

# Constitution of the Republic of Moldova

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*\* Republished.*

*Amended and supplemented by laws of the Republic of Moldova:*

*LP185-XVI of 29.06.06, MO106-111 / 07.14.06 art.502*

*LP344-XV of 07.25.03, MO170-172 / 08/08/03 art. 72 1*

*LP1471-XV of 21.11.02, MO169 / 12.12.02 art.1294*

*LP1470-XV of 11.21.02, MO169 / 12.12.02 art.1292*

*LP1469-XV of 21.11.02, MO169 / 12.12.02 art.1290*

*LP351-XV of 12.07.01, MO90-91 / 08.02.01 art.699*

*LP1115-XIV of 07.05.00, MO88-89 / 07.28.00 art.661*

*LP957-XIII of 19.07.96, MO54 / 08.15.96 art.517*

*Corrigendum to Art. 88, MO 1, Part II, August 19, 1994, p.1*

*Corrigendum to Art. 75, MO 10 from October 20, 1994, page 2*

**WE**, the plenipotentiary representatives of the people of the Republic of Moldova, members of the Parliament,

**STARTING** from the secular aspirations of the people to live in a sovereign country, expressed by the proclamation of independence of the Republic of Moldova,

**TAKING DUE ACCOUNT** to the continuity of the Moldavian people statehood within the historical and ethnic framework of its growing as a nation,

**STRIVING** to satisfy the interests of citizens of a different ethnic origin who alongside with the Moldovans constitute the people of the Republic of Moldova,

**CONSIDERING** rule of law, civic peace, democracy, human dignity, fundamental human rights and freedoms, the free development of human personality, justice and political pluralism as supreme values,

**BEING AWARE** of our responsibility and obligations towards past, present and future generations,

**REASSERTING** our devotion to overall human values and our desire to live in peace and harmony with all the peoples of the world, in compliance with the unanimously acknowledged principles and norms of international law, We herewith adopt this Constitution of the Republic of Moldova, and declare it as **THE SUPREME LAW OF THE SOCIETY AND OF THE STATE**

## **Article 38. Right to Vote and Right to Stand for Election**

(1) The will of the people shall constitute the basis of the State power. This will is expressed by free elections which are periodically conducted by way of a universal, equal, direct, secret and freely expressed ballot.

(2) The citizens of the Republic of Moldova having attained the age of 18 on or by the voting day inclusively are entitled to vote, except for the persons banned from voting by the law.

(3) The right to stand for election is guaranteed to all citizens of the Republic of Moldova enjoying the right to vote, according to the law.

## **Article 78. Election of the President**

(1) The President of the Republic of Moldova is elected by freely-expressed, universal, equal, direct, and secret suffrage.

(2) Any citizen of the Republic of Moldova may run for the office of President of the Republic of Moldova, provided that he/she has the right to vote and is over 40 years of age, had lived or has been living permanently on the territory of the Republic of Moldova for no less than 10 years and speaks the official state language.

(3) The candidate obtaining at least half the votes cast in the presidential election shall be proclaimed as the new President.

(4) If after the first ballot no candidate will have obtained the above-mentioned majority of votes, a second ballot shall be held to choose from the first-placed two candidates, in the order of the number of votes cast for them in the first ballot. On condition that the number of the votes cast for him be bigger than the number of the votes cast against him, the candidate obtaining most of the votes cast in the second ballot shall be proclaimed as the new President.

(6) The procedure for the election of the President of the Republic of Moldova shall be provided for by organic law.

## **Article 88. Other Powers**

The President of the Republic of Moldova also fulfils the following duties:

- a) awards decorations and titles of honour;
- b) awards supreme military ranks as provided for by the law;
- c) settles the issues on the citizenship of the Republic of Moldova and grants political asylum;
- d) appoints public officials, in terms provided for by the law;
- e) grants individual pardon;
- f) may request the people to express their will on matters of national interest by way of referendum;
- g) awards diplomatic ranks;
- h) confers superior degrees of qualification to officers holding positions within prosecuting bodies, courts of law and to other categories of civil servants, according to the law;
- i) suspends the acts of the Government which are contrary to the legislation until the delivery of the final judgment of the Constitutional Court;

*[Rectification introduced by the MO no.1, part II of 19.08.1994 (Art. 88 was supplemented with section i); section i) becomes section j)]*

- j) exercises other powers as provided for by the law.

## **Article 89. Suspension from Office**

(1) In case of committing serious offenses infringing upon constitutional provisions, the President of the Republic of Moldova may be suspended from office by the Parliament with the vote of two - thirds of its members.

(2) The motion requesting the suspension from office may be initiated by at least one third of the members, and it must be brought to the knowledge of the President without delay. The President may give explanations on the actions for which he is being censured before Parliament.

(3) If the motion requesting suspension from office meets with approval, a national referendum shall be organized within 30 days to remove the President from office.

### **Article 135. Powers**

(1) The Constitutional Court:

a) exercises, upon appeal, the review of constitutionality over laws and decisions of the Parliament, decrees of the President, decisions and ordinances of the Government, as well as over international treaties to which the Republic of Moldova is a party;

b) gives the interpretation of the Constitution;

c) formulates its position on initiatives aimed at revising the Constitution;

d) confirms the results of republican referenda;

e) confirms the results of parliamentary and presidential elections in the Republic of Moldova;

f) ascertains the circumstances justifying the dissolution of the Parliament, the removal of the President of the Republic of Moldova or the interim office of the President, as well as the impossibility of the President of the Republic of Moldova to fully exercise his/her functional duties for more than 60 days;

g) solves the pleas of unconstitutionality of legal acts, as claimed by the Supreme Court of Justice;

h) decides over matters dealing with the constitutionality of a party.

(2) The Constitutional Court carries out its activity on the initiative brought forward by the subjects provided for by the Law on the Constitutional Court.

### **Article 141. Initiatives for Revision**

(1) The revision of the Constitution may be initiated by:

a) a number of at least 200,000 citizens of the Republic of Moldova with voting rights. The citizens initiating the revision of the Constitution must cover at least a half of the territorial-administrative units of the second level, and in each of these units must be registered at least 20000 signatures in support of the said initiative;

b) a number of at least one third of the members of Parliament;

c) the Government.

(2) Draft Constitutional laws shall be submitted to Parliament only alongside with the advisory opinion of the Constitutional Court adopted by a vote of at least 4 judges.