



ENEMO International Election Observation Mission

Presidential Election, 1 November - Moldova 2020

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

03 November 2020

The election is competitive and conducted mostly in line with the electoral legal framework of Moldova, in a relatively professional and efficient manner. Contestants could campaign freely, despite restrictions imposed to protect public health and voters were presented with a wide range of choice. The Election day environment during the first round of election was generally calm; however, allegations of voter influence, primarily in polling stations established for voters residing in Transnistria are a concern. Few observed irregularities in procedures during election day did not seem to affect the legitimacy of the process, overall.

On 1 November 2020, citizens of Moldova went to polls to elect the President of the country for the next four years. Despite the challenges posed by the COVID-19 global pandemic, the preliminary turnout was at 42.76%. According to preliminary results from the CEC, none of the eight contestants was able to gather more than 50% of votes to be elected in this first round. The two candidates with the highest number of votes were the former Prime minister and leader of the Party Action and Solidarity, Maia Sandu with around 36%, and the incumbent President, Igor Dodon, running as an independent for a second term with 32.6%. A second round will be held on 15 November to elect the next President between these two candidates.

Upon invitation from the Central Electoral Commission of the Republic of Moldova, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to observe 1 November election. Voting was not organized in the territories on the left bank of the River Nistru; however, 42 polling stations were established for voters residing in this region, in different localities¹ in the territory under the control of the Moldovan authorities. Citizens of Moldova living abroad could vote in 139² polling stations established in 36 countries.

¹ Chisinau - 1, Balti - 1, Anenii Noi - 10, Causeni - 9, Criuleni - 2, Dubasari - 8, Floresti - 4, Rezina - 4, Stefan Voda - 3.

² CEC Decision No 4300 of 26 September 2020 on the establishment of polling stations for the election of the President of the Republic of Moldova of 1 November 2020.

In addition to the 8 Core Team members, ENEMO has also engaged 8 long term observers (LTOs) for the mission. Due to an increased health risk, as a result of the COVID-19 global pandemic, the IEOM is operating mostly remotely, with only a part of the Core Team being deployed in the country during the most crucial phases of the electoral process³. On Election day, 26 short-term observers were also deployed by ENEMO, in 13 teams of two observers, to follow the voting, counting, and tabulation of results.

The mission is monitoring and assessing the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equality, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the legal framework of Moldova. Until Election day the IEOM has conducted 348 meetings, with election management bodies⁴, presidential candidates⁵, political parties, state officials⁶, the international community, domestic civil society organizations, and media; in addition to observing 72 campaign activities (meetings or rallies).

This Statement of Preliminary Findings and Conclusions is based on findings from the start of the electoral period until Election day. The Preliminary Statement follows the [Interim Report](#) issued on 26 October 2020. The IEOM will remain in the country to follow the run-off election and issue a second preliminary statement, with the assessment of the period to follow after the first round, including the run-off Election day. The final report will be issued within sixty days from the certification of results.

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³ Election campaign, election day and run-off election day, and the period of potential post-electoral complaints and appeals.

⁴ Including the Central Electoral Commission.

⁵ The IEOM has reached out to all presidential candidates with a meeting request. Two of them were not met due to their schedule, but meetings with their representatives were held.

⁶ Including the Prime minister.

Preliminary Conclusions

The election related legal framework ensures conditions for holding democratic elections, despite the lack of clarity and effective regulation on specific matters. Some of the previous recommendations of ENEMO and other international and domestic observers have not been addressed and still pose a challenge in implementing elections.

Election Day was overall calm, with the exception of isolated attempts to prevent voters residing in Transnistria from exercising their right to vote. The management of the polling and conduct of PECs and DEC's was assessed positively in the majority of the cases observed, with some procedural violations that are assessed not to have affected negatively the integrity of the overall process, but were rather made due to negligence. Allegations of voter influence and organized transportation of voters persisted, especially with regards to voters residing on the left bank of the river Nistru.

The Central Electoral Commission (CEC) operated in accordance with its mandate, and managed the first round of election in a timely and efficient manner. The CEC sessions were open to media and observers, as well to the public through online streaming. On Election Day, the CEC has provided real-time information on the voter turnout and preliminary election results online, which contributed to an increased transparency of the process. The CEC also conducted voter information and education campaigns.

New procedures for training of lower level commissions were established by the Center for Continuous Electoral Training (CCET), including online, whereas special trainings were also organized for different stakeholders involved in the electoral process. However, the level of knowledge of PEB members on the opening, voting, counting and tabulation procedures varied, although this did not seem to negatively affect the overall process.

District Electoral Councils (DECs) and Precinct Electoral Bureaus (PEBs) were formed within the legal deadline and in fulfillment of legal requirements. Most observed DEC's performed their duties efficiently and professionally, especially in terms of managing and supporting the PEBs in implementing the electoral process. All polling stations established abroad managed to organize the voting, amidst different restrictions imposed in host countries due to the COVID-19 pandemic. In the first round, the total voter turnout in Moldova was 42.76 percent.

The voter registration is passive and continuous. The State Register of Voters included 3,287,140 voters, 2,798,306 of which assigned to administrative-territorial units of level II in the country; 256,203 voters from Transnistria; 232,631 voters who do not have a registered domicile or residence, including those who have emigrated abroad. Voters from Transnistria and those without a registered address were not included in the main voters list but in the supplementary voters lists on Election day.

While face-masks and sanitizers were made available by election administration, protective measures against the spread of the COVID-19 were not always followed. Observers reported different responses from the PEB chairpersons on how they dealt with voters with COVID

symptoms. Throughout the day, ENEMO observers noted queues outside many PSs, whereas social distancing was often not respected both outside and inside of polling stations.

Although the signature collection process and verification can be assessed as burdensome, the candidate registration process was ultimately inclusive. Eight candidates, including two women were on the ballot in the first round. Since no candidate managed to acquire more than half of the votes to win the election in the first round, the two candidates with the highest number of votes will contest the second round, in two weeks. According to preliminary results of the CEC, the run-off election will occur between the former prime minister and leader of PAS, Maia Sandu, and the incumbent president Igor Dodon, the same as in the previous 2016 Presidential election.

Overall, contestants were able to communicate their messages freely to the electorate, and basic freedoms of speech and assembly were upheld. With a variety of candidates reflecting a broad spectrum of political choices, the campaign was competitive. The COVID-19 pandemic and public health concerns significantly altered the style and methods of campaigning causing the campaigns to be redirected more to the media.

While instances of negative campaign tactics and offensive language were noticed, the overall electoral campaign can be evaluated as peaceful and calm. ENEMO EOM noted instances of the use of incumbency or office advantages, isolated instances of disruption of electoral events, potential pressure on workers to engage in political events, or ecclesiastical authorities participating in campaigning activities. Messages from the main candidates focused on social and economic issues, the geopolitical orientation of the country, infrastructure projects, and corruption, yet many campaign topics do not fall under the direct jurisdiction of the President. Gender equality policies, language or identity issues did not prominently feature in the campaign.

ENEMO raises concerns about the lack of an effective institutional oversight over electoral campaign financing, as well as the absence of mechanisms for ensuring adequate financial transparency of contestants revenues and expenditures, especially when it comes to the opening of the "Electoral Fund " bank accounts.

The media landscape is diverse, but pluralism is challenged by lack of financial means for local media and independent alternatives. Television is the main source of political information. The monitoring of broadcasters during the electoral campaign by the Audiovisual Council was too slow and inadequate to be effective, and resulted in the monitoring reduced to a mere formality.

The legal framework guarantees the right of contestants and legitimate third parties to complain, or appeal on electoral matters through an administrative and a judicial review. However, the electoral legal framework itself still does not guarantee an efficient judicial review procedure. Referring to the overall decisions of the courts in this electoral process, there seems to be some hesitance of courts to intervene in the decision making of the CEC, by focusing on procedural formalities and shifting from electoral to administrative perspectives. Several cases have revealed the nonlinearity of the dispute system through administrative and judicial review. In this regard, the tendency to bypass the administrative review and to follow directly the judicial review was often reflected in this process.

There are no legal provisions promoting representation of each gender at different levels of the election administration and all nine CEC members are men. Women are well represented in the lower-level EMBs, including in decision-making positions, where 65% of DEC members are women. A high representation of women was noticeable at the PEB level too. On election day at observed PSs women were well represented in all PEBs, with 81.1% of PEB members being women, as well as in leadership positions - 80.5% of PEB chairs and 71.3% of deputy chairs were women.

Only 40.2% of the polling stations observed during voting were assessed as accessible for persons with locomotor disabilities.

Preliminary Findings

Background

Moldova is a parliamentary republic, with the unicameral 101 seats Parliament invested with the legislative power, the Government exercising the executive power, and the President of the Republic as head of the state and mainly exercising functions in matters of foreign relations and national security. On 21 May, the Parliament promulgated the date of the Presidential Election for 1 November 2020.

The composition of the Parliament ahead of the upcoming Presidential election has changed considerably since the last Parliamentary elections, with parliamentary factions splitting and several MPs changing party affiliation or becoming non-affiliated, a common phenomenon in Moldovan politics. The current governing coalition is composed of parliamentary factions of PSRM and PDM⁷, supposedly supported by several non-affiliated MPs to maintain a slim majority. The coalition formed after the Parliamentary Elections of February 2019 between the electoral bloc ACUM and the Party of Socialists (PSRM) was short-lived and immediately after the second round of the 2019 Local Elections the Sandu Government was ousted in a motion of no-confidence, initiated by the PSRM and supported by the parliamentary faction of the Democratic Party of Moldova (PDM)⁸. On 14 November 2019, Ion Chicu, a former adviser to the President of the Republic Igor Dodon, was appointed as Prime minister, with the support of votes from PSRM's and PDM's MPs⁹.

The 1 November 2020 Presidential Election comes amidst numerous challenges that Moldovan society faces, including low trust in state institutions and the judiciary, persisting high levels of corruption and oligarchic structures, and a deficient judiciary. The conduct of a credible, inclusive and transparent electoral process, in compliance with international standards for democratic elections, and in respect of the will of the Moldovan voters has been considered a crucial test for democracy and rule of law by international partners of Moldova¹⁰.

The November 1 Presidential Election is being held under strict health safety measures, aimed at protecting the public health due to the ongoing COVID-19 global pandemic. The pandemic further complicates the work of the election administration, the outreach of candidates to electors, as well as the activity of observers.

⁷ holding 37 and 11 seats respectively, as of the time of writing.

⁸ The motion of no confidence was held immediately after the Parliament rejected the draft law on amending the Law on Public Prosecutor's Office.

⁹ In March 2020 PSRM and the PDM signed an official coalition agreement, following which PDM received five posts in the Government.

¹⁰ See, e.g. the [Remarks by the High Representative/Vice-President Josep Borrell at the EP plenary on the implementation of the EU Association Agreement](#), on 20 October 2020; [Remarks of the Under Secretary for Political Affairs of the US State Department, David Hale](#) in meetings with the incumbent President Dodon and former Premier, Sandu on 13 October; and the [Statement of the European Commission's Spokesperson](#) on 30 September. Also, the Statement by 19 EU countries, on 1 November.

Legal framework and electoral system

Legal Framework

The Republic of Moldova is party to key international treaties and conventions.¹¹ The Constitution establishes that the will of the people, expressed by free elections through universal, equal, direct, secret and freely expressed ballot, shall constitute the basis of the State power¹². The Presidential election in the Republic of Moldova is regulated mainly by the Electoral Code¹³ and bylaws approved by the Central Electoral Commission¹⁴, as well a series of other laws¹⁵ that regulate selected aspects of the process.

The electoral legal framework¹⁶ during the year preceding the election underwent several amendments to the Electoral Code, Law on Political Parties¹⁷, and CEC regulations¹⁸. The Electoral Code was amended three times since the 2019 Local Elections¹⁹.

The election related legal framework is in line with most international standards and good practices and ensures conditions for holding of democratic elections. However, the electoral legal framework on specific matters lacks legal definitions²⁰, has procedural vacuum²¹, or unclarity regulating different aspects²² and activities in the electoral process. Many electoral matters and procedures either don't have a specific and effective regulation²³ or lack regulation at all²⁴.

¹¹ Inter alia, the Republic of Moldova adheres to the European Convention on Human Rights; 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.

¹² Constitution of the Republic of Moldova, Art. 38.

¹³ Parliament of the Republic of Moldova, Law No. 1381, 08/12/1997, amended, "Electoral Code of the Republic of Moldova"

¹⁴ The amended "Electoral Code of the Republic of Moldova", Art. 22, Central Electoral Commission General Duties.

¹⁵ E.g. the Law on Political Parties, the Law on Assembly, the Law on the State Automated Information System "Elections", the Code for Audio-Visual Media Services, and relevant sections of the Criminal Code and of the Misdemeanor Code.

¹⁶ The legislative framework of Moldova in continuity undergoes amendments, caused not only by the legislative activity of the Parliament, but also by the judicial reviews of the Constitutional Court. This characteristic of the legal framework in general has been reflected into the electoral legal framework too.

¹⁷ Law "On political parties" was changed regarding requirements for registration of political parties, caused by the Constitutional Court's decision that declared unconstitutional the imposed minimum number of supporters to constitute a political party.

¹⁸ For this electoral process, the CEC approved several new regulations and made amendments to a number of existing regulations, such as: the activities of observers, media coverage, DEC's and PEB's activity, and candidate registration. Also, in preparation for this electoral process, the CEC approved a specific decision on the additional responsibilities of administrative authorities of central and local public administration authorities, and institutions.

¹⁹ The two amendments from February 2020 were minor and very technical, which addressed the obligations of the Central Electoral Commission and the duties of the CEC Chairperson. The July 2020 amendments to the Electoral Code made changes to the process of establishing polling stations and the composition of the PEBs abroad.

²⁰ Such as political advertisement, subliminal advertisement, electoral advertisement.

²¹ E.g. the start of the electoral campaign.

²² E.g. the establishment of polling stations abroad, the scrutiny procedure of the supporting signatures, political and electoral finance, effective judicial remedies for the contestants.

²³ E.g. the use and misuse of public resources during the electoral campaign.

²⁴ E.g. social media coverage of the electoral campaign, governmental activity interfering with the electoral campaign.

Electoral System

The President of the Republic of Moldova is elected through a two round majoritarian system, in one nationwide constituency. The President's term of office is four years; by law, the President is an apolitical figure²⁵ and a neutral institution²⁶.

For the election to be valid in the first round, the participation of at least one third of the total registered voters is required and one candidate must secure more than half of total valid votes cast in order to win. If no candidate wins more than half of valid votes cast in the first round, a second round of election is held in two weeks, among the two candidates with the highest number of votes, whereas this second round of election is valid regardless of the total voters' turnout and the winner candidate is the one who achieves a larger number of votes.

COVID-19 pandemic: restrictions and measures influencing elections

The National Extraordinary Commission for Public Health (NECPH)²⁷ approved three decisions²⁸ in regard to the public health emergency and preparations for the electoral process. These decisions established a series of limitations and requirements for the conduct of elections, containing measures aiming to protect all participants in the electoral process, prevent and combat infection spread during the electoral campaign and Election Day.

Regarding Election Day, the NECPH's decisions regulated mobile voting to voters who show symptoms of acute respiratory infection, based on voters' written or verbal requests. Otherwise, the Electoral Code regulates that the requests of voters can only be submitted in writing, until Election day²⁹. A discrepancy between the law and the referred decision left space for possible malpractice³⁰, taking into consideration the number³¹ of mobile voting requests during a pandemic.

Also, NECPH established the obligatory use of respiratory protection masks in electoral premises on Election Day. To guarantee its enforcement on Election Day, CEC approved the budget to secure that voters shall be provided with a free of charge protective mask at the entrance to the polling station on Election day in order to exercise their right to vote safely³². Also the CEC informed that it had guaranteed medical provisions for 2143 Polling Stations to insure maximum hygienic conditions in the electoral premises³³. CEC addressed the electoral administration

²⁵ Constitutional Court of the Republic of Moldova, [Decision](#) No. 35, dated 12/12/2017.

²⁶ Constitutional Court of the Republic of Moldova, [Decision](#) No. 24, dated 27/07/2017.

²⁷ Government of the Republic of Moldova, [Decision](#) No. 820, dated on 14/12/2009, The National Extraordinary Commission for Public Health (NECPH) is a cross-institutional public entity empowered with the right to adopt decisions on the state of emergency in public health and *inter alia* its decisions are compulsory for the central and local public administration authorities.

²⁸ NECPH, [Decision](#) No. 24, dated 12/08/2020; [Decision](#) No. 33, dated 28/09/2020; [Decision](#) No. 34, dated 13/10/2020.

²⁹ Law No. 1381, dated 08/12/1997, amended, "Electoral Code of the Republic of Moldova", amended, Art. 60.

³⁰ European Commission for Democracy through Law, [Opinion](#) No. 190/2002, "Code of good practice in electoral matters", "40. *The use of mobile ballot boxes is undesirable because of the attendant serious risk of fraud. Should they nonetheless be used, strict conditions should be imposed to prevent fraud, including the attendance of several members of the polling station election commission representing different political groupings.*", dated 30/10/2002.

³¹ According to the CEC 39,919 voters filed requests for mobile voting. (1,616 requests from voters with symptoms of COVID, and 38,303 for other reasons: https://a.cec.md/ro/39-919-alegatori-au-solicitat-votarea-la-locul-aflarii-2781_98112.html)

³² Central Electoral Commission, [Decision](#) No. 4375, dated 17/10/2020,

³³ Central Electoral Commission, [Press Release](#), dated 23/10/2020.

through a Circular Letter³⁴, which contained procedures that need to be followed to ensure hygienic conditions of premises without obstructing the voting process.

Election Administration

The Presidential Election is managed by three levels of election administration: the Central Electoral Commission (CEC), 36³⁵ District Electoral Councils (DECs) and 2,143 Precinct Electoral Bureaus (PEBs) in total. The CEC supervises the activities of DECs and PEBs, and is responsible for registering candidates, compiling and distributing voter lists, aggregating election results, overseeing the campaign financing and conducting other duties.

Central Electoral Commission (CEC)

The CEC is the primary institution in the election management hierarchy. CEC mandate is five years, while DECs and PEBs are established for each election. One member of the CEC is appointed by the President of the Republic of Moldova and the other eight members by the Parliament, proportionally representing the parliamentary majority and opposition³⁶.

CEC printed a total of 2,934,017³⁷ (2,168,620 in the state language, 765,397 in Russian) ballot papers for the Presidential election. The Electoral Code states³⁸ that ballot papers shall be printed no later than 3 days prior to election in a quantity corresponding to the number of voters. For voters abroad 556,000 ballot papers (467,600 in the state language, 88,400 in Russian) were printed³⁹.

The central electoral administration met all legal deadlines and conducted its activities efficiently. The CEC published the agenda of the upcoming sessions in advance and provided draft decisions to ENEMO before each session⁴⁰. CEC decisions were overall posted on its website within 24 hours, in accordance with the law. The CEC sessions were broadcasted live on its website and the official Facebook page⁴¹, whereas on Election Day, the CEC provided five updates on the conduct of voting to the media and public⁴².

Several contestants and mission's interlocutors questioned the impartiality of the CEC, especially its activities related to signature verification during candidate registration process, criteria for establishing PSs abroad and for Transnistria and its Circular on campaign financing. On the other hand, the CEC Decision on limiting the transportation of voters from Transnistria by political

³⁴ Central Electoral Commissions, [Circular](#) No. 8/3173, dated 27/10/2020.

³⁵ The numbering of the DECs goes up to 37, but only 36 of them were established. DEC no. 3, designated for the PEBs to be established in Bender was not established. DEC 37 is covering the PSs established for the voters residing on the left bank of the River Nistru.

³⁶ Art. 16 of the Electoral Code.

³⁷ https://a.cec.md/ro/cec-a-dat-start-tiparirii-buletinelor-de-vot-pentru-2781_97991.html

³⁸ Art. 54 of the Electoral Code.

³⁹ Link: https://a.cec.md/ro/pentru-cetatenii-cu-drept-de-vot-ai-republicii-moldova-2781_97889.html

⁴⁰ Some contestants' representatives claimed that they were not provided with draft decisions.

⁴¹ With regards to social media activity of the CEC in these elections, only its Facebook account is updated regularly.

⁴² On Election Day, the official website: <https://pv.cec.md> aggregated real-time live updates on the electoral data from SAIS-E (sub-module "Voting") software.

parties / electoral contestants⁴³ is a step forward to restrict possible voter influence and vote buying, although Election day showed that this was not entirely effective.

As the COVID pandemic has forced EMBs to change and adapt their operations, national election authorities held meetings partly online. The operations of the CEC staff were also affected by the necessity to follow measures to prevent the spread of COVID-19, so new procedures for training of lower level commissions were established by the Center for Continuous Electoral Training (CCET), including online methods, whereas special trainings were also organized for different stakeholders involved in the electoral process⁴⁴.

Stakeholders voiced an overall confidence in the operation of the State Automated Information System “Elections” (SAIS-E) which was tested on the eve of the Election day. Operational sessions testing the system sub-modules “Voting” and “Counting” revealed no technical or organizational difficulties.

Instructions on the organization and carrying out of elections in the context of COVID-19 pandemic were issued by the NECPH to mitigate public health risks during specific activities required to conduct the election. Although some measures of the NECPH were not fully in line with the electoral legislation and lacked clarity, these did not largely affect the overall voting procedures.

ENEMO notes the efforts of the CEC and its Center for Continuous Electoral Training (CCET) to conduct a broad voter education campaign⁴⁵.

District Electoral Commissions (DECs)

A total of 36⁴⁶ District Electoral Councils (DECs) are established for this election. According to the Law, DECs are consisted of an odd number of members, between 7 and 11⁴⁷ nominated by local courts and councils, as well as parliamentary parties. Among others, the main responsibilities of DECs are establishment of PEBs, providing them with all necessary methodological and logistical support, handling eventual complaints against the PEBs activities, and tabulation of election results from PEBs under their jurisdiction.

ENEMO observers reported that, in general, DECs operated effectively and in a timely manner to organize the election. However, in some instances, observers noted that DECs were late in making their decisions publicly available. ENEMO notes that a dedicated section on DECs decision-

⁴³ That was in line with the Judgment of the Constitutional Court of Moldova adopted on 13 December 2016, <http://www.constcourt.md/libview.php?l=en&idc=7&id=926&t=/Media/News/Results-of-Presidential-Election-Confirmed-by-the-Constitutional-Court-of-Moldova>

⁴⁴ CCET trained several categories of beneficiaries (signature collectors, DEC and PEB members, SAIS-E operators) in order to organize and conduct the presidential elections. The Centre conducted two seminars where judges participated with the aim to improve practical cooperation amongst institutions. For the first time, the CCET conducted a couple of webinars for police officers. Additionally, for this election, the CEC introduced a practice of Youtube/Zoom-webinars to instruct PEB members about all aspects of the electoral process.

⁴⁵ Election educational and motivational videos were produced, as well as numerous different motivational events for various groups of voters under the slogan: “Go Forward – Go For Vote”.

⁴⁶ The numbering of the DECs goes up to 37, but only 36 of them were established. DEC 3, designated for the PEBs to be established in Bender, was not established. DEC 37 is covering the PSs established for the voters residing on the left bank of the River Nistru.

⁴⁷ According to current compositions, apart from DEC No.1 that has 11 members, all other DECs have 9 members.

making at the CEC webpage, which was the practice in the last two elections, is not in place for this election. ENEMO considers this a step back in terms of transparency and information provided to the public.

The representation of women at DEC level is high (approximately 65%). The law does not provide for any legal deadline after which replacements of DEC members are no longer allowed. However, replacing of members⁴⁸ did not seem to negatively affect the process overall.

DEC sessions were held on an *ad hoc* basis, with stakeholders informed in advance. ENEMO notes that only 9 out of 36 DECs publish their decisions online (while there are no decisions on the CEC website, some DECs publish them on the local administration websites), a practice that undermines the overall level of transparency of DECs.

Precinct Electoral Bureaus (PEBs)

The PEBs are established on a temporary basis for each election. Most PEBs were formed by DECs on time⁴⁹, consisting of 5 to 11 members, nominated by local councils and parliamentary parties. The polling stations shall 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.

Training for PEB members was organized ahead of the election. ENEMO observed that commission members seemed overall satisfied with the content and quality of the online training. Nonetheless, lack of emphasis on election day procedures with a special emphasis on precautions to guarantee safe voting with regards to COVID pandemic was also noted. As a result, on the eve of election day, DECs and CCET Call Center⁵⁰ had many inquiries from PEB members concerning the implementation of the NECPH instructions. ENEMO notes that training was accessible online to all PEB members at any given moment. More than 4,600 PEB members attended offline trainings, more than 3,500 participated in webinars, of which 1,200 were PEB members from outside the country, according to the CCET.

The CEC, in cooperation with the Ministry of Foreign Affairs and European Integration has established 139 polling stations abroad, in 36 countries, as of 26 September 2020⁵¹. Numerous ENEMO interlocutors, both from amongst political candidates, as well as civil society representatives expressed concerns regarding this decision, especially the accuracy of the

⁴⁸ At least 23 replacements of DEC members occurred before Election Day.

⁴⁹ By 6 October 2020.

⁵⁰ The CCET established the Informational Call Centre for voters to consult on voting procedures.

⁵¹ According to the CEC decision no. 4300 and its annex, https://a.cec.md/ro/cu-privire-la-constituirea-sectiilor-de-votare-in-strainatate-pentru-2751_97799.html, 30 PSs were established in Italy (as opposed to 25 for 2016 Presidential election, or 29 for 2019 Parliamentary elections); 17 in the Russian Federation (as opposed to 8 for 2016 Presidential election, or 11 for 2019 Parliamentary elections); 13 in Romania (as opposed to 11 for 2016 Presidential election, or 12 for 2019 Parliamentary elections); 12 in the United States of America (as opposed to 7 for 2016 Presidential election, or 12 for 2019 Parliamentary elections); 8 in France (as opposed to 6 for 2016 Presidential election, or 7 for 2019 Parliamentary elections); 7 in the United Kingdom (as opposed to 2 for 2016 Presidential election, or 4 for 2019 Parliamentary elections); 6 for Germany (as opposed to 2 for 2016 Presidential election and for 2019 Parliamentary elections), and 4 in Ireland (as opposed to 1 for 2016 Presidential election and 2 for 2019 Parliamentary elections); 3 for Portugal (as opposed to 4 for 2016 Presidential election and 5 for 2019 Parliamentary elections). The rest of the 2020 Presidential election PSs abroad numbers are similar with the ones opened in 2016 and 2019.

methodology and data the CEC used to establish the number and locations of PSs abroad⁵². The named interlocutors made allegations towards the pre-registration process being intentionally fraudulent in the Russian Federation, with an outcome of artificially increasing the number of pre-registered voters in order to have the basis to significantly increase the number of PSs. The out-of-country voting was also challenging in other aspects, as depending on the COVID 19 pandemic restrictions in host countries, there was no guarantee that all foreseen PSs will be able to organize the voting and/or remain open for voting. Up to 5,000 ballot papers were issued per one PS abroad.

A total of 42 polling stations were established in different localities in Moldova for voters from the left bank of river Nistru, under the authority of DEC no. 37. The establishment of polling stations for Transnistria was the object of a formal complaint from an electoral contestant⁵³, who raised concerns on the criteria followed by the CEC in establishing these polling stations and the transparency of the process conducted. The courts rejected the complaint on procedural grounds and left in force the CEC decisions on the matter.

At the same time, ENEMO EOM notes that in some of the localities⁵⁴ designated to PSs for voters residing in Transnistria, the local authorities resisted hosting the polling stations, citing concerns about public health and the possibility of pressuring tensions within their communities. In three localities of Causeni, the local authorities undertook formal decisions to prevent the establishment of the respective polling stations. These decisions were later dismissed by courts⁵⁵.

Registration of voters

All citizens of the Republic of Moldova who have reached the age of 18⁵⁶ and who have not been disenfranchised by a court decision could participate in the election. The right to vote is normally exercised in a PS within a voter's domicile, or a residence. This rule is not applicable for voters abroad and from the Transnistria region. Voters also had the possibility to vote with an absentee voting certificate, in case they are away from their place of domicile/residence on Election day.

According to the CEC, the State Register of Voters included 3,287,140 voters for the election⁵⁷. From the total number of voters: 2,798,306 are assigned to level II administrative-territorial units in the country - voters with registered residence or a domicile; 256,203 voters from Transnistria; 232,631 voters who do not have a registered domicile or a residence, including those who have

⁵² According to the CEC's decision no. 4300, the following 3 criteria were used to determine the number and location of PSs abroad: 1) number of voters who participated in previous elections and held in the national constituency; 2) information about the number of pre-registered voters residing abroad; and 3) the information obtained from by the Ministry of Foreign Affairs and European Integration from the competent authorities of the countries of residence of the citizens of the Republic of Moldova, regarding their number and place of residence.

⁵³ Mr. Andrei Nastase

⁵⁴ Including: Hagimus, Varnița (Anenii Noi district), Răscăieți commune (Ștefan Vodă district), Gura Bâcului village (Anenii Noi district) and Rezina town (Rezina district).

⁵⁵ Chisinau Court of Appeal, Causeni Territorial Office of the State Chancellery vs. Răscăieți Local Council, Ștefan Vodă District, Decision No. 3-131 / 20, date 15/10/2020; Chisinau Court of Appeal, Causeni Territorial Office of the State Chancellery vs. Gura Bâcului Village Council, Anenii Noi District., Decision No. 3-130 / 20, dated 15/10/2020; District Court of Causeni, Causeni Territorial Office of the State Chancellery vs. Hagimus Local Council, Causeni District, Decision No. 3-131 / 20, dated 26/10/2020.

⁵⁶ Including on election day.

⁵⁷ On 8 October. https://a.cec.md/ro/numarul-total-de-alegatori-inscrisi-in-registrul-de-stat-2781_97882.html

emigrated abroad. Voters from Transnistria and those without a registered address were not included in the main voters list and were recorded in supplementary voters lists on Election day.

Voters who have both a domicile and a residence normally vote in their place of residence. The voting is done upon presenting one of the following identification documents: identity card of a Moldovan citizen accompanied by a slip which confirms the domicile or residence on the territory of the PS; temporary ID-card with confirmation of Moldovan citizenship and domicile of the holder; passport of a Moldovan citizen for entry and exit the country, ID-card of a Moldovan citizen, sailor's card - for voting abroad; service ID for serving military personnel, civil service card issued by Civil Service Centre for persons performing civil service as an alternative to military service⁵⁸. The CEC clarified that voters abroad may vote with a valid or expired Moldovan passport.

Voter lists were overall posted within the legal deadline, and available for voters to consult. In isolated cases however, ENEMO observers reported on PEBs posting voter lists containing personal data of voters.

VLs were displayed at premises of PEBs, as well as on the website of the CEC⁵⁹ and voters could check their data until 31 October. 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 was the day preceding 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. The CEC generates VLs through its State Automated Information System "Elections" (SAIS-E). PEBs used the SAIS-E to identify voters and check against multiple voting⁶⁰.

Candidate registration

A citizen of Moldova with voting rights and a residence in Moldova for at least 10 years, over 40 years of age and with proficiency in the state language⁶¹ is eligible to register as a candidate. The minimum age to be eligible to register as a candidate is relatively high in comparison with other models and the Moldovan residence condition is limiting for individuals living abroad. At the same time, it remains unclear whether and how the language proficiency check is performed⁶².

13 initiative groups, representing as many possible candidates, have initially registered with the CEC. However, the signature collection proved to be burdensome, especially for independent candidates, as three of the four candidates that could not gather the required number of signatures

⁵⁸ Art. 58 of the Electoral Code.

⁵⁹ <http://liste.cec.md>

⁶⁰ Additionally, voters who were included in the supplementary VL were required to sign a self-declaration document against multiple voting, based on a template adopted by the CEC Decision 4374 of 17 October 2020.

⁶¹ Parliament of the Republic of Moldova, Law No. 1381, dated 08/12/1997, amended, "Electoral Code of the Republic of Moldova", Art. 110, Special Conditions set for Candidates for the position of President of the Republic of Moldova.

⁶² European Commission for Democracy through Law, [Opinion](#) No. 848/2016, "Joint Opinion on the draft law on changes to the electoral code", dated on 13/05/2016.

were independent. The only formally independent candidate contesting in this election is the incumbent President, who was widely and openly supported by PSRM.

The legal requirement⁶³ that a citizen can sign in support of only one candidate is considered a restriction challenging political pluralism⁶⁴. Each candidate was required to submit between 15,000 and 25,000 voter signatures from at least 18 level two administrative units, with at least 600 signatures from each given unit. Supporters' signature lists submitted to CEC by candidates for contestants undergo various checks, including for fake and repeated supporting signatures. After the removal of "invalid" signatures, if the total number of signatures drops under the legal requirement, the candidate will not be registered⁶⁵. No additional signatures are allowed for submission after the verification of collected signatures by the Central Electoral Commission⁶⁶.

The signature lists of two candidates were challenged, but they were registered after showing that a number of signatures, initially deemed invalid were instead valid. This has uncovered flaws in the signature verification process, which is open to discretion and human error, and it can be used in a discretionary manner, resulting in possible unjustified prevention of candidates to stand for election. Following the examination of documents and collected signatures, eight candidates were registered by the CEC, including two women.

Candidates were listed on a ballot paper in the order determined by the results of the lot drawn by the CEC, according to the Law⁶⁷.

Electoral Campaign and Campaign Finance

Electoral Campaign

By law⁶⁸ contestants could officially start campaigning only upon registration by the CEC. Following a registration, the right to campaign is granted to parties and electoral blocks, candidates and their authorized representatives, socio-political organizations and to citizens of the Republic of Moldova⁶⁹. The campaign started on 2 October and ended on 30 October, when the electoral silence⁷⁰ began. However, due to an incomplete process of signature verification, two candidates⁷¹

⁶³ Parliament of the Republic of Moldova, Law No. 667, dated on 08/12/1997, amended, "Electoral Code of the Republic of Moldova", amended, Art. 42, para. 5.

⁶⁴ European Commission for Democracy through Law, [Opinion](#) No. 848, "Joint Opinion on the draft law on changes to the electoral code", dated on 13/05/2016.

⁶⁵ Parliament of the Republic of Moldova, Law No. 667, dated on 08/12/1997, amended, "The Electoral Code of the Republic of Moldova", Art. 113, "Special conditions for signatures collecting lists".

⁶⁶ Article 113, paragraph 5 of the Electoral Code.

⁶⁷ Art. 53 of the Electoral Code.

⁶⁸ Parliament of the Republic of Moldova, Law No. 1381, dated 08/12/1997, amended, "Electoral Code of the Republic of Moldova", Art. 52, para. 4, "*Electoral campaigning shall be allowed only after the candidate is registered by the electoral body.*"

⁶⁹ Article 52, paragraph 1 of Electoral Code.

⁷⁰ No campaigning is allowed on Election Day and the day preceding the elections. This prohibition does not refer to advertisement that is already posted on the Internet and to posters previously displayed (Electoral code, Article 52, paragraph 10).

⁷¹ Octavian Ticu and Dorin Chirtoaca: <https://a.cec.md/ro/candidati-inregistrati-7618.html>

were registered only on 5 October and thus had less time to campaign, what is contrary to best practice⁷².

ENEMO noted that, overall, candidates respected the principle of launching their campaigns after the official registration. However, when messages delivered to voters do not explicitly invite them to vote⁷³ for a specific candidate, the loosely defined notion of campaigning in the law leaves room for hidden campaigning. According to some interlocutors, candidates used this method during the signature collection period to promote themselves to the electorate. No violations of the electoral silence by election contestants were observed by ENEMO. According to official reports from the Police, 19 cases of campaigning on Election day were reported to them; 5 of which were not verified and 14 are under investigation as of Sunday evening.

Overall, candidates were able to transmit their messages openly to the electorate, and basic freedoms of speech and assembly were upheld. With a variety of candidates reflecting a broad spectrum of political choices, the campaign was competitive. Contestants' platforms focused on social and economic issues, the fight against corruption and the country's geopolitical orientation. Many campaign topics however, do not fall under the President's direct jurisdiction.

A variety of means were used to reach out to the electorate including rallies, small gatherings and door-to-door canvassing. Television, online and social media platforms were used in abundance, as were billboards and posters. Some EOM interlocutors raised concerns that disinformation in social media played a significant role in the campaign. In the beginning, the campaigning was rather low-key, but intensified towards the Election day. A significant amount of paid campaign advertisement on social media, including Facebook and YouTube, was noticed.

Overall, the electoral campaign can be assessed as peaceful and calm, although instances of the use of offensive language or negative campaigning⁷⁴ tactics were used by contestants to discredit their opponents. During the last week of the campaign period, one case of disruption of a campaign event was reported⁷⁵, as well as instances of vandalization of campaign materials⁷⁶ and online reports on the dissemination of promotional materials with humanitarian aid⁷⁷.

Many interlocutors also raised questions as to whether Transnistria-based voters have fair access to campaign messages because candidates and their supporters were unable to campaign in the region therefore limiting these voters to make an informed choice on Election day.

Equality of opportunity must be guaranteed to parties and candidates alike during the electoral campaign. This consists of a neutral attitude by central and local institutions during their institutional activities⁷⁸. In this regard, the Electoral Code offers certain safeguards prohibiting the

⁷² The Venice Commission Code of Good Practice in Electoral Matters, I.1.3.v.

⁷³ Article 1, chapter 1 of Electoral Code.

⁷⁴ Usatii's rally in Cantemir (3/10/2020) and Glodeni (4/10/2020), the use of inflammatory and offensive language against Dodon and the use of such language in at least 3 public campaigning events; Opponents are being called "mentally disabled" "incapable", "liars" etc. Also negative campaigning at Sandu's rally in Cantemir (4/10/2020), against Igor Dodon and others.

⁷⁵ Candidate Renato Usatii disrupted Igor Dodon's meeting in Falesti.

⁷⁶ E.g. torn billboard of Maia Sandu in Ocnita.

⁷⁷ <https://www.facebook.com/100001504731837/posts/3632176373509151/>

⁷⁸ European Commission for Democracy through Law, [Opinion](#) No. 190/2002, "Code of good practice in electoral matters".

use of office and administrative resources with an electoral aim⁷⁹. However, the law does not prescribe a refraining period to the central and local governments. In this period, central and local governments normally continue their activities without any form of limitation. Such lack of limitations permits institutional activities and decisions of the central and local governments, which may affect the electoral campaign for the President. In this context, different interlocutors expressed concerns towards central and local governments' bias towards certain candidates and their open and public support to them.

Previously, ENEMO EOM noticed instances of use of the advantages of the incumbency or office⁸⁰, possible pressure on employees to attend campaign events⁸¹, ecclesiastical authorities supporting a candidate⁸² and similar. As the campaign drew to a close, elements of a functioners' campaign were observed more frequently, as numerous public officials openly campaigned, or supported candidates.

Also, several formal complaints and appeals to the CEC and to courts were submitted⁸³ regarding the involvement of public officials in campaigning in favour of the incumbent president. Complaints reviewed by the CEC and courts on the actual matter were considered ungrounded on evidence, or dismissed on procedural grounds. Several complaints were also filed to the Anti Corruption Prosecutor's Office⁸⁴.

The style and methods of campaigning were dramatically changed by the COVID-19 pandemic and public health concerns. Restrictions⁸⁵ caused the campaigns to be redirected more to the media (both traditional and online, especially social networks). Many interlocutors noted that because of the pandemic, restricted face-to-face campaigning made it difficult to reach voters, stressing that their political rights (right to campaign) were considerably limited.

The regulations and measures provided by the NECPH and other public bodies regarding the safety conditions for campaigning were not entirely complied with, as it is evident that pre-election rallies are conducted in certain cases without complying with the prescribed measures (either by

⁷⁹ Amended "Electoral Code of the Republic of Moldova", Art. 52, para. 7.

⁸⁰ Irina Vlah, Governor of Gagauzia supporting the incumbent President; the incumbent President taking credit for increased pensions and many infrastructural works on several occasions; and allegedly misusing administrative resources during his three meetings during working hours at state-owned enterprises Red-Nord, CET-Nord and Balti-Gaz, etc.

⁸¹ Multiple cases of reported pressures on public sector employees and those of large companies to attend campaign events (Vulcanesti, Comrat, Balti, Chisinau) etc. in favor of Igor Dodon.

⁸² Examples include: Dodon's rally in Vulcanesti (6/10/2020), where local priest thanked Dodon for supporting the Orthodox church and giving state money for building new church in Vulcanesti, as well as a rally on 11/10/2020 from the same candidate, where a priest participated in the meeting in Comrat. Another example is the speech of Mitropolit Vladimir given during celebration of the Day of Saint Maria, where he directly addressed one of the candidates and the mayor of Chisinau (who publicly supported Dodon).

⁸³ Central Electoral Commission, [Complaint](#) No. 10APr/3, dated on 21/10/2020, from Mr. Octavian Țicu, a candidate nominated by PUN, vs. Mr. Igor Dodon, independent; Central Electoral Commission, [Complaint](#) No. 10 Apr/4, dated 31/10/2020, Mr. Dorin Chirtoaca, a candidate nominated by Liberal Party vs. Mr. Igor Dodon, independent.

⁸⁴ PAS, Complaint submitted to Anti Corruption Prosecutor Office, dated 26/10/2020, "Intimation regarding the corrupting of voters". In this complaint allegations are made of vote buying by offering gifts in the name of the candidate Mr. Dodon to citizens in vulnerable social conditions in Iarova (Soroca); allegations for offering social aids in Soroca from Sorta Foundation (supplied by a Foundation in Holland) in the name of Mr. Dodon; allegations of forcing public administration of Regia Apa-Canal Soroca, to vote and to support the electoral campaign of candidate Mr. Igor Dodon, otherwise, were intimidated to be fired.

⁸⁵ Restrictions to campaigning include a ban on political rallies gathering over 50 people in open public places.

competitors or rally participants, or both) and that the number of participants is significantly larger in many cases⁸⁶.

Campaign Finance

Party and campaign financing is regulated by several legal acts including the Election Code, the Law on Political Parties, the Law on Administrative Offences, the Law on the Court of Accounts, the Criminal Code and supplemented by CEC regulations. The nationwide ceiling for the campaign fund of a contestant in the amount of 0.05% of the state budget is established to the total amount of 18 925,50 MDL⁸⁷. Introduction of private donations from abroad⁸⁸ and lowering the ceiling for donations from private and legal entities⁸⁹ are all provisions introduced in August 2019 amendments to the Law⁹⁰.

Weekly reports on funding of electoral campaigns shall be published on the Central Electoral Commission official website⁹¹. The CEC shall perform prior review of the reports on electoral campaign financing, received as per conditions referred to in the Electoral Code⁹² in terms of their completeness of information and compliance with the requirements. Reports on funding of electoral campaigns for the entire electoral period shall be submitted by registered electoral competitors to the Central Electoral Commission not later than 2 days prior to Election Day⁹³. All reports are available on the CEC's official website⁹⁴.

The transparency and control of financial activities of electoral contestants has gained a special attention of the EU in this electoral process⁹⁵. The Electoral Code requires that all financial activities of contestants must be conducted through a specific electoral bank account opened for the electoral campaign⁹⁶. Within 3 days after opening the account "Election Fund" the contestant shall submit the first financial report to the CEC. After the initial report, each contestant must continue to submit weekly reports on the financial means and expenditures incurred during the

⁸⁶ ENEMO observers reported that the number of those present at rallies often exceeded several hundreds. Examples: Igor Dodon's rallies: in Gagauzia (11/10/2020, 1200 estimated participants), 14/10/2020 (400 participants in Chisinau and 6/10/2020, 450 estimated participants). Maia Sandu's rally in Leova (4/10/2020), 200 estimated participants. Renato Usatii's rally in Vulcanesti (4/10/2020), 200 estimated participants and at least 17 other examples.

⁸⁷ Established by the CEC decision Nr. 4153 from September 1

https://a.cec.md/ro/cu-privire-la-stabilirea-plafonului-general-al-mijloacelor-financiare-ce-2751_97543.html

⁸⁸ To the maximum amount of three average monthly salaries.

⁸⁹ To the amount of 6 and 12 average monthly salaries respectively.

⁹⁰ Article 41, paragraph 2 b, of Electoral Code.

⁹¹ Referring to the information published on the official website of the CEC, 8 first reports are published for the 8 registered contestants. Also, on the official website of CEC there are 7 second week reports published, 7 third week reports, 6 fourth week reports and 4 reports for 5th week and one for the 6th and seventh week, in the observed period.

⁹² Article 43, paragraph 1.

⁹³ Article 43 Paragraph 6 of Electoral code.

⁹⁴ <https://a.cec.md/ro/finantarea-campaniei-electorale-a-concurentilor-electorali-7622.html>

⁹⁵ "Republic of Moldova: Statement by the Spokesperson on the upcoming presidential elections", dated 30/09/2020, Lead Spokesperson for Foreign Affairs and Security Policy, "(...) *The European Union calls on the authorities of the Republic of Moldova to implement fully and without further delay the recommendations of the Council of Europe Venice Commission and the OSCE/ODIHR to guarantee the transparency of party and campaign financing.*"

⁹⁶ Parliament of the Republic of Moldova, Law No. 667, dated 08/12/1997, amended, "The Electoral Code of the Republic of Moldova", Art. 41, "Terms and Conditions of Financial Support for Electoral campaigns".

electoral campaign⁹⁷. All campaign financing costs must be shown through this dedicated bank account.

Six candidates opened such an account on time, whereas two candidates did not manage to open an electoral bank account⁹⁸ on time, which severely brought into question the transparency of these candidate's⁹⁹ campaign finance¹⁰⁰. One electoral contestant¹⁰¹ not having an account opened at the bank¹⁰², carried out the electoral campaign based on donations received from individuals and legal entities in goods, objects, works and services, these being reported to the CEC,¹⁰³ while the other candidate didn't report any expenses¹⁰⁴ before submitting the final report.

CEC found that some of the individual donors of electoral contestants¹⁰⁵ in the last three years (2017-2019) did not have any source of income declared to the State Tax Service, or had an income declared lower than the amount donated. CEC found¹⁰⁶ that it does not have the functional tools to be able to investigate and examine in-depth the origin of the amounts donated. The CEC noted, at the same time, that the related legislation lacks legal mechanisms assigned to a specialized body to ensure compliance with the postulate set out in the Electoral Code¹⁰⁷.

ENEMO raises concerns that the inefficiency and limitations of the control mechanisms for campaign financing leave room for manipulation and calls into question the transparency of the whole process. This concern is even greater when the electoral account is not opened on time.

One matter that created a dispute between election contestants and the CEC was the Circular that aimed to regulate donations and expenditures of election contestants. On 15 September, the CEC

⁹⁷ Law No. 667, dated 08/12/1997, amended, "The Electoral Code of the Republic of Moldova", Art. 43, "Reports on Electoral campaign Financing".

⁹⁸ Victoria Bank terminated its contract with candidate Violeta Ivanov. In total, 4 banks declined candidate's requests for account opening whilst other ones did not reply. In the other candidate's case (https://a.cec.md/storage/ckfinder/files/Alegeri%20Preziden%C8%9Biale_1%20noiembrie%202020/Rapoarte%20Alegeri%20Prezidentiale/C_E_%20Dorin%20Chirtoaca%20din%2030_10_20_.pdf) the reason for not opening the account till October 26 was bureaucratic delay (as reported by the candidate).

⁹⁹ Violeta Ivanov and Dorin Chirtoaca.

¹⁰⁰ On September 4, 2020, the Political Party "Șor", notified the Central Electoral Commission about the problems they face in order to benefit from banking services, namely that the banking institutions refused to open a bank account with the mention "Intended for the initiative group". Also, on October 2, 2020, the electoral contestant Violeta Ivanov, appointed by the Political Party "Șor", informed the CEC that some banks refused to open a bank account with the mention "Electoral Fund".

¹⁰¹ Violeta Ivanov

¹⁰² Moreover, the CEC requested the National Bank of Moldova to urgently examine the notification and remedy the situation. Since the NBM didn't intervene and the CEC had no other tools to influence the decision of commercial banks, the CEC concluded that the intervention of the legislator is necessary for regulatory settlement of the problem in question. Furthermore, given that contractual relations that "hide" behind donations made in goods, objects, services and works, CEC found it impossible to verify the correctness of the aspect related to the actual financing of the election campaign by the competitor concerned.

¹⁰³ In accordance with art. 43 para. (10) of the Electoral Code.

¹⁰⁴ The candidate informed CEC that he didn't have an account opened (on October 9, 16 and 23).

¹⁰⁵ Renato Usatii, Andrei Nastase, Igor Dodon, Maia Sandu and Octavian Țicu.

¹⁰⁶ https://a.cec.md/ro/pentru-modificarea-regulamentului-privind-finantarea-campaniilor-electorale-ale--2751_98039.html

¹⁰⁷ According to Art. 41 of the Electoral Code, the bank in which Election Fund accounts are opened "shall inform the Central Electoral Commission about the funds transferred to electoral competitors' accounts on a daily basis or upon the Commission request".

issued a Circular¹⁰⁸ signed by the Deputy Chairperson¹⁰⁹, which limits party financing of campaigns, by pointing out that political parties are not defined in the legal framework as contestants in the Presidential election. This significantly lowered the ceiling for donations by equating and limiting parties' donations to those of other legal entities¹¹⁰. ENEMO previously noted that it is not a good practice to adopt such acts in the middle of the election period.

Meanwhile, the CEC pointed to the fact that the Political Party "Action and Solidarity Party",, made a donation¹¹¹ to the electoral contestant Maia Sandu in the amount of 900 000 MDL¹¹². It concluded that any financial support by a political party to the candidate it has nominated is made in compliance with the conditions applicable to legal entities governed by common law¹¹³. However, one of the criteria for financing political parties from the state budget is based on the performance of a party, also in the Presidential election. Being in a situation of legal uncertainty¹¹⁴, the CEC refrained¹¹⁵ from qualifying the correctness of the named donation made by this political party as from a legal entity for the benefit of an electoral contestant¹¹⁶.

ENEMO notes that such legal uncertainties call into question the transparency and equal chances for all participants' to finance campaigns under the same conditions. Also, the Circular limits the right of political parties to present candidates in elections and as such constitutes a restriction to political rights and right to campaign.

Media

The media landscape in Moldova is diverse, but pluralism is challenged by lack of financial means for local media and independent alternatives. Television is the main source of political information. However, online media, including social platforms, are an increasingly prominent source of news and their use for purposes of electoral campaigns was evident in these elections, whether as a way

¹⁰⁸ In the presidential elections, the status of electoral competitor is only the person running for the President of the Republic of Moldova. In these circumstances, a political party and/or an electoral bloc are not associated with the candidate, and any financial support by a political party of the candidate it has nominated shall be carried out in compliance with the conditions applicable to any other legal person, within the limit of the ceiling set, of 12 average monthly salaries per economy for the current year.

¹⁰⁹ Central Electoral Commission, [Circular No. 2796](#), dated 15/09/2020, "On how to receive donations and make expenditures by electoral contestants in the Presidential election of November 1, 2020".

¹¹⁰ The ceiling is 98000 MDL.

¹¹¹ between 5-9 October 2020.

¹¹² According to the report on financing of the electoral campaign, the respective amount is reflected in Compartment II - Own financial means, which means that it is a transfer of political party's own funds accumulated until the beginning of the electoral campaign in its current account and which it declared as such to the CEC as per Art. 43 paragraph (7) of the Electoral Code.

¹¹³ According to the definition contained in art. 1 of the Electoral Code, during the presidential elections, electoral candidates are candidates for the position of President of the Republic of Moldova, registered by the Central Electoral Commission. Thus, regarding the provisions of the Electoral Code (republished: Official Gazette of the Republic of Moldova no. 451-463, art. 768 of December 29, 2017), in a presidential election an electoral contestant is exclusively the natural person candidate, registered by the electoral body, but not the political party that nominated him/her.

¹¹⁴ The legislator did not correlate amendments to the Law on political parties No. 294/2007 and at Art. 41 of the Electoral Code, with other relevant provisions of the Electoral Code - in this case with the definition of electoral contestant from art. 1, generating confusion when applying legal norms.

¹¹⁵ https://a.cec.md/ro/cu-privire-la-rapoartele-privind-veniturile-si-cheltuielile-concurrentilor-electo-2751_98030.html

¹¹⁶ Observing the gap, on September 15, 2020, Circular no. was handed over to the electoral contestants and political parties. CEC-8/2796, which described the legal situation and recommended to interested parties to take into account all the provisions in force regarding the financing of the election campaign.

of communicating directly with voters, or as a platform for targeted political advertising. Due to the ongoing COVID-19 pandemic, it can be assessed that the media has played an even more important role than usual in these elections, as measures for protecting public health limited the type and size of electoral events candidates could hold.

Freedom of speech is guaranteed under the Constitution¹¹⁷, while the Law on Freedom of Information was last amended in 2015. Media interlocutors have cited difficulties in accessing information, mainly as a result of the shortcomings and poor enforcement of the Law on Protection of Personal Data. The IEOM is not aware of any attacks on journalists recorded in 2020.

Requirements for media coverage of election campaigns, that include the obligation to provide fair, balanced and impartial coverage, are set out in the Electoral Code¹¹⁸. Contestants can benefit from a limited amount of free airtime to present their programs in national broadcasters and free airtime for advertising in public broadcasters. The conduct of broadcasters is regulated by the 2019 Code for Audiovisual Media Services¹¹⁹, while their conduct during election campaigns is regulated by the Electoral Code¹²⁰ and relevant regulations of the CEC¹²¹.

By law¹²², during a Presidential election, the national broadcasters are required, and local ones are entitled to organize debates among contestants. Unlike the Presidential election of 2016, debates are to be organized only in prime time and be broadcasted live¹²³. The IEOM is aware of at least ten broadcasters organizing debates during the first round, with at least six candidates participating in them¹²⁴.

During elections, broadcasters have an obligation to notify the Audiovisual Council on their intention to cover the campaign, editorial policies and types of coverage¹²⁵, as well as to report on the volume of broadcasts about the campaigning on a weekly basis. Additionally, the Audiovisual Council monitored the conduct of 15 broadcasters¹²⁶ and submitted one bi-weekly report to the CEC on the findings of the results until the conclusion of the first round¹²⁷. The monitoring was limited to prime-time newscasts. On 22 October, the Audiovisual Council was presented with findings of the monitoring for the period 2-15 October 2020. No substantial violations were found

¹¹⁷ Article 32.

¹¹⁸ Article 69.

¹¹⁹ [Code for Audiovisual Media Services](#), adopted by Law 174, dated 8 November 2018 and entered into force on 1 January 2019.

¹²⁰ Articles 69 and 70.

¹²¹ The CEC adopted the [“Regulation for the coverage of the electoral campaign for the November 1st presidential elections in mass media of the Republic of Moldova”](#), on 1 September 2020.

¹²² Article 70, paragraph 3 of the Electoral Code.

¹²³ In light of the COVID-19 pandemic, on 26 August, the Audiovisual Council [proposed to the CEC](#) that the Regulation on media coverage of the election campaign should not oblige the national media to host public debates, but only for public broadcasters to host them and the rest of the media to have the right to re-broadcast. The proposal was reflected in the Regulation on electoral coverage by the media for the Presidential election however, with an ambiguous wording that leaves it unclear if national broadcasters have the obligation to organize debates or not (see paragraph 41 of the Regulation).

¹²⁴ The incumbent president Igoro Dodon and the candidate of the Shor Party, Violeta Ivanov did not participate in any debate that the IEOM is aware of. Dodon stated publicly that he would not participate in debates during the campaigning for the first round.

¹²⁵ In total 52 TV channels and 52 radio stations expressed their intention to cover the campaign. Eight broadcasters (five TV channels and three radio stations that failed to submit the documentation in time did not cover the campaign).

¹²⁶ Moldova-1, Publika TV, Prime, Primul în Moldova, TVR Moldova, CANAL 2, CANAL 3, TV8, NTV Moldova, Jurnal TV, Radio Moldova, PRO TV CHIȘINĂU, BTV, RTR Moldova, and Televiziunea Centrală.

¹²⁷ [Decision no. 25/161](#) of the Audiovisual Council, 1 October 2020.

and no sanctions were applied to any of the monitored broadcasters. The second report has not been examined by the Audiovisual Council until Election day. The Audiovisual Council has informed the IEOM that the monitoring will continue between the rounds, with a third report being produced for the two-weeks period between them.

ENEMO deems that a bi-weekly schedule, combined with non-dissuasive sanctions provided by the law, and monitoring only of prime-time newscasts considerably curtails the efficacy of the monitoring mechanism, reducing it to a mere formality. Moreover, the lack of any action of the Audiovisual Council with regards to the findings of the first two weeks report, further decreases the efficiency of the mechanism.

The Audiovisual Council is also responsible for hearing and adjudicating on complaints about the conduct of broadcasters during the campaign, while complaints about printed media can be filed with the courts. During the electoral period, at least two domestic NGOs have filed a number of notifications¹²⁸ to the council on biased conduct of broadcasters, in favor of the independent candidate. The Audiovisual Council has dismissed all of them without a formal decision-making. On the other hand, on 26 October, the Audiovisual Council has examined a notification about biased conduct of TV8 TV channel during one of the main talk shows of this broadcaster. The Audiovisual Council has sanctioned the broadcaster with a fine of 7,000 lei (approx. 350 EUR). This was challenged with the Court of Appeals of Chisinau, which overturned the decision and annulled the fine on 31 October. The Supreme Court upheld the decision of the Court of Appeals on 1 November.

Gender Representation

Women's representation in Moldova's politics and decision-making is below the international benchmarks and does not meet the country's international commitments¹²⁹. Women comprised only 25 percent of members of the Parliament at the time of the elections and their numbers in executive positions, including among ministers, remain low. From 8 June 2019, the Speaker of the Parliament is a woman.

There are no legal provisions promoting representation of each gender at different levels of the election administration¹³⁰ and all nine CEC members are men. However, women are well represented in the lower-level EMBs, including in decision-making positions, where 65% of DEC members are women. A high representation of women was noticeable at the PEB level too. On election day, at observed PSs women were well represented in all PEBs, with 81.1% of PEB members being women, as well as in leadership positions - 80.5% of PEB chairs and 71.3% of deputy chairs were women.

¹²⁸ At least eight, according to the NGOs.

¹²⁹ Beijing Declaration and Platform for Action,

https://www.unwomen.org/-/media/headquarters/attachments/sections/csw/pfa_e_final_web.pdf?la=en&vs=1203

¹³⁰ And no such data is aggregated by the CEC. Paragraph 40.13 of the 1991 OSCE Moscow Document commits participating States to "ensure the collection and analysis of data to assess adequately, monitor and improve the situation of women".

Two out of 8 election contestants were women and one of them is contesting in the run-off election, having won the most votes in the first round of the election. However, no candidates explicitly tackled gender equality policies in their campaigns. Issues related to women's rights remained marginal. According to preliminary results on voter turnout, women casted around 54% of total votes cast.

National Minorities

National minorities¹³¹ are defined by Law¹³² as persons who reside in the territory of the Republic of Moldova, are its citizens, have ethnic, cultural, linguistic and religious peculiarities distinguishing them from the majority of Moldovans - ethnic origin.

The law and Moldovan Constitution guarantee equality for persons belonging to national minorities, which includes prohibiting any discrimination against them. None of the candidates running in the ongoing election has declared that she/he belongs to one of the national minorities. Language or identity issues did not prominently feature in the campaign, even though national minorities constitute more than 20 % of the population. However, Russian language was used in more than 40% of observed campaign events (rallies, small scale rallies and meetings with citizens). Election materials, including ballots, are printed in the state language and in Russian.

One of the leaders of the Roma community endorsed the incumbent president Igor Dodon days before the election day. Besides, Igor Dodon seems to be the only candidate that specifically targeted the linguistic rights of minorities in his campaign. Meanwhile, Maia Sandu used campaign video materials casting Ukrainian and Gagauz minorities endorsing Maia Sandu in their languages.

Inclusion of Persons with Disabilities

With regards to the participation of persons with disabilities¹³³ in the electoral process, the CEC undertook some steps in this direction, such as publishing video materials, where persons with disabilities are encouraged to take part in the election process as voters. However, its institutional framework shares the traditional disability-welfare approach, which is rooted in the medical model of disability. The CEC takes initiatives to facilitate the participation of voters with disabilities,

¹³¹ The population of Moldova consists of the following nationalities/ ethnic groups; Moldovan (2,068,058), Ukrainian (181,035), Russian (111,726), Gagauz (126,010), Romanian (192,800), Bulgarian (51,867), Roma (9,323) and other ethnicities (13,900), based on the 2014 Census conducted by the National Statistics Bureau of Moldova (<https://statistica.gov.md/pageview.php?l=ro&idc=479>)

¹³² Law No. 382 of 19.07.2001, "On the rights of persons belonging to national minorities and on the legal status of their organizations"

¹³³ Moldova has signed and ratified the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD). By ratifying the Convention, the national Government committed to harmonize domestic legislation and policies with its provisions to secure the rights of persons with disabilities, including electoral rights. In 2012, the Parliament of Moldova adopted the Law No. 60 on the Social Inclusion of Persons with Disabilities and Law No. 121 on Ensuring Equality. These provisions considerably strengthen the legal framework protecting their rights. In 2018 Moldovan authorities signed the Optional Protocol to the Convention. The document reconfirms internationally Moldova's commitment to further contribute to the protection of the rights of persons with disabilities. To that end, the existing legal framework for access and participation of PwD is overall in line with international commitments.

including training of lower-level commissioners on special procedures for providing assistance to voters with disabilities on election day.

Despite being a population that is particularly at-risk of COVID, persons with disabilities face even greater inequalities in exercising political rights during the pandemic. ENEMO EOM notes that persons with disabilities were not addressed by the Instruction on the preventive measures against the spread of COVID-19 during the electoral period, adopted by the NECPH, what is at odds with the UN's CRPD¹³⁴ and the 2020 OHCHR Guidance on COVID-19 and the rights of persons with disabilities.

ENEMO observers report that persons with disabilities were rarely addressed during the election campaigns. In the Electoral Code, there are no provisions obliging public broadcasters to air campaign-related content in an accessible format. There are no similar obligations on election contestants requiring them to provide sign language interpretation during campaigning, or for campaign materials such as leaflets and videos to be adjusted for PwD.

ENEMO notes that on election day, 40.2% of the polling stations observed during voting were assessed as accessible for persons with disabilities, while 29.9% of polling stations required minor assistance and 29.9% of PSs observed were assessed as not suitable for persons with disabilities.

Complaints and Appeals

The complaints and appeals in regard to the electoral process are regulated primarily by the Electoral Code and CEC regulations. This legal framework guarantees the right of contestants and legitimate third parties to complain, or appeal on electoral matters through an administrative and a judicial review¹³⁵. However, many contestants expressed distrust in the efficiency and impartiality of the justice system of Moldova.

The Constitutional Court in the previous Presidential election process addressed the Parliament to clarify the law with regards to the examination of complaints on the organization and conduct of elections¹³⁶. Since then, despite the changes made by the CEC to the regulation on electoral disputes¹³⁷, the electoral legal framework itself still does not guarantee an efficient judicial review procedure.

Six complaints from electoral contestants were reviewed by the CEC, on matters such as Circular Letter on financial activity, involvement of public officials in the electoral campaign, coordinated transport of voters from electoral contestants, and establishment of polling stations abroad. Three

¹³⁴ Art. 29 of the UN Convention on the Rights of Persons with Disabilities (CRPD) requires states to “*guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others*” and that “*voting procedures, facilities and materials [shall be] appropriate, accessible and easy to understand and use*”.

¹³⁵ Voters, candidates, contestants and media are eligible to file complaints against actions, inactions and decisions of all levels of election management bodies. Complaints must be first considered in an administrative review by a higher-level election management body, after which they can be lodged to a respective court. As an exception, the complaints on Election Day related to the right to vote and administration of the electoral process may be directly addressed to courts.

¹³⁶ Constitutional Court of the Republic of Moldova, [Decision](#) No. 34, dated 13/12/2016.

¹³⁷ CEC, [Decision](#) No. 1176, dated 13/10/2017; Central Electoral Commission, [Decision](#) No. 1821, dated 25/09/2018.

of these complaints were simultaneously submitted to Chisinau Court of Appeal and as such, these cases were suspended as already being reviewed by a higher instance. Of the other three, one was dismissed as not grounded on evidence, the second was forwarded to the Police and the third is still being processed.

Also, the CEC reported to ENEMO on 26 different legal notices submitted to the CEC by contestants and third parties regarding the irregularities during the electoral campaign and Election Day¹³⁸. The matters mostly addressed in these letters were on pretended irregularities during the electoral campaign.

Chisinau Court of Appeal has reviewed 27 complaints¹³⁹ and only three complaints were approved¹⁴⁰. These complaints were mainly dismissed on formal grounds, without going into the meritum of complaints. The Supreme Court of Justice has reviewed 19 complaints and 4 of them were approved and sent back to Chisinau Court of Appeal¹⁴¹.

The most disputed complaints that have been reviewed twice by these courts were regarding the establishing of polling stations for Transnistrian voters and those abroad (primarily in Russia), and the validity of CECs' Circular Letter on the financial activity of electoral contestants. Referring to the overall decisions of these two courts in this electoral process, and specifically considering the two mentioned cases, there seems to be some hesitance of referred courts to intervene in the decision making of the CEC, by focusing on procedural formalities and shifting from electoral to administrative perspectives.

Several cases have revealed the nonlinearity of the dispute system through administrative and judicial review. In this regard, this process mostly reflected the tendency to bypass the administrative review and to follow directly the judicial review.

During the electoral campaign, Police authorities reported more than 123 cases filed about different violations, incidents and other actions infringing the electoral process, submitted by contestants' representatives and third parties¹⁴². Most of these cases referred to placement of electoral posters in places other than those established for this purpose, violations of restrictions imposed for prevention and control of COVID-19 infection in conducting the electoral campaign by

¹³⁸ Inter alia, the following *legal notices* are mentioned: PAS, Letter No. CEC-7/10096, dated 14/10/2020, regarding the conducting of a survey; ADEPT, Letter No. CEC-7/10189, dated 15/10/2020, regarding the involvement of the Head of Church in electoral campaign; PAS, Letter No. 7/10133, dated on 15/10/2020, regarding the political advertisements on private edifices; CALC, Letter No. CEC-7/10204, dated 16/10/2020, regarding the video recording on the polling stations; Mr. Dorin Chirtoaca, Letter No. CEC-7/10230, dated 18/10/2020, regarding the political advertisement in the edifice of Socialist Party Headquarters.

¹³⁹ The objects of these complaints involved candidate registration and signature collection procedures, the financial activity of candidates, polling stations' establishment, involvement of public officials in electoral activities and misuse of the public resources. Two submitted election-related complaints are still not reviewed by the Chisinau Court of Appeal and in two cases, court decisions were not accompanied by the legal reasoning that they were based upon and in two cases the decisions were accompanied by a parallel opinion. *The information on these complaints is based on the website of Chisinau Court of Appeal.*

¹⁴⁰ One was regarding the fine of the Audiovisual Council to TV8, and two others were regarding the decisions of some villages to cancel the establishment of the polling stations.

¹⁴¹ These cases involved the same matters as the Chisinau Court of Appeal, and three of the approved cases were referred back to the Chisinau Court of Appeal. *The information on these complaints is referred to the publications in the official website of the Supreme Court of Justice.*

¹⁴² Inter alia there were 36 cases regarding the wrongful placement of electoral posters, 29 cases regarding the violations of the public health measures imposed, 3 cases of electoral corruption.

contestants. Police authorities reported that these cases were processed based on the Contravention Code.

The General Inspectorate of Police reported that the day before Election Day, on 31/10/2020, there were no violations and incidents reported¹⁴³. On Election Day, 45 election related calls were made to the Police emergency line¹⁴⁴ and 304 election related cases were filed with Police authorities, which have been examined or are being examined¹⁴⁵.

Election Day

On Election Day, ENEMO deployed 13 teams of observers to follow the process of preparation and opening of polling stations, the voting, counting and tabulation of results, as well as the transfer and intake of election materials by DECs. The Short-term observers (STOs) monitored the opening procedures in 13 polling stations, voting in 164 polling stations, and closing and counting in 12 polling stations. Additionally, ENEMO observed the intake of election materials and tabulation of results in 12 District Election Commissions.

Election Day was overall calm, with the exception of isolated attempts to prevent voters residing in Transnistria from exercising their right to vote. The management of the polling and conduct of PECs and DECs was assessed positively in the majority of the cases observed, with some procedural violations that are assessed not to have affected negatively the integrity of the overall process, but were rather made due to negligence. Allegations of voter influence and organized transportation of voters persisted, especially with regards to voters residing on the left bank of the river Nistru.

Opening procedures

ENEMO STOs observed opening processes at 13 PSs, out of which 12 were assessed positively, including their surrounding environment¹⁴⁶. One out of the 13 observed PSs was open without a full presence of PEB members¹⁴⁷.

The opening procedures were assessed as transparent in 12 of the 13 observed polling stations. In almost all of them, both stationary and mobile ballot boxes were sealed in accordance with procedures, apart from one polling station in which ballot boxes were not properly sealed. According to PEB members this was because the number of seals provided to them was not enough to seal all ballot boxes properly.

¹⁴³ General Inspectorate of Police communication to Enemo, Letter Nr. 34/17 - 4520, dated 01/11/2020.

¹⁴⁴ 12 calls - North area; 19 calls - Center area; 6 calls - South area; 8 mun. Chisinau.

¹⁴⁵ *Inter alia* there were 14 cases of electoral corruption, 115 cases of voters transportation, and 19 cases of electoral agitation.

¹⁴⁶ The environment around PSs was assessed as regular in all observed polling stations.

¹⁴⁷ 10 members were present out of 11.

All observed polling stations opened on time (by 7 AM) except for one that opened within 30 minutes after the prescribed time. Observed polling stations were equipped with all essential materials needed for voting at the moment of opening, including health protection equipment¹⁴⁸.

When it comes to observed irregularities, at two polling stations it was observed that the opening protocol was either not filled out in time, or improperly filled¹⁴⁹. The setup of polling stations was assessed as adequate in all observed polling stations. PEBs generally conducted the opening in an orderly manner and according to the procedures prescribed for PSs.

In 3 out of 13 observed PSs, ENEMO observers noted the presence of unauthorized persons in the premises, while the opening procedures were being carried out¹⁵⁰. In all cases, observers assessed that their presence did not negatively affect the process.

Observers were present at all PSs observed by ENEMO STOs. No complaints related to the opening were filed in any of the PSs observed. ENEMO observers assessed the opening process as either very good or good at 12 PSs observed, while the opening process was assessed as bad in one case (due to negligence rather than fraud)¹⁵¹. Additionally, it was noticed that COVID-19 protective measures were not respected in four of the observed PSs, and a significant number of PEB members were not wearing protective masks properly.

Voting process

ENEMO observers assessed the process of voting in 164 polling stations throughout the Election day. Overall, the voting process was assessed positively, with few minor procedural violations in a number of polling stations.

The most concerning irregularities were observed in one polling station designated to voters residing in Transnistria, in Rezina, and at one of the polling stations in Gagauzia. In one PS established in Rezina for voters residing in Transnistria ENEMO observed indications of organized transportation of voters¹⁵² and even of potential vote buying¹⁵³, whereas suspicious group of young people “assisting the voters” was noticed at one polling station in Comrat¹⁵⁴.

The environment around polling stations was assessed as regular in 93.9% of PSs observed, while at 1.8% of PSs, STOs witnessed large groups of voters in front of polling stations. In total, the

¹⁴⁸ Ballot papers, voter lists, ballot boxes, voting booths, camera, stamps needed for the voting (‘Alegeri 1.11.2020’, ‘Votat’, ‘Retras’, ‘Anulat’), PEB number stamp, computers of SAIS-E, protocols, masks, hand sanitizers, pens for voters.

¹⁴⁹ In the first case, PEB members could not find the opening protocol until a few minutes after the opening of the polling station. They kept notes in a blank piece of paper. The protocol was found several minutes after the opening and filled at that moment. In the second case the protocol was pre-filled (presumably from the night before), but not yet signed and it was signed during the preparatory meeting.

¹⁵⁰ In two cases they were police officers and in one case the staff of the relevant institution.

¹⁵¹ 1 PS faced certain challenges due to rushing caused by the PEB members who could not find the opening protocol in the beginning of their work.

¹⁵² In addition to a number of minivans observed in the vicinity of the polling station, several cars with Moldovan license plates dedicated to cars registered in Transnistria were parked in front of the polling station and drivers were sitting inside cars.

¹⁵³ A group of persons in front of the polling station were discussing some sort of payments to be received.

¹⁵⁴ In front of one PS in Comrat, the observers noticed a group of young persons, wearing t-shirts with the sign “peoples’ anti-crisis headquarters”, who claimed to be there to assist senior voters.

setup of 99.4% of PSs was assessed as acceptable, while all essential materials were present in all of the observed PSs. In 98.2% of PSs observed, stationary ballot boxes were properly sealed, while 4.9% of mobile ballot boxes were not properly sealed.

157 out of the observed 164 polling stations received as many ballot papers as there were voters in the main voter list or slightly more. Numbers of received ballots varied from 49 to 3250.

Not all PEB members seemed to be aware of the modalities of using camcorders during Election day. In 12 (7.3%) observed polling stations, observers noticed that PEB members did not switch off the camera recording during the voting process, and in many cases, when asked about this they stated that everything was according to the rules and that cameras should be recording the whole process.

All observed polling stations were operating with the presence of a minimum required number of PEB members, as per Law. Women were well represented in all PEBs, with 81.1% of PEB members being women, as well as in leadership positions within the PEB (80.5% of PEB chairs and 71.3% of deputy chairs were women).

COVID-19 protective measures were not respected at 17.3% of the observed PSs. A significant number of individuals were not respecting distance measures (12.8%) and wearing protective masks properly (8.5%).

Voter identification procedures were followed properly in all observed polling stations and observers did not notice any serious violations of procedures. However, in 4.3% of the observed PSs, secrecy of voting was violated to some extent, mostly because of inadequate set up of voting booths, or cameras recording the voting process and improperly positioned.

Observers assessed that the PEBs managed the voting process properly and functioned in an orderly manner in 87.8% of the observed polling stations. 11 polling stations were overcrowded and in one case the observers have assessed the polling station management as disorganized and confusing. In 2.4% of the observed polling stations, observers were not able to conduct proper observation due to an overcrowded polling station. At almost all (97%) polling stations observed, no presence of unauthorized persons was witnessed by observers.

40.2% of the polling stations observed during voting were assessed as accessible for persons with locomotor disabilities, while 29.9% of polling stations required minor assistance and 29.9% were assessed as not accessible.

PEBs at the observed PSs were evaluated by observers as either “good” or “very good” in 99.4 % of the cases; while one case was assessed as “bad”, due to negligence.

Counting process

ENEMO followed the closing and vote-counting procedures in 12 polling stations. All observed PSs closed in time, and no voter queues were reported in any of them at the moment of closing.

All PEBs at observed polling stations were operating with enough members and no replacement of PEB members, nor SAIS-E operators happened during the day.

The counting started on time in all cases except for one, where preparations for the counting took time. PEBs indicated that voting was closed in SAIS-E (closing of the “Voting” sub-module in SAIS-E by the operator) in all polling stations observed, and in 10 out of 12 cases, the video camera was switched on once the counting process started. Video cameras were properly positioned during the counting in 9 out of 12 observed polling stations. At 8 out of 12 polling stations observed during counting, counting procedures were followed properly and protocols were filled out in accordance with the law¹⁵⁵.

The presence of a police officer was noticed in one observed polling station during the counting. All observers present were able to observe, and copies of protocols were given to all entitled individuals in all polling stations observed. No formal complaints were submitted at polling stations observed during the counting.

In only 5 out of 12 polling stations, all persons present respected the COVID protective measures, as a significant number of PEB members were not wearing protective masks properly.

At all the observed polling stations, election materials were packed and sealed in accordance with the law, without substantial deviation from the procedures. The assessment of PEBs during the counting was either “very good” or “good” in 10 out of 12 observed polling stations and bad in two (due to negligence).

Transfer of materials to district election commissions (DEC) and DEC activity

ENEMO observers monitored the transfer of election materials and respective intake at 12 DEC. The transfer of materials was done in an orderly manner and following the procedures in all polling stations in which ENEMO observed this process.

In 11 out of the observed 12 DEC, authorized observers were able to observe properly, and 9 out of 12 DEC did not seem overcrowded, while long lines of persons were at the DEC's entrance. In 11 out of 12 cases, premises of observed DEC were assessed as adequate and with proper setup for the delivery of election materials¹⁵⁶.

The evaluation of the work of the DEC by ENEMO observers was positive (very good or good) in all the observed DEC, and their work was assessed as straightforward and transparent in all the observed cases.

¹⁵⁵ Marks in protocols not made after each step of counting were observed in 3 cases, and in 2 cases each ballot was not announced during sorting. In two cases, preliminary results were not entered into special sheets, in 1 case an unclear voting option on the ballot was not discussed, and in 1 case the counting was not conducted according to the procedures.

¹⁵⁶ In one case, DEC members separated arriving PEB members into six groups that were able to come into separate rooms. This led to a limited access for observers to monitor the entire process of transferring of election materials.

Observers

The legislation of Moldova provides for international and citizen election observation who enjoy broad rights, including the right to attend sessions of all election commissions and to receive documents, including results protocols. Citizen observers could be nominated by registered non-governmental organizations engaged in issues related to the election process and its observation. No cases of obstruction to their work were reported by ENEMO observers on election day at observed polling stations. No domestic observers have reported to ENEMO observers instances of obstruction of their work.

In total, for presidential election, the CEC accredited 310 international observers, 1,910 national observers, and 278 observers for polling stations abroad¹⁵⁷. The accreditation of citizens, candidates and international observers¹⁵⁸ was inclusive, which contributes to the transparency of the electoral process. ENEMO EOM notes that due to the COVID pandemic and associated travel and health restrictions, several international missions decided to limit their missions, or use different observation methods.

On 3 September, the Protocol Office of Accredited International Observers was formed by the CEC¹⁵⁹. ENEMO EOM assesses collaboration with the Office mostly positively, although the mission reiterates its concerns regarding delays in accreditation of its observers. The involvement of other state institutions in the accreditation process is at odds with international best practices¹⁶⁰.

One domestic organization organized a telephonic exit-poll on Election day and presented findings after the closing of the polls, as per the legal framework¹⁶¹. On 28 October, the Central Election Commission issued a press release on this exit-poll, stating that it did not authorize its conduct¹⁶². The EOM will follow potential further developments on this matter.

¹⁵⁷ Data for 25 October 2020.

¹⁵⁸ The CEC accredited representatives of international organizations as observers, as well as foreign governments or foreign non-government organizations, having registered their interpreters. Moldovan citizens living abroad, and representatives of international and foreign nongovernmental organizations can be accredited as observers to monitor the election process in polling stations abroad.

¹⁵⁹ The composition and working principles of this Office are defined by the CEC Decision No. 4180 of 3 September 2020.

¹⁶⁰ The 2005 UN Declaration of Principles for International Election Observation states that the country holding the election should take the following actions: “Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission” (point 12, h.).

¹⁶¹ The NGO Watchdog.md expressed its intention to organize an exit-poll on Election Day and notified the CEC, in accordance with the legal framework, on this. The exit-poll was to be conducted telephonically, and as explained by the organizers publicly, the phone numbers were to be generated randomly and no personal data of the participants would be requested, nor recorded (i.e. only the response of the respondent and demographic questions would be recorded and not the number associated to the answers).

¹⁶² Through a press release, the CEC also questioned the methodology of the exercise and expressed concerns on the handling of personal data, while warning that it reserved the right to take further action - by notifying various relevant authorities - against the organizers, in case the exit-poll was conducted, or the media covering their findings.

About ENEMO

The European Network of Election Monitoring Organizations (ENEMO) is an international nongovernmental organization that represents a network of national nongovernmental civic organizations founded in September 2001. 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 33 international election observation missions to eight countries, Ukraine 2020, Local Elections; Montenegro 2020, Parliamentary Elections; Serbia 2020, Parliamentary 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.