

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

The Saeima Election Law*

*Modified by amendments adopted on 26 March 1998, 27 May 1998, 9 May 2002, 30 May 2002, 5 March 2003, 4 September 2003, 9 March 2006 and 6 April 2006.

Chapter I

GENERAL PROVISIONS

Article 1

Citizens of Latvia who have reached the age of 18 by Election Day have the right to vote unless any of the restrictions specified in Article 2 of this Law apply.

Article 2

The following persons shall not be eligible to vote:

- 1) persons serving a court sentence in penitentiaries;
- 2) *(acknowledged to be noncompliant with Articles 6 and 8 of the Constitution of the Republic of Latvia and ruled to be null and void as of 06.03.2003 by the decision of the Constitutional Court);*
- 3) persons who are recognised as incompetent in accordance with the procedure set by law.

Article 3

A person has the right to vote in any constituency.

Article 4

Any citizen of Latvia who has reached the age of 21 before Election Day may be elected to the Saeima unless any of the restrictions specified in Article 5 of this Law apply.

Article 5

Persons are not to be included in the candidate lists and are not eligible to be elected to the Saeima if they:

- 1) have been recognised as incompetent in accordance with the procedure set by law;
- 2) are serving a court sentence in a penitentiary;
- 3) have been sentenced for a deliberately committed crime—exceptions: persons who have been exonerated or whose previous criminal record has been expunged or annulled;
- 4) have committed a criminal offence in a state of mental incompetency or a state of limited mental competency or who, after committing 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 medical treatment or their cases have been dismissed without applying such a compulsory measure;
- 5) belong or have belonged to the salaried staff of the USSR, the Latvian SSR or another country's state security, intelligence or counterintelligence services;
- 6) 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;
- 7) *(deleted by the Law of 09.05.2002);*
- 8) have been punished by a prohibition to run for elections of the Saeima, European Parliament, city councils, county councils and rural municipality councils unless they have been exonerated or their criminal record has been expunged or annulled.

Article 6

(1) If the President of Latvia, the Auditor General, a member of the Council or the Audit Department of the State Audit Office, an ambassador extraordinary and plenipotentiary, a judge, a prosecutor, a police officer or a professional military person has been nominated as an election candidate, he/she must resign from office (service) after the list of candidates for the Saeima elections (hereinafter — list of

candidates) has been registered and must submit the documents certifying his/her resignation to the Central Election Commission within one month.

(2) If a member of the European Parliament wishes to run for the Saeima elections, he/she, within one month after the registration of the relevant list of candidates, must submit to the Central Election Commission documents certifying that he/she has resigned from the European Parliament. If such documents are not submitted, the Central Election Commission shall delete the candidate's name from the list of candidates for the Saeima elections.

(3) A member of a city, district, county or rural municipal council may be nominated as a candidate for the Saeima elections, but he/she shall lose the mandate in the respective council upon being elected to the Saeima. A person in mandatory military service or in alternative service may be nominated as a candidate for the Saeima elections; upon being elected, military persons shall be discharged from active service, and persons in alternative service shall be discharged from alternative service.

Article 7

(1) Latvia shall be divided into five constituencies for the Saeima elections:

- 1) Riga,
- 2) Vidzeme,
- 2) Latgale,
- 4) Kurzeme,
- 5) Zemgale.

(2) The Riga constituency shall include the city of Riga;

The Vidzeme constituency shall include the Alūksne, Cēsis and Gulbene districts; the city of Jūrmala; the Limbaži, Madona and Ogre districts; the Riga district (except the city of Riga); the Valka and Valmiera districts;

The Latgale constituency shall include the Balvi district; the Daugavpils district and city; the Krāslava, Ludza and Preiļi districts; the Rēzekne district and city;

The Kurzeme constituency shall include the Kuldīga district; the Liepāja district and city; the Saldus and Talsi districts; the Ventspils district and city;

The Zemgale constituency shall include the Aizkraukle, Bauska, Dobele and Jēkabpils districts; the Jelgava district and city; and the Tukums district.

Article 8

(1) The Central Election Commission shall determine the number of seats in the Saeima in proportion to the number of voters in a constituency as stated four months before Election Day according to the data provided by the Population Register. If the Saeima elections take place according to Article 48 of the Constitution, the number of seats is decided on the day when the elections are announced. Voters residing in foreign countries are included among voters of the Riga constituency.

(2) The number of members in the Saeima to be elected from each constituency shall be calculated in the following way:

- 1) the total number of voters shall be divided by 100;
- 2) the number of voters in each constituency shall be divided by the figure obtained from the division according to Paragraph 2, Point 1 of this Article. The whole numbers obtained in this way shall indicate the number of Saeima members to be elected in each constituency;
- 3) if the sum of the whole numbers obtained from the division according to Paragraph 2, Point 2, is less than 100, the number of seats shall be increased by one, first in the constituency where the result shows the largest fraction, then in the constituency with the next largest fraction, and so on until the sum total of the whole numbers is 100;
- 4) if any two constituencies show an equal result in fractions, the number of seats shall be first increased in the constituency where the result of the division according to Paragraph 2, Point 2, is the smallest whole number;
- 5) if any two constituencies show an equal result both in fractions and whole numbers, lots shall be drawn to determine which constituency will have an increased number of seats in the Saeima.

(3) The number of seats in each of the constituencies shall be published in the newspaper "*Latvijas Vēstnesis*" not later than 100 days before Election Day; if the Saeima elections take place according to Article 48 of the Constitution, the announcement shall be published not later than 50 days before Election Day.

Chapter II

SUBMISSION OF LISTS OF CANDIDATES

Article 9

(1) A list of candidates may be submitted:

- 1) by a legally registered political organisation (party);
- 2) by a legally registered association of political organisations (parties).

(2) Lists of candidates shall be submitted to the Central Election Commission within the timeframe and according to the procedure set by the Commission. A list of candidates shall be submitted by a person authorised by the decision-making body of the relevant political organisation (party) or the association of political organisations (parties).

(3) Lists of candidates shall be accepted starting from the 80th day before Election Day, but the 60th day before Election Day shall be the last date to accept the said lists.

(4) If the Saeima elections are held according to Article 48 of the Constitution, lists of candidates shall be accepted from the 50th day to the 30th day before Election Day.

Article 10

(1) The data to be included in the list of candidates shall be the full name and personal identity number of the candidate.

(2) The number of candidates on the list may exceed by three candidates the number of seats allotted for the constituency.

(3) The same candidate may be included only in lists bearing the same name, distributed in one or several constituencies. If a candidate is included in lists with different names, he/she must be deleted from all the lists.

(4) The name of the list of candidates must be the same as:

- 1) the name of the political organisation (party) if the list is submitted by a political organisation (party);
- 2) the name of the association of political organisations (parties) if the list is submitted by an association of political organisations (parties).

(5) Lists of candidates must be clearly legible and without deletions or corrections. They shall be signed by the person authorised by the decision-making body of the relevant political organisation (party) or the association of political organisations (parties).

Article 11

The following documents shall be attached to each list of candidates:

- 1) a statement signed by each candidate nominated on the list certifying his/her consent to the nomination and the processing of his/her personal data to be performed in accordance with the provisions of this Law;
- 2) the campaign platform signed by all the candidates on the list, the text of which shall not exceed 4,000 characters;
- 3) a declaration signed by each candidate on the list stating that the candidate is eligible according to Article 4 of this Law and that the restrictions stated in Article 5 of this Law do not apply to him/her;
- 4) the following data concerning the candidate confirmed by his/her signature:
 - a) full name, year of birth, gender, and, if the candidate wishes to declare them, also his/her ethnic background and family status;
 - b) personal identity number;
 - c) foreign citizenship (nationality), if any;
 - d) place of residence (major city, district, town, county or rural municipality);
 - e) places of employment and positions (including positions in civic, political, religious organisations, associations and trade unions) or if not employed by an employer, nature of work performed, status;
 - f) completed education (name of institution, year of graduation, educational level achieved or degree earned, area of specialisation);
 - 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) according to the status on 1 January of the year of submission of the list of candidates — real estate (type and address) in the ownership or possession of the candidate (also due to guardianship and trusteeship); candidate's transport vehicles

(land, air or water vehicles — their type, year of manufacture and registration) subject to mandatory registration with state institutions; real estate (type and address) leased to or rented from other persons by the candidate; the amount of the candidate's debts if the value of each individual debt or their total exceeds 20 minimum monthly salaries as set by the government; loans issued by the candidate if their value separately or together exceeds 20 minimum monthly salaries as set by the government; capital shares owned by the candidate, indicating their number and amount; cash accruals in the amount exceeding LVL 500; non-cash accruals and debit card account balances if their amount exceeds LVL 500 (indicating the name of each non-cash accrual holder or debit card issuer); securities — broken down by type — owned by the candidate [indicating their type, number, amount (nominal value) and the name of the legal entity — security issuer; for privatisation and compensation vouchers, only the number of vouchers should be indicated].

Article 12

- (1) The Central Election Commission shall register only those lists of candidates whose submitters have made a security deposit of LVL 1,000 in the bank account of the Central Election Commission.
- (2) The bank shall issue the depositor a document bearing the date, the name of the depositor and the name of the candidate list for which the deposit was made. The bank document shall be submitted to the Central Election Commission.
- (3) The security deposit shall entitle the depositor to submit lists of candidates bearing the same name to all constituencies; the deposit shall be returned to the depositor if at least one candidate from the list has been elected in at least one constituency.
- (4) If no candidate has been elected from the list, the Central Election Commission shall transfer the security deposit to the state budget.

Article 13

- (1) Lists of candidates conforming to the provisions of this Law shall be registered by the Central Election Commission.
- (2) The lists of candidates that have been registered may not be revoked, and amendments may be made only by the Central Election Commission in the following ways:
 - 1) by deleting the name of a nominated candidate if it is ascertained that:
 - a) the candidate is not eligible to run for the Saeima elections;
 - b) the candidate has not resigned from his/her office (service) as prescribed by Article 6, Paragraph 1 or 2, of this Law;
 - c) the same person has been nominated on the lists of candidates bearing different names (Article 10, Paragraph 3);
 - d) the candidate has died;
 - 2) by inserting a mechanical correction.
- (3) In the cases referred to in Subpoints "a" and "d", Point 1, Paragraph 2 of this Article, the candidate's name shall be deleted on the basis of a certificate issued by the relevant institution or of a court decision.

The following institutions may certify the relevant information:

- 1) the Department of Citizenship and Migration Affairs — that the candidate is not a citizen of Latvia or is a citizen of Latvia who has not reached the age of 21 by Election Day;
- 2) the Information Centre of the Ministry of the Interior — that the candidate is serving a sentence in a penitentiary;
- 3) the Information Centre of the Ministry of the Interior — that the candidate has been convicted of a deliberately committed crime and that his/her criminal record has not been expunged or annulled;
- 4) the Information Centre of the Ministry of the Interior — that the candidate has committed a criminal offence in a state of incompetency, a state of limited mental competency or has become mentally ill after committing a crime and is incapable of taking conscious action or controlling it and as a result has been subjected to compulsory medical treatment or his/her case has been dismissed without applying such a compulsory measure;
- 5) the relevant court by its decision — that the candidate belongs or has belonged to the salaried staff of the USSR, the Latvian SSR, or another country's state security, intelligence or counterintelligence services;
- 6) the relevant court by its decision — that after 13 January 1991, the candidate has 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;
- 7) *(deleted by the Law of 09.05.2002);*
- 8) the Department of Citizenship and Migration Affairs—that the candidate is dead;
- 9) the Information Centre of the Ministry of the Interior—that by a court decision the person is prohibited to run for elections of the

Saeima, European Parliament, city councils, county councils and rural municipality councils.

(4) The institutions specified in Paragraph 3 of this Article must present this information within five days in writing and free of charge to the Central Election Commission if so requested by the said Commission.

(5) If the Central Election Commission receives the information later than on the 50th day before Election Day that the nominated candidate is not eligible to run for the Saeima and if the Commission cannot make new ballot papers for the given candidate list, the voters shall be issued previously prepared ballot papers which contain the name of the ineligible candidate. The votes cast for this candidate shall not be taken into account when counting the votes and tallying voting results.

Article 13¹

(1) The decision of the Central Election Commission to register a candidate list or to refuse to register a candidate list, as well as the decision to delete a candidate from the list, may be appealed in court within three days after the decision has been made.

(2) In order to carry out the court ruling by which a decision referred to in Paragraph 1 of this Article is repealed, the Central Election Commission shall either register or discard the relevant candidate list or shall either restore the name of a candidate on the registered candidate list or delete it from the list.

Article 14

(1) The Central Election Commission shall assign numbers to the lists of candidates by first choosing the numbers by lot for those lists of candidates which have been registered in all five constituencies, then for those which have been registered in four constituencies, and so on. Choosing by lot is done in each of the above groups in the sequence that the lists of candidates were registered. The lists of candidates with the same name shall have the same number in all constituencies.

(2) The Central Election Commission shall ensure that the lists of candidates are printed on separate forms — ballot papers — and are delivered to polling station commissions.

(3) The ballot paper shall contain the following data:

- 1) the name of the constituency;
- 2) the number of the candidate list;
- 3) the name of the candidate list;
- 4) full names of the nominated candidates.

(4) In the ballot paper there is a blank space opposite each candidate's surname for the voter's annotation.

(5) The Central Election Commission shall ensure that ballot envelopes are made and delivered to polling station commissions.

(6) The name of the elections and the number of the convocation of the Saeima to be elected shall be printed on each ballot envelope.

Article 15

The Central Election Commission shall ensure that not later than 20 days or, if the Saeima elections are held in accordance with Article 48 of the Constitution, not later than 10 days before Election Day, the newspaper "*Latvijas Vēstnesis*" shall publish the following information:

- 1) campaign platforms;
- 2) all the lists of candidates and information about each candidate as set by this Law except the personal identity number of the candidate;
- 3) data concerning each candidate as specified in Article 11, Point 4, Subpoints "a" and "c"— "j" of this Law;
- 4) full names of the candidates about whom the Centre for the Documentation of the Consequences of Totalitarianism has information stating that at its disposal or at the State Archives or other national depositories there are documents certifying the fact that these candidates allegedly collaborated with the USSR, the Latvian SSR or another country's state security, intelligence or counterintelligence services on a contractual basis as agents or resident officers or that they were tenants of apartments used for clandestine activities.

Chapter III

Voting PROCEDURE

Article 16

(1) Not later than 10 days before Election Day, each polling station shall:

- 1) prominently display announcements about the registered lists of candidates, as well as campaign platforms;
- 2) make available to the public the data on each candidate as specified in this Law except the candidate's personal identity number.

(2) Not later than 15 days before Election Day, the district (major city) election commissions shall announce the address and the opening and closing time of the polling stations.

Article 17

Elections shall be held from 7 a.m. to 10 p.m., local time, on the first Saturday of October. If the Saeima elections are to be held at some other time of the year in case of the dissolution of the Saeima, Election Day shall be determined by the Central Election Commission.

Article 18

(1) At 7 a.m. the chairperson or the secretary of the polling station commission, in the presence of the commission, shall check to see that the ballot boxes are empty. Then the chairperson or the secretary of the polling station commission shall seal the ballot boxes with a sticker bearing the polling station's stamp and the signatures of all the commission members present. Election observers, if any, may also sign on the sticker.

(2) At a polling station, up to two authorised observers at a time from each political organisation (party) or association of political organisations (parties) that has submitted a list of candidates in the given constituency, as well as members of the Central Election Commission or the relevant district election commission or persons authorised by the said commissions, members of the relevant city, county or rural municipality election commission and media representatives, may observe the election process but not interfere with the work of the polling station commission. A candidate may not be an authorised observer.

Article 19

(1) During elections the maintenance of order at the polling station shall be the responsibility of the chairperson of the polling station 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 commission shall be responsible for supervising and storing documents, materials and assets at the disposal of the given polling station commission.

Article 20

A Latvian citizen's passport shall be a voter's identification document.

Article 21

Unless the exceptions specified in Article 25 of this Law apply, a voter may cast a vote only in person.

Article 22

(1) Voting shall be by secret ballot.

(2) Each voter shall be issued a set of ballot papers containing the lists of candidates nominated for the constituency and a ballot envelope bearing the stamp of the given polling station commission. The voter shall insert into this envelope the ballot paper containing the list of candidates that he/she has chosen to vote for. It is prohibited to issue any ballot papers separately.

(3) Inside the polling station, a member of the polling station commission, having checked that the person is a voter and that his/her passport does not already bear a mark about participation in the current Saeima elections, shall write the full name and personal identity number of the voter in the list of voters and shall make a mark in the voter's passport indicating that he/she has participated in the current Saeima elections. The voter shall sign the list of voters confirming the receipt of all ballot papers containing the lists of candidates nominated for the constituency and the ballot envelope.

(4) Members of the election commissions shall be prohibited from campaigning for or against any candidates or lists of candidates.

Article 23

(1) A separate room or compartment must be arranged inside the polling station for the voter to insert one ballot paper into the envelope and seal it in privacy.

(2) 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 unannotated.

(3) 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. The voter may also insert an unaltered (unannotated) ballot paper into the ballot envelope.

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

(5) If the voter has damaged the ballot paper or the envelope before inserting the ballot paper into the envelope, a new envelope or a new set of ballot papers with the names of the candidates nominated for the constituency shall be issued to the voter. The voter shall sign the list of voters, thus confirming receipt of a duplicate set of ballot papers or a duplicate ballot envelope, and a special entry to this effect shall be made in the minutes of the voting process.

Article 24

- (1) If any voter is unable to come to the polling station for health reasons, then on the basis of a written request filed by the voter or a person authorised by him/her and registered in a special journal, the polling station commission shall conduct voting by secret ballot at a place where the voter is located. Specially authorised observers shall have the right to supervise such voting.
- (2) Voting where the voter is located (on-site) may also be organised for the caregivers of the persons specified in Paragraph 1 of this Article, provided they have filed a written request in due time.
- (3) Other voters are not permitted to vote outside the polling station.
- (4) On Election Day the polling station commission shall continue to accept written requests to conduct on-site voting. Requests received after 12 o'clock shall be fulfilled if it is possible to arrive before 8 p.m. at the place where the voter is located.
- (5) Names of the voters who vote on-site as provided in Paragraphs 1 and 2 of this Article shall be entered in a separate voters' list, and their sealed ballot envelopes shall be inserted into a separate sealed ballot box.
- (6) Information about the ballot envelopes issued at the place of the voter and unused ballot envelopes, including damaged ones, shall be entered into the minutes of the voting process.
- (7) Persons who are regarded as suspects or are accused or on trial and for whom custody has been imposed as a security measure shall vote on-site in accordance with the procedure specified in Paragraph 1 of this Article.

Article 25

If a physical handicap prevents a voter from voting or signing the voters' list, a member of his/her family or some other trustworthy person shall make marks in the ballot paper in the voter's presence according to his/her instructions. A special entry to this effect shall be made in the voters' list. A member of the relevant election commission may not act as such a trustworthy person.

Article 26

- (1) On Election Day employers are responsible for allowing employees sufficient time off to go to vote.
- (2) Servicemen shall be given a leave of absence for the time required for voting.

Article 27

On Election Day only those voters who have entered the polling station before 10 p.m. shall be allowed to cast their votes after 10 p.m. Then the polling station shall be closed.

Article 28

- (1) Starting with the opening of polling stations on Election Day, the secretary of the polling station commission or, in his/her absence, another member of the commission authorised by the chairperson of the commission shall take minutes of the voting process in accordance with the procedure set by the Central Election Commission.
- (2) Any complaints made by voters about the voting process shall be immediately filed with the chairperson of the polling station commission and registered in the minutes of the voting process. Complaints about the voting process shall be examined, and a reply shall be issued to the claimant; the substance of the complaint shall be recorded in the minutes of the voting process.

Chapter IV

COUNTING OF VOTES AND TALLYING OF VOTING RESULTS

Article 29

- (1) The preliminary counting of votes shall start immediately after the polling stations have closed. Votes shall be counted at an open meeting of the polling station commission.
- (2) Up to two authorised observers at a time from each political organisation (party) or an association of political organisation (parties) which have submitted a list of candidates in the given constituency, as well as members of the Central Election Commission and the relevant district election commission and persons authorised by the said commissions, members of the relevant city, county or rural municipality election commission and media representatives, may be present at the commission meeting but may not interfere with the work of the commission.

Article 30

Immediately after the closing of the polling station, the polling station commission shall seal the ballot boxes, close the voters' lists and prepare the room for the counting of votes. The unused voting materials shall be packaged or placed in accordance with the procedure set by the Central Election Commission so that they do not get in the way of vote counting.

Article 31

- (1) The polling station commission shall write vote-counting minutes in two original copies. The vote-counting minutes shall consist of two

parts:

- 1) the preliminary vote counting (hereinafter — first part of the vote-counting minutes);
- 2) tallying of final results (hereinafter — second part of the vote-counting minutes).

(2) Before opening the ballot boxes, the polling station commission shall make an entry in the vote-counting minutes about the received, used and unused ballot envelopes and the number of voters at the polling station and off-site locations. The unused stamped envelopes shall be invalidated.

(3) After the information specified in Paragraph 2 of this Article has been recorded in the first part of the vote-counting minutes and after the unused election materials and envelopes have been packaged, the ballot boxes shall be opened. The ballot boxes shall be opened one at a time, and the ballot envelopes shall be counted.

(4) The unopened ballot envelopes removed from each ballot box shall be sorted as valid and invalid envelopes.

(5) The envelopes shall be deemed invalid if they are torn, if they do not bear a stamp of the given polling station or if they do not bear the name of the given elections and the number of the convocation of the Saeima to be elected.

(6) The invalid envelopes shall be counted and packaged unopened, and the number of invalid ballot envelopes shall be indicated on the package. The total number of invalid ballot envelopes shall be recorded in the minutes of the voting process.

(7) The number of valid ballot envelopes removed from each ballot box must be equal to or less than the number of voters on the voters' list.

(8) If the ballot box contains ballot papers that have not been inserted into ballot envelopes, they should be invalidated and packaged in accordance with the procedure set by the Central Election Commission.

Article 32

(1) After the valid ballot envelopes have been counted, they shall be opened and grouped according to their contents as follows:

- 1) envelopes containing one ballot paper from the given constituency;
- 2) envelopes containing more than one ballot paper;
- 3) envelopes containing a ballot paper from another constituency;
- 4) envelopes containing a torn ballot paper;
- 5) envelopes containing no ballot paper.

(2) Envelopes that contain one ballot paper from the given constituency need not be kept after the ballot papers have been removed from them. The ballot papers from these envelopes shall be placed together for counting.

(3) Empty ballot envelopes and envelopes that contain more than one ballot paper, a torn ballot paper or a ballot paper from another constituency shall be placed separately together with their contents.

Article 33

(1) After all the valid ballot envelopes have been opened, the polling station commission shall rule on the validity of ballot papers that were in ballot envelopes containing several ballot papers, torn ballot papers or ballot papers from another constituency.

(2) If a ballot envelope contains several identical ballot papers, only one of them shall be regarded as valid and shall be placed together with other valid ballot papers for counting, but the others shall be regarded as invalid.

(3) Empty ballot envelopes and ballot envelopes that contain torn ballot papers shall be regarded as envelopes that contain no valid ballot papers.

(4) If a ballot envelope contains more than one ballot paper and if these ballot papers are different in content (or have different annotations), the ballot envelope shall be regarded as an envelope that contains no valid ballot paper.

(5) The polling station commission shall resolve differences of opinion concerning the validity of ballot papers by majority vote. In case of a tie vote, the chairperson of the commission shall have the deciding vote.

(6) The valid ballot papers shall be grouped according to the names of the candidate lists. Then the votes cast for each list of candidates shall be counted.

(7) After the votes cast for each list of candidates have been counted, the polling station commission, in accordance with the procedure set by the Central Election Commission, shall promptly announce the number of votes cast for each list of candidates.

Article 34

(1) After the completion of the preliminary vote counting, the polling station commission shall sign the first part of the vote counting minutes, and before a break is announced, it shall package together:

- 1) all the valid ballot papers grouped and packaged according to the numbers assigned to the candidate lists;
- 2) all the ballot envelopes containing invalid ballot papers;
- 3) one original copy of the vote-counting minutes;
- 4) the lists of voters.

(2) The package shall be sealed and stamped with the stamp of the polling station commission. The authorised observers present shall also have the right to affix their own stamps or put their signatures on the package; if they do so, a note to this effect shall be entered in the minutes of the election process.

(3) The packaged election materials shall be left in the care of two persons designated by the polling station commission.

Article 35

(1) When work resumes after the break, the polling station commission, at an open meeting and in accordance with the procedure set by the Central Election Commission, shall:

- 1) *(deleted by the Law of 09.03.2006)*;
- 2) repeat the counting of the valid ballot papers cast for each list;
- 3) divide the ballot papers cast for each list into two groups — annotated and unannotated ballot papers. A ballot paper on which a voter has placed a "+" opposite a candidate's surname or has crossed out a candidate's name or surname shall be regarded as annotated. All other ballot papers shall be regarded as unannotated;
- 4) count the annotated ballot papers in which:
 - a) there is a "+" opposite a candidate's surname,
 - b) a candidate's name or surname has been crossed out.

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

(3) After the vote counting results have been confirmed, the polling station commission shall report them to the authorised observers and members of the mass media.

Article 35¹

(1) The submitters of candidate lists have the right to read the vote-counting minutes and contest these minutes by presenting their objections to the Central Election Commission within three days after the election results, as recorded in the vote-counting minutes, have been approved. The Central Election Commission shall examine the complaint and take a decision within three days.

(2) The decision of the Central Election Commission concerning the contested vote-counting minutes of the polling station may be appealed in court within three days after its adoption.

Article 36

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 stamped ballot envelopes, invalid ballot envelopes and one original copy of the vote-counting minutes, shall be packaged and sealed. The authorised observers present shall also have the right to affix their own stamps or put their signatures on the package, and this must be recorded in the minutes of the voting process. The unused unstamped ballot envelopes shall be packaged separately. Then, in accordance with the procedure set by the Central Election Commission, the polling station commission shall deliver all election materials to the district (major city) election commission.

Article 37

The district (major city) election commissions shall accept and tally, according to the vote-counting minutes, all the vote-counting results of the polling stations located in their administrative area and shall send election materials, together with their own vote-counting minutes, to the Central Election Commission in accordance with the procedure set by the Commission.

Article 38

(1) The Central Election Commission shall determine which candidates have been elected in each constituency. Lists of candidates with the same name that have received less than five per cent of the total number of votes cast in all constituencies, regardless of the number of constituencies where these lists of candidates have been submitted, shall be excluded from the allocation of seats. The number of valid ballot envelopes shall be regarded as the total number of votes cast (the total number of voters taking part in the election).

(2) The procedure to be applied in allocating the seats in the Saeima among the winning 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) within a constituency the lists of candidates that have the highest division results shall win seats. If the division result, the order number of which is equal to the number of seats assigned to the constituency, coincides with one or several consecutive division results, the list of candidates that has received the largest number of votes in all constituencies wins one more seat. If lists of candidates have been registered in only one constituency, the seat is won by the list of candidates which was registered first.

Article 39

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. 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 of the largest number of votes received.

Article 40

If, according to Article 38 of this Law, the same candidate has been elected in more than one constituency, the candidate shall be regarded as elected from the constituency where he/she has received the largest number of votes; in the other constituencies, the candidate with the next largest number of votes on the same list shall be regarded as elected.

Article 41

If an elected Saeima member 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.

Article 42

If for any reason specified in Article 41 of this Law a list is short of candidates, then the list of candidates which will win a seat in the Saeima shall be determined according to the procedure set by Article 38 of this Law.

Chapter V

PARTICIPATION OF CITIZENS OF LATVIA IN THE SAEIMA ELECTIONS IF THEY RESIDE IN A FOREIGN COUNTRY AT ELECTION TIME

Article 43

(1) Upon the proposal of the Ministry of Foreign Affairs, the Central Election Commission shall establish polling stations in diplomatic and consular missions of the Republic of Latvia.

(2) Upon consultation with the Ministry of Foreign Affairs, the Central Election Commission may also establish polling stations in other premises suitable for this purpose.

(3) Voters who during election time are staying abroad may vote on Election Day in person at one of the established polling stations or by mail in accordance with the procedure set by this Law.

(4) The Central Election Commission may establish election commissions and polling stations on ships sailing under the Latvian flag and registered in the Republic of Latvia.

(5) Voting on ships may be conducted provided that compliance with the provisions of this Law can be ensured.

Article 44

(1) Voters casting their votes in polling stations that have been established in foreign countries or aboard ships shall receive ballot papers containing the lists of candidates nominated for the Riga constituency, and their votes shall be added to the other votes cast in the Riga constituency.

(2) The voting procedure for polling stations located in foreign countries is specified in Chapter III of this Law (except Article 24).

Article 45

(1) A voter wishing to vote by mail shall submit an application to this effect to the relevant diplomatic or consular mission of the Republic of Latvia and shall present his/her Latvian citizen's passport. In the application the voter shall indicate his/her full name, personal identity number and the address to which the election materials shall be sent. The voter may apply for voting by mail five weeks before Election Day but not later than three weeks before Election Day.

(2) Having received such an application, the officer of the diplomatic or consular mission shall:

- 1) according to the presented passport, check that the applicant is a citizen of the Republic of Latvia who has reached 18 years of age and that his/her passport does not already bear a mark about participation in the current Saeima elections;
- 2) enter the name of the voter in a special voting-by-mail register;
- 3) make a note in the voter's passport about participation in the current Saeima elections.

(3) If the application for voting by mail has been submitted without due consideration of the deadline and the procedure specified in Paragraph 1 of this Article or if the applicant is not entitled to vote or if his/her passport already bears a mark testifying that he/she has already voted in the current Saeima elections, the officer of the diplomatic or consular mission shall decline to deliver election documents and shall justify the refusal.

(4) A voter who has registered for voting by mail may change the address to which the election materials should be sent not later than three weeks before Election Day by submitting an application to the relevant diplomatic or consular mission.

(5) When the polling station commission starts its work, the officer of the diplomatic or consular mission shall transmit voters' registers to the commission.

(6) Not later than 15 days before Election Day, the polling station shall send to the voter, at the address indicated in the voter's application, a set of ballot papers containing all the lists of candidates nominated for the Riga constituency, a ballot envelope bearing the stamp of the given polling station and a registration form containing information about the voting procedure and indicating the number assigned to the voter in the voting-by-mail register.

Article 46

(1) Having received election materials for voting by mail, the voter shall select the ballot paper containing the list of candidates he/she intends to vote for, shall make the annotations referred to in Article 23 of this Law if so desired, shall insert the ballot paper into the ballot envelope and shall seal it.

(2) The voter shall insert the sealed ballot envelope into a mailing envelope, together with the registration form indicating the full name and personal identity number of the voter, and shall immediately send the mailing envelope to the polling station commission from which he/she received the election materials. The mailing envelope shall indicate the voter's number in the voting-by-mail register and shall bear a notation that it contains a ballot envelope.

Article 47

(1) The polling station commission shall count votes in accordance with the procedure set by Chapter IV of this Law.

(2) The polling station commission shall open only those mailing envelopes which have been received by the time the counting of votes started at the given polling station. The valid ballot envelopes shall be kept unopened until the opening of the ballot boxes.

(3) When the polling station commission has opened the ballot box and has grouped the valid ballot envelopes, then before opening them, it shall add to them the ballot envelopes received by mail.

Article 48

(1) If, before vote counting starts, the polling station commission receives a mailed envelope addressed to the given polling station and if the mailed envelope bears a notation that a ballot envelope is enclosed, the commission shall:

- 1) check if the voter's name has been entered in the voting-by-mail register and if the receipt of the ballot envelope from this voter has not already been recorded in the register;
- 2) check if the ballot envelope bears the stamp of the given polling station commission;
- 3) make an entry in the voting-by-mail register.

(2) A ballot envelope shall be regarded as invalid if it:

- 1) does not bear the stamp of the given polling station commission;
- 2) has been mailed by a voter whose name is not found in the voting-by-mail register;
- 3) has been mailed by a voter for whom an entry in the voting-by mail register has already been made certifying the receipt of a ballot envelope from this voter.

(3) The invalid ballot envelopes shall not be opened and shall not be inserted into the ballot box. They shall be numbered, and an entry explaining why they are regarded as invalid shall be made in the minutes. The invalid ballot envelopes, together with applications and mailing envelopes, shall be stored in accordance with the procedure set by the Central Election Commission.

Chapter VI

FINAL PROVISIONS

Article 49

Complete election results and the number of votes received by each candidate on each list of candidates at every polling station shall be compiled within six months and issued in a separate publication which shall be made freely accessible in state libraries.

Article 50

When 10 days have passed after the convening of the newly-elected Saeima, all the ballot papers shall be destroyed, and after the publication of the election results in accordance with the procedure set in Article 49 of this Law, all the minutes of the election commissions shall be deposited with the State Archives.

Article 51

(1) The persons who have submitted lists of candidates have the right to appeal in court the Central Election Commission's decision approving election results within three working days after the decision has been made.

(2) The filing of an appeal in court does not nullify the Central Election Commission's decision specified in Paragraph 1 of this Article.

Article 52

Persons who have been found guilty of using violence, deceit, threats, bribery or any other illegitimate means in order to hinder citizens from voting or from campaigning or who have intentionally given false personal information in the documents required by Article 11 of this Law or persons who have otherwise counterfeited election documents, deliberately miscounted the votes, trespassed the rule of confidentiality in voting or otherwise violated this Law shall be made liable as provided by law.

Article 52¹

(1) Within five days after receiving a sentence in a criminal case regarding violations committed during the election, the Central Election Commission shall evaluate whether these violations have affected the allocation of seats in the parliament and shall adopt one of the following decisions:

- 1) not to reallocate the seats in the parliament among the registered candidates;
- 2) to reallocate the seats in the parliament among the registered candidates.

(2) The decision of the Central Election Commission specified in Paragraph 1 of this Article may be appealed in court within 10 days the decision is adopted.

(3) When the decision specified in Paragraph 1 of this Article has become final, the Central Election Commission shall deliver it to the Mandate and Submissions Committee of the Saeima.

Article 52²

(1) Having received the Central Election Commission's decision regarding reallocation of seats in the parliament, the Mandate and Submissions Committee of the Saeima shall announce this decision at the next Saeima plenary meeting.

(2) If the Saeima supports the Central Election Commission's decision, then as of the moment of the announcement of this decision the term of office of the Saeima member mentioned in the decision expires, and the Presidium shall invite another person mentioned in the decision to become a Saeima member.

Article 53

Costs arising from the preparation and holding of the elections shall be covered from the state budget.

Article 54

(1) In the case specified in Paragraph 1 of Article 13¹, the appeal shall be submitted to the Administrative Regional Court, but in the cases specified in Paragraph 2 of Article 35¹, Paragraph 1 of Article 51 and Paragraph 2 of Article 52¹ appeals shall be submitted to the Department of Administrative Cases of the Supreme Court Senate.

(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 1 of Article 13¹, Paragraph 2 of Article 35¹ and Paragraph 1 of Article 51 – within seven days after the receipt of the appeal;
- 2) in the case specified in Paragraph 2 of Article 52¹ – 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.

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

This Law was adopted by the Saeima on May 25, 1995.

The President of Latvia

G. Ulmanis

Riga, June 6, 1995

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