all the valid ballot envelopes are opened, the polling station commission shall decide on the validity of those ballot papers which were in the ballot envelopes with several ballot papers, torn ballot papers and ballot papers of another constituency.

(2) If a ballot envelope contains several absolutely identical ballot papers, one of them shall be deemed to be valid and added to the valid ballot papers for counting, but others shall be deemed to be invalid.

(3) Envelopes containing torn ballot papers, as well as empty ballot envelopes shall be deemed to be ballot envelopes without valid ballot papers.

(4) If a ballot envelope contains more than one ballot paper and these ballot papers are not identical as concerns their content (also as concerns the marks made), it shall be deemed to be an envelope without a valid ballot paper.

(5) Differences of opinion regarding the validity of ballot papers the polling station commission shall resolve by majority vote. In the case of the votes dividing equally the chairperson of the commission shall have the deciding vote.

(6) Valid ballot papers, in accordance with the procedure set by the Central Election Commission, shall be grouped according to the names of the lists of candidates. Afterwards the votes cast for each list of candidates shall be counted.

(7) The number of votes cast for each list of candidates shall be entered in the vote-counting minutes. Information regarding the number of votes cast for each list of candidates shall be provided in accordance with the procedure set by the Central Election Commission.

Article 39. *deleted by the 31.10.2013 law.*

Article 40. (1) Ballot papers of each list shall be divided into two groups – changed and unchanged ballot papers. Changed ballot papers shall be considered to be those on which the voter, alongside the surname of a candidate in the place intended for that, has made a mark "+" or has struck out the given name or surname of a candidate. Other ballot papers shall be considered to be unchanged. In relation to each candidate, those changed ballot papers shall be counted in which:

- 1) alongside his/her surname in the place intended for that a mark "+" has been made;
- 2) his/her given name or surname has been struck out.

(2) The final results of the counting of votes shall be entered by the polling station commission in the vote-counting minutes.

(3) Differences of opinion regarding the marks made by voters on ballot papers the polling station commission shall resolve by majority vote. In the case of the votes dividing equally the chairperson of the polling station commission shall have the deciding vote.

Article 41. (1) At the polling station for postal voting and polling stations organising voting at the place where the voter is located according the procedure laid down in Article 30, prior to commencing the counting of votes the validity of the received registration envelopes shall be determined.

(2) Registration envelopes, which have been received from voters, recorded on the list of voters and who have not voted in person at their polling station shall be deemed to be valid. Registration envelopes shall be deemed to be invalid if:

- 1) they have been sent in postal voting by persons who are not registered on the list of voters;
- 2) they have been sent in postal voting by voters who on Election Day or on a day of advance voting have arrived at their polling station and have denied having voted by post;
- 3) they do not bear the voter's given name, surname and sequential number in the list of voters for postal vote;
- 4) they have been received after commencement of the counting of votes at the relevant polling station; or
- 5) they have been submitted by voters who on Election Day or on a day of advance voting have voted at their polling station.

(3) If one and the same voter has sent by post or at the place where the voter is located has submitted several registration envelopes, the polling station commission shall open none of them.

(4) The registration envelopes referred to in Paragraphs two and three of this Article shall be registered and kept in accordance with the procedure set by the Central Election Commission.

Article 42. When the counting of votes and their recording in the vote-counting minutes have been completed, all the cast valid and invalid ballot papers, together with ballot envelopes, unused ballot envelopes, invalid ballot envelopes and one original copy of the vote-counting minutes, shall be packaged and sealed. Election materials shall be stored in accordance with the procedure set by the Central Election Commission.

Article 43. Deleted by the 30.10.2008 law.

Article 44. (1) The members elected shall be determined by the Central Election Commission. Lists of candidates which have received less than five per cent of the total number of votes cast shall not take part in the distribution of member seats. The number of valid ballot envelopes shall be deemed to be the total number of votes given (the total number of voters participating in the election).

(2) In order to distribute the number of member of European Parliament seats between the other nominated lists of candidates, the following procedure shall be applied:

- 1) the number of valid ballot papers given for each list of candidates shall be determined;
- 2) the number of ballot papers given for each list of candidates shall be then sequentially divided by 1, 3, 5, 7 and so on until the number of divisions is the same as the number of candidates nominated in the list of candidates;
- 3) all the acquired divisions regarding all lists of candidates shall be numbered in common descending order;
- 4) member of parliament seats shall sequentially be received by those lists of candidates, which conform to the largest divisions. If the division, the sequential number of which is equal to the number of members of parliament to be elected, is equal to one or more following divisions, the member of parliament seat shall be received by the list of candidates which was registered first.

Article 45. In each list of candidates, the nominated candidates shall be listed according to the number of votes received. The number of votes received by a candidate shall be equal to the number votes which were received by the list of candidates in which this candidate was included, minus the number of ballot papers in which the given name or surname of this candidate was struck out, plus the number of those ballot papers in which voters made a "+" mark alongside the surname of this candidate. If two or more candidates of one list of candidates have received an equal number of votes, they shall be mutually listed according to the sequence provided for by the submitters of the list of candidates. Those candidates shall be elected who have received the largest number of votes, but the remainder shall be recorded as candidates in such sequence as they were listed according to the number of votes, which were received by them.

Article 46. If the elected member of the European Parliament has died, resigned or due to other reasons has lost or laid down his/her mandate, in his/her place shall come the next candidate from the same list of candidates from which the previous member of parliament was elected.

Article 47. If due to the reasons referred to in Article 46 of this Law, a list of candidates has insufficient candidates, the procedures specified in Article 44 of this Law shall be utilised to decide from which list of candidates the next member of parliament shall be selected.

Chapter VI Final Provisions

Article 48. (1) The final election results, also the results regarding the number of votes received by each candidate in each list of candidates in each polling station shall be compiled within a period of three months in a separate publication and published on the webpage of the Central Election Commission.

(2) The lists of persons who were candidates and who were elected shall be compiled within a period of two months and sent to the European Parliament.

Article 49. When the deadline for contesting election results has passed, vote-counting minutes and lists of voters of the election commissions of polling stations shall be transferred to the National Archives of Latvia.

Article 50. (1) The submitters of the list of candidates, as well as the nominated candidates have the right within a period of seven days from the day of taking the decision by the Central Election Commission to appeal this decision in court.

(2) Submission of an application to the court shall not suspend the implementation of the decision mentioned in the first paragraph of this article.

(3) An application shall be submitted to the Administrative regional court.

(4) The court shall adjudicate the matter as a court of first instance. The matter shall be adjudicated by a panel of three judges.

(5) The court shall adjudicate the matter and adopt an adjudication within seven days after an application is received.

(6) The applicant shall indicate the grounds for the application. Participants in the administrative proceedings shall have the burden of proof.

(7) The court adjudication and other decisions taken when carrying out procedural actions to adjudicate the submitted application or the initiated matter shall not be appealed.

Article 51. Persons who with violence, fraud, threats, bribery or in other illegal ways hinder voters from participating in elections or to canvass, or in the same elections have voted or been candidates several times, or have knowingly submitted false information about themselves in the documents referred to in Article 11 of this Law, or in any other way falsified election documents, or have knowingly incorrectly counted votes, or have not observed the secrecy of voting, or have in other ways violated this Law shall be held liable as provided for in regulatory enactments.

Article 52. Expenditures associated with the preparation for elections and their procedures shall be covered from the State budget funds allocated to the Central Election Commission.

Transitional Provision

Citizens of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovakia, the Republic of Slovenia and the Republic of Hungary may be registered as voters or candidates at 2004 elections to the European Parliament in the Republic of Latvia. If any of these states has not become a Member State of the European Union on Election Day, its citizens — voters — shall be deleted from the list (register) of voters and candidates shall be deleted from the list of candidates.

Informative Reference to European Union Directives

This Law contains legal norms arising from:

1) Council Directive [93/109/EC](#) of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals;

2) Council Directive [2013/1/EU](#) of 20 December 2012 amending Directive [93/109/EC](#) as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals."

This Law shall come into force on the day following its proclamation.

This Law was adopted by the Saeima on 29 January 2004.

President V. Vike-Freiberga

Riga, 11 February 2004