

REPUBLIC OF LITHUANIA

LAW ON REFERENDUM

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CHAPTER II

INITIATION AND CALLING OF REFERENDUM

Article 9. Right of Initiative of Calling Referendum

1. The right of initiative of calling a referendum shall belong to the citizens and the Seimas.
2. The citizens' right of calling a referendum shall be conducted through the petition of 300 thousand citizens who are eligible.
3. A group comprising at least one-fourth of the Seimas Members may submit to the Seimas a proposal to call a referendum. A decision on this proposal shall be adopted in accordance with the procedure set forth by the Seimas Statute.

Article 10. Registration of the Initiative Group of Citizens

1. The citizens shall implement the citizens' right to call a referendum directly. With a view to this, an initiative referendum group ?? (hereinafter – group) of at least fifteen citizens who are eligible, shall be formed. The chief representative of the group shall visit the Central Electoral Committee and file an application to register the group and to adopt the text of the resolution proposed for adoption by a referendum and also, shall co-ordinate on a preliminary basis the question of the date of the Central Electoral Committee sitting.
 2. The group's application to the Central Electoral Committee must indicate: the referendum type, preliminary or final text of the resolution for adoption by referendum as well as, the coordinator (coordinators) of the group. The application shall be signed by all group members and having come to the sitting of the Central Electoral Committee, in which the issue of the group's application is deliberated, shall confirm the initiative expressed in favour of holding a referendum.
 3. The Central Electoral Committee shall draw up the group's registration act at their sitting no later than within 15 days from the
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day of its receipt. A copy of the act shall be issued to the group or a representative thereof no later than on the day following the day of registration of the group and forwarded to the Chairman of the Seimas. The Chairman of the Seimas shall inform the Seimas of the initiative of calling a referendum, expressed by the citizens.

4. If it shall be stated on the application of the group, that the text proposed for adoption of a resolution on the referendum, is preliminary, concurrently with the application by the representatives of the group, the necessary assistance must be rendered in drafting the final text of the resolution. by the Seimas Office as soon as possible, but no later than the day of the next sitting of the Central Electoral Committee, at which the issue of registering the group shall be discussed. The text of a resolution shall be deemed final, once all the members of the group have signed it

5. The Central Electoral Committee must, no later than within five business days of the registration of the group, issue it blanks for collecting the signatures of citizens.

6. It shall not be permitted to alter the text of the resolution proposed in the citizens' petition to call a referendum.

7. Should a member of this group withdraw his signature from the application to register the group, between the day of registering the group with the Central Electoral Committee and the day of issuance of the citizens' signature collection lists and if fewer than 15 members remain of the group, it shall be deemed that the initiative to call a citizens' referendum has been interrupted.

Article 11. Collection of Citizens' Signatures

1. The blank issued by the Central Electoral Committee for collecting citizens' signatures must contain the following application text:

I, a citizen of the Republic of Lithuania, certify that I support the petition to call a referendum on (presenting the entire text of the resolution submitted for a referendum).

2. The name and surname, and number of the passport or ID Card of the citizen who has collected the signatures, must appear at the bottom of the collection blank.

3. The group, relying upon a copy of the registration act, shall have the right to issue corresponding announcements in the mass media and to organise the collection of the signatures of citizens.

4. A citizen who has the right to vote may sign every such petition. The number of citizen signatures shall be unlimited, however, it must not be under 300 thousand. A citizen shall enter his own data and affix his own signature. Should a citizen be incapable to enter his own data and sign this petition himself, owing to physical shortcomings, another citizen may sign it upon his request. A corresponding entry on the citizen signature collection blank that is confirmed by the signature of the citizen, who has collected the signatures of citizens, must mark the fact of such a signature.

5. A three-month time limit shall be established in order to implement the provisions of the right of the citizens' initiative to call a referendum. It shall be calculated from the day of issuing the citizen signature sheets at the Central Electoral Committee.

6. The group shall accumulate citizen petitions to call a referendum. Having collected 300 thousand signatures, within the time limit set forth in paragraph five of this Article, the group shall draw up the concluding act and submit it to the Central Electoral Committee along with the citizen petitions.

7. A citizen shall have the right to withdraw his signature regarding the petition to call a referendum. He must inform the Central Electoral Committee of his decision no later than by the day of the transfer of the citizens' petitions to the Committee.

8. Should the required number of citizen signatures fail to be collected and submitted during the time limit set forth in paragraph 5 of this Article, the collecting of signatures shall be interrupted.

9. Citizens' signatures may be collected in public places and in residences. It shall be prohibited to compensate for citizen's signatures.

Article 12. Implementation of the Right of Group of Seimas Members to Call a Referendum

1. The proposal by a group of the Members of Seimas to call a

referendum shall be submitted to the Seimas. It must indicate: the type of referendum and the text of the resolution proposed to be adopted by a referendum. The members of Seimas shall sign the proposal and the Seimas Board shall confirm the authenticity of their signatures no later than within the course of two business days. The draft resolution of the Seimas on calling a referendum shall also be submitted to the Seimas along with this proposal. It shall be

deliberated by the Seimas at the next sitting of the Seimas and shall adopt a decision according to the procedure set forth in the Seimas Statute.

2. A Seimas member may withdraw his signature regarding the proposal to call a referendum. He must inform the Seimas of this decision no later than the start of the Seimas plenary sitting to deliberate the draft resolution of the Seimas on calling a referendum.

Article 13. Preliminary Examination of Citizens' Petition to Call Referendum

1. The Central Electoral Committee shall verify within 15 days the received documents on calling the referendum. The Central Electoral Committee, having determined that the documents meet the requirements of this Law, shall give to the Seimas the final act along with the citizen's petitions and its own conclusion.

2. The Central Electoral Committee, having established that the documents contain non-essential deficiencies or that very few (up to 0.5 per cent) of the citizens' signatures are missing, shall inform the group thereof and set a 15 - day time limit to eliminate these deficiencies. Having eliminated these deficiencies over the prescribed period of time, the petition to call a referendum shall be examined further according to general procedure.

3. Should the time limit for the implementation of the citizens' right of initiative to call a referendum be violated, the required number of citizens' signatures fail to be collected or should it be determined that gross violations of the law (falsified citizens' signatures or a violation of the principle of voluntariness in collecting signatures) exist in the submitted documents, the Central Electoral Committee shall refuse the petition to call a referendum, based upon a reasoned decision and inform the group and the Seimas thereof. The group shall have the right to appeal this decision to the Superior Administrative Court of Lithuania within the period of one month.

4. Should it be determined that a citizen has signed two or more times for calling the same referendum, all of his signatures shall not be counted. Signatures shall also not be counted, if in violation of paragraph 4 of this Article 11, the data about the citizen are entered on the signature sheet by someone else, and also, if all of the data set forth in this Law have not been included, or if they have been rendered falsely.

Article 14. Procedure of Passing Seimas Resolution Regarding Petition to Call Referendum

1.The Seimas, having received a properly registered final act of

the group along with the citizens' petitions and the conclusion of the Central Electoral Committee that the submitted documents correspond to this Law, shall deliberate the issue of the date of the referendum at the next sitting of the Seimas during the session. The representatives of the referendum group shall be invited to participate in this sitting. The resolution of the Seimas on the date of calling the referendum shall be passed in accordance with the procedure set forth in the Seimas Statute, no later than within one month from the day on which the discussion issue of the date of calling the referendum has been started.

2.Should the group of experts formed in the Seimas arrives at the conclusion that the referendum text supplied in the citizens' petition to call a referendum may not be in keeping with the Constitution of the Republic of Lithuania, can be the basis for not calling the referendum.

Article 15. Content of Seimas Resolution on Referendum

1. The type of referendum, date of conducting and the text of the resolution presented for referendum shall be indicated in the Seimas resolution on calling a referendum.

2. The date for conducting the referendum shall be selected for no later than in three months and no sooner than in two months from the day of passing the Seimas Resolution on the date of calling the referendum.

Article 16. Agitation Regarding Referendum

1.The day of the group's registration with the Central Electoral Committee or the day of the submission of the proposal to the Seimas by the Seimas group to call the referendum shall be deemed as the start of the referendum agitation campaign.

2. Upon entry into force of the Seimas resolution to call a referendum, the Central Electoral Committee shall publish in the public media and their website the text of the resolution for the referendum.

3. From the onset of the referendum agitation campaign, the group representatives, Seimas members, the President of the Republic, the Prime Minister, ministers as well as, political parties and political organisations (hereinafter - parties), registered according to the prescribed procedure, public organisations and citizens shall be accorded the right to conduct agitation without interference for the proposal to call a referendum, passage of the resolution presented for a referendum and also against the proposal to call a referendum and the passage of the resolution being presented for a referendum.

4. The form and measures of referendum agitation must not be contrary to the Constitution and laws of the Republic of Lithuania.

5. Referendum agitation shall be prohibited within less than 30 hours before the commencement of voting in the referendum and on the day of voting.

Article 17. Conditions and Procedure of the Use of Mass Media

1. A right to use the media free of charge shall be extended to the group

representatives, President of the Republic, Prime Minister, ministers, parties, public organisations and citizens. The Central Electoral Committee having coordinated with the heads of the National Radio and Television of Lithuania, shall approve the regulations of preparing broadcasts intended for referendum agitation and the actual duration and time of the National Radio and Television of Lithuania broadcasts. It shall also distribute the broadcast time in such a way that the equal rights principles of the group's and its opponents' representatives would not be violated. The representatives of both the group and its opposition shall be accorded at least seven hours each of the public (national) radio and television time for holding debates between them.

2. The group shall propose the participants of the radio and television broadcasts, who support the initiative of calling a referendum and the resolution proposed therein for passage, and it shall inform the Central Electoral Committee of this. The opponents of the group shall be the representatives of the parties and public organisations and other persons, who do not approve of the initiative of calling a referendum and of the resolution proposed therein for passage. They shall inform the Central Electoral Committee of their desire to take part in the debates. The Central Electoral Committee, adhering to the order of priority set forth in paragraph three of this Article, shall

comprise a list of the persons, who shall take part in the debates prepared for radio and television broadcasts.

3. The following order of priority shall be set for the persons in opposition to the group, who shall participate in the debates being prepared for radio and Television: The President of the Republic, Members of the Seimas (their order shall be determined through mutual agreement or by drawing lots); The Prime Minister; the ministers (their order shall be determined through mutual agreement or by drawing lots); the representatives of the parties whose candidates have been elected in multi-member electoral districts (their order of priority shall be determined through mutual agreement or by drawing lots); the representatives of the parties whose candidates have been elected only in single-member electoral districts (their order of priority shall be determined through mutual agreement or by drawing lots); representatives of the parties whose candidates had not been elected or did not take part in the Seimas elections, (their order of priority shall be determined through mutual agreement or by drawing lots); the representatives of public organisations (their order of priority shall be determined through mutual agreement or by drawing lots); citizens (their order of priority shall be determined by drawing lots). if some persons, who only support the calling of a referendum and the resolution proposed therein for passage or only oppose these, shall take part in the radio and television debates, they shall hold discussions with the broadcast manager or the broadcast participants invited by him.

4. Only the amount of the special election accounts shall limit the agitation in commercial mass media.

5. The Central Electoral Committee shall resolve all the disputes arising of referendum agitation.

Article 18. Publicity in Drafting and Conducting Referendum

1. The referendum committees indicated in Article 19 of this Law should draft and conduct the referendum openly. They inform the citizens about their work, formation and makeup of the city, regional and polling district referendum committees, location and work times.

2. Information concerning the meetings of the referendum Committee shall always be posted in the building, which is the headquarters of this Committee, on a bulletin board installed there and the referendum Committee members shall be informed personally at least 24 hours prior to the start of the meeting.

3. The Central Electoral Committee shall provide through the Internet website and the mass media, additional information regarding their meetings in which the issues shall be discussed regarding: the registration and determining of a group, whether the signatures submitted by the group meet the requirements of this Law; on the formation of the city and regional committees and the changing of the makeup thereof; on decisions based on drawing lots; on the results of the referendum and the determination of the final results of the referendum; also it shall provide information regarding the meetings in which disputes on the violations in referendum agitation and of this Law are being examined. The Central Electoral Committee shall also publish its decisions adopted in the course of organising and conducting the referendum and the preliminary voting results of the referendum. The preliminary results of the referendum shall be published in the Internet website, upon being received by the Central Electoral Committee.

4. The meetings and voting of the Central Electoral Committee and the city and regional referendum Committees, and also the activities of polling referendum committees in the course of voting and ballot counting shall be public. They may be observed by: group members, its representatives and observers, party representatives and observers upon the presentation of certificates of a specified form, and the representatives of mass information media, upon presentation of official or work certificates.

5. People present in the hall during the sittings may, while in their places, take shorthand notes or minutes of the sitting, photograph or film, and make sound and video recordings. To photograph or film and make video recordings, when that shall require moving around the station or employ special lighting equipment, and also to do direct broadcasts of the sittings by radio or television shall only be possible with the permission of the committee chairman.

6. The sittings and balloting of the Central Electoral Committee and the referendum committee may not hold closed sittings. The Central Electoral Committee may forbid outsiders to enter the work station of the staff serving the referendum committee and document storage, should that be necessary in order to ensure the undisturbed performance of these workers and to protect the referendum documents.

7. Should there be reason to believe, that a threat may arise in the course of the sitting to the safety of the participants at the sitting, the chairman of the committee may ask the police to check the

documents, personal belongings or do a personal check of the person, among the persons entering the hall.

8. The committee may remove from the hall the persons who interfere with its normal work performance.

9. The producers and disseminators of public information shall provide information through the mass media on the drafting and conducting of the referendum. Journalists shall have the right to participate in all events, which shall be organised by the referendum committees, and also may obtain information regarding the preparation and conducting of the referendum.