



## **ENEMO International Election Observation Mission**

### **Early Parliamentary Elections, 11 July - Moldova 2021**

#### **INTERIM REPORT**

**01.06.2021-25.06.2021**

**30 June, 2021**

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*ENEMO considers that the existing electoral legislation provides the main preconditions for conducting competitive early parliamentary elections. However, there are a number of insufficient and unclear regulations requiring to be addressed in order to avoid contradicting interpretations and improve the electoral legislation. The electoral administration mostly managed their activities within the legal deadlines and acted transparently, though some decisions of the CEC raised questions regarding impartiality of some of its members.*

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On 1 June 2021, the European Network of Election Monitoring Organizations (ENEMO) officially deployed an International Election Observation Mission (IEOM) to Moldova to observe the upcoming Parliamentary Elections of 11 July 2021.

ENEMO has accredited a total of 7 Core Team experts and ten long-term observers (LTOs) working in five teams. Due to health risks created by the COVID-19 pandemic, the IEOM is operating partially remotely, with only a part of the Core Team being deployed in the country. On Election Day ENEMO will observe the opening of polling stations, voting and counting processes. The Mission is headed by Dr. Zlatko Vujovic.

This is ENEMO's fifth mission to Moldova. The presence of ENEMO during the 2021 Early Parliamentary Elections in Moldova will provide the national and international community with elaborate information about the electoral process. Up until 25 June, the ENEMO IEOM has conducted 408 meetings, 132 with election management bodies, 64 with political parties, 37 with candidates, 50 with state officials, 31 with media and 82 with domestic civil society organizations, 12 with other stakeholders, in addition to observing 20 campaign activities (meetings or rallies).

The mission will monitor and assess the overall political and electoral environment, conduct of election management bodies, campaigning, gender equity, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the Moldovan legal framework. ENEMO will raise awareness of the domestic and international community regarding the main challenges and

problems observed in elections, thus advocating for adequate policy changes through the adoption of concrete recommendations.

This interim report is based on ENEMO's findings throughout the regions of Moldova observed from 1 June including 25 June, where ENEMO CT experts and LTOs focused on assessing the work of election administration bodies, registration of political parties and candidates, conduct of the election campaign, election-related complaints and appeals and other election related activities.

The mission will issue its preliminary statement of findings and conclusions after the Election Day and will remain in the country to also follow the potential complaints and appeals after Election Day. The final report will be issued within sixty days from the certification of results.

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Kingdom of the Netherlands



## Executive summary

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On 28 April 2021, President Sandu dissolved the parliament and called for early parliamentary elections to be held on 11 July. This decision was caused by the disagreement between the President and the majority in the parliament over the candidacy of the Prime Minister and forming of the government. The Constitutional Court recognized the constitutional ground for dissolving the parliament and also annulled the state of emergency declared by the parliament, thereby enabling the conditions for holding these elections.

The existing legal framework is in conformity with international standards and can ensure the conduct of democratic elections if properly implemented. However, election related regulations remain to be substantially revised to address the ambiguous and insufficient legal norms, and improve the regulations concerning election dispute resolution, misuse of administrative resources, oversight of campaign finance and other issues.

The adoption of regulations on the conduct of elections in the context of COVID-19 was a positive step, though the regulation was adopted with some delays after the campaign started. At the same time, the regulation establishes a different approach towards voters having COVID-19 symptoms depending on the time they render themselves at the polling stations, if they are voting abroad and reside on the left bank of Dniester. Unequal treatment of voters is not justified. Also, some regulations contradict the Electoral Code which has not been addressed by the Central Election Commission (CEC).

The Government has allocated from its reserve fund only 56 percent of the expenditures requested by the CEC for the conduct of these elections. Although public promises have been made by the Government to increase funds for the CEC, as well as by the CEC to revise and reduce the estimated expenditures, as of 25 June, no official decisions have been adopted. ENEMO expresses its concern on the impact that insufficient funding might have on the proper conduct of the electoral process, and considers that all the necessary measures should be taken to address this matter in time.

Election management bodies (EMBs) have managed most aspects of the elections in line with the legal requirements and deadlines. The work of the CEC during the observed period can be generally assessed as transparent. CEC sessions were open for observers and media. The CEC published the draft-agenda of the sessions in advance and provided draft-decisions before each session. CEC sessions were live-streamed on the CEC official Facebook page and YouTube channel, while its decisions were published on its website within 24 hours.

The CEC established 150 polling stations for voters abroad in 36 countries and 41 polling stations for the voters residing on the left bank of the Dniester river. Several of the mission's interlocutors have voiced concerns that the CEC decision related to the establishment of polling stations for voters abroad, without respecting the criteria provided by the Electoral Code, was politically motivated. The CEC decision became a matter of controversy and protests, and was legally challenged by several electoral contestants.

The total number of voters registered in the State Registry of Voters is 3,282,837. Of these, 258,691 are citizens with the right to vote registered on the left bank of Dniester (Transnistria) and 237,700 do not have a domicile or residence. Voters from Transnistria and those without a registered address are not included in the main voters list and will be recorded in the supplementary voters list on Election Day. Although the centralized SAISE system reduces the risks of electoral manipulations (*in primis* multiple voting), the issue of the Registry of Voters which does not provide accurate data on eligible voters actually residing in the country, nor personal information updates of Moldovan diaspora – remains a matter which negatively affects the transparency and integrity of the electoral process.

Within the legal deadline, the CEC has registered 23 electoral contestants, of whom 20 political parties and other socio-political organizations, 2 electoral blocs and 1 independent candidate, and has rejected the registration of 1 independent candidate. The total number of candidates for MPs in the lists of electoral contestants, including independent candidates is 1,791 out of which 956 are men and 835 women. ENEMO positively assesses the CEC decision not to register the electoral symbol of an electoral contestant which was similar to the symbol of another electoral contestant, avoiding confusion of voters.

There is no requirement for representation of both genders in election management bodies. All nine members of the Central Electoral Commission are male, though women are well represented in lower-level EMBs, including in leading positions. 37 DEC's are composed of 65% women and 35% men. Regarding managerial positions, 81% of the DEC's Secretaries, 54% of the Chairpersons and 46% of the Deputy-Chairpersons are women.

The initially slow pace of the campaign has increased, with billboards visible in the first days after the official registration of most contestants, campaigning on social media, door-to-door activities, as well as small-scale meetings and rallies. However, ENEMO observers reported indifference to COVID-19 measures at these meetings, including participants not wearing masks and not respecting distancing rules. The disregard of political parties and candidates for the health of voters involved in these events is a reason for concern, as is the lack of enforcement of these measures by State Police authorities.

Uneven timeframes for campaigning remain an issue in Moldova. This has yet to be addressed, as do excessive limitations on campaigning such as the prohibition of state images and symbols, which encroach on freedom of expression and related international standards.

In the framework of the campaign, intolerant, hateful or discriminatory messages were often observed in contestant's speeches. In order to fight incitement to hatred and moderate the tone of the campaign, the CEC proposed a Code of Conduct to be signed by electoral contestants and the mass media. Regrettably, only two political parties have signed this document at the moment of publication of this report.

ENEMO raises high concerns over the number of reported campaign violations, including public authorities tending to favor certain candidates, public authorities' involvement in the campaign observed in several areas, allegations of vote buying and misuse of administrative resources. These issues negatively impact the perceived integrity of the process and could affect the fairness of these elections.

The CEC is responsible for overseeing campaign financing. It verifies submitted financial reports in line with the requirements of the law. In some cases, electoral contestants were requested to update incomplete reports. However, the CEC does not have sufficient legal mechanisms and resources to examine sources of donations and their correlation with the income declared by donors in order to identify violations.

The media environment in Moldova is diverse and polarized, with a lack of editorial independence and capacity to provide balanced coverage due to high concentration of ownership over domestic broadcasting television stations, controlled by individuals affiliated with political parties. While broadcast media remain the primary source of political information, and at the same time the most influential, online media, including social media, have shown an increase in use by politicians as a platform to communicate their message to the electorate. The lack of specific regulation on online and social media raises concerns about dissemination of false information to numbers of targeted recipients and therefore influences the formation of political opinion.

Existing legal regulations do not guarantee the right to effective remedy and timely adjudication of complaints. In respect of some complaints, established deadlines are long, while legal regulations enable to protract adjudication of complaints. Regulations on the appeal procedures and competent body for considering complaints, as well as the right of standing caused different interpretations and created ambiguity. Unclear and insufficient regulations leave space to the CEC and the courts to reject complaints based on inadmissibility or other grounds.

The CEC registered international and domestic organizations in accordance with the law and is actively cooperating with them. ENEMO raises concerns regarding attempts at discrediting the work and reputation of one of the most reliable election monitoring organizations.

## Background

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Last parliamentary elections held in February 2019 did not result in a stable parliamentary majority. Only four lists entered the parliament without a clear majority: (1) the Party of Socialists of the Republic of Moldova (PSRM), (2) the Democratic Party of Moldova (PDM), (3) the ACUM (“Now”) - an electoral alliance of DA and PAS, and (4) the Șor Party.

The new ruling coalition consisting of ACUM and PSRM, two parties with the opposite policy orientation, was formed and resulted in the forming of the government led by Maia Sandu of PAS. Sandu’s government lasted only 5 months and was replaced by a government formed by the PRSM-PDM coalition led by PM Ion Chicu. Prime Minister Chicu resigned after Maia Sandu was elected in the second round for the President of the Republic of Moldova in November 2020 elections, defeating incumbent president Igor Dodon. Chicu’s resignation was followed by the forming of an interim government led by Prime Minister Aureliu Ciocoi, current Minister of Foreign Affairs and European Integration.

Early parliamentary elections were caused by a lack of understanding among the newly elected President of the Republic Sandu and the parliamentary majority consisting mainly of PSRM and PDM MPs regarding the forming of a new government. The Constitution stipulates that the President nominates a candidate for the Prime Minister after consultations with the parliamentary groups. If parliament fails to elect the Prime Minister at least two times, the President has the right to dissolve the Parliament. The President of the Republic took a series of moves including proposing candidates that could not reach the support of the majority of MPs, which caused the early parliamentary elections.

The first attempt to approve a new government took place on February 11, 2021. However, the vote of confidence in Natalia Gavrilica failed in Parliament. PSRM and their partners proposed former Minister of Finance Marianna Durllesteanu for the Prime Minister. Although she had the support of 54 out of 101 MPs she was not appointed by Sandu.

On 25 March, the Parliament was to consider voting on Igor Grosu's candidacy, but the attempt failed due to a lack of quorum. On 29 March, Sandu sent an appeal to the Constitutional Court to recognize the existence of circumstances for the dissolution of parliament. In order to prevent the dissolution of the parliament, the parliamentary majority declared a state of emergency due to the COVID-19 situation, which was declared by the Constitutional Court as unconstitutional on 28<sup>th</sup> April. Later on the same day, President Sandu dissolved the parliament and called for the early parliamentary elections to be scheduled on 11<sup>th</sup> July.

## Legal framework and electoral system

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### A. Legal Framework

The most important legal acts regulating parliamentary elections are the Constitution of the Republic of Moldova, the Electoral Code<sup>1</sup>, the Law on Political Parties<sup>2</sup> and the Law on the State Automated Information System "Elections".<sup>3</sup> Some aspects of the election process are also regulated by the Law on Ensuring Equal Rights of Women and Men,<sup>4</sup> Law on Social Integration of Persons with Disabilities,<sup>5</sup> the Criminal Code,<sup>6</sup> the Administrative Code,<sup>7</sup> the Contravention Code,<sup>8</sup> etc. In addition, relevant regulations are adopted by the Central Election

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<sup>1</sup> [Law No. 1381](#), dated 21.11.1997

<sup>2</sup> [Law No. 294](#), dated 21.12.2007

<sup>3</sup> [Law No.101](#), dated 15.05.2008

<sup>4</sup> [Law No.5](#), dated 09.02.2006

<sup>5</sup> [Law No.60](#), dated 30.03.2012

<sup>6</sup> [Law No.985](#), dated 18.04.2002

<sup>7</sup> [Law No. 116](#), dated 19.07.2018

<sup>8</sup> [Law No. 118](#), dated 24.10.2008

Commission (CEC). Moldova has also ratified many international treaties that regulate human rights protection, several aspects of which concern elections.<sup>9</sup>

For the 2021 Early Parliamentary Elections no amendments were adopted to the Electoral Code or other relevant laws. Amendments adopted in 2020 were mostly of a technical nature and did not lead to substantial changes in the legislation. Accordingly, several recommendations elaborated by ENEMO for improving the electoral legislation have not yet been addressed, and previously identified problems remain in force.

The existing legislation is in line with major international standards and can guarantee the conduct of democratic elections if implemented in good faith. However, there are some issues that need to be addressed. In particular, these issues concern election dispute resolution, misuse of administrative resources and oversight of campaign finance. There are also some regulations that cause ambiguity or are insufficient.<sup>10</sup>

On 3 June, the National Extraordinary Public Health Commission (NEPHC) adopted a Decision No.56 approving the “Instruction on the organization and conduct by the Central Electoral Commission of elections in the conditions of the pandemic situation with COVID-19 infection”.<sup>11</sup> Though the adoption of the decision was delayed as the campaign started on 21 May, it can be assessed as a step forward for ensuring that all regulations are observed during the election period to avoid the spread of COVID-19. It is also a positive fact that the special regulations are set forth to enable persons in self-isolation to vote via mobile box. It should also be noted that the Instruction has a different approach towards different categories of voters bearing symptoms of respiratory infection, as well as contains some derogations from the Electoral Code.<sup>12</sup>

## **B. Electoral System**

Elections to the unicameral Parliament in Moldova take place every four years. The 101 members of the Parliament are elected according to a proportional representation system (List PR) with a closed blocked list in a single nationwide constituency. The mixed electoral system introduced for 2019 parliamentary elections was annulled and the proportional representation system was reintroduced.

An electoral list may contain from 51 to 103 candidates. Seats are distributed among candidate lists that pass the legal electoral threshold. The nationwide electoral threshold varies depending on the type of list; for single parties or organizations is 5%; for an electoral bloc of two or more parties is 7%. Independent candidates, out of a party list can run, but to be part of the seats’ allocation process they need to pass the threshold of 2%. The electoral law stipulates that there

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<sup>9</sup> Among them are the European Convention on Human Rights and Fundamental Freedoms; International Covenant on Civil and Political Rights (ICCPR); Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); Convention on the Political Rights of Women; International Covenant on the Elimination of all Forms of Racial Discrimination (CERD); Convention on the Rights of Persons with Disabilities (CRPD), etc.

<sup>10</sup> For instance, Article 51 (4) of the Electoral Code, definition of electoral campaign, etc.

<sup>11</sup> [Decision](#) No.56 of the National Extraordinary Public Health Commission, dated 03.06.2021

<sup>12</sup> For more details see sections on Election Administration and Registration of Voters

should be at least 40 percent of candidates of both sexes. Additionally, among every ten candidates in the candidate list order there should be at least four candidates of both sexes. Registration would be refused to the candidate list that does not meet gender requirement.

## Election Administration

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The Early Parliamentary Elections of July 11, 2021 are managed by a three-tiered election administration: The Central Electoral Commission (CEC), 37<sup>13</sup> District Electoral Councils (DECs) and 2.150 Precinct Electoral Bureaus (PEBs) in total. The CEC supervises the activities of DECs and PEBs, and is responsible for registering electoral contestants, compiling and distributing voter lists, aggregating election results, overseeing campaign finances, etc. DECs and PEBs administer voting and counting procedures on Election Day.

According to the Electoral Code, DECs are established by the CEC no later than 50 days before the Election Day (i.e., no later than May 21<sup>st</sup>, 2021) and PEBs are established by a respective DEC no later than 25 days before the Election Day (i.e., no later than June 15).

### A. Central Electoral Commission (CEC)

The CEC is a permanent body with a five-year mandate. The CEC consists of nine members: one member is appointed by the President of the Republic of Moldova and the other eight members by the Parliament, respecting the proportional representation of the majority and the opposition. Even though the mandate of the current CEC members expired on 17 June 2021, the legal framework<sup>14</sup> allows for an extension during the electoral period.

The Parliament of the Republic of Moldova has been dissolved and has no power to amend the State Budget Law for 2021, in order to allocate financial resources for the organization of the elections. In this situation, the CEC has submitted to the Government a request to provide the necessary financial resources for the organization and conduct of the early Parliamentary Elections of 11 July. The estimated expenditures by the CEC amount to 125,046,700 MDL<sup>15</sup>.

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<sup>13</sup> The numbering of the DECs goes up to 38, but only 37 of them were established by the CEC. DEC no. 3, designated for the Bender electoral district, has not been established. DEC 37 is covering the polling stations established for the voters residing on the left bank of the River Dniester, including the Municipality of Bender and some localities of Causeni District.

<sup>14</sup> Art. 17, paragraph (6) of the Electoral Code: If the mandate of the CEC expires during the electoral period, the mandate shall be extended until the end of this period and the subsequent entry into office of the new members, but by a maximum of 90 days.

<sup>15</sup> CEC decision Nr. [4816](#) of 30.04.2021, on the approval of the estimated expenditure for the organization and conduct of the Early Parliamentary Elections of July 11, 2021. The total estimation of costs pertaining to activities of the CEC, DECs and PEBs in the country and abroad as well as for Anti-COVID equipment is 122,925,400 MDL and another 2,121.300 MDL for activities of the Centre for Continuous Electoral Training (CICDE).

On May 12, the Government decided to allocate 70,000,000 MDL<sup>16</sup> from the government reserve fund to the CEC, which represents only 56% of the expenditures requested by the CEC. Within the same decision, the Government recommended the CEC to revise the decision Nr. 4816, in order to reduce the estimated expenditures. Although public promises have been made by the Government to increase funds for the CEC, as well as by the CEC to revise and reduce the estimated expenditures, as of 25 June, no official decisions have been adopted. ENEMO expresses its concern on the impact that insufficient funding might have on the proper conduct of the electoral process and calls upon Moldovan authorities to take all the necessary measures to address this matter in time.

On May 5, the CEC adopted the calendar<sup>17</sup> for carrying out the actions of organizing and conducting the Early Parliamentary Elections of July 11. So far, the EMBs have generally<sup>18</sup> managed to comply with the deadlines provided in this calendar.

Regular sessions of the CEC are organized twice a week, while extraordinary sessions are held when needed. From the start of the electoral period, 5.05.2021, the CEC has held 25 sessions, until June 25. The ENEMO IEOM was able to observe 15 CEC sessions. Due to COVID-19 pandemic, the sessions are being held in a hybrid format (online and with physical presence). The CEC sessions are live-streamed on the CEC official Facebook page and YouTube channel.

The CEC sessions were open for observers and media. The CEC published the draft-agenda of the upcoming sessions in advance<sup>19</sup> and provided draft-decisions before each session. According to the Electoral Code, the CEC decisions should be posted on its website within 24 hours. ENEMO notes that this requirement has been generally respected.

As of June 25, the CEC adopted a total of 183 decisions since the start of the electoral period. Most of the resolutions were related to registration of electoral contestants, establishment of lower level Election Management Bodies, accreditation of observers, approval or modification of CEC regulations, electoral campaign finances, etc.

The CEC website contains the information in the state language, as well as in Russian and English languages. While the information in the state language is updated on a regular basis, the other two versions of the website contain only some information. ENEMO notes that relevant content, such as the minutes of the CEC sessions, is being published with notable delay, while the DEC's decisions are not being published at all. Such a practice may affect the transparency of the overall electoral administration's conduct.

The CEC and its Centre for Continuous Electoral Training (CCET - CICDE) conduct nationwide voter information and education campaigns, undertake a series of training programs for election stakeholders, and publish information related to the electoral process on

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<sup>16</sup> [DECISION](#) Nr. 57 of 12-05-2021 on the allocation of financial means.

<sup>17</sup> <https://bit.ly/3vP8m08>

<sup>18</sup> Minor delays have been observed by ENEMO IEOM as regards to the compliance with the deadline for establishment of the PEBs and election of their chairpersons, deputy-chairpersons and secretaries.

<sup>19</sup> According to the Article 25, paragraph (2) of the Electoral Code, the schedule of Commission meetings shall be made public 48 hours prior to their occurrence, except for the meetings held during elections, which shall be announced at a shorter notice given the fact that certain issues may require an urgent examination.

their website. The trainings for lower level EMBs are being conducted according to plan, both online and with physical presence, in state language and in Russian language. The Centre for Continuous Electoral Training has planned to organize trainings for judges, police officers, journalists, accountants and trusted persons of electoral contestants.

The CEC has not provided any recommendations to mitigate public health risks related to COVID-19 pandemic in elections, as the instructions<sup>20</sup> on this matter were issued by the National Extraordinary Public Health Commission (NEPHC - CNESP), similar to those issued for the Presidential Elections of 2020. Some measures provided by the NEPHC instructions are not fully in line with the electoral legislation<sup>21</sup>. These discrepancies can cause misunderstandings during the electoral process. ENEMO raises concerns that this aspect has not been addressed by the CEC so close to Election Day.

While the conduct of the CEC has been generally assessed by most interlocutors as professional and transparent, several interlocutors have voiced concerns that the CEC decision related to the establishment of polling stations for voters abroad, without respecting the three criteria<sup>22</sup> provided by the Electoral Code, was politically motivated. The CEC had to amend the decisions pertaining to the establishment of polling stations for voters abroad<sup>23</sup>, as well as

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<sup>20</sup> [https://gov.md/sites/default/files/hotarirea\\_cnesp\\_nr.56\\_din\\_03.06.2021.pdf](https://gov.md/sites/default/files/hotarirea_cnesp_nr.56_din_03.06.2021.pdf)

<sup>21</sup> According to these instructions, the EMBs chairpersons have the right to replace (Part 2, paragraph 2.1, b) a member of the EMB or an auxiliary staff member, as well as to restrict the access of the visitors (Part 2, paragraph 2.2). In the NEPHC instructions, there is a reference to the voting hours (Part 4, paragraph 4.11) from 08:00 – 21:00, while according to the Electoral Code (Art. 5), the voting on E-Day should start at 07:00. The transfer of the electoral documents and materials will be made by the chairperson of the electoral body accompanied by at most one member (Part 5, paragraph 5.2) according to NEPHC instructions, while according to the Electoral Code, this procedure should be carried out by the chairperson of the PEB along with the police officer and at least two members of the PEB (Art. 63, paragraph (6)).

<sup>22</sup> According to Art. 31, paragraph (3) of the Electoral Code of the Republic of Moldova, the polling stations for voters abroad are established by the CEC, with the prior approval of the Ministry of Foreign Affairs and European Integration (MFAEI), based on the number of voters who participated in the previous elections, organized in the national constituency, based on prior registration of Moldovan citizens abroad, but also on the basis of information obtained by the MFAEI from the competent authorities of the countries of residence of the citizens of the Republic of Moldova on their number and location. The MFAEI proposed to the CEC to establish 191 PSs.

<sup>23</sup> CEC decision Nr. [4966](#) of 5.06.2021 - on the establishment of polling stations abroad for the Early Parliamentary Elections of July 11, 2021, has been amended by the decision Nr. [4974](#) of 08.06.2021 and then by the decision Nr. [5060](#) of 23.06.2021. The CEC decided initially to establish 139 polling stations, then to reorganize and increase the number of the Polling Stations to 146 and after several court decisions to establish 150 Polling Stations in total for voters abroad. The first decision caused protests from several electoral contestants, as well as critics from the President, the Government and the civil society.

for voters from the left bank of Dniester<sup>24</sup>. Both decisions, including the amended ones, have been challenged in several court instances<sup>25</sup>.

## B. District Electoral Councils (DECs)

At least 55 days prior to elections, the CEC should establish the electoral districts which, as a rule, should correspond with the borders of second-level administrative-territorial units, and of the Autonomous Territorial Unit (A.T.U.) Gagauzia, Chişinău and Bălţi municipalities, and, at least 50 days prior to elections (i.e., no later than May 21<sup>st</sup>, 2021), it should create the DECs. ENEMO notes that the CEC has established the electoral districts and DECs in accordance with the legal framework<sup>26</sup>, and all the deadlines have been met<sup>27</sup>.

DECs should consist of an odd number of members, at least 7 and at most 11, of whom at least 3 must have completed higher legal education or public administration education. Except DEC 1 (Municipality of Chisinau) which is composed of 11 members, and DEC 38 (for polling stations established abroad) which is composed of 10<sup>28</sup> members, all the other DECs are composed of 9 members<sup>29</sup>. The 37 DECs are composed of 336 members in total, of whom 220 women (65%) and 116 men (35%). Two members of the DECs should be nominated by Courts, two members by the second-level local councils or by the People's Assembly of A.T.U.

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<sup>24</sup> CEC decision Nr. [4965](#) of 5.06.2021 - on the organization of polling stations for voters in the localities on the left bank of Dniester River (Transnistria), Bender municipality and some localities within the Causeni district, amended by the decision Nr. [4999](#) of 15.06.2021. CEC decided initially to open 44 PSs for the citizens residing in the left bank of Dniester River, 3 of which in localities only partially controlled by the constitutional authorities of the Republic of Moldova: 2 in Bender municipality and 1 in Corjova commune in Dubasari district. Subsequently, the General Inspectorate of Police informed the CEC that after discussions with the Joint Control Commission on June 10, regarding actions that could endanger the good conduct of the electoral process, they have identified potential difficulties which might negatively affect the proper functioning of the electoral process in the polling stations in Bender and Corjova. Thus, the CEC had to amend the first decision and to reduce the total number of PSs from 44 to 41, thereby excluding the PSs of Bender and Corjova.

<sup>25</sup> The electoral bloc "RENATO USATÎI", the Political Party PAS (Action and Solidarity Party), the Political Party Platforma DA (Dignity and Truth Platform), the Political Party PUN (Party of National Unity) the Political Party AUR (Alliance for the Union of Romanians), the Political Party Democrația Acasă (Democracy at Home) and the Political Party PACE (Building Europe at Home) have challenged initially the CEC decision [4966](#) and subsequently the CEC decision [4974](#) for the establishment of PSs abroad at the Chisinau Court of Appeal. On 17.06.2021, the Chisinau Court of Appeal [decided](#) to annul the annexes of the CEC decisions. On 18.06.2021 the CEC challenged the decision of the Chisinau Court of Appeal at the Supreme Court of Justice. The CEC appeal was [rejected](#) by the Supreme Court of Justice on June 22, 2021. After additional consultations with representatives of the MFAEI, the CEC approved a list of 150 PSs for voters abroad with the decision Nr. [5060](#) of 23 June, 2021.

<sup>26</sup> Art. 28 paragraph (1) and Art. 80 paragraph (1) of the Electoral Code; Points (8) - (9) of the [Regulation](#) on the particularities of the establishment and functioning of polling stations for voters of the Republic of Moldova domiciled in the administrative-territorial units on the left bank of the Dniester (Transnistria), Bender and some localities of Causeni district, approved by the CEC decision Nr. [1567/2018](#).

<sup>27</sup> The CEC established 38 electoral districts on 13.05.2021 (decision Nr. [4836](#)) and 37 DECs on 21.05.2021 (decisions Nr. 4861 – 4897). The CEC has not established a DEC for the Electoral District Nr. 3 (Bender).

<sup>28</sup> In its initial composition, the DEC 38 had 11 members. On June 14<sup>th</sup>, Secreriu Victor, a member of the DEC 38, resigned. On the same day, the CEC decided to amend the decision Nr. [4897](#) of 21.05.2021 for the establishment of DEC 38 with the decision Nr. [4992](#) of 14.06.2021, by excluding Mr. Secreriu from the list of members of DEC 38. Until 25.06.2021 the CEC had not decided neither to replace him, nor to exclude another member, in order to comply with the Electoral Code.

<sup>29</sup> [https://a.cec.md/storage/ckfinder/files/C2\\_tabel\\_date%20de%20contact%20a%20CECE%20II.pdf](https://a.cec.md/storage/ckfinder/files/C2_tabel_date%20de%20contact%20a%20CECE%20II.pdf)

Gagauzia and political parties and other socio-political organizations represented in Parliament, should nominate one candidate each<sup>30</sup>. Within three days from their establishment, the DEC's should elect by secret ballot a Chairperson, Deputy Chairperson and Secretary among their members. ENEMO notes that the deadlines regarding the procedures of electing the executive positions of DEC's and publishing their composition, location and contact information have been met.

As of June 25, the CEC made 9 changes in DEC's membership, of whom 8 replacements and 1 exclusion.

The DEC's are displaying all decisions and any other relevant information at designated places at the DEC's premises. Several DEC's are publishing their decisions at the official webpage of the respective 2<sup>nd</sup> level administrative unit<sup>31</sup>. All the DEC's are sending their decisions to the CEC on a regular basis. ENEMO notes that a dedicated section for the DEC's decisions on the CEC webpage, which was the practice in the last Parliamentary Elections of 2019, is not in place for this election. ENEMO considers this a step back in terms of transparency and providing information to the public.

### **C. Precinct Electoral Bureaus (PEBs)**

To conduct voting and counting procedures, Electoral Districts should be divided into polling stations. Polling stations are established by DEC's in localities based on recommendations made by the Mayors of towns (municipalities), sectors and villages (communes), at least 35 days prior to the Election Day. The polling stations should have between 30 and 3,000 voters, although this ceiling can be exceeded with up to 10 percent, again at the proposal of respective Mayors. As a rule, polling stations are established in public property premises and should be equipped in such a way as to facilitate the access of the elderly and of people with disabilities.

Within the deadline provided by the Electoral Code, 2,142 Polling Stations were established, of which 139 for voters abroad, and 44 for voters from the left bank of Dniester river. After various amendments by the CEC and court decisions, the total number of polling stations is 2150, of which 150<sup>32</sup> for voters abroad and 41<sup>33</sup> for voters from the left bank of Dniester river.

The PEBs should be established by the DEC's, 25 days prior to elections (i.e., no later than June 15, 2021), and should consist of an odd number between 5 and 11 members. Local councils

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<sup>30</sup> The People's Assembly of A.T.U. Gagauzia (DEC 36), the Municipality of Chisinau (DEC 1) and the 2<sup>nd</sup> level local councils of Dubasari (DEC 15), Falesti (DEC17) and Taraclia (DEC 33) have not nominated any members for the respective DEC's. The CEC nominated the remaining members of DEC's 1, 15, 17, 33 and 36 out of the Registry of Electoral Officials.

<sup>31</sup> DEC 2, Bălți; DEC 4, Anenii Noi; DEC 7, Cahul; DEC 10, Căușeni; DEC 12, Criuleni; DEC 16, Edineț; DEC 17, Fălești; DEC 18, Florești; DEC 20, Hâncești; DEC 22, Leova; DEC 24, Ocnîța; DEC 29, Soroca; DEC 30, Strășeni.

<sup>32</sup> The CEC decision Nr. [4966](#) of 5.06.2021 - on the establishment of polling stations abroad for the Early Parliamentary Elections of July 11, 2021 has been amended by the decision Nr. [4974](#) of 08.06.2021 and then by the decision Nr. [5060](#) of 23.06.2021.

<sup>33</sup> The CEC decision Nr. [4965](#) of 5.06.2021 - on the organization of polling stations for voters in the localities on the left bank of Dniester River (Transnistria), Bender municipality and some localities within the Causeni district for the early parliamentary elections of July 11, 2021 has been amended by the decision Nr. [4999](#) of 15.06.2021.

nominate 3 candidates and other members are nominated by political parties and socio-political organizations represented in Parliament, one candidate of each entity. ENEMO observers reported that in a few cases, local councils<sup>34</sup> and political parties<sup>35</sup> failed to provide DEC with nominations for PEB candidates. In such cases, the members were nominated by the DEC from the Registry of Electoral Officials.

ENEMO observers reported that few cases of delays were registered in the process of establishment of PEBs and election of their chairpersons, deputy chairpersons and secretaries, without significantly influencing the integrity of the process.

## Registration of voters

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According to the Constitution<sup>36</sup>, the citizens of the Republic of Moldova have the right to vote if they reach the age of 18 on the day of elections, with the exception of those citizens who are deprived of this right based on the law.

Moldova has a passive voter registration system. The voter lists are compiled by the CEC, based on the State Registry of Voters, which is a single integrated information system designed to collect, store, update and review the data on the Moldovan citizens who have the right to vote. Deceased persons and those who have lost the Moldovan citizenship should be removed from the State Registry of Voters. Several interlocutors of ENEMO IEOM raised concerns about the accuracy<sup>37</sup> of the voter's lists. Allegedly, they suspect that a large number of the deceased people and those who are no longer in the country are still in the VLs. Despite these suspicions, citizens could easily check their data and request the necessary changes to the VLs.

The total number of voters registered in the State Registry of Voters is 3,282,837. Out of this total number, 2,786,446 citizens with the right to vote are assigned to second level administrative units (32 districts, 2 municipalities and A.T.U. Gagauzia). The difference includes persons who do not have domicile or residence, including those who have emigrated abroad (237,700 voters) and citizens with the right to vote registered in the administrative-territorial units on the left bank of Dniester (Transnistria, 258,691). Voters from Transnistria and those without a registered address are not included in the main voters list and will be recorded in the supplementary voters list on Election day. Although, thanks to the centralized SAISE system, the risks of electoral manipulations (*in primis* multiple voting) are mitigated, the issue of the Voters Registry which does not provide the accurate data on eligible voters actually residing in the country nor personal information updates of Moldovan diaspora –

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<sup>34</sup> Municipalities of Reci and Radeni from Calarasi, as well as the municipality of Stefan Voda (3 PEBs), and Chisinau suburbs, where the draft-decision was put to the vote, however failed due to lack of quorum.

<sup>35</sup> In DEC 12, Criuleni, the political party “Platform Da” failed to submit 38 candidacies. Other political parties did not manage to appoint members in all PEBs due to lack of representatives, especially in the villages.

<sup>36</sup> Art. 38 of the Constitution.

<sup>37</sup> Among other inaccuracies reported by interlocutors, there is an unclear situation regarding the number of voters in A.T.U. Gagauzia, where the national VL includes 130.000 voters, while the registry of voters that is under Gagauzian autonomous government includes 108.000.

remains a matter which negatively affects the transparency and integrity of the electoral process.

Voters who for health reasons or any other justified case (patients staying at home, elderly, etc.) are unable to vote directly at the polling station, have the possibility to submit a request and vote at their place of stay. Mobile voting is also provided for voters who are homebound or in hospitals, due to COVID-19 circumstances. Voters who will manifest or be suspected of having most common COVID-19 symptoms before 15:00 on Election day will not be admitted inside the polling station, but will be placed on the homebound voting list. After 15:00, voting conditions will be created for persons with symptoms of COVID-19 by providing masks, gloves, priority passage to the voting booth and minimal contact with other people in the polling station. In polling stations for voters from the left bank of river Dniester as well as in polling stations abroad, voting will be allowed for all voters, regardless of their state of health<sup>38</sup>. ENEMO assesses that this different approach to voters' rights is not well-substantiated and does not ensure equal treatment of voters.

VLs are displayed at the premises of PEBs, as well as on the website of the CEC and voters can check their data until 10 July. Citizens may submit a complaint, or a correction request in case they notice discrepancies or mistakes in their personal data (or if they are not included in the VLs). The last day for requesting corrections is the day preceding the Election day. Requests for corrections to the list of voters should be examined within 24 hours by the relevant EMB, and its decision can be appealed in the court, if the request is rejected.

## Candidate registration

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The right to be elected is guaranteed to those citizens who have attained the age of 18 on the Election Day. Candidates cannot be military personnel on duty; persons sentenced to imprisonment by a final court decision and serving their sentence in penitentiary institutions; persons having active criminal record for intentional crimes, as well as persons deprived of the right to hold official positions.

Within the legal deadline, 24 electoral contestants, of whom 20 political parties and other socio-political organizations<sup>39</sup>, 2 electoral blocs<sup>40</sup> and 2 independent candidates<sup>41</sup> submitted to the CEC requests to be registered. The registration of electoral blocs, political parties and other

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<sup>38</sup> [Decision](#) Nr. 56 of the National Extraordinary Public Health Commission, dated. 3.06.2021, Part 4, paragraphs 4.9, 4.10, 4.11.

<sup>39</sup> "Building Europe at Home"; Joint Action Party - Civic Congress; "Șor" party; PAS - Action and Solidarity Party; "Speranța-Nădejda"; Democratic Party of Moldova; Dignity and Truth Platform; National Unity Party; "Democracy at Home"; "NEW" party; Party for the Development and Consolidation of Moldova; Alliance for the Union of Romanians; Green Ecologist Party; Party of Law and Justice; The "People's Power"; Party of Regions of Moldova; "Patriots of Moldova"; Party of Change; The "New Historical Option"; Labor Party.

<sup>40</sup> Electoral bloc "Renato Usatii"; Electoral bloc of the Communists and Socialists.

<sup>41</sup> Ion Stegărescu; Veaceslav Valico.

socio-political organizations was mainly dependent on the number of candidates on the lists (51-103) and gender quota (min. 40% of both genders; at least four candidates from each gender in every ten places). The registration of independent candidates was mainly dependent on the number of signatures of the supporters on the subscription lists<sup>42</sup> (at least 2000, at most 2500 for men and at least 1000, at most 2500 for women candidates). By 18 June, 23 electoral contestants of 24 were registered. The CEC rejected the registration of the independent candidate Ion Stegărescu, due to lack of supporters' signatures<sup>43</sup>. The number of signatures required for the independent candidates is in line with the international standards<sup>44</sup>. However, it should be stressed out that the restriction provided by the Electoral Code<sup>45</sup> that a citizen may sign in support of one candidate exclusively, is not justified and limits the citizens' freedom of choice. Despite the fact that previous ENEMO IEOMs recommended to amend the law in order to allow voters to sign in support of more than one candidate during the signature collection process, such recommendation still remains unaddressed and the specific provision is still at odds with international standards.

The CEC assigned the ranking of the 23 electoral contestants in the ballot based on the date of submission of their requests for registration. If two or more contestants submitted their candidate lists on the same day, the ranking in the ballot was decided upon draw of lots. The CEC refused<sup>46</sup> to register the electoral symbol of the "New Historical Option" Party (Partidul "Noua Opțiune Istorică"), because it was very similar to the symbol of Political Party PAS. As a result, the "New Historical Option" Party will be the only electoral contestant in the ballot paper without a symbol. ENEMO considers that this will avoid confusion of voters that could have been caused by using similar symbols.

The total number of the candidates for MPs in the lists of electoral blocs and political parties and other socio-political organizations, including independent candidates is 1791 out of which 956 are men and 835 women. As of 25 June, the CEC approved changes in the lists of candidates of three<sup>47</sup> political parties and other socio-political organizations.

## Electoral Campaign and Campaign Finance

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### A. Electoral Campaign

Electoral campaign is defined as a period of activity conducted to induce voters to cast their votes for an electoral contestant, beginning for each contestant from the date of their registration by the respective EMBs and ending on the date of exclusion from the elections or

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<sup>42</sup> Article 86, Paragraph (2) of the Electoral Code.

<sup>43</sup> According to CEC decision Nr. [5037](#) of 18.06.2021, Ion Stegărescu submitted only 1870 signatures, of which 400 were null and void.

<sup>44</sup> As per the [Code of Good Practice in Electoral Matters](#), the number of signatures should be lower than 1% of the voters in the constituency concerned.

<sup>45</sup> Article 47, paragraph (5) of the Electoral Code

<sup>46</sup> CEC decision Nr. [5041](#) of 22.06.2021.

<sup>47</sup> Political Party "[PAS](#)"; the Professional Movement "[Speranța-Nădejda](#)"; Political Party "[Democracy at Home](#)".

on polling day.<sup>48</sup> ENEMO observed that some competitors were already registered while documents filed to the CEC by some other contestants were still pending in the CEC, which created space for unequal campaigning timeframes, contrary to best practices<sup>49</sup>. The mission noted several reported cases of electoral campaigning ahead of the legal deadline, containing calls to go to vote for a certain candidate/potential election contestant.

A number of provisions regarding electoral campaigning remain at odds with international standards, such as the prohibition of state symbols and images enshrined in the Electoral Code,<sup>50</sup> while uneven dates for candidates to start their campaigns affects the principle of equality of opportunity<sup>51</sup>.

Campaigning was off to a slow start, with most contestants relying on small meetings with voters (or small-scale rallies) rather than larger rallies. ENEMO IEOM observers noted indifference to COVID-19 measures at these meetings (people not wearing masks and not respecting the social distance rule). The disregard of political parties and candidates for the health of voters involved in these events is concerning, as is the lack of enforcement of these measures by State Police authorities.

The level of visible campaigning is steadily increasing as Election Day draws nearer. Campaigning is primarily being conducted via both traditional and online media, social media platforms, billboards, door-to-door canvassing, distribution of leaflets and flyers (via tents established in the city centres), and meetings with voters. Main contestants' messages focused on social and economic issues, the country's geopolitical future, infrastructure projects and corruption.

Within three days from the official start of the electoral period, local public authorities were required to establish and guarantee the minimum of dedicated places for electoral posting, as well as establish a minimum of locations for organizing meetings with voters. However, as reported by ENEMO observers, it was not always possible to create sufficient space in these dedicated places for all of the 23 electoral contestants, leading to inequality in the visibility of their campaigns what is contrary to best practice and international standards, although it should be noted that such dedicated spaces for campaign materials are not very popular with competitors.

Intolerant messages were often observed in contestant's speeches. Some of these messages contained xenophobic, rusophobic, racial, national, gender and sexual minorities' discrimination. In order to fight discrimination and incitement to hatred, the CEC proposed

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<sup>48</sup> Article 1 of the Electoral Code

<sup>49</sup> Venice Commission Code of Good Practice in Electoral Matters, I.1.3.v.

<sup>50</sup> Article 52 paragraph (8) of the Electoral Code: "Images of state institutions and public authorities, both domestic and foreign, or international organizations may not be used in electoral advertising. Combinations of colors and / or sounds that resemble the national symbols of the Republic of Moldova or another state, the use of materials depicting domestic and foreign historical figures, as well as symbols of foreign states, international organizations, images of officials of other states are prohibited."

<sup>51</sup> Venice Commission for Democracy through Law, Opinion No. 190/2002, "Code of Good Practice in Electoral Matters", Point 2.3

that the election competitors and the mass media should sign a Code of Conduct<sup>52</sup>, but only two political parties have signed it so far.

Equality of opportunity must be guaranteed for contestants alike, consisting of a neutral attitude by central and local institutions during their institutional activities.<sup>53</sup> There is no definition in Moldovan law of administrative resources or its misuse, which by its nature can be identified as use of public goods or financial resources, by promoting public policies or the use of the institutional image that can influence the voting option, what creates the condition for political contestants in which they tend to the usage of it. Nevertheless, in this regard, the Electoral Code offers certain safeguards prohibiting the use of public resources with an electoral aim and contains provisions against the abuse of office, or administrative resources during an election period.<sup>54</sup>

ENEMO's mission raises high concerns over the number of reported campaign violations indicating that public authorities tend to favour certain candidates. Public authorities' involvement in the campaign was observed in several areas. Among others, the most visible violations detected by observers and defined as misuse of administrative resources are visits to public institutions and campaigning in municipal enterprises in several regions.<sup>55</sup>

In some instances, mayors and representatives of local public authorities were involved in campaigning and showed their political preferences in their decision whether to grant a designated place for meetings of contestants with the voters to the certain party or not (Orhei). Additionally, municipal administrations intensively and indirectly present results achieved during their governance as a result of the party they support (Sor, Taraclia). Police are favoring BECS according to ENEMO's interlocutors.<sup>56</sup> Some of the mission's interlocutors considered president Sandu's tour within the country, as a misuse of administrative resources, despite the fact that her activities do not fall under the definition of campaigning determined by the Electoral Code.

The mission was informed of a number of suspected cases of vote buying.<sup>57</sup> Several interlocutors of the mission raised concerns about the broad influence and access of BECS exclusively in the Transnistrian border area, and mentioned in particular the possible organized transportation of voters from Transnistria and buying of their votes.

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<sup>52</sup> [Cod de Conduita APA2021.pdf \(cec.md\)](#)

<sup>53</sup> Venice Commission for Democracy through Law, Opinion No. 190/2002, "Code of good practice in electoral matters"

<sup>54</sup> Parliament of the Republic of Moldova, Law No. 1381, dated 08/12/1997, amended, "Electoral Code of the Republic of Moldova", Art. 52, para. 7.

<sup>55</sup> Igor Dodon in Anenii Noi; BERU representatives in Balti.

<sup>56</sup> Mr. Vasile Bolea (PSRM) in Cahul intimidated independent mayors relying on Police.

<sup>57</sup> Social shops by Sor in Orhei, Besarabasca, Cimislia, and Cantemir. (Generally, the population of the poorest rural areas is the most influenced by this violation), Sor in Moscow (Russia)

## B. Campaign Finance

Party and campaign financing is regulated by several legal acts including the Electoral Code, the Law on Political Parties, the Law on Administrative Offences, the Law on the Court of Accounts, the Criminal Code and regulations supplemented by the CEC.

Electoral contestants are obliged to open a designated bank account entitled "Electoral Fund" and all campaign donations and expenditures must be carried out via this bank account.<sup>58</sup> ENEMO mission interlocutors reported that political party PACE had problems with opening an account, as the EXIMBANK was delaying the process, which led to further delays in the start of their campaign. Additionally, concerns were raised that the price for opening such an account is too high for some smaller parties to afford.

Electoral contestants not opening a bank account designated for campaign funds should inform the CEC during three days from the date of their registration as contestants. In that case, they should carry out campaign activities not involving financial expenditures.

Within three days after opening the bank account the contestant should submit the first financial report to the CEC. After the initial report, contestants should submit weekly reports on the funding and expenditures incurred during the electoral campaign.

These financial reports are published on the CEC website<sup>59</sup>, which is in line with the GRECO framework, as it ensures transparency of donations.<sup>60</sup> ENEMO observed that some electoral contestants<sup>61</sup> were submitting incomplete reports during the campaign period. Positively, the CEC published on their webpage that it obliges them to submit the missing information and/or the corrected report within three days, in an effort to increase transparency and enforce the regulations on campaign finance. Contestants have corrected their reports and fulfilled these obligations in time.

The CEC is verifying submitted reports, however it lacks legal mechanisms and resources to examine sources of donations and their correlation with the income declared by donors (concerns are related to the verification of sources of donations from abroad, lack of methodology to evaluate other sources of donations than money).

Most of the interviewed regional party representatives<sup>62</sup> pointed out that no monetary compensation is provided to volunteers. Reportedly, regional campaign managers are also working for free, despite the fact that for many of them the engagement in campaign activities represents a full-time job. The latter raises concern regarding hidden and non-transparent campaign finance.

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<sup>58</sup> Law No. 667, dated 08/12/1997, amended, "The Electoral Code of the Republic of Moldova", Art. 43, "Reports on Electoral Campaign Financing".

<sup>59</sup> [Sustinerea financiara | \(cec.md\)](http://cec.md)

<sup>60</sup> [CM-Rec 2003 4 - financing of political parties \(coe.int\)](http://coe.int)

<sup>61</sup> "Renato Usatii" Electoral Bloc, the "Action and Solidarity Party" (PAS), the "Dignity and Truth Platform" (PDA), the "Party of Common Action - Civic Congress"

<sup>62</sup> PAS, Sor, DA PLATFORM.

## Media

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### A. Media environment

The media environment in Moldova is diverse and polarized, with a lack of editorial independence and capacity to provide balanced coverage due to high concentration of ownership over domestic broadcasting television stations, controlled by individuals affiliated with political parties.<sup>63</sup>

#### *Traditional media*

Traditional media, especially in the audiovisual sector, continue to play an essential role during elections. While television remains the primary source of political information, and at the same time the most influential, print media consumption has declined significantly.

In line with the law, free airtime is allocated to political parties on national TV and Radio. According to majority interlocutors, especially on the local level, during the reported period contestants did not have interest to use this opportunity.

Several ENEMO IEOM media interlocutors raised concerns about the use of hate speech or discrimination. Most of these cases are generated online and are often directed against electoral contestants, party members and their supporters.<sup>64</sup>

#### *Online and social media*

The increased cost of advertising during the election period disadvantaged smaller parties and contributed to use of social media, in particular Facebook and Instagram as a platform to communicate their message to the electorate.

Since social networks present an important source of news and play a significant role in the campaign coverage, the lack of specific regulation on online and social media raises concerns about dissemination of false information to numbers of targeted recipients and therefore influences the formation of political opinion.

### B. Legal framework for the media

The regulatory conditions for broadcast media coverage are stipulated primarily by the Code for Audiovisual Media Services and Electoral Code during elections, while print and online media are self-regulated through the Association of Independent Press. Specifically, for the

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<sup>63</sup> The ENEMO IEOM will not conduct media monitoring activities. Findings and conclusions in this section are drawn from meetings with interlocutors that work on the media field in Moldova and monitoring of the activity of the body in charge of monitoring media conduct (Audiovisual Coordinating Council).

<sup>64</sup> REPORT no. 4 | Observation Mission for the Early Parliamentary Elections of 11 July 2021 <https://promolex.md>

July 11, 2021 early parliamentary elections, an additional regulation on media was imposed by the CEC.<sup>65</sup> Besides setting the rules for media during the election campaign and voting period, the CEC launched an invitation to electoral contestants and media to sign the Code of Conduct on the conduct of media and coverage of the election campaign.<sup>66</sup> To date, no media has signed this Code of Conduct.

The regulatory framework provides all parties with an equitable, balanced and impartial coverage, as well as free airtime or space in printed media for electoral contestants.<sup>67</sup> Parties and candidates are allowed to use the limited amount of free airtime in national broadcasters to reach and influence voters and free airtime for advertising in public broadcasters.

Compliance of broadcast media with rules and procedures for the provision of information related to the electoral process is monitored by the Audiovisual Council (AC) and reported bi-weekly to the CEC, while print and online media, including social media are not monitored by authorities and complaints can be filed with the courts. On the other hand, the AC reported to ENEMO problems with the monitoring of national broadcasters regarding the coverage of the election campaign. Primarily, the Audiovisual Council faces technical issues related to the monitoring software, with the addition of being understaffed in terms of monitors. Currently, the AC has only four monitors who monitor 15 media service providers.

The main trends identified during the 2020 Presidential elections are unaffected. ENEMO notes persisting shortcomings pertaining to the media environment, in particular related to online media monitoring. Insufficient steps are taken to monitor online media, including social media, to address fake news, negative campaigning and online disinformation in particular by identifying possible costs involving paid advertising and their sources<sup>68</sup>.

During the electoral campaign, the national broadcasters are obliged by law<sup>69</sup>, while local and regional ones are entitled, to organize electoral debates conducted in prime time and broadcasted live. Many interlocutors find this provision challenging in terms of securing the participation of candidates. At the same time, radio broadcasters have problems with amendments to the Electoral Code regarding the time of radio debates required to be organized at 19:00 h, which is not prime time on radio, contradicting the debates scheduled on television. Interlocutors assume that candidates invited to debate on television will not accept to debate on radio during the mentioned time. Some media outlets broadcast debates not only on TV, but also live on their website<sup>70</sup>, Facebook page<sup>71</sup> and Youtube channel<sup>72</sup>.

ENEMO observers were informed by some local media outlets that political parties are not interested in participating in the debates and they had to cancel some rounds. Additionally,

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<sup>65</sup> CEC, Regulation No. 4834 on the coverage of the election campaign in the early parliamentary elections of July 11, 2021 <https://bit.ly/2TX9HoC>

<sup>66</sup> <https://bit.ly/3gU4VRN>

<sup>67</sup> Articles 69 and 70 of the Electoral Code

<sup>68</sup> ENEMO final report, 2020 Presidential elections, <https://bit.ly/3iX7u6T>

<sup>69</sup> Article 70 paragraph (3) of the Electoral Code

<sup>70</sup> Jurnal TV, TVR Moldova

<sup>71</sup> Moldova 1, Pro TV, TVR Moldova, Jurnal TV, TV 8 etc.

<sup>72</sup> Jurnal TV, Moldova 1

according to interlocutors on the local level, political parties complain that they do not have access to TV stations, while media representatives claim that the electoral contestants manifest limited interest in taking free electoral broadcasting time in order to present their electoral programs and inform the voters.

## Gender Representation

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The most important legal act promoting women participation in politics and equality between men and women is the Law on Ensuring Equal Opportunities for Women and Men. Chapter II of the law specifically relates to creating equal opportunities for women in public life, which comprises access to public office, media coverage, engagement in the elections and in the activities of political parties and socio-political organizations. In that respect, a relevant requirement for political parties is to respect the minimum quota of 40% for the representation of both sexes in the list of candidates and also in the governing bodies.

Similarly, the Electoral Code sets forth that the lists of candidates should meet the requirement of 40% minimum representation quota of both sexes. The ranking of candidates on the list is done according to the following formula: a minimum of four candidates for each ten seats. If the requirement is not respected, the candidates list will not be registered. In case of amendments to the list, the gender quota requirement should be respected. ENEMO notes that for the 2021 Early Parliamentary Elections, all the lists of candidates submitted for registration observed the minimum gender quota requirement. One of the political parties, Green Ecologist Party has 52% of women candidates. Four political parties have women on the first place on the candidates list.<sup>73</sup>

According to the legislation, in case of withdrawal of an MP, a vacancy should be filled by the next candidate on the list of the political party, electoral bloc or socio-political organizations.<sup>74</sup> There is no specific regulation in case of withdrawal of a woman MP, in order to ensure that the number of women is not reduced in the parliament.

The legislation does not establish any gender representation quota for EMBs. All nine members of the CEC are male. Despite this lack of quota, women are well represented in lower-level election commissions. The 37 DEC are composed of 336 members in total, of whom 220 are women (65%) and 116 men (35%). Regarding managerial positions, 81 percent of the DEC Secretaries, 54 percent of the Chairpersons and 46 percent of the Deputy-Chairpersons are women.

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<sup>73</sup> Ecologist Green Party, AUR, Party of Law and Justice, Party New Historical Option.

<sup>74</sup> Law No.39 on the Status of the Member of Parliament, Article 2 (10), dated 07/04/1994

## Inclusion of Persons with Disabilities

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The Republic of Moldova has ratified the UN Convention on the Right of Persons with Disabilities (CRPD) in 2010. Optional Protocol to the Convention was signed in 2018. In addition to that, the Law on the Social Inclusion of Persons with Disabilities was adopted in 2012. It establishes that the state should ensure to persons with disabilities (PwDs) the right and opportunity to elect and to be elected, the right to adequate, accessible, and easy to understand voting procedures and materials, etc.

In 2016 the CEC adopted Regulation on Ensuring Access to the Voting Process for Persons with Disabilities.<sup>75</sup> The Regulation aims to ensure free access of PwDs to the election process, among other things it establishes that the CEC should ensure, to the extent possible, independent voting by PwDs by providing ballot papers in Braille, magnifying lenses, etc. It also states that local authorities should provide premises easily accessible and install ramps where necessary. Regardless of these regulations, the number of polling stations accessible for PwDs still remains an issue of concern and ENEMO will monitor the implementation of this regulation in practice on Election Day. It should be noted that most of the DEC's do not have information about the number of accessible polling stations.

At the same time, there is no requirement for electoral competitors to use sign language for electoral advertisements or to publish other electoral materials in an accessible format. This reduces the access of PwDs to very important campaign information. Only two electoral competitors -PAS and PUN- have published their electoral programs/materials in Braille.

CEC has taken some measures to ensure involvement of PwDs in the election process, for instance, the website of the CEC has a resizable text feature, one of the videos produced within the voter education program will be about accessibility of polling stations, some of the videos on elections have sign language interpretation, as well as on Election Day polling stations will be provided with voting booths for PwDs, also magnifying lenses and ballot frames in Braille.

## Complaints and Appeals

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Adjudication of complaints is regulated by the Electoral Code<sup>76</sup> and the CEC "Regulation on the Procedure for Examination and Resolution of Appeals by the Electoral Bodies during the

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<sup>75</sup> [Regulation](#) No.4463, dated 26.01.2016.

<sup>76</sup> Articles 71-75.

Election Period”.<sup>77</sup> The courts adjudicate election related complaints in accordance with the Code of Civil Procedure and the Administrative Code.

Voters and electoral contestants can challenge the actions/inactions and decisions of the EMBs and the actions/inactions of electoral contestants. Filing of a complaint with the court must be preceded by the prior administrative appeal in the hierarchically superior electoral management body. Complaints regarding the actions/inactions of electoral contestants should be submitted directly to the court. Appeals against the actions and decisions of the CEC should be submitted to the Chisinau Court of Appeal. Court decisions can be appealed in higher court instances within one day. The decision of the Supreme Court of Justice (SCJ) is final. The Constitutional Court examines the constitutionality of the laws and decisions of state authorities and takes a decision regarding the validity of the election results.

Complaints regarding the actions/inactions of electoral contestants, as well as decisions and actions/inactions of the CEC should be examined within five calendar days, while complaints concerning actions and decisions of the DEC and PEBs should be examined within three calendar days. Taking into account the short timeframes of the election process and the importance of ensuring an effective legal remedy, ENEMO considers that five days for adjudicating complaints is a considerably long period. The problem of timely consideration of complaints was also revealed in practice.

One of the most important complaints concerned the number of polling stations abroad. On 6 June some of the political parties<sup>78</sup> filed a complaint with the Chisinau Court of Appeal against the CEC decision No.4966 requesting to annul the decision of the CEC No.4966 and No.4974,<sup>79</sup> and to oblige the CEC to increase the number of polling stations abroad. The Court of Appeal rendered its decision on 17 June, annulling the decision of the CEC. On 18 June, the CEC challenged the decision to the SCJ which rendered a decision on 22 June rejecting the appeal of the CEC. Hence, it took more than 10 days (involving several recusals filed by the political parties, examination of unconstitutionality of certain regulations) to take the decision on the complaints concerning one of the most debated issues for the Early Parliamentary Elections of 11 July.

In respect of the above mentioned case an important decision was pronounced by the Constitutional Court regarding the complaint of the political party “Platform Dignity and Truth” (PDA) requesting to verify the constitutionality of legal provisions of challenging the CEC decisions directly to the Appellation Court, without following the preliminary procedure of challenging them to the CEC. The Constitutional Court declared the complaint inadmissible, however, it stated that the complaint could be filed directly to the Court of Appeal without undergoing the preliminary procedure when the decision of the CEC is not an individual act. ENEMO assesses that this is an important decision clarifying the existing procedural regulations on appealing the decision of the CEC. It also guarantees effective remedy as filing

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<sup>77</sup> [Decision No.3353](#), dated 20.07.2010

<sup>78</sup> PAS, PDA, PUN, Electoral Block “Renato Usatii”, AUR, Democratia Acasa Party (DAP), Acasa Construiam Europa Party (PACE). The Court merged all the appeals in a single case.

<sup>79</sup> The CEC decision No.4966 from 05/06/21 of constituting 139 polling stations and the decision No.4974 from 08/06/21 of increasing the number of polling stations up to 146.

the complaint to the same body which rendered a decision is unreasonable and would only prolong the time of adjudication.

Another case demonstrating that the existing timeframes and procedures of filing complaints are too long and unclear is the complaint submitted to the Chisinau Court of Appeal by the PDA, challenging the CEC decision of 5 June on the establishment of 44 PS for the voters from the Transnistrian region, requesting their decrease to 28 PS. The Court rejected the appeal as inadmissible, indicating that the appellant had not followed the mandatory procedure and had not submitted an initial complaint/preliminary request to the CEC.<sup>80</sup> PDA challenged the decision to the SCJ which annulled the decision and returned the case back to the Court of Appeal for reexamination.<sup>81</sup> As of 25 June the decision is not taken yet, proving that the process is protracted. Also, regulations on filing appeals and competent bodies are ambiguous which creates additional obstacles for effective adjudication of complaints.

The different interpretation of regulations on competent authority for adjudicating complaints was also illustrated in another case, when the CEC rejected the complaint claiming that it did not have competence as the case concerned the actions of the electoral competitor.<sup>82</sup> The decision was challenged to the Court of Appeal which annulled it, stating that the CEC had a competence to consider the complaint. The CEC challenged the decision to the SCJ.

Another problem related with the application of legal regulations is the rejection of the complaint based on the argument that the complainant could not prove the violation of his/her right. The CEC rejected a complaint concerning abuse of state resources stating that the complainant was not yet registered as a competitor, and also could not substantiate a violation of the right requested by Article 17 of the Administrative Code. The rejection was appealed to both the Court of Appeal and the SCJ, which upheld the decision of the CEC. The SCJ invoked the same argument as the CEC, stating that the complainant as a potential voter failed to prove violation of the right.<sup>83</sup> It should be noted that while granting the right to voters to file complaints, the Electoral Code does not establish any mandatory conditions, including the requirement to prove a violation of the right.

ENEMO considers that the extended deadlines and protracted adjudication of complaints, as well as ambiguous regulations concerning the competent body to examine complaints and the right of standing do not ensure the right to an effective remedy. In some cases, both the CEC and the courts used a formalistic approach to reject complaints. This contradicts the principle of an effective system of appeal established by the Venice Commission.<sup>84</sup>

As of 25 June, there were 12 complaints filed with the CEC out of which one was satisfied; two referred to other competent authorities; three pending examinations and six declared inadmissible. In total, 18 appeals have been submitted in respect of seven decisions of the CEC

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<sup>80</sup> The court relied on articles 208 (3) and 163 of the Administrative Code.

<sup>81</sup> [Decision](#) of the Supreme Court of Justice of 18 June, 2021.

<sup>82</sup> The complaint was filed by BECS against PAS claiming the abuse of state resources as the President appears in their printed materials.

<sup>83</sup> [Decision](#) of the SCJ of 11 June, 2021 Octavian Tacu vs Electoral Block of Communists and Socialist.

<sup>84</sup> [Code of Good Practice in Electoral Matters](#), II.3.3. Venice Commission, 2002.

(both to the Court of Appeal and the Supreme Court). Out of these seven were partially satisfied; four were declared inadmissible; seven are under examination.

## Observers

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The Electoral Code and the CEC Regulation on the Status of Observers and their Accreditation<sup>85</sup> are the main legal documents regulating the rights and accreditation of observers, both domestic and international.

The CEC should accredit representatives of international organizations, foreign governments and non-governmental organizations (NGOs). Domestic observers could be citizens of Moldova representing NGOs or contestants. The decision about registering domestic observers is taken in five days, while in case of international observers the deadline is ten days. Though, for the snap parliamentary elections ENEMO did not encounter any delays with registration of its observers, it still should be noted that the ten-day deadline is a very long period taking into account generally short timeframes of electoral process.

NGOs play an important role in ensuring democratic elections and are relevant interlocutors for international observation missions. ENEMO is closely cooperating with all the local election monitoring organizations and strives to strengthen and promote civil society organizations working on elections and democratic reforms. As it became known to the ENEMO IEOM one of the electoral contestants submitted a notification to the CEC against one of the most respectable and well-known election monitoring organizations, Promo-LEX, claiming that in its report the organization was partial, favoring other contestants.<sup>86</sup> The CEC has issued a reply to Promo-LEX informing of the behavior of the Election Monitoring Missions and their status during the electoral period.

ENEMO considers such notifications from electoral contestants followed with the ambiguous reply from the highest competent authority in electoral matters as an attempt to influence their election monitoring activities and undermine credibility. A fair and efficient electoral process with the participation of monitoring organizations, contributes to the consolidation of a positive position of a state not just in the eyes of its own citizens but also with the international partners. This type of behavior will not contribute to the development of a healthy electoral environment, nor build a creditable, transparent and sustainable electoral process in the country.

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<sup>85</sup> CEC Regulation No. 332, dated 24.10.2006

<sup>86</sup> On 11/06/21, the Electoral Block of Communists and Socialist submitted a notification to the CEC regarding the No.3 report presented by the Promo-Lex on 10/06/21. The complainant disagrees with Promo-Lex regarding the observations that 28 PSs would be sufficient for the population of the Transnistrian region (compared to CEC's decision of opening 44 polling stations at that moment). In addition, the complainant disagrees with the recommendation of Promo-Lex to open a minimum of at least 150 PSs abroad or more considering the number of population living abroad and requests for voting in previous elections.

As of 25 June, 1105 domestic observers and 292 international observers and experts were accredited. Out of the total number of domestic observers, 989 have been accredited from Promo-LEX, of whom 48 for polling stations abroad.

## About ENEMO

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The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded on September 29, 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

ENEMO seeks to support the international community's interest in promoting democracy in the region by assessing electoral processes and the political environment and offering accurate and impartial observation reports. ENEMO's international observation missions use international benchmarks and standards for democratic elections to evaluate the electoral process and the host country's legal framework. ENEMO and all its member organizations have endorsed the 2005 Declaration of Principles for International Election Observation and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations. Each ENEMO observer signed the Code of Conduct for International Election Observers.

ENEMO member organizations have monitored more than 250 national elections and trained more than 240,000 observers.

To date, ENEMO has organized 35 international election observation missions to 10 countries: Albania 2021, Parliamentary Elections; Moldova 2020, Presidential Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary Elections; Ukraine 2020, Local Elections; Moldova 2019, Local Elections; Ukraine 2019, Early Parliamentary Elections; Ukraine 2019, Presidential Elections; Moldova 2018-19, Parliamentary Elections; Armenia 2018, Early Parliamentary Elections; Moldova 2016, Presidential Elections; Ukraine 2015, Regular Local Elections; Ukraine 2014, Parliamentary Elections; Ukraine 2014, Presidential Elections; Ukraine 2013 – re-run of Parliamentary Elections 2012 in 5 MECs; Kosovo 2013, Local Elections, first round; Ukraine 2012, Parliamentary Elections; Kosovo 2011, Re – run of Parliamentary Elections; Kosovo 2010, Parliamentary Elections; Kyrgyzstan 2010, Parliamentary Elections; Ukraine 2010, Presidential Elections, second round; Ukraine 2010, Presidential Elections, first round; Kosovo 2009, Local Elections; Moldova 2009, Parliamentary Elections; Georgia 2008, Presidential Elections; Kyrgyzstan 2007, Parliamentary Elections; Ukraine 2007, Parliamentary Elections; Ukraine 2006, Local Elections in Poltava, Kirovograd and Chernihiv; Ukraine 2006, Parliamentary Elections; Kazakhstan 2005, Presidential Elections; Albania 2005, Parliamentary Elections; Kyrgyzstan

2005, Presidential Elections; Kyrgyzstan 2005, Parliamentary Elections; Ukraine 2004, Presidential Elections, second round re-run; Ukraine 2004, Presidential Elections.

ENEMO member organizations are: Center for Civic Initiatives CCI, Bosnia and Herzegovina; Center for Democratic Transition – CDT, Montenegro; Centre for Monitoring and Research – CeMI, Montenegro; Center for Free Elections and Democracy – CeSID, Serbia; In Defense of Voters’ Rights ‘GOLOS’, Russia; GONG, Croatia; International Society for Fair Elections and Democracy – ISFED, Georgia; KRIIK Association, Albania; Citizens Association MOST, Macedonia; Promo- LEX, Moldova; OPORA, Ukraine; Society for Democratic Culture SDC, Albania; Transparency International Anti-Corruption Center (TIAC), Armenia; Election Monitoring and Democratic Studies Center (EMDS), Azerbaijan; Belarussian Helsinki Committee (BHC), Belarus; FSCI, Kazakhstan; Kosovo Democratic Institute (KDI), Kosovo; Coalition for Democracy and Civil Society, Kyrgyzstan; Center for Research, Transparency and Accountability (CRTA), Serbia; Obcianske OKO (OKO), Slovakia; Committee of Voters of Ukraine (CVU), Ukraine.