

Modified by amendments adopted till 14 February 2013  
As in force on 27 February 2013

The Saeima has adopted and the President has proclaimed  
the following Law:

## **The City Council and Municipality Council Election Law**

*(The law title accordingly to the law of 2 October 2008)*

### **Chapter I**

#### **General Provisions**

**Article 1.** The city councils and municipal councils (hereinafter the councils) shall be elected for a period of four years in equal, democratic, direct, secret and proportional elections. The general elections of the councils take place on the first Saturday in June.

**Article 2.** (1) The number of deputies to be elected to the municipality councils shall be determined in proportion to the number of residents registered in the Population Register in the territory of the respective local government on the date the elections are announced:

up to 5,000 residents – 9 Council members;

from 5,001 to 20,000 residents – 15 Council members;

from 20,001 to 50,000 residents – 17 Council members;

over 50,000 residents – 19 Council members.

(2) The number of deputies to be elected to the city councils, except the Riga City Council, shall be determined in proportion to the number of residents registered in the Population Register in the territory of the respective local government on the date the elections are announced:

up to 50,000 residents – 13 Council members;

over 50,000 residents – 15 Council members.

(3) The Riga City Council consists of 60 Council members.

**Article 3.** The administrative territory of the local government of each city and municipality shall form a separate electoral region.

**Article 4.** The elections of the councils shall be announced by the Central Election Commission no later than three months prior to the elections.

## **Chapter II**

### **VOTING RIGHTS**

**Article 5.** (1) In the Republic of Latvia the following shall have the right to elect the council:

- 1) citizens of Latvia;
- 2) citizens of the European Union who are not citizens of Latvia but are registered on the Population Register;
- 3) persons who have reached the age of 18 on the day of the election, have been registered on the Voters' Register and filed with their place of residence on the administrative territory of the respective local government at least 90 days before the day of the election, or persons who own real estate which is filed with the territory of the respective local government according to the procedure set out by law and do not fall under any of the limitations set out in Article 6 of this law (hereinafter – the voter).

**Article 6.** The following persons shall have no right to elect the council:

- 1) who have been adjudged incompetent according to the procedure stipulated by law;
- 2) who are undergoing punishment in penal institutions;
- 3) who have no right to vote in European Union member states whereof they are citizens.

**Article 7.** *(deleted 11.11.2004)*

**Article 8.** (1) In the Republic of Latvia the following shall have the right to be candidates in council elections:

- 1) citizens of Latvia;
  - 2) citizens of the European Union who are not citizens of Latvia but are filed with the Population Register.
- (2) persons who have reached the age of 18, are registered on the Voters' Register, if they do not fall under any of the limitations of Article 9 of this law and if they comply with at least one of the following conditions shall have the right to run as candidates:

1) he/she has been filed with a place of residence in the administrative territory of the respective local government for at least the recent 10 months;

2) he/she has been working on the administrative territory of the respective local government (as an employee or as a self-employed person according to the Law On National Social Insurance) for at least the recent 4 months;

3) he/she owns real estate which is filed with the territory of the respective local government according to the procedure set out by law.

(3) according to the provisions of this law, a candidate may run for the election only in one council in the Republic of Latvia.

(4) If the European Parliament elections and Council elections are held simultaneously, a candidate may run in only one election.

**Article 9.** (1) The following persons shall not be nominated as candidates for the council election and shall not be elected to the councils:

1) who are fulfilling court sentences in penitentiaries;

2) who are adjudged incompetent in accordance with the procedure set by law;

3) who have been sentenced previously for a grave or especially grave crime unless they have been exonerated or their criminal record has been expunged or annulled;

4) who have committed a criminal offence in an irresponsible or limited responsible state, after having committed a crime, have become mentally ill and are incapable of taking conscious action or controlling it and as a result have been subjected to compulsory treatment, or their case has been dismissed without applying such a compulsory measure;

5) who after 13 January 1991 have been active in the CPSU (the CP of Latvia), the Working People's International Front of the Latvian SSR, the United Board of Working Bodies, the Organization of War and Labour Veterans, the All-Latvia Salvation Committee or its regional committees;

6) who belong or have belonged to the salaried staff of the USSR, the Latvian SSR or another country's state security, intelligence or counterintelligence services;

7) *(deleted 09.05.2002)*

8) have been punished by a prohibition to run in the Saeima, the European Parliament, city councils and municipality councils elections unless they have been exonerated or their criminal record has been expunged or annulled.

(2) A citizen of the European Union who has been deprived of the right to be nominated as a candidate and to be elected by a court verdict in the EU member state of his/her citizenship may not be nominated as a candidate for council elections or be elected in a council in the Republic of Latvia.

**Article 10.** (1) The President of State, Saeima deputies, members of the government, prosecutors, judges, state controllers, members of the State Audit Council and members of military service may be nominated as candidates to the council, however, in case of election they shall lose their seat as Member of the Saeima and the current office, and members of military service shall be demobilized from the service.

(2) *(deleted 26.04.2007)*

(3) Should an elected Council member be a Member of the European Parliament, he/she shall lose his/her status of the Member of the European Parliament from the day of the Council's first meeting. The respective city or municipality election commission shall inform the Central Election Commission about a Member of the European Parliament elected to a Council within one working day. The Central Election Commission shall inform the European Parliament about the loss of the status of a Member of the European Parliament within three working days after receiving of the notification from the respective city or municipality election commission about a Member of the European Parliament elected to a Council.

(4) The limitations enlisted in part one of this Article shall also apply to citizens of the European Union who are not citizens of Latvia.

### **Chapter III**

#### **ELECTION COMMISSIONS**

**Article 11.** The elections of the councils shall be conducted by and their procedures monitored by the Central Election Commission in the procedure set by law.

**Article 12.** The elections of the councils are prepared and organized by city and municipality election commissions and polling station commissions established in accordance with the procedure set by law.

**Article 13.** *(deleted 06.11.1996)*

**Article 14.** *(deleted 06.11.1996)*

### **Chapter IV**

#### **SUBMISSION OF CANDIDATE LISTS**

**Article 15.** (1) In municipalities where the number of residents exceeds 5,000 on the day of announcement of the election, as well as in cities the following shall be eligible to submit lists of candidates for city councils and municipality councils:

1) a registered political party;

- 2) a registered association of registered political parties;
- 3) two or more registered political parties, which have not joined in a registered association of political parties.

(2) In municipalities where the number of residents is under 5,000 on the day of announcement of the election, the following shall be eligible to submit lists of candidates for Municipality councils:

- 1) a registered political party;
- 2) a registered association of registered political parties;
- 3) two or more registered political parties, which have not joined in a registered association of political parties;
- 4) voters associations.

(3) Voters associations are composed of persons who have signed the respective candidate list and persons who have been nominated on this list. The submitters of the candidate list shall be responsible for ensuring the lawfulness of the voters association's activities.

(4) Candidate lists shall be submitted beginning from the fiftieth days, but no later than forty days before election day. Candidate lists shall be submitted to the respective city or municipality election commission.

(5) The submitted candidate lists shall indicate each candidate's full name and personal identification code.

(6) The number of candidates nominated on the list may exceed the number of deputies to be elected in the respective council by three candidates. A person may only permit his/her nomination as a candidate only on one candidate list. If a candidate is nominated on more than one list, he/she shall be deleted from all lists.

(7) A candidate list as well as the documents attached to it shall be prepared using the application software of the Central Election Commission. A list of candidates, data of each candidate and campaign platforms shall be submitted both in written and electronic format.

**Article 16.** (1) The candidate lists for members of a municipality council submitted by a voters association shall be signed by no less than 20 voters whose place of residence is registered in the administrative territory of the respective local government on the day of announcement of the election.

(2) The candidate lists may be signed only by those voters who are not included on any of the candidate lists submitted for the respective council elections. If a voter has violated this provision, his/her candidature shall be deleted from the respective candidate list.

(3) Upon signing the candidate list, the voter shall indicate his/her full name, personal identification code and the address to which he/she is registered. Each voter may sign only one candidate list. If a voter has signed more than one list, his/her signature shall be deleted from all lists.

(4) The submitted candidate list of a political party or an association of political parties shall be signed by a person authorized by the decision-making body of the respective political party or their association. If a candidate list is submitted by two or more political parties, it shall be signed by persons authorized by decision-making bodies of all the respective political parties.

**Article 17.** (1) The following documents shall be attached to the candidate list:

1) a statement signed by the candidate included on the list of the candidates expressing agreement to be nominated for the election of the respective council and agrees to processing of his/her personal data which shall have to be executed in accordance with the stipulations of this law;

2) the declaration signed by the candidate on the list of the candidates about compliance to the stipulations of Article 8 of this law and about being clear from limitations of Article 9 of this law;

3) the following data signed by every candidate of the list:

a) name, surname, date, month and year of birth, gender, nationality (optional) of the candidate,

b) ID code,

c) citizenship of another state, if any,

d) the registered place of residence in Latvia (a city or municipality),

e) places of employment and positions (including positions in political parties, religious organizations, trade unions, associations and foundations) or – if not an employee – occupation, status,

f) what educational institutions he has finished (in which year, which speciality or programme),

g) self-assessment of Latvian language proficiency;

h) information as to whether the person has or has not collaborated with the USSR, the Latvian SSR or a foreign state security service, intelligence or counterintelligence services on a contractual basis or as an agent or a resident officer or tenant of an apartment used for clandestine activities;

i) *(deleted 11.11.2004)*

j) should the candidate be a citizen of another European Union member state, – a confirmation from the candidate that in the European Union member state of his/her citizenship he has not been deprived of the right to be nominated for election and be elected by court verdict;

4) a pre-election programme (not exceeding 4,000 letters), signed by all the candidates of the list.

(2) Should a person be nominated as a candidate without having been on registration at the place of residence of the administrative territory of the respective local government for at least 10 recent months before the date of submitting the list of candidates without interruption, yet should the person own real estate registered on the respective territory according to the procedure stipulated by law, a copy of the land register act certified by notary or a certificate from the land register department about real estate ownership shall also be enclosed with the list of candidates.

(3) Should a person be nominated as a candidate without having been on registration at the place of residence of the administrative territory of the respective local government for at least 10 recent months without interruption, yet should the person have been employed on this territory (as an employee or as a self-employed person according to the Law On National Social Insurance) for at least the recent four months before the date of submitting the list of candidates, respective certificates from the employer or the State Revenue Service shall also be enclosed with the list of candidates;

(4) *(deleted 09.05.2002)*

(5) If a person who on the submittal date of the list occupies a position stated in Article 10 of this Law, is proposed as a candidate, then a signed statement indicating that, in the event of being elected, he/she will cease fulfilment of his/her duties in the respective position (service) in one month's time, shall be attached to the candidate list.

(6) If the title of a candidate list is identical to the title of a registered political party or a registered association of registered political parties, an authorization from the decision-making body of this political party or association of political parties shall be attached to the candidate list and shall entitle the petitioners to submit the candidate list for the respective council elections.

(7) If a combined candidate list has been submitted by several political parties, which have not united into a registered association of political parties, authorizations from all the respective political parties' decision-making bodies shall be attached to the candidate list.

(8) A bank receipt for the payment of the security deposit set in Article 18 of this Law shall be attached to the candidate list of city council and municipality council members.

**Article 18.** (1) The election commissions shall only accept lists of candidates, where the submitting persons have paid a security deposit for the respective list into a special

deposit account of the council election commission. The security deposit for the list of candidates for the council election shall be as follows:

90 lats – for administrative territories of local governments with the number of residents under 5,000;

110 lats – for administrative territories of local governments with the number of residents ranging from 5,001 to 20,000;

130 lats – for administrative territories of local governments with the number of residents ranging from 20,001 to 50,000;

150 lats – for administrative territories of local governments with the number of residents above 50,000.

(2) The security deposit for a candidate list for elections of Riga City Council is 600 lats.

(3) The bank issues the payers of the security deposit a document which indicates who has deposited the money, the title of the candidate list for which the security deposit was paid and the date when the security deposit was paid. The paid security deposit entitles one candidate list to be submitted in one of the council elections. If at least one candidate is elected from the candidate list in the respective council elections, the security deposit shall be returned to the payers; if no one is elected, the Election Commission shall include the security deposit in the respective local budget.

**Article 19.** (1) If a candidate list is submitted by a voters associations, the first three signatories of the candidate list shall be considered the petitioners of the respective candidate list, and one of them shall, without special authorization, have the right to be present in the respective municipality election commission meetings as well as in the meetings of the polling stations election commissions formed in this municipality's administrative territory.

(2) If the candidate list is submitted by a political party, two or more political parties or association of political parties, three persons shall be indicated in the authorization from their decision-making bodies. One of these persons without special authorization has the right to submit the list for elections of the respective council, to be present in the respective city or municipality election commission meetings as well as in the meetings of the polling stations election commissions formed in this city's or municipality's administrative territory.

**Article 20.** (1) The election commission shall check a candidate list in one day and shall adopt one of the following decisions:

1) to register the candidate list and documents attached to it;

2) to refuse to register the candidate list and documents attached to it, if the candidate list or documents attached to it do not satisfy the requirement of Article 4 of this Law.

(2) The election commission shall indicate in its refusal, which defects in the candidate list and documents attached to it should be eradicated in order the commission could accept the candidate list and documents attached to it.

(3) If the election commission has not accepted the candidate list, it may be submitted repeatedly, if the deadline for submission of candidate lists stipulated by the law has not expired. The day when the election commission has accepted the candidate list is regarded as the day of submission.

(4) Within its means, the election commission checks that the nominated candidates conform to the requirement of Paragraph 1 and 2 of Article 8 and to Article 9 of this Law.

**Article 21.** (1) The petitioners of the candidate list shall choose its title.

(2) The title shall coincide with:

1) the title of the respective political party, if the candidate list is submitted by a political party;

2) the title of the respective association of political parties, if the candidate list is submitted by an association of political parties;

3) titles of all the political parties, if the candidate list is submitted by two or more political parties.

**Article 22.** (1) Candidate lists submitted in conformity with the requirements of this Law shall be registered in the election commission of the respective city or municipality.

(2) Registered candidate lists cannot be recalled, and amendments can be made only by the election commission that has registered this list by:

1) striking out the candidate if:

a) the candidates does not conform to the requirements of part one and two of Articles 8 of this Law,

b) the candidate conform to the restrictions of Article 9 of this Law,

c) one and the same person is included in candidate lists of different titles or list of candidates also for other local council elections,

d) the candidate has signed another candidate list as an elector,

e) the candidate has died,

f) candidate is a Member of the European Parliament and has failed to submit to the election commission documents confirming the fact of his/her resignation from the seat of a Member of the European Parliament (laying down the mandate);

2) introducing technical corrections.

(3) The candidate shall be dismissed on the basis of a certificate issued by a respective institution or a court verdict. The fact that the candidate:

1) does not comply with the requirements of the first part of Article 8 of this law, – is confirmed by a certificate from the Board of Citizenship and Immigration Affairs;

1<sup>1</sup>) is under the age of 18, – is confirmed by a certificate from the Board of Citizenship and Immigration Affairs;

1<sup>2</sup>) is not filed with the Voters' Register, – is confirmed by a certificate from the Board of Citizenship and Immigration Affairs;

2) has not been registered at the place of residence in the administrative territory of the respective local government for at least the recent 10 months before the day of submission of the lists of candidates, – confirmed by a certificate from the Board of Citizenship and Immigration Affairs;

2<sup>1</sup>) shall be included on the list of candidates for the election of a different council; – confirmed by a certificate from the Board of Citizenship and Immigration Affairs;

2<sup>2</sup>) has been adjudged incompetent according to the procedure set out by law; – confirmed by a certificate from the Board of Citizenship and Immigration Affairs;

3) are fulfilling court sentences in penitentiaries, – confirmed by a certificate from the Information Centre of the Ministry of the Interior;

4) have been sentenced previously for intentional, severe crimes and whose sentences have not been expunged or annulled, – confirmed by a certificate from the Information Centre of the Ministry of the Interior;

5) have committed a criminal offence in an irresponsible or limited responsible state, after having committed a crime, have become mentally ill and are incapable of taking conscious action or controlling it, – confirmed by a certificate from the Information Centre of the Ministry of the Interior;

6) belong or have belonged to the salaried staff of the USSR, the Latvian SSR or another country's state security, intelligence or counterintelligence services, – confirmed by the judgement of the respective court;

7) after 13 January 1991 have been active in the CPSU (the CP of Latvia), the Working People's International Front of the Latvian SSR, the United Board of Working Bodies, the Organisation of War and Labour Veterans, the All - Latvia Salvation Committee or its regional committees, – confirmed by the judgement of the respective court;

8) (*deleted 09.05.2002*);

9) has died, – is confirmed by a certificate from the Board of Citizenship and Immigration Affairs;

(4) Institutions indicated in part three of this Article shall submit the information at their disposal in writing at no charge to the election commission within five days since receipt of a claim.

(5) Should the election commission receive information about the nominated candidate having no right to run as a candidate for council election later than the 20<sup>th</sup> day before the election and should it be unable to produce new ballot papers for the respective list of candidates, the voters shall be issued with the produced ballot papers with the name and surname of this candidate. The votes passed for the respective person shall not be counted at the vote counting and during calculation of the election results.

**Article 22<sup>1</sup>.** (1) The decision of a city or municipality election commission to register a candidate list or to refuse to register a candidate list, as well as the decision to delete a candidate's name from a registered candidate list, may be contested in the Central Election Commission within three days after the decision has been adopted.

(2) The Central Election Commission shall examine the complaint and take a decision within three days. The decision of the Central Election Commission may be appealed in court within three days after its adoption.

(3) In pursuance of a court judgement that repeals the decision of a city or municipality election commission to register a candidate list or to refuse to register a candidate list, as well as the decision to delete a candidate's name from a registered candidate list, the city or municipality election commission:

1) shall register the candidate list or refuse to register the candidate list;

2) shall reinstate the nominated candidate in the registered candidate list or delete the candidate's name from the list.

**Article 23.** (1) The registered candidate lists submitted to the city council elections shall be published on the website of the Central Election Commission and in the newspaper "*Latvijas Vēstnesis*" as well as displayed in all polling stations established in the administrative territory of the respective local government.

(2) The registered candidate lists submitted for the municipality council elections shall be published on the website of the Central Election Commission and in the newspaper of local government, but if there is no such newspaper, the candidate lists shall be published in any other local newspaper. Candidate lists shall be displayed in a visible place in the building of municipality council as well as at all polling stations established in the administrative territory of the respective local government.

(3) Candidate lists shall be posted (published) no later than five days before election day and they shall indicate each candidate's full name, date of birth, the registered place of residence, education, principal place of employment and position, citizenship of another state, if any.

(4) Pre-election programmes shall be displayed in a place available for the voters. The information stipulated by this law about each candidate shall be available in each polling station, with the exception of his/her ID code or voter code.

**Article 24.** (1) Should by the deadline indicated in Article 15 of this law no list of candidates be registered for the election of the respective local government council, only one list of candidates be registered, or the number of registered candidates fall short of the number of deputies to be elected to the council of the respective local government, within three days the Central Election Council shall adopt a decision about a 10 day extension of the term for submission of candidate lists. The decision of the Central Election Commission shall be published in the newspaper “*Latvijas Vēstnesis*” and displayed in a place available for the voters at the council building of the respective local government. If after the extension of the term the number of candidates should still fall short of the number of council deputies for election, within two weeks the Central Election Commission shall announce a repeated election for the respective council according to the procedure stipulated by this law.

(2) *(deleted 11.1.2004)*

(3) If the necessary candidate number is still not achieved, a temporary administration shall be formed in the respective administrative territory in accordance with the procedure set by law.

(4) City and municipality election commission provides printing of candidate lists on separate ballot papers. On the ballot paper is indicated:

- 1) the title of the council where the elections take place;
- 2) the title of candidate list;
- 3) index numbers, names and surnames of the registered candidates.

(5) Opposite to the surname of the candidate on the candidate list there is a place for making the necessary marks.

(6) No later than five days prior to the election day, city and municipality election commissions shall deliver election ballots to all polling stations. The ballots shall be delivered in an amount which allows each voter to receive one election ballot for each candidate list registered in the respective constituency. Producing and distribution of voting envelopes for city and municipality election commissions is provided by the Central Election Commission according to the set procedure.

(7) If two or more lists of candidates are registered for the elections of the Council, the order of arranging ballot papers in which they shall be issued for voters shall be determined by the election commission by lot not later than within seven days prior the election day. Ballot papers shall be arranged in the order determined, by lot, but they shall not be numbered.

(8) Starting from the first day of elections the ballot papers, envelopes and lists of voters shall be in safekeeping in accordance with the procedure set by the Central Election Commission.

## Chapter V

### ELECTION PROCEDURE

**Article 25.** (1) On the election day the elections shall take place from 7 a.m. till 10 p.m.

(2) Before 7 a.m. chairperson of the election commission or a deputy chairperson in the presence of the election commission shall ensure that the ballot boxes, allotted for depositing election ballots, are empty. The ballot boxes shall then be sealed.

(3) The commission of the polling station shall ensure the following at the entrance to the polling room:

- 1) verification whether the citizens who arrive are voters of this polling station;
- 2) make available an alphabetical list of voters of this polling station, indicating the name, surname, birth date and the number of order on the list of voters.

(4) *(deleted 11.11.2004)*

**Article 26.** (1) Should the voter be unable to vote on the day of the election 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 17.00 to 20.00; on Thursday from 9.00 to 12.00; on Friday from 10.00 to 16.00. During those periods the commission of the polling station shall be staffed by no less than four members. The announcement about the location of the polling station and its working hours shall be displayed at the local government building and the polling stations established on the administrative territory of the respective local government.

(2) The voters who vote before the date of the general election shall post their ballot paper in an envelope in a separate sealed ballot box. The commission of the polling station shall make a mark in the list of voters that the voter has participated in advance voting.

**Article 27.** Except form cases stipulated in Article 33 of this Law each voter may only vote personally.

**Article 28.** (1) The elections shall take place by secret vote. Voters shall vote in the polling station where he/she is registered on the voting list by producing documents by producing a personal identity document valid in the Republic of Latvia.

(2) On the premises of the polling station a member of the election commission, previously verifying that information about the person has been included on the list of voters and that the list bears no mark about the participation of this person in the respective election, shall make a mark on the list of voters about participation of a voter in the election. The voter shall sign the list of voters.

(3) Every voter shall receive ballot papers of all the candidate lists registered at the electoral district and a special enveloped sealed at the respective polling station commission. The voter shall insert in the envelope that ballot paper that corresponds to the candidate list the voter votes for. Dispensation of separate ballot papers is prohibited.

(4) *(deleted 06.12.1996)*

(5) The election commission members are forbidden to campaign for or against any candidates or candidate lists.

**Article 29.** (1) A separate room or compartment should be arranged inside the polling station for the voter to insert one ballot paper into the envelope and seal it in privacy. The voter may choose to put a + mark opposite the surname of any candidate, to cross out a candidate's name or surname or to leave the ballot paper unmarked.

(2) The + mark opposite the surname of a candidate indicates special support given to the candidate by this voter. If the voter does not support a candidate included in the ballot paper, he/she may cross out the name or the surname of this candidate. If only the name and surname of a candidate is crossed out, it is regarded as the voter does not support this candidate. The voter may also insert an unaltered (unmarked) ballot paper into the envelope.

(3) The voter shall personally insert the sealed envelope into the ballot box in the presence of a member of the election commission.

(4) *(deleted 06.12.1996)*

(5) If the voter has damaged the ballot paper or envelope before inserting the ballot paper in the envelope, he/she receives a new envelope and ballot papers of all the candidate lists registered at the respective electoral district.

**Article 30.** *(deleted 06.11.1996)*

**Article 31.** *(deleted 06.11.1996)*

**Article 32.** (1) If, for health reasons, an individual voter cannot arrive at the polling station, the election commission, upon the voter's or person's authorized by him/her written request, registered in a special journal, organize voting where the voter is located, securing voting in secrecy. Voting may be observed by authorized observers.

(2) Voting at the place of location is organized also for caregivers of the voters referred to in part one of this Article upon a timely written request for voting at the place of location.

- (3) For other voters voting outside the voting premises is not acceptable.
- (4) Voting shall take place on the location of the voter only in case if the voter is located in the territory of the polling station where information about him is included on the list of voters.
- (5) The election commission continues to accept written requests for voting at the place of location of voters. Requests received after 12 a.m. are discharged by the election commission in case it is possible to arrive at the place of location of the voter until 10 p.m.
- (6) Voters who in accordance with part one and two of this Article vote at their place of location are registered in a separate list of voters and voters shall drop the election ballot in a separate ballot box.
- (7) Data about voting envelopes issued and remaining (including spoilt envelopes) from voting at the place of location of voters are registered in the minutes about the course of the election.
- (8) Voting for criminal case suspects, accused or persons under trial who are subject to imprisonment as a security measure, shall be organized on the location of these individuals according to the procedure appointed in the first and fourth parts of this article.

**Article 33.** If the voter, due to a physical disability, cannot vote him/herself, then in presence of the voter and in conformity with the voter's oral specifications, marks shall be made on the election ballot by the voter's family member or any other person that the voter trusts. The person who makes the marks shall not be a member of the respective election commission.

**Article 34.** (1) During the election period the premises of the polling station shall be supervised by the chairperson of the election commission. It shall be his/her responsibility to see that there is no infringement of voting rights, no public disturbance and no campaigning in the polling station and within 50 meters from the entrance to the building in which the polling station is located.

(2) The chairperson of the polling station election commission shall be responsible for supervising and storing of election documents, materials and assets that are at the disposal of the respective polling station commission.

**Article 35.** (1) From the opening of the polling station the secretary of the polling station commission, or, during his/her absence, a member of the commission authorised by the commission chairperson of the polling station shall be writing minutes about the course of the election according to the procedure set out by the Central Election Commission.

(2) At a polling station, up to two authorised observers at a time from each voters association, political party or association of political parties that has submitted a list of candidates for the election of the respective council, as well as members of the Central Election Commission, the relevant city or municipality election commission

as well as persons authorised by the said commissions and media representatives may observe the election process but not interfere with the work of the polling station commission. A candidate of the respective council may not be an authorised observer.

(3) Voters may submit complaints about the procedure of the election to the chairperson of the election commission and they shall be filed with the minutes on the course of the election. Any complaint about the course of the election shall be immediately examined and a reply shall be given to the person submitting the complaint, and the content of the complaint shall be filed with the minutes about the course of the election.

**Article 36.** Election ballots may be submitted after 10 p.m. on the election day only by those voters who entered the polling station before 10 p.m. After this, the polling station is locked, the votes are counted and the election results are calculated.

## Chapter VI

### COUNTING OF VOTES AND CALCULATION OF ELECTION RESULTS

**Article 37.** (1) Vote counting shall start immediately after the closing of the polling station. The counting shall take place at an open meeting of the commission of the district.

(2) Up to two authorised observers at a time from each voters association, political party or association of political parties which has submitted a list of candidates for the election of the respective council, as well as members of the Central Election Commission, the relevant city or municipality election commission as well as persons authorised by the said commissions and media representatives shall be allowed to be present at the commission's meeting but may not interfere with the work of the commission. After closing of the vote counting the above persons shall be entitled to familiarisation with the minutes of vote counting.

(3) All the petitioners of candidate lists, as well nominated candidates may contest the minutes of vote counting in the Central Election Commission within three working days after the minutes have been signed. The Central Election Commission shall examine the complaint and take a decision within three days after the complaint have been received.

(4) The decision of the Central Election Commission about the contested minutes of vote counting may be appealed in court within three working days after its adoption.

**Article 37<sup>1</sup>.** If a court adjudicating the complaint finds the violations affected the allocation of members' seats between political parties, associations of political parties and voters associations in the respective council, it shall repeal the decision to approve the vote counting results at the respective polling station and shall adopt one of the following decisions:

1) to charge the city or municipality election commission to recount votes;

- 2) to charge the Central Election Commission to announce a repeat voting;
- 3) other decision.

**Article 38.** (1) Right after closing the polling station according to the procedure stipulated by the Central Election Commission the commission of the polling station shall seal the ballot boxes, close the voters' lists and arrange the room for vote counting. The unused election materials shall be packaged and placed in a manner not disturbing the counting of votes.

(2) The commission of the polling station shall write minutes of vote counting in three copies. The vote counting minutes shall consist of two parts:

- 1) the preliminary vote counting (hereinafter – part one of the vote counting minutes);
- 2) the final results of vote counting (hereinafter – part two of the vote counting).

(3) Prior to opening of the ballot boxes, the commission of the polling station shall register information about the received, used and unused ballot paper envelopes, the number of voters in the polling station and in voter locations in part one of the vote counting minutes. The stamped ballot paper envelopes, which have not been used at the election, shall be made invalid.

(4) After writing the information indicated in the second part of this Article in the first part of the vote counting minutes and after packaging of the materials not used during vote counting and of the ballot paper envelopes, the ballot boxes shall be opened. The ballot boxes shall be opened one by one and the envelopes shall be counted.

(5) The ballot paper envelopes taken out of the ballot box shall be sorted into valid and invalid ballot paper envelopes.

(6) Damaged envelope ballot papers and the ballot paper envelopes which are not sealed with the stamp of the respective polling station commission.

(7) The invalid ballot paper envelopes shall be added and packaged without opening, labelling the package showing that the content is invalid ballot paper envelopes and their number. The total of invalid ballot paper envelopes shall be written in the first part of vote counting minutes.

(8) The number of valid ballot paper envelopes shall be equal to the respective number of voters or less than it.

(9) Should there be ballot papers without ballot paper envelopes in the ballot box, they shall be made invalid and packaged according to the procedure set out by the Central Election Commission.

**Article 39.** (1) After the valid ballot paper envelopes are added up they shall be opened, together with identifying their content:

- 1) one ballot paper from the respective constituency;

- 2) more than one paper in the envelope;
- 3) a paper from another constituency in the envelope;
- 4) a damaged ballot paper in the envelope;
- 5) no ballot paper in the envelope.

(2) The envelopes with one ballot paper from the respective constituency shall not be kept after the ballot papers are removed. The ballot papers from these envelopes shall be put together for counting.

(3) The empty ballot paper envelopes and ballot paper envelopes containing more than one ballot paper or a damaged ballot paper or a ballot paper from a different constituency shall be put separately together with their content.

**Article 40.** (1) After opening all the valid ballot paper envelopes the commission of the polling station shall decide about the validity of the ballot papers contained in the ballot paper envelopes with several ballot papers, damaged ballot papers and ballot papers from different constituencies.

(2) Should a ballot paper envelope contain several completely identical ballot papers, one of them shall be proclaimed valid and added for counting to the valid ballot papers, the rest shall be proclaimed invalid.

(3) Envelopes with damaged ballot papers and empty ballot papers shall be regarded as ballot paper envelopes without valid ballot papers.

(4) Should a ballot paper envelope contain more than one ballot paper and the ballot papers differ in content (and also by the made notes), it shall be proclaimed a ballot paper envelope without a valid ballot paper.

(5) Any differences on the validity of ballot paper envelopes shall be decided by majority of votes of the polling station commission. Should the distribution of votes be equal, the vote of the chairperson of the commission shall be decisive.

(6) The valid ballot papers shall be grouped according to the names of the candidate lists according to the procedure set out by the Central Election Commission. Subsequently the votes passed for each list of candidates shall be added up.

(7) The number of votes passed for each candidate shall be registered in the vote counting minutes. The information about the number of votes passed for each list of candidates shall be delivered according to the procedure set out by the Central Election Commission.

**Article 40<sup>1</sup>.** (1) After completion of the preliminary vote counting the commission of the polling station shall sign the first part of the vote counting minutes. The election commission may announce a break later. Should a break be announced, the following shall be packaged together before the break:

- 1) all the passed valid ballot papers;
- 2) all the ballot paper envelopes with invalid ballot papers;
- 3) one copy of the vote counting minutes
- 4) voters' lists.

(2) The package shall be sealed with the stamp of the polling station commission. The present authorised observers shall also be entitled to seal the package with their stamps or sign on it, and a respective note shall be entered in the minutes on the course of the election.

(3) During the break the packaged election materials shall be kept and supervised according to the procedure set out by the Central Election Commission.

(4) Resuming the work after the break the polling station commission shall repeatedly count the ballot papers for each list in an open meeting according to the procedure set out by the Central Election Commission.

**Article 40<sup>2</sup>.** (1) The received number of votes per each candidate shall be appointed as follows:

1) the ballot papers of each list shall be divided in two groups – the amended and unamended ballot papers. The following ballot papers shall be regarded to be amended – where the voter has marked a + mark against the surname of a candidate in the appropriate place or crossed off the name or the surname of the candidate. Other ballot papers shall be regarded to be unamended;

2) the amended election papers shall be added up for each candidate, where:

a) a + mark has been made against his/her surname in the appropriate place;

b) his/her name or surname has been crossed out;

c) no marks have been made.

(2) The polling station commission shall record the final results of vote counting in the second part of the vote counting minutes.

(3) The polling station commission shall resolve any differences about the marks made by voters in the ballot papers by majority of votes. Should the votes be distributed evenly, the vote of the chairperson of the polling station commission shall be decisive.

**Article 40<sup>3</sup>.** After vote counting and finalising the minutes of vote counting all the passed valid ballot papers and invalid ballot papers together with the ballot paper envelopes, the unused stamped and invalid ballot paper envelopes and one copy of the polling station commission vote counting minutes shall be packaged together and sealed off. The participating authorised representatives shall also be entitled to sealing

this package with their seals or sign the package, making a respective mark in the protocol on the course of the election. The unused unsealed ballot paper envelopes shall be packaged separately. Subsequently the polling station commission shall forward the election materials to the city or municipality election commission according to the procedure set out by the Central Election Commission.

**Article 41.** (1) The city and municipality election commissions shall calculate the election results in conformity with the minutes received from the polling station election commissions.

(2) The lists of candidates, which have received less than five per cent of the total number of votes cast, shall not take part in the allocation of seats in local government. The total number of valid ballot paper envelopes shall be regarded as the total number of votes cast (the total of voters participating in the election).

(3) The procedure to be applied in allocating the seats in the council among the lists of candidates shall be the following:

1) the valid ballot papers cast for each list of candidates in each constituency shall be counted;

2) the number of ballot papers cast for each list of candidates shall be divided by odd numbers 1, 3, 5, 7 and so forth, until the number of the divisions equals the number of candidates nominated on the list;

3) all the division results concerning all the lists of candidates in a constituency shall be numbered in descending order;

4) the lists of candidates that correspond to the highest division results shall win seats.

(4) If the division result, the order number of which is equal to the number of seats, coincides with one or several consecutive division results, the list of candidates that has received the largest number of votes wins the seat.

(5) If these candidate lists has an equal number of votes, a seat is won by the candidate list that was first submitted.

(6) The names of the candidates nominated on each list shall be ranked according to the number of votes they have received. The number of votes cast for each candidate shall be equal to the number of votes cast for the list in which his/her name has been included, minus the number of ballot papers on which the name or surname of this candidate has been crossed out plus the number of all the ballot papers on which the voters have made a + mark opposite the candidate's surname. If two or more candidates on the same list have received an equal number of votes, they shall be ranked in the same order as on the originally submitted list.

(7) The candidates who have received the largest number of votes shall be regarded as elected, whereas the others shall remain as candidates, and their names shall be ranked in the order according to the number of votes cast for them.

**Article 42.** (*deleted 07.12.1996*)

**Article 43.** (1) If an elected Member of the council has died, given up his/her mandate, or declined it for some other reason, he/she shall be replaced by the candidate ranked next on the same list of candidates.

(2) If for any reason referred to in part one of this Article a list is short of candidates, then the list of candidates which will win a seat shall be determined by the Central Election Commission according to the procedure set by part two of Article 41 of this Law.

**Article 44.** (1) Election results shall be approved by the decision of the respective city or municipality election commission. The city and municipality election commission shall send it together with the minutes of the meetings of the election commissions to the Central Election Commission. The remaining election materials shall be kept in accordance with the procedure set by the Central Election Commission.

(2) All the petitioners of candidate lists within three days after elections have the right to acquaint themselves with lists of voters, and within three days after declaring of election results – with minutes of the meetings of the election commission.

(3) The election results of city councils shall be sent for publication in the newspaper “*Latvijas Vēstnesis*” and on the website of the Central Election Commission no later than seven days after the elections.

(4) The results of municipality councils elections shall be displayed in a visible place where a municipality councils and rural territory or town administration supply information as well as shall be sent for publication on the website of the Central Election Commission no later than three days after the elections. The results of municipality council elections shall be sent for publication also in the newspaper of local government but if there is no such newspaper – in any other local newspaper within three day after the elections.

**Article 45.** (1) The city or municipality election commission chairperson shall summon the newly-elected Council members to the first council meeting not earlier than 10 days and not later than 20 days after the election results have been announced.

(2) In pursuance of the Court judgement that leaves unaltered the decision of election commission approving election results, the city or municipality election commission chairperson shall summon the newly-elected Council members to the first council meeting within 10 days after the judgement have been announced.

## **Chapter VI<sup>1</sup>**

### **Contesting OF ELECTION RESULTS**

**Article 45<sup>1</sup>.** All the petitioners of candidate lists, as well nominated candidates may contest the decision of an election commission approving election results in the

Central Election Commission within three working days after the decision has been made. The Central Election Commission shall adopt its decision within three days.

**Article 45<sup>2</sup>.** The decision of the Central Election Commission may be appealed in court within three working days after the decision has been made.

**Article 45<sup>3</sup>.** If a court adjudicating the complaint finds the violations of election procedure or vote count and calculation of election results that affected the allocation of members' seats in the respective council between political parties, associations of political parties and voters associations, it shall repeal the decision of the respective city or municipality election commission approving election results and shall adopt one of the following decisions:

- 1) to charge the Central Election Commission to recount votes;
- 2) to charge the Central Election Commission to announce a repeat voting;
- 3) to charge the Central Election Commission to announce a repeat elections.

**Article 45<sup>4</sup>.** (1) If the court sentence has entered into force that repeals the decision of a city or municipality election commission approving election results, and the decision to announce repeat elections has been adopted, the Central Election Commission shall announce repeat elections of the respective council in accordance with the procedure set by law.

(2) An existing council shall perform its functions from the day when a complaint has been submitted till the day when the decision approving the result of repeat elections enters into force.

## **Chapter VI<sup>2</sup>**

### **organizing OF repeat voting**

**Article 45<sup>5</sup>.** (1) If the court sentence has entered into force that repeals the decision of a polling station commission approving results or the decision of the respective city or municipality election commission approving results of council elections, and the decision to announce repeat voting has been adopted, the Central Election Commission shall announce repeat voting within five days after the sentence have entered into force.

(2) A repeat voting shall be organized not later than three month after one has been announced. The Central Election Commission shall appoint the precise date.

(3) An existing council shall perform its functions from the day when a complaint has been submitted till the day when the decision approving the result of repeat voting enters into force.

**Article 45<sup>6</sup>.** Persons shall be eligible to vote repeatedly if they had the right to participate in the council elections, results of which have been repealed in accordance with Article 37<sup>1</sup> or Paragraph 1 of Article 45<sup>3</sup> of this law.

**Article 45<sup>7</sup>.** These candidates shall have the right to run as candidates in a repeat voting, which have been registered for the council elections, results of which have been repealed in accordance with Article 37<sup>1</sup> or Paragraph 1 of Article 45<sup>3</sup> of this law.

**Article 45<sup>8</sup>.** The repeat voting is prepared and organized by city or municipality election commissions and polling station commissions.

**Article 45<sup>9</sup>.** (1) A city and municipality election commission manifolds candidate lists that have been printed for the respective elections.

(2) A city and municipality election commission shall deliver voting envelopes and ballot papers to every polling station commission not later than five days before the repeat voting day. If a repeat voting is announced in particular polling districts, voting envelopes and ballot papers shall be delivered to the respective polling station commissions. The Central Election Commission shall ensure that ballot envelopes are made and delivered to city or municipality election commission.

**Article 45<sup>10</sup>.** A repeat voting, vote counting and calculating of the results shall be organized according to the procedure set out by this Law.

## **Chapter VII**

### **FINAL PROVISIONS**

**Article 46.***(deleted 26.04.2007)*

**Article 47.** Persons, who have hindered citizens from participation in the elections or from conducting campaigns through violent means, threats, bribery or any other illegal means, and election commission members, state or political organization officials who have forged election documents, deliberately counted the ballots incorrectly, avoided to follow the secrecy of voting or otherwise violated this Law, shall be held responsible as prescribed by law.

**Article 47<sup>1</sup>.** (1) Within five days after receiving a sentence in a criminal case regarding voting rights violations a city or municipality election commission shall evaluate according to the procedure set out by the Central Election Commission whether these violations have affected the allocation of seats in the respective elections and shall adopt one of the following decisions:

1) not to reallocate the seats among the candidates registered for the respective elections;

2) to reallocate the seats among the candidates registered for the respective elections.

(2) The decision of a city or municipality election commission specified in Paragraph 1 of this Article may be contested in the Central Election Commission within 10 days after the decision has been adopted. The Central Election Commission shall adopt its decision within three days.

(3) The decision of the Central Election Commission specified in Paragraph 2 of this Article may be appealed in court within three working days after the decision have been adopted.

**Article 48.** Council member candidates who have deliberately given false information in the declaration mentioned in Article 17, Paragraph 1, subsection 2 of this Law shall be held responsible in accordance with Article 272 of Latvia's Criminal Code and in the event of election, shall have their mandate annulled in the respective Council.

**Article 49.** (1) State and local government institutions and corporate enterprises have an obligation to provide election commissions with the rooms necessary for their work, free of charge.

(2) State and local government institutions and corporate enterprises have an obligation to provide political parties, associations of political parties and voters associations with the premises for the organization of pre-election events for the fee that covers the actual cost of these premises use.

**Article 50.** (*deleted 13.12.2012*)

**Article 51.** (1) It shall be prohibited to finance the election campaigns of voters associations from the state budget and local government budget, as well from state and local government corporate enterprises funds.

(2) It shall be prohibited to finance the election campaign of voters associations from anonymous donations.

(3) Political parties, their associations and voters associations shall be prohibited to organise, establish and develop contractual relations that attract or could eventually attract financial or other material liabilities in relation to the respective party of the agreement or a third party.

**Article 52.** (1) In the case specified in Paragraph 2 of Article 22<sup>1</sup> of this Law a complaint shall be submitted to the Administrative District Court, but in cases specified in Paragraph 4 of Article 37, Paragraph 1 of Article 45<sup>2</sup> and Paragraph 3 of Article 47<sup>1</sup> of this Law a complaint shall be submitted to the Administrative Regional Court.

(2) In examining the appeal, the court acts as the court of first instance. The appeal is examined by a court panel composed of three judges.

(3) The court shall examine the appeal and make a decision:

1) in cases specified in Paragraph 2 of Article 22<sup>1</sup>, Paragraph 4 of Article 37, Paragraph 1 of Article 45<sup>2</sup> – within seven days after the receipt of the appeal;

2) in the case specified in Paragraph 3 of Article 47<sup>1</sup> – within 30 days after the receipt of the appeal.

(4) The appellant shall specify the justification for the appeal. The burden of proof lies with the parties in the administrative process.

(5) If the deadline for carrying out a particular procedural activity is specified by law and if in carrying out the particular procedural activity the deadline set by the provisions of Paragraph 3 of this Article could not be observed, the judge (court) shall determine the deadline by which the relevant procedural activity shall be carried out.

(6) The court decision, as well as other decisions, which are taken while carrying out the procedural activities related to examining the case, cannot be appealed.

### **TRANSITIONAL REGULATIONS**

1. *(deleted 06.11.1996.)*

2. *(deleted 06.11.1996.)*

3. Verification whether the person registered as a candidate has not violated provisions of point 6 Article 9 of this Law shall be accomplished according to the procedure set by the Law on preservation and utilization of documents and collaboration with the USSR state security services.

4. *(deleted 06.11.1996.)*

5. *(deleted 06.04.2000.)*

6. If two or more administrative territories are unified, the elected councils in these unified administrative territories until the next elections comprise a unified decision-making institution – the council.

7. Provision of this Law is related to the elections of the unified decision-making institution of the unified administrative territories - the council.

8. The district councils elected on 29 May 1994 shall continue to function as stipulated by laws and regulations of the Cabinet of Ministers, until the municipality is reorganized according to the procedure stipulated by the laws, but not later than until 31 December 1997.

9. The Cabinet of Ministers shall submit to the Saeima draft laws on reorganization of the district municipality by 1 July 1997.

10. By 31 December 2004 the Cabinet of Ministers shall submit to the Saeima draft laws on required amendments to laws to ensure the implementation of provisions of Article 51 of this law.

11. From the day when a complaint has been submitted about contesting the decision of respective municipality election commission approving election results till the day when the decision approving the result of repeat elections enters into force an existing city, municipality or rural territory council shall perform the functions of the city, municipality or rural territory self-government after 1 July 2009 in accordance with the stipulations set by regulations on municipality self-government activity.

12. From the day when a complaint has been submitted about contesting the decision of respective polling station election commission approving election results or the decision of the respective municipality election commission approving election results of the municipality council election till the day when the results of repeat voting enter into force an existing city, municipality or rural territory council shall perform the functions of the city, municipality or rural territory self-government after 1 July 2009 in accordance with the stipulations set by regulations on municipality self-government activity.

13. Amendments to the paragraph 1 of article 2 of this Law replacing number "13" with number "9" are applicable when determining the number of deputies to be elected in local elections which will be held after this Law comes into force.

#### **An Informative Reference to European Union Directive**

Legal regulations have been included in the law, which are arising from the Council Directive 1994/80/EC of 19 December 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.

This Law takes effect at the moment of its proclamation.

This Law has been adopted in the Saeima on 13 January 1994.

The President of State G.ULMANIS

Riga, 25 January 1994

*For purposes of interpretation, the original Latvian text is to be regarded as official.*