



**ENEMO International Election Observation Mission  
General Local Elections, 20 October - Moldova 2019**

**STATEMENT OF PRELIMINARY FINDINGS AND  
CONCLUSIONS**

**22 October 2019**

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*Elections were held in a calm and generally competitive environment, despite legal shortcomings in the Electoral Code. Excessive requirements in the law for registration of self-nominated candidates are at odds with international standards, and concerns could be raised regarding inconsistent grounds for rejection of independent candidates, which may have affected the principle of equal opportunity.*

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On 15 September 2019, the European Network of Election Monitoring Organizations (ENEMO) deployed an International Election Observation Mission (IEOM) to Moldova to observe the General Local Elections of 20 October 2019. These are the 7th general local elections held in Moldova since the country gained independence, and the third Moldovan elections being observed by ENEMO.

In addition to the 5 Core Team members based in Chisinau, ENEMO has accredited 8 Long term observers (LTOs) and deployed them in teams of two in Chisinau, Balti, Orhei, and Comrat on 26 September. The Mission is headed by Dritan Taulla. The IEOM's scope of work is to observe the local elections and it did not observe systematically the parliamentary elections that were held in four single-member constituencies.

Until Election Day, ENEMO LTO teams conducted 386 meetings, 112 with election management bodies, 64 with political parties, 95 with candidates, 45 with state officials, 25 with media and 45 with domestic civil society organizations, in addition to observing 33 campaign activities (meetings or rallies). The IEOM did not engage additional short-term observers. However, long term observers and core team members formed five teams that observed 70 polling stations on election day.

The mission monitored and assessed the overall political and electoral environment, respect for the rights to elect and stand for election, conduct of election management bodies, campaigning, gender equity, voting and tabulation processes, electoral dispute resolutions and other crucial aspects of the process, based on international standards for democratic elections and the Moldovan legal framework.

This Statement of Preliminary Findings and Conclusions follows the [First Interim Report](#), issued on 13 October. The Statement of Preliminary Findings and Conclusions is based on ENEMO observers' findings from 20 September until Election Day. The mission will be in the country to follow the run-off elections to be held on 3 November and issue a second interim report, approximately one week before the run-off election day and a preliminary statement after it. The final report, including detailed findings and recommendations, will be issued within sixty days from the certification of results.

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## Preliminary conclusions

On 20 October 2019, general local elections were held in all level I administrative-territorial units (municipalities/cities, communes/villages), level II districts, Chisinau and Balti municipalities (with the exception of Transdnistria and the municipality of Bender). Citizens went to the polls to elect 898 mayors and 11,580 local councilors for a 4-year term.

The preliminary voter turnout for the election, as announced by the CEC was 41.68 percent. According to information on preliminary results indicated by the CEC, 518 mayors were elected, representing 10 political parties/blocs and 64 mayors were elected as independent candidates in the first round. Run-off elections are expected to be held in 380 administrative-territorial units.

Generally, the legal framework ensures conditions for holding democratic elections. ENEMO assesses the recently adopted amendments as overall positive and in line with international standards and best practices for democratic elections, while also noting that amending the legal framework nearly two months before an election is not a recommended practice, as it negatively affects the stability of the law.

CEC sessions were generally conducted in a collegial, open and transparent manner. The CEC published the agenda of the upcoming sessions in advance and provided draft decisions upon request. However, ENEMO assesses that key-election data was missing from the official CEC website and were not systematically provided in full upon request.

The CEC and DEC's operated effectively and in a timely manner to organize elections. ENEMO considers changes in the composition of DEC's and PEB's on the eve of the elections challenged the work of some of the electoral commissions, although it did not seem to significantly affect the process in a negative way. Levels of knowledge of PEB members of opening, counting and tabulation procedures, as well as the transfer of electoral materials, varied.

ENEMO EOM observed that the process of signature collection was significantly problematic in a number of cases, due to provisions of the law lacking clarity and leaving space for different interpretations by different levels of EMB's and courts. The EOM considers restrictions and discrimination of independent candidates regarding their right to stand for election as conflicting with international standards and best practices.

A number of DEC's registered lists that, at the time of submission and acceptance, did not fulfill the gender quota for local councils. For registration of party lists, DEC's followed the Decision and template provided by the CEC which contained misleading instructions, leading DEC's to make incorrect calculations on the number of women candidates required per list.

Although the electoral campaign was overall inclusive, ENEMO preliminary assesses that provisions on campaigning rules in the legal framework are at times unclear, and leave excessive space for loopholes, abusable by electoral constants in bad faith. ENEMO raises concerns regarding the direct involvement of incumbent mayors and government officials in campaigning and notes that this issue remains insufficiently sanctioned in the legal framework. ENEMO also

raises concerns that both uneven timeframes for campaigning among electoral contestants and early campaigning affected the principle of equal opportunity.

No specific messages targeting women policies were noted during the campaigning, while media monitoring reports of domestic organizations have shown a low presence of women in campaign related news.

ENEMO interlocutors raised concerns about “shadow funding” of electoral campaigns, namely discrepancies between reported campaign funds and actual campaigning activities and related expenses. ENEMO notes a lack of strong oversight mechanisms to verify compliance of electoral constants with the financial requirements of the law.

The timeframe for complaints adjudication is short and they should be resolved before election day, which is in line with best practices. However, ENEMO assesses that a number of contestants have insufficiently used the available dispute resolution mechanisms, reportedly due to lack of resources and lack of confidence in the effectiveness of the dispute resolution system. Moreover, ENEMO notes that a number of decisions on the complaints issued by lower-level EMBs failed to mention the competent body and deadlines for complaining against their decisions, which is at odds with international standards.

ENEMO deems that the monitoring and sanctioning mechanism of CCA is inefficient, due to both a long period between monitoring reports and the slow pace of reviewing them by the CCA, which fails to ensure swift reaction in cases of biased coverage. Moreover, while commending the extension of the monitoring range to the whole broadcasting time, ENEMO deems the number of monitored broadcasters too low and their selection inadequate.

Election Day was, overall, calm and peaceful. The overall management of the polling and conduct of PECs was assessed positively in the majority of observed polling stations, despite isolated cases of overcrowding, violation of the secrecy of the vote, and other minor incidents at a few polling stations observed, not affecting the overall legitimacy of the process or the results.

Around 59 percent of the polling stations visited by ENEMO observers on Election Day lacked adequate structures to facilitate access of persons with mobility impairments to the polling stations. However, in 27 percent of visited polling stations, magnifying glasses for voters with slight visual impairment were available, whereas templates in the Braille alphabet were noticed in 38 percent of the visited polling stations.

## I. Background

On 20 October 2019, general local elections were held in all level I administrative-territorial units (municipalities, cities, communes, villages), level II districts, Chisinau and Balti municipalities (with the exception of Transdnistria, currently not under the control of Moldovan constitutional authorities, and the municipality of Bender). Citizens went to the polls to elect 898 mayors and 11,580 local councilors for a 4-year term (the previous term expired on 14 June 2019).

The election was held in the broader context of this year's recomposition of political alliances following the 24 February 2019 parliamentary elections, and the coalition agreement concluded between the Socialist Party of the Republic of Moldova (PSRM) and the bloc "ACUM" ("Platform DA" and PAS). The Democratic Party (PDM) is currently the most represented opposition political party in the Parliament, followed by the Political Party Shor.

The preliminary voter turnout for the election, as announced by the CEC was 41.68 percent <sup>1</sup>. According to information of the CEC on preliminary results<sup>2</sup>, it has indicated that 518 mayors were elected in the first round, representing 10 political parties/blocks and 64 mayors - elected as self-nominated candidates. Run-off elections are expected to be held in 380 administrative-territorial units where no candidate managed to win more than 50 percent of votes in the first round.

## II. Legal Framework and Electoral System

### Legal Framework

Elections are primarily regulated by the Constitution and the Electoral Code, which are supplemented by other laws<sup>3</sup>, as well as decisions of the Central Election Commission. If implemented in good faith, the legal framework ensures conditions for holding democratic elections. Moldova is also a party to several international treaties and conventions<sup>4</sup>, which, by the Constitution<sup>5</sup>, prevail in case of discrepancy between them and the domestic legislation.

A number of amendments to the Electoral Code and other laws were adopted in August 2019<sup>6</sup>, addressing some previous recommendations of ENEMO<sup>7</sup> and other international and domestic

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<sup>1</sup> <https://pv.cec.md/>

<sup>2</sup> [https://a.cec.md/ro/peste-2-saptamani-in-380-de-localitati-din-tara-2781\\_94837.html](https://a.cec.md/ro/peste-2-saptamani-in-380-de-localitati-din-tara-2781_94837.html)

<sup>3</sup> 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.

<sup>4</sup> Inter alia, 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.

<sup>5</sup> Article 4, para. 2 of the Constitution of the Republic of Moldova

<sup>6</sup> On 15 August 2019, the Parliament of Moldova has adopted in final reading the Law no. 113/2019, through which were amended 54 articles of the Electoral Code, 1 article of the law on the status of the members of the Parliament, 2 articles of the law on identity documents of the national passport system, 3 articles of the law on political parties, 1 article of the Misdemeanor Code. The law entered into force in 17 August 2019, only two days before the start of the electoral period for the Local Elections.

<sup>7</sup> See ENEMO's final reports on the [2019 Parliamentary Elections](#) and the [2016 Presidential Elections](#).

stakeholders. ENEMO assesses the amendments as overall positive, eliminating gaps in the legislation, and in line with international standards and best practices for democratic elections. However, it should be noted that amending the legal framework nearly two months before an election is not a recommended practice<sup>8</sup>, as it negatively affects the stability of the law while also placing extra burden on election management bodies. Moreover, a crucial amendment to the Misdemeanor Code, aligning it with the latest amendments to the Electoral Code about campaign silence, was adopted on 4 October and entered into force only one day before the start of the electoral silence (on 18 October)<sup>9</sup>.

Key amendments to the Electoral Code that affect local elections<sup>10</sup> concern campaign financing<sup>11</sup> and candidate registration<sup>12</sup>. Other important amendments regard a redefinition of election campaigning; forbidding campaigning on election day and the day preceding it; the obligation of media to broadcast electoral debates only live and in prime time; the possibility to increase the number of voters for polling station by 10 percent on the request of mayors; possibility for representatives of election contestants, besides voters themselves to consult the voter list, etc.

## **Electoral System**

The territory of Moldova is administratively divided into first level administrative units - villages/towns/sectors - and second level administrative units - districts; the municipalities of Chisinau, Balti, and Bender; and the autonomous territorial unit of Gagauzia and Transdnistria. In terms of public administration, in villages and towns, local autonomy is realized through local councils as deliberative authorities and mayors as executive authorities. In districts, local autonomy is realized through district councils as deliberative authorities, and district presidents as executive authorities.

Local elections were held to elect 898 mayors and 11,580 councilors<sup>13</sup> - 10,472 councilors of first level administrative units and 1,108 district or municipal councilors<sup>14</sup>. The total number of

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<sup>8</sup> It should be noted however that the introduced amendments are not regarded as major changes to the law, which would be inadvisable to change less than one year prior to election day, as the [Code of Good Practice in Electoral Matters](#) (II.2.b.) of the Venice Commission recommends.

<sup>9</sup> With the amendments made to the Misdemeanor Code on 15 August 2019, Article 52 of the law on sanctions for campaigning was partially changed and only mentioned sanctions for campaigning on Election Day. This was, however, a gap in the legislation as campaigning on the day preceding elections, which the Electoral Code forbids, were not punishable. Article 52 of the Misdemeanor Code was amended again on 4 October 2019 to include in the wording campaigning on the day preceding election day, thus covering the full range of electoral silence period.

<sup>10</sup> Some of the amendments do not affect the holding of local elections (e.g. reverting the electoral system for parliamentary elections from mixed to fully proportional).

<sup>11</sup> E.g., set out the ceiling for funds, previously a competence of the CEC, in the Electoral Code, considerable reductions of the ceilings for donations, lifting of the ban on funding by Moldovan citizens from income obtained abroad, extension of the timeframe for legal persons that have benefited from public funding by conducting public works or delivered goods or services based on public procurement contracts, from one year prior to the start of the electoral period to three years.

<sup>12</sup> E.g., the provision on ensuring balanced representations of genders in the candidate list through a 40 percent obligatory quota for each gender has been complemented with the obligation to have at least four candidates from each gender in every ten names in the list (three for these elections), removing the obligation of the candidates to submit consent to run for elections in person and the obligation to submit the Certificate issued by the National Integrity Authority, replacing it with a declaration of personal responsibility.

<sup>13</sup> 10,472 town/village councilors and 1,108 district (raion) or municipal councilors.

<sup>14</sup> Presidents of the districts are not directly elected.

councilors was reduced by 100 compared to the 2015 Local Elections<sup>15</sup>. In local elections, boundaries of electoral constituencies match those of the relevant administrative unit. Mayors are elected under a two round majoritarian system, with the two candidates that receive the highest number of votes to compete in run-off elections on 3 November 2019<sup>16</sup>. At least 25 percent of voters in a given constituency had to participate for the election to be valid in the first round. Councilors are elected under a List proportional system (List PR), without a legal threshold. Seats in the local council are allocated in single multi-seat constituency following the d'Hondt formula. Candidate lists are closed and blocked. It is obligatory to have at least four candidates from each gender in every ten names in the list<sup>17</sup>.

### III. Election Administration

Local elections were administered by a four-tiered election administration: The Central Election Commission (CEC), 35 Level II District or Municipal Electoral Councils<sup>18</sup> (DECs / MECs), 896 Level I DECs, and 1,969 Precinct Electoral Bureaus (PEBs).

ENEMO notes that deadlines were overall respected by the election administration. In general, the CEC and DECs operated effectively and in a timely manner to organize the elections. However, last minute decisions amending some regulations<sup>19</sup> and different rules applied for local elections and parliamentary elections (in the four constituencies where they were held) affected the consistency of the electoral process, since certain provisions<sup>20</sup> were applied differently to the two elections held simultaneously.

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.

#### **Central Electoral Commission (CEC)**

CEC sessions were generally conducted in a collegial, open and transparent manner. The CEC published the agenda of the upcoming sessions in advance and provided draft decisions upon request. ENEMO preliminarily assesses that public CEC meetings were generally transparent.

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<sup>15</sup> [Decision no. 2573](#), 16.08.2019, of the Central Election Commission.

<sup>16</sup> According to preliminary data from the CEC, run-off elections will be held in 380 administrative territorial units.

<sup>17</sup> Three out of each ten for the current local elections as per a special provision in the Electoral Code, applicable only for these elections.

<sup>18</sup> The second level election management bodies are either called District Electoral Council, in the cases of districts or Municipal Electoral Council, in the cases of the municipalities (Chisinau, Balti and Bender).

<sup>19</sup> For example, the Decision about installation of the video system was issued only three days before the Election Day. According to it, the video monitoring system should be functional and active on the Election day only to monitor the electoral operations in the absence of voters. [Decision from October 17th, 2019, for amending the Regulation on operation Video recording system in polling stations, approved by decision Central Election Commission no. 2265 of February 8, 2019](#)

<sup>20</sup> For example, uneven deadlines led to some confusion with implementation.

Although at the start of the electoral campaign, the CEC published information on its website about electoral disputes in a regular manner, closer to the Election Day, information was rarely to not at all updated with new information, especially about complaints or lower level EMB Decisions.

ENEMO observed that some CEC decisions, including those on candidate registration denials and complaints, were published with significant delays, which limited transparency. In addition, key-election data was missing from the official CEC website and were not systematically provided in full upon request, namely a comprehensive register of complaints submitted to the CEC, information on candidates which withdrew from the race, as well as relevant DEC decisions, despite the legal obligation of the CEC to post information within 48 hours of obtention. Relevant parts of the CEC official website have not been updated since 3 October. The EOM was informed that delays were mainly due to a lack of time, understaffing, and overload of work. Lack of access of observers to key electoral information is at odds with international standards<sup>21</sup>.

ENEMO highlights as a positive fact the efforts of the CEC and Center for Continuous Electoral Training (CCET) to conduct a broad voter education campaigns<sup>22</sup> inclusive of civil society organizations, and provide additional training to stakeholders involved in the electoral process<sup>23</sup>. Most of voter education videos were broadcast on TV throughout the election period and reposted on the official webpage of the CEC and the CCET Facebook profile. In addition, the CCET established an Informational Call Centre for voters to consult on voting procedures.

On Election Day, the CEC provided four updates on the conduct of voting to the media and public<sup>24</sup>.

### **District Electoral Commissions (Level I and Level II DEC)s**

The CEC supervised the activities of DEC)s and PEBs, and reviewed *ad-hoc* complaints against level II DEC decisions. DEC)s were responsible for managing the electoral process in the relevant

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<sup>21</sup> The [Copenhagen document](#), Par. 8, states: “*The participating States consider that the presence of observers, both foreign and domestic, can enhance the electoral process for States in which elections are taking place. They therefore invite observers from any other CSCE participating States and any appropriate private institutions and organizations who may wish to do so to observe the course of their national election proceedings, to the extent permitted by law. They will also endeavor to facilitate similar access for election proceedings held below the national level.*”

<sup>22</sup> Election educational and motivational videos were produced, such as “Choose to Vote”, as well as numerous different motivational events for various groups of voters, among different educational activities under the slogans: “All Roads Lead to Vote!”, “Don’t be Silent! Vote!”

<sup>23</sup> CCET trained several categories of beneficiaries in order to organize and conduct the general local elections on 20 October. The following were trained: PEB Members: cca 220 seminars, for about 4,000 participants; PEBs members, Members of the DEC)s, Level I - 112 seminars, 2229 persons; Members of the DEC)s, Level II - 35 trainings, 327 persons; SAIS-E operators: approximately 3,000 participants; Librarians: 3 trainings - 80 participants, who conducted civic education campaigns for voters in their localities; Registrars: 16 seminars for 180 people; Students for elections in the Student Council: 51 trainings, 1124 students, among which young voters; “Initiation in Elections” trainings on request for Party of Action and Solidarity: 10 seminars, 180 participants; Observers: 1 seminar, 6 participants; General Police Inspectorate: 3 seminars, 114 participants; Ministry of Foreign Affairs and European Integration: 1 seminar, 31 participants.

For the first time, the CCET in collaboration with the National Institute of Justice conducted a seminar with the title “The practice of applying the electoral legislation regarding local general elections”. 30 judges participated to the seminar which aimed to improve practical cooperation amongst institutions. Additionally, for these elections, the CEC introduced a practice of webinars to instruct PEB members about storage and security of electoral documents.

<sup>24</sup> On the Election Day, the official website: <https://pv.cec.md> aggregated live updates, connected to the SAIS-E, sub-module “Voting”.

constituency, aggregating election results, and received, reviewed and took decisions on election related complaints and appeals.

A considerable number of replacements of DEC members occurred throughout the electoral period, with several replacements due to refusals or nominated members not being consulted or informed in advance of their nomination, lack of interest, nominated members residing abroad or in positions of conflict of interest, and low payments.

The law does not provide for any legal deadline after which replacements of DEC members are no longer allowed. Replacement members in fact did not undergo training, resulting in varying levels of preparedness of commission members for these elections, although this did not seem to negatively affect the process overall. The law does not provide for any legal deadline after which replacements of DEC members are no longer allowed.

However, ENEMO observed that preparations by DEC members were administered efficiently and within legal deadlines overall. DEC sessions were held on an *ad hoc* basis, with stakeholders informed in advance, but untimely publication of minutes and decisions decreased the transparency of their work. The situation worsened when the CEC stopped systematic publication of information from DEC members regarding decisions and complaints.

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

In several cases, replacements of PEB members took place after training sessions for electoral commission members were held. Training programs were obligatory only for three PEB members – Chairperson, Deputy Chairperson and Secretary, and optional for the rest of PEB members. Almost all trainings took place during official working hours. Additionally, in several cases, levels of knowledge of PEB members of opening, counting and tabulation procedures, as well as transfer of electoral materials, varied although this did not negatively affect the process as monitored by ENEMO observers on Election Day.

ENEMO observers reported that in most instances, PEBs were provided with the proper conditions to perform their work. However, several observed PEBs before election day were provided with an insufficient number of invitations for voters.

PEBs used SAIS-E to identify voters and check against multiple voting, as well as to transmit counting results directly to the CEC. ENEMO preliminarily assesses that SAIS-E operators worked professionally, and the process was well-organized, and met all legal deadlines and requirements related to the technical conduct of the elections.

However, ENEMO notes that requests for changes in the composition of electoral commissions at the district and precinct level on the eve of the elections and on Election Day additionally challenged the work of some of the electoral commissions. As a result, on Election Day, DEC members were overloaded by inquiries concerning the division of competences of electoral commissions, which additionally burdened DEC members.

#### IV. Registration of Voters

All citizens of the Republic of Moldova who have reached the age of 18 (including on election day) and who have not been disenfranchised by a court decision, could participate in the elections. The right to vote is exercised only in polling stations within a voter's domicile or residence (voters should vote in the localities where they reside).

According to official data from the CEC, the total number of voters on the main voter lists was 2,803,740<sup>25</sup>. Voter lists were overall posted in a timely manner by 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.

Overall, ENEMO observers positively assessed the work and professionalism of the State Registry of Voters and State Register of Population offices. Most voters wishing to register or check themselves on the lists were able to do so in time.

In isolated cases, observers reported on cases of deceased individuals still on the voter lists. However, these cases did not seem intentional, and ENEMO deems that they were either due to negligence or lack of information (lack of death certificates of individuals abroad, for instance), as opposed to intentional fraud attempts.

#### V. Registration of Candidates

In accordance with the Electoral Code, the process of nomination of candidates<sup>26</sup> started after the establishment of constituencies and district electoral councils<sup>27</sup>. The start of the period for submitting candidates' applications for registration was 30 August in the case of level II electoral councils, and 9 September for level I electoral councils, and ended on 19 September<sup>28</sup>.

An individual could run for both mayor and council, but only in one electoral district of the same level. The right to nominate candidates is granted to political parties and other socio-political organizations (no new political parties have been registered since the 2019 Parliamentary election) and electoral blocs, as well as to citizens through self-nomination upon submission of supporting signatures.

Regarding mayoral elections, 25 parties and one bloc participated. From these entities 3,408 candidates were registered. One party only nominated one candidate; others amounted to 2 candidates (5 parties). Three parties have more than 500 candidates for mayors: Democratic Party - 646 candidates, ACUM Bloc - 681 candidates and Party of Socialists - 753 candidates.

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<sup>25</sup> [https://a.cec.md/ro/astazi-in-republica-moldova-au-loc-alegeri-locale-generale-2781\\_94828.html](https://a.cec.md/ro/astazi-in-republica-moldova-au-loc-alegeri-locale-generale-2781_94828.html)

<sup>26</sup> Citizens eligible to vote could stand as candidates for councilor, whereas only those over 25 years of age could run for mayor. Active duty military personnel, persons sentenced or serving prison sentence, persons with an active criminal record for deliberately committed crimes and persons deprived of the right to hold positions by a final court decision cannot stand for election.

<sup>27</sup> Art.46 of the Electoral Code.

<sup>28</sup> CEC Decision N 2584 regarding regulation of the designation and registration of local election candidates (registration of initiative groups to support independent candidates for collection of signatures) was adopted on 20 August, two months before the election.

Regarding candidates for local councils, 26 parties and one bloc registered 4,325 candidates: PSRM - 872 candidates, PDM - 795 candidates, ACUM Bloc - 790 candidates, Sor Political Party - 536 candidates, etc.

Collection of signatures is obligatory only for independent candidates and is collected only in localities where independent candidates run for election. Only independent candidates and members of citizen initiative groups who nominated and/or supported independent candidates (and authorized persons by independent candidates, as well as members of initiative groups) had the right to collect signatures<sup>29</sup>. Independent candidates for local councils required the support of 2 percent of voters in the district, divided by the number of councilor mandates, but not less than 50 people. Independent mayoral candidates required the support of 5 percent of voters in the district, but no less than 150 and no more than 10,000<sup>30</sup>.

The right of individual candidates to run for office free from political party association is specifically enshrined in the Copenhagen Document, which guarantees the “right of citizens to seek political or public office, individually or as representatives of political parties or organizations, without discrimination”<sup>31</sup>. However, ENEMO preliminarily assesses the requirements for running as an independent candidate as unduly high in regard to international standards<sup>32</sup>.

In addition, ENEMO EOM observed that the process of signature collection was significantly problematic in a number of cases, due to provisions of the law lacking clarity and leaving space for different interpretations by different levels of EMBs and courts<sup>33</sup>. Due to discrepancies in legal interpretations, DEC's rejected a number of candidate applications, which led to several court disputes and appeals of first instance court decisions. ENEMO observers reported that in several cases, grounds for rejection of independent candidates by DEC's were based on minor formal errors, small technical mistakes, and variable interpretations of the law.

ENEMO preliminarily assesses that the provisions of the law were applied in an inconsistent manner, at times restricting the right of independent candidates to stand for election, while also

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<sup>29</sup> After the signature collecting lists have been submitted, the competent EMB should start the verification of the authenticity of the signatures on sheets, including the right to vote of the persons who were included in the lists and their residence. The signature collecting lists should be checked within five days from the day of submission. The CEC informed submitters of signature collecting lists about the results of verification and announced the total number of names included on the sheets submitted by each candidate in elections, as well as the number of signatures found valid. Meanwhile the CEC did not aggregate data on candidate registration, which took place at lower levels and local administrations, which are obliged to publish information on mayoral and council candidates. ENEMO notes that lower-level electoral bodies did not have up-to-date websites or alternative sources of information on candidates. The respective EMB should issue a certificate of candidacy to registered candidates as soon as possible, but no later than in three days from the day of registration. The respective EMB should make public its decisions on registration of independent candidates or lists of candidates in mass media announcements, financed from budget resources. Parties that registered their lists at DEC's and candidates who have collected support signatures had the right to start campaigning immediately.

<sup>30</sup> Lists for collecting signatures in support of an independent candidate should include personal data of voters, as well as the first and last name of the person collecting the signatures. Signature collection lists should contain only signatures of voters who live in one locality, and a voter can only support one candidate, which is a restriction challenging political pluralism.

<sup>31</sup> Paragraph 7.5 of the 1990 Copenhagen Document.

<sup>32</sup> The Code of Good Practice in Electoral Matters of the Venice Commission states that “*the law should not require collection of the signatures of more than 1 percent of voters in the constituency concerned*”. Part I, Para. 1.3, point ii. of the 2002 Code of Good Practice in Electoral Matters of the Venice Commission

<sup>33</sup> For example, in some cases restrictions were considered to be in line with the national legislation on territorial-administrative units by the DEC's and courts, although these were contested by independent candidates.

affecting the right of voters to support them. The ENEMO EOM considers restrictions and discrimination of independent candidates regarding their right to stand for election as conflicting with the abovementioned international standards and best practices.

## VI. Electoral Campaign and Campaign Finance

### **Electoral Campaign**

Electoral contestants (candidates nominated by political parties, electoral blocs, and self-nominated candidates) had the right to start campaigning only following their official registration in the election<sup>34</sup>. Although the electoral campaign was overall inclusive, ENEMO assesses that provisions on campaigning rules in the legal framework are at times unclear and leave excessive space for loopholes abusable by electoral constants in bad faith.

Some independent candidates voiced to the EOM the fact that due to more strenuous requirements and voter signature collection, their time for campaigning was reduced in comparison to the timeframes for candidates supported by political parties (which could register faster and thus start campaigning earlier). Several instances of early campaigning<sup>35</sup> were mentioned by EOM interlocutors, with the legal framework not providing any sanctions for such cases. ENEMO raises concerns that both uneven timeframes among electoral contestants and early campaigning affected the principle of equal opportunity.

ENEMO notes that recent amendments to the Electoral Code modified the definition of electoral campaigning as preparatory actions aimed at disseminating information that contain an “urge” to vote with the goal to determine voters to vote for some or other electoral competitors<sup>36</sup>. This definition in the law could be preliminarily assessed as overly restrictive and not inclusive of several instances which could be considered as campaigning (for example, slogans and campaigning materials or presence of candidates at events [concerts] even though they do not urge voters to vote for or against an electoral contestant).

In addition, ENEMO preliminarily assesses as disproportionate some provisions of the law which prohibit the use of state and national symbols and images for electoral campaigning<sup>37</sup>, which encroaches on freedom of expression (guaranteed in the Moldovan Constitution<sup>38</sup>) and is at odds with international standards, including the International Covenant on Civil and Political Rights (ICCPR), the Copenhagen Document, and the Universal Declaration of Human Rights<sup>39</sup>.

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<sup>34</sup> Art. 52, para. 4 of the Electoral Code.

<sup>35</sup> I.e. candidates and/or parties which began campaigning before they were registered as electoral contestants.

<sup>36</sup> Art. 1, General Terms of the Electoral Code.

<sup>37</sup> Art. 52 Par. 8 of the Electoral Code.

<sup>38</sup> Art. 32, Par. 4 of the [Constitution of the Republic of Moldova](#).

<sup>39</sup> [1966 International Covenant on Civil and Political Rights](#) (ICCPR) Articles 19 and 25; [1948 Universal Declaration of Human Rights](#), Article 19; [1990 Copenhagen Document](#), paragraph 7.7.

Amendments to the legal framework reinstated the ban on campaigning on election day and twenty-four hours before the day of voting (electoral silence)<sup>40</sup>. The Electoral Code provides an exception for campaign messages already placed on the Internet and billboards previously displayed.

ENEMO observed that campaigning for local elections was generally low-key, with a noticeable increase in the number of campaigning events during the week leading up to election day. Candidates and parties were overall free to campaign without obstruction, in a competitive environment. However, instances of hate speech, “black PR” and other forms of negative campaigning towards politicians on social networks and messaging applications were reported by observers, with a noticeable increase during the last week of campaigning. Traditional means of campaigning mainly included billboards, tents for distribution of materials, rally events and concerts, and small community meetings with voters.

Out of 46 political parties registered in Moldova, 26 political parties and one electoral bloc were participating in the elections with registered candidates and lists. The most visible campaigns throughout the country according to observer reports were those conducted by the Socialist Party (PSRM), ACUM Bloc, Democratic Party (PD), “Shor” Party and the European Peoples’ Party of Moldova (PPEM). Campaigning themes were mainly related to local economic development and infrastructure, improving roads and water supply, employment, education reform, modernizing public transport, and increasing the level of income of pensioners. Geopolitical topics were rarely evoked during the campaign, although it was a recurring theme of a few electoral contestants.

In isolated cases, allegations of unequal access to billboard space were mentioned by stakeholders, and ENEMO observers noticed the presence of both illegal campaign materials (improperly branded, without mandatory publication information) and damaged campaign materials. According to EOM interlocutors from the State police, the number of incidents related to campaigning was relatively low.

However, the image or direct participation of party leaders and national politicians was actively used in the election campaign. ENEMO raises concerns regarding the direct involvement of incumbent mayors and government officials in campaigning, for instance interim mayors campaigning on behalf of former mayors having resigned in order to run for re-election<sup>41</sup>. Use of city hall premises and equipment to conduct meetings as well as blurring of lines between incumbents and acting officials were reported, which is at odds with international standards<sup>42</sup>.

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<sup>40</sup> According to Article 52 of the Misdemeanor Code, campaigning on election day and the day before the election is sanctioned by a fine from 15 to 30 conventional units (for individuals), and 35 to 50 conventional units (for legal persons and candidates). ENEMO notes that the latest modifications made to the Misdemeanor Code entered into force on Friday 18 October (two days before the election).

<sup>41</sup> Additionally, allegations of election commission members involved in campaigning were reported by ENEMO observers in isolated cases.

<sup>42</sup> The [Copenhagen Document](#) clearly states Par. 5.4 that participating States agree to follow: “a clear separation between the State and political parties; in particular, political parties will not be merged with the State”; The Venice Commission [Joint Guidelines for Preventing and Responding to the Misuse of Administrative Resources during Electoral Processes](#) defines misuse of administrative resources as follows: “administrative resources are human, financial, material, in nature and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from

Although praise should be given to statements by the Prime Minister and Speaker of Parliament against the use of administrative resources by public officials for promoting candidates and parties, ENEMO notes that this issue remains insufficiently sanctioned in the legal framework.

### **Campaign Finance**

ENEMO notes that the Electoral Code contains provisions for financial reporting of parties and candidates, which are generally in line with international political finance transparency standards<sup>43</sup>.

According to the law, electoral contestants were required to submit financial reports within 3 days from the opening of their election fund, and further once per week (for parties and electoral blocs), and once every two weeks for independent candidates.

A Regulation of the CEC for campaign finance was adopted on 17 September (only two days before the start of the candidate registration and, thus, campaign), and amended only one week later (on 24 September), already five days into the campaign period<sup>44</sup>. Moreover, finance regulations for parliamentary by-elections until the next general parliamentary elections are regulated under a separate regulation<sup>45</sup>. ENEMO raises concerns that this may have caused confusion for electoral contestants, namely parties engaged in both elections, as well as burdened election management bodies.

In addition, concerns should be raised regarding political parties with registered lists which failed to report to the CEC despite the requirements of the law<sup>46</sup>. No sanctions were applied to parties which did not report on the expenses of their electoral fund.

According to information published on the official CEC website<sup>47</sup>, the Socialist Party (PSRM) and "Our Party" had the highest amounts in their electoral funds and level of expenses (up until 18 October, the end of the campaign period for the first round)<sup>48</sup>.

However, ENEMO interlocutors raised concerns about "shadow funding" of electoral campaigns, namely discrepancies between reported campaign funds and actual campaigning activities and related expenses. ENEMO raises additional concerns regarding the lack of oversight by the CEC, reportedly due to insufficient resources and absence of proper mechanisms ensuring compliance of

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*their position as elected or public officers and which may turn into political endorsements or other forms of support.*" On the prevention and misuse of administrative resources in countries' legal frameworks, see Paragraph B, point 1.1.

<sup>43</sup> Transparency International's standards include provisions such as: "political parties, candidates and politicians should disclose assets, income and expenditure to an independent agency. Such information should be presented in a timely fashion, on an annual basis, but particularly before and after elections. It should list donors and the amount of their donations, including in kind contributions and loans, and should also list destinations of expenditure. The information should be made publicly available in a timely manner so that the public can take account of it prior to elections."

<sup>44</sup> [CEC Regulation](#) adopted on 17 September, amended on 23 September.

<sup>45</sup> [CEC Regulation](#) amended in December 2018.

<sup>46</sup> As of 19 October, four parties did not submit any financial reports on the expenses of their electoral funds.

<sup>47</sup> <https://a.cec.md/ro/sustinerea-financiara-a-concurentilor-electorali-6172.html>

<sup>48</sup> PSRM reported approximately 6,5 million lei (4,9 million spent), and "Our Party" approximately 5,131 million lei (4,6 million spent). "Shor" party reported approximately 4,135 million lei (4,135 million spent), the Liberal Democratic Party (PLDM) slightly over 3 million lei (2,922 million spent), while ACUM bloc reported approximately 2,435 million lei (2,430 million spent), and the Democratic Party (PDM) approximately 1,665 million lei (1,664 million spent).

electoral contestants. However, praise should be given to the efforts of the CEC to pursue coordination with other state bodies (for instance, tax services, social insurance agencies, etc.), although, as previously recommended by ENEMO, the need remains to reinforce and fully institutionalize cooperation between various institutions to hold electoral contestants accountable to the financial reporting requirements enshrined in the law.

## VII. Complaints and Appeals

The complaints and appeals process is regulated primarily by the Electoral Code and CEC decisions<sup>49</sup>. Voters and electoral contestants may file complaints against actions/inactions and decisions of election management bodies, as well as actions/inactions of other contestants, or the media.

Complaints against actions/inactions or decisions of election management bodies can be filed with a court of law only after being previously filed to the hierarchically superior body to the one who's action/inaction or decision is challenged. ENEMO notes that the Electoral Code does not provide for a single hierarchical structure of complaints and appeals and that it does not exclude parallel handling of complaints at EMBs and courts<sup>50</sup>. Subsequently, a number of complaints were filed with non-competent bodies.

Complaints against actions/inactions of the CEC are filed with the Court of Appeals of Chisinau, while those against PEBs on Election Day are filed to the court under the jurisdiction of which the PEB falls, without prior hierarchical review. Complaints about campaign finance are filed with the CEC, or with the relevant DEC in the case of independent candidates<sup>51</sup>, those about broadcasters' coverage of the election campaign with the Audiovisual Coordinating Council, and against print or online media to court.

The timeframe for lodging complaints is within three days from the day the decision was taken or the day the affected party was made aware of the inaction. If the body to which the complaint was filed finds that the complaint is not under their jurisdiction, they forward it to the appropriate authority within two days from receiving it.

The timeframe for complaints adjudication is within three days<sup>52</sup>, except for complaints against decisions or actions/inactions of the CEC, which is within five days<sup>53</sup>, but in every case no later than Election Day. While this is in line with best practices<sup>54</sup>, despite the short deadlines set out in the law, the whole process could take a considerable amount of time, if the complaints are reviewed in different instances of the judiciary. This causes significant delays, which is a concern especially with regard to registration of candidates, as the time available for campaigning is

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<sup>49</sup> [Regulation on the examination and resolution of electoral disputes to electoral bodies during electoral periods](#), approved with Decision no. 3353 of the CEC, 20.07.2010.

<sup>50</sup> A complaint can be filed with a court without waiting for the hierarchical superior EMB to resolve it, as the Code only conditions filing complaints with courts after filing them to the hierarchically superior body.

<sup>51</sup> Art. 71, para. 6 of the Electoral Code.

<sup>52</sup> Art. 73 of the Electoral Code.

<sup>53</sup> Complaints filed with the Audio-Visual Coordinating Council should also be resolved within five days.

<sup>54</sup> [Code of Good Practice in Electoral Matters](#) (II.3.3.g) of the Venice Commission.

reduced, thus creating grounds for unequal opportunities for campaigning. The last instance for appeals is the Supreme Court.

The CEC reported having received 40 complaints until 18 October<sup>55</sup>. The CEC kept an online registry of the complaints, but the registry has only been updated with complaints filed until 3 October, and, until election day, it contained information on slightly more than half of the filed complaints (21/40). The CEC has issued a decision on nine of the complaints, and in other cases it has either forwarded the complaint to the competent body for resolving them, or returned them to the complainant without issuing a decision. Only in one case the CEC ruled in favor of the complainant.

The EOM has been informed of 68 complaints filed with lower level election management bodies and/or courts. Most of the complaints (34) regarded candidate registration<sup>56</sup>, followed by complaints on breach of the campaigning rules, including campaign finance (eleven) and misuse of administrative resources (eight). ENEMO assesses that a number of contestants have insufficiently used the available dispute resolution mechanisms, thus forfeiting their right to redress, reportedly due to lack of resources and lack of confidence on the effectiveness of the resolution system. ENEMO also notes that a number of decisions on the complaints issued by lower level EMBs failed to mention the competent body and deadlines for complaining against their decisions, which is at odds with international standards<sup>57</sup>.

## VIII. Media

The media landscape of Moldova is diverse, with a relatively high number of broadcasters and high internet penetration, while the print media is in decline. Television is the primary source of political information. However, usage of online media, including social media, as a source for political news is increasing. The EOM has noticed a high number of political advertising in online media and social networks. Several interlocutors of the EOM have expressed concerns regarding the independence of media and connections to business and politics, as well as regarding online dissemination of fake news concerning campaigns and their effects on the current electoral process.

The legal requirements for media coverage of election campaigns are set out in the Electoral Code, and include the obligation to provide fair, balanced and impartial coverage and equal conditions for paid advertising. The conduct of broadcasters is regulated by the Code for Audiovisual Media Services<sup>58</sup> and relevant regulations of the CEC<sup>59</sup> and their conduct supervised by the Audiovisual

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<sup>55</sup> However, the [official webpage](#) contains information only about part of the filed complaints as of Election Day.

<sup>56</sup> An independent candidate complained to the DEC 36 (ATU Gagauzia) about the decision of the DEC 36/1 not to register him due to insufficient number of signatures collected. According to the candidate he has not been able to collect enough additional signatures since the DEC had provided him with only one extra sheet for collecting signatures, thus limiting his capacities to collect enough reserve signatures (only 3.8 percent of extra signatures could be collected due to the limited number of sheets). The signature verification process has rejected a number of signatures, resulting in the candidate being refused registration.

<sup>57</sup> Paragraphs 5.10 and 5.11 of the [1990 Copenhagen Document](#).

<sup>58</sup> [Code for Audiovisual Media Services](#), adopted by Law 174, dated 8 November 2018 and entered into force on 1 January 2019.

<sup>59</sup> The CEC adopted the [Regulation for the coverage of the electoral campaign for the 20 October Local Elections in mass media of the Republic of Moldova](#), on 22 August 2019.

Coordinating Council (CCA), which is a permanent body.

Local and regional broadcasters are required to organize debates between contestants for local elections, while national ones are entitled to do so. ENEMO observers have been informed about a number of debates organized in local broadcasters and observed some of them. In some instances, the candidates have informed observers that they received invitations to debates on a very short notice and could not participate due to this reason<sup>60</sup>.

Most broadcasters submitted to the Audiovisual Coordinating Council their editorial policies for covering the election campaign within the legal deadline<sup>61</sup>. All 108 broadcasters that submitted their editorial policy to the CCA expressed their intention to organize debates. The broadcasters also reported throughout the electoral campaign to the CCA on the volume of broadcasts about campaigning on a weekly basis.

The CCA monitored the conduct of the six broadcasters with national coverage<sup>62</sup> during the electoral campaign and issued two reports on their conduct, covering the period from 20 September to 9 October 2019<sup>63</sup>. The monitoring has been conducted on the whole broadcasting time, which is in line with previous ENEMO recommendations. Sanctions that the CCA issues to broadcasters for violations of the campaign coverage rules may vary from issuing a public warning to revocation of the broadcasting license, with various degrees of financial penalties in between. No serious violations were found, nor any sanctions applied to any of the six monitored broadcasters. ENEMO notes that monitoring reports are posted in the webpage with delays of several days and not on the day of review from the CCA, which diminishes transparency<sup>64</sup>.

ENEMO deems that the monitoring and sanctioning mechanism of CCA is inefficient, due to both a long period between monitoring reports and the slow pace of reviewing them by the CCA, which fails to ensure swift reaction in cases of biased coverage. Moreover, while commending the extension of the monitoring range to the whole broadcasting time, ENEMO deems the selection of the monitored broadcasters inadequate, as it fails to take into account a number of outlets that are identified as an important source of political information by respondents in various conducted polls.

The CCA 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. Until election day the CCA has ruled on two complaints, both of which were rejected. Deadlines for reviewing the complaints were observed.

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<sup>60</sup> E.g. in Orhei.

<sup>61</sup> Only two broadcasters failed to submit the editorial policies and were sanctioned by the CCA on 13 September.

<sup>62</sup> Four TV: Moldova 1, Moldova 2, Prime, Canal 2; and two radio: Radio Moldova and Radio Tineret.

<sup>63</sup> The report for the first ten days of monitoring (20 - 29 September) was examined by the CCA on 8 October and the report for the second ten days (30 September - 9 October) on 17 October.

<sup>64</sup> The report from the second monitoring period, examined by CCA on 17 October was not published on the CCA webpage as of Election Day.

## IX. Gender representation

The current legal framework for elections contains several provisions that aim at improving gender representation. The provision on ensuring gender balanced representation in the candidate list through a 40 percent obligatory quota for each gender has been complemented with recent amendments to the Electoral Code, with the obligation to have at least four candidates from each gender in every ten names in the list<sup>65</sup>, aiming to tackle the ranking of women candidates in non-winning positions.

While assessing the amendment as a positive step, ENEMO deems it insufficient to ensure an adequate gender representation, as the four out of every ten ranking still leaves space for placing of women candidates in non-winning positions. Moreover, the law does not include provisions ensuring the replacement of a woman winning candidate with the next woman in the list in case of resignation of women candidates, which leaves space for their replacement with men candidates after elections.

As per the law, failure to comply with the gender requirement quota should result in the candidate list being rejected. However, a number of DEC registered lists that, at the time of submission and acceptance, did not fulfill the gender quota for local councils<sup>66</sup>. For registration of party lists, DEC followed the Decision and template provided by the CEC<sup>67</sup> which contained misleading instructions, leading DEC to make incorrect calculations on the number of women candidates required per list.

ENEMO notes that, unlike for parliamentary elections, there are no positive discrimination mechanisms for women candidates in the signature collection process and women candidates are required to collect the same number of signatures as men candidates. The overall participation of women candidates for the positions of Mayor<sup>68</sup> (around 27 percent) was 18 per cent lower than for candidates for the councils (around 45 percent). ENEMO notes that there is a positive trend in women's participation as mayoral candidates from the Local Elections held in 2011 to date<sup>69</sup>.

Three women candidates were elected as city mayors<sup>70</sup> and three women mayoral candidates will run in the second round<sup>71</sup>.

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<sup>65</sup> Art. 46, para. 3 of the Electoral Code. A special provision for the 20 October Local Elections was adopted with the Law 113/2019 (Art. VII), by which a minimum of three candidates for every ten names should be from each gender, while maintaining the 40 percent quota for both genders

<sup>66</sup> Namely, in cases where the condition of at least 40 percent of the less represented gender out of the total number of candidates from the list was not met, DEC accepted a list by rounding down the number to the nearest whole number (e.g. if a party submitted a list with 18 candidates, the gender quota of 40 percent would be 7,2 candidates. In this case, in order to fulfil the legal obligation of at least 40 percent of each gender, the list would have to contain at least 8 candidates from each gender.

<sup>67</sup> [Decision no.8/1049 of the CEC, 07.09.2019.](#)

<sup>68</sup> The highest percentage of women mayoral candidates was from Shor Party (42 percent) and the lowest from the Party of Communist of the Republic of Moldova (17 percent).

<sup>69</sup> From around 19 percent for the 2011 local elections, 22 percent - for the 2015 local elections and 27 percent for the 20 October local elections.

<sup>70</sup> Straseni, Drochia, and Glodeni.

<sup>71</sup> Soroca, Ocnita, and Leova.

The Central Election Commission consists of nine members, all of whom are men. However, based on ENEMO's observations, women were highly engaged in DEC's and largely prevail as PEB members, including in the positions of Chairperson, Deputy Chairperson, and Secretary.

No specific messages targeting women policies were noted during the campaigning, while media monitoring reports of domestic organizations have shown a low presence of women in campaign related news.

## X. National Minorities

In the Republic of Moldova, persons belonging to national minorities are defined by Law<sup>72</sup> 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<sup>73</sup>. Different minorities are typically associated in non-governmental organizations, where over 100 ethno-cultural organizations are registered at the Bureau of Interethnic Relations.

While all CEC decisions are published in the State language, translation into Russian is also provided, but not in a timely manner (sometimes with delays of up to 10 days). Ballot papers are printed in State language and Russian<sup>74</sup> and some trainings for the PEB members were also organized in Russian, depending on the region and preference of participants. Regarding voter education in minority languages, the CEC published videos in Russian, Ukrainian, Gagauz, and Roma languages.

According to ENEMO interlocutors, Roma are particularly underrepresented in the electoral process. In total out of 250,000 candidates running in these elections, only 50 are ethnic Roma, and only 16 of them are women<sup>75</sup>.

## XI. Inclusion of Persons with Disabilities

The Law "On the social inclusion of persons with disabilities" guarantees, among other things, that the State shall ensure to persons with disabilities (PWDs) the right and opportunity to elect and to be elected, and the right to adequate, accessible, and easy to understand voting procedures and materials (implementation of alternative voting arrangements) and allow them to be assisted by a person of their choice.

With regards to the participation of persons with disabilities in the electoral process, CEC has undertaken some steps in this direction, however, more efforts are needed to achieve an adequate

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<sup>72</sup>Law No. 382 of 19.07.2001, "On the rights of persons belonging to national minorities and on the legal status of their organizations",

<sup>73</sup>Based on the 2014 Census conducted by the National Statistics Bureau of Moldova, the population consists of the following nationalities/ethnic groups; Moldovan (2,068,058 people), Ukrainian (181,035 people), Russian (111,726 people), Gagauz (126,010 people), Romanian (192,800 people), Bulgarian (51,867 people), Roma (9,323) and other ethnicities (13,900 people).

<sup>74</sup>For the 20 October local elections, the CEC printed 7.8 million ballots, of which 6,104,000 in Romanian and 1,688,000 in Russian.

<sup>75</sup>"Voice of the Roma" Coalition.

level of access and participation of persons with disabilities in elections. Some empowerment activities, as well as voter education for people with disabilities was also being organized by local CSOs<sup>76</sup>.

In several instances, registration offices were understaffed, and in most instances, premises were inaccessible to PWDs, limiting their constitutional right to participate in elections. Lack of accessible premises for PWDs to register and vote is at odds with international standards such as the UN Convention on the Rights of Persons with Disabilities<sup>77</sup>, which Moldova ratified in 2010.

Around 59 percent of the polling stations visited by ENEMO observers on Election Day lacked adequate structures that would facilitate access of persons with mobility impairments to the PS. However, in 27 percent of the visited polling stations, magnifying glasses for voters with slight visual impairment were available, whereas templates in Braille alphabet enabling voters with visual impairments to cast their ballot independently were noticed in 38 percent of the visited polling stations.

## XII. Election Day

On Election Day, ENEMO deployed 5 multinational teams of observers to follow the opening, voting, counting, transfer and intake of election materials by DEC. Observation teams, composed of 10 observers, observed the opening procedures in 4 polling stations, voting in 70 polling stations, and closing and counting in 4 polling stations. In addition, ENEMO observed the tabulation and election materials intake in 4 Level I DEC.

Election Day was, overall, calm and peaceful. The management of the polling process and conduct of PECs was assessed positively in the majority of observed polling stations, despite isolated cases of overcrowding and violation of the secrecy of the vote at a few polling stations observed, and other minor incidents not affecting the overall legitimacy of the process or results.

### Opening

ENEMO observed the opening procedures in four polling stations. The environment around polling stations was assessed as regular in all observed polling stations.

Preparations for the opening started between 6:15 AM and 6:40 AM in the observed polling stations, with all observed polling stations opening on time (07:00 AM) and in the presence of all PEB members of the respective polling station. All observed polling stations were equipped with all essential materials needed for voting at the moment of opening<sup>78</sup>. However, in one of the observed polling stations PEB members were not able to turn on the camera until eight minutes

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<sup>76</sup> For persons with hearing impairments, the debates among the mayoral candidates organized with the support of the NGO Promo-LEX included sign language interpreting on following channels: TV Moldova 1, TVR Moldova, Media TV Cimișlia, and TV Balti.

<sup>77</sup> Art. 29 of the 2006 [UN Convention on the Rights of Persons with Disabilities](#).

<sup>78</sup> Ballot papers, voting booths, ballot boxes, PEB stamp, protocol, voter lists, seals, and different stamps needed for the voting, invalidation of unused ballot papers, etc.

before the opening, and subsequently only the last eight minutes of the opening procedures were recorded<sup>79</sup>.

The procedure of sealing stationary and mobile ballot boxes was followed properly in all observed polling stations, as was the procedure of filling out the opening protocols.

The arrangement of the premises of polling stations was assessed as adequate and ENEMO observers were able to properly monitor the opening procedures in all observed polling stations. No complaints related to the opening were filed in any of the polling stations observed.

In two of the four observed polling stations, ENEMO observers noted the presence of unauthorized persons in the premises while the opening procedures were being carried out. In one case, it was a police officer and in the other case the security guard of the relevant institution.

PEB members conducted opening procedures, generally in order and following requirements in all observed polling stations. Opening procedures were assessed positively in all four observed polling stations (“very good” in two and “good” in two).

### **Voting**

ENEMO observers monitored the environment around polling stations and the voting process in 70 polling stations.

The environment around polling stations was assessed as orderly in 66 observed polling stations, with only three cases of campaign materials observed near the polling station entrance. In one case, a group of individuals affiliated to a political party was present in front of the polling station, reportedly to prevent voters without residence from entering the precinct.

In most observed polling stations, all PEB members were present at the moment of observation. Only 11.4 percent of them were missing several PEB members. However, in all cases the PEBs were operating with at least the minimum number of PEB members required by the law. Women were well represented in PEBs, including in management positions: in 74,3 percent PEB Chairpersons, 84,3 percent Deputy Chairpersons, and 97,1 percent of Secretaries at observed polling stations were women.

Polling station set up was positively assessed by observers in 98,6 percent of observed polling stations. In 97,1 percent of observed polling stations, stationary ballot boxes were properly sealed and placed according to procedures. Regarding mobile ballot boxes, observers reported they were properly sealed in 90 percent of cases, while in 8,6 percent mobile ballot boxes were not observed due to them either being used (and thus located outside of polling stations at the time), or no requests were made for mobile voting at the respective polling station.

Essential materials for the conduct of voting were present in all observed polling stations. At 58 polling stations observed, PEBs had received a number of ballots equal to the number of voters on

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<sup>79</sup> Observers did not assess the fact as intentional or fraudulent behavior.

the main list (for any type of ballots). However, in 12 polling stations observed, the number of ballots received by PEBs was inferior to the number of voters on the main list.

Voter identification procedures were followed properly in 98,6 percent of observed polling stations. In 97,1 percent of observed polling stations, SAIS-E was functioning properly during the process of voting. In remaining cases, SAIS-E operators faced some minor technical issues which were properly managed and did not affect the integrity of the process.

In 87,1 percent of cases, observed polling stations were assessed as being managed properly and PEBs functioning in an orderly manner, although 11,4 percent of observed polling stations were reported as being somewhat crowded even though PEBs seemed to be managing adequately.

At 98,6 percent of observed polling stations, no campaigning or campaign materials inside or outside polling stations were noticed. In one case, a person was reported by observers as actively campaigning near the polling station.

In 67 observed polling stations, the secrecy of voting was respected. In one observed polling station however, voters could not vote in secrecy due to improper setup of the booths.

In 95,7 percent of observed polling stations, no formal complaints had been submitted during the opening or voting process. In 4,3 percent of observed polling stations, PECs had received substantial formal complaints. In two cases the complaints were filed about campaigning in the vicinity of the polling stations.

In 68 observed polling stations, no serious violations were witnessed. In one polling station observed, there was a case of damaging of election materials. In 69 polling stations observed, no presence of unauthorized individuals was observed. However, in one polling station observed, the prolonged presence of carabinieri was noticed, and in one case, observers noticed that a security officer was present at the entrance inside the polling station.

Polling stations were deemed by observers as easily accessible for persons with disabilities in 41.4 percent of observed polling stations, while access required minor assistance in 34,3 percent of observed polling stations. At 24,3 percent of observed polling stations, access for persons with disabilities was assessed as not suitable.

In 69 observed polling stations, authorized observers were able to properly observe. Only in one case, the observers reported that they were not able to observe properly due to improper set-up of the polling station.

Voting procedures were positively assessed in all observed polling stations (either “very good” or “good”).

ENEMO notes that in isolated cases, observers reported that cameras were positioned near the ballot boxes (turned on but not necessarily recording) during the voting process. Although this is

not strictly against the regulation<sup>80</sup>, concerns should be raised that voters may have felt pressured and unsure whether cameras were recording or not.

ENEMO observers noted that recent amendments including the requirement of video-cameras' installation was inconsistently implemented by PEB members during voting. According to the Regulation<sup>81</sup>, cameras should have been used only during the preparatory meeting (for checking their functioning) and during counting. ENEMO raises concerns over the regulation of procedures which are entirely at the discretion of the CEC<sup>82</sup> as opposed to regulating this matter within the law, therefore lacking uniformed and consistent implementation.

### **Counting**

ENEMO followed the closing and vote-counting procedures in four polling stations. All observed polling stations closed in time, and no voters' queues were reported in any of the polling stations at the moment of closing. All PEBs at observed polling stations were operating with enough members, as stipulated by the law.

The PEB 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 all cases switched on the videocamera when the counting process started. Videocameras were functioning and were properly positioned according to the regulation in all observed polling stations.

At all polling stations observed during counting, counting procedures were followed properly and protocols were filled out in accordance with the law. No presence of unauthorized persons was noticed in the observed polling stations. All observers present were able to observe, and copies of protocols were given to all entitled individuals to receive them (and posted at polling stations immediately) in all polling stations observed. No formal complaints had been submitted during the day at polling stations observed during counting, and no formal complaints were submitted during the counting itself.

At all polling stations observed, all election materials were packed and sealed in accordance with the law. The evaluation of PEBs during counting was either "very good" or "good" in all observed polling stations.

### **Transfer of materials to district election commissions (Level I DEC)s and DEC activity**

ENEMO observers monitored the transfer of election materials and respective intake at 4 Level I DEC)s. The transfer of materials was done in an orderly manner and following the procedures in all polling stations in which ENEMO observed this process.

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<sup>80</sup> The [Regulation of the CEC](#) from 17 October specifies that cameras should be switched off from the moment the first voter enters the polling station. Subsequently, it should be restarted only when the process of voting has been completed for use during counting and tabulation of votes, after which it should be turned off.

<sup>81</sup> Decision from 17 October 2019 for amending the Regulation on operation Video recording system in polling stations approved by decision CEC no. 2265 of 8 February 2019.

<sup>82</sup> The use of cameras is not defined in the Electoral Code.

Observers assessed that all DEC observed were acting transparently and straightforwardly. Observed DECs did not receive any formal complaints. In all DECs observed, authorized observers were able to observe properly, and DECs did not seem overcrowded.

In all cases, premises of observed DECs were assessed as adequate and with proper setup for the delivery of election materials. In one isolated case, election materials were improperly packed (valid and invalid ballots), materials were missing, and the PEB Chairperson was required to return to the PEB to retrieve missing materials.

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

### XIII. Observers

#### **Domestic Observers**

ENEMO notes as a positive amendment CEC Decision no. 2637 regarding Regulation of the Status of Observers, point 19 of the regulation<sup>83</sup>, which lifted the ban for domestic observers to report before closing of the polls<sup>84</sup>. Promo-LEX was the organization with the highest number of registered observers and conducted a comprehensive domestic election monitoring mission including independent tabulation of results.

According to ENEMO observers, no obstruction to the work of domestic election observers were reported during the pre-election period. In total, 1,494 domestic observers from 14 organizations were accredited to observe the process for local elections. No cases of obstruction to the work of observers were reported by ENEMO observers on election day at observed polling stations and DECs.

#### **International Observers**

In total, for local elections, the CEC accredited 144 international from 33 organizations. No/isolated cases of obstruction to their work were reported by ENEMO observers on election day at observed polling stations.

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<sup>83</sup> Previously, the ambiguous wording in point 19 of the Regulation on the status of observers and their accreditation mentioned, among others, the obligation of observers to not make any statements before the polls closed. The amendments provided by Decision n°2637 removed this obligation. If interpreted literally, this point of the Regulation could, and it has been attempted to be used in the 24 February 2019 Parliamentary Elections, to prevent observers from presenting their findings at any stage of the electoral process while this was ongoing.

<sup>84</sup> Under the condition that they do not constitute electoral campaigning.

<sup>85</sup> The Decision of the CEC also simplified procedures for accreditation of domestic observers, allowing registration without submission of individual statements on non-disclosure of personal data.

ENEMO reiterates its concerns regarding delays in accreditation of its observers, with the CEC having delayed the process and exceeding the legal deadline for accreditation. The involvement of other state institutions in the accreditation process is also at odds with international best practices<sup>86</sup>.

## 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 on September 29, 2001, in Opatija, Croatia. It consists of 21 leading domestic monitoring organizations from 17 countries of Central and Eastern Europe and Central Asia, including two European Union countries.

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

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

To date, ENEMO has organized 30 international election observation missions to eight countries: 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 DEC's; 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;

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<sup>86</sup> The 2005 [UN Declaration of Principles for International Election Observation](#) states that the country holding the election should take the following actions: “Guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation” (point 12, g.) and “Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission” (point 12, h.).

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.*

**The English version of this Statement is the only official document. An unofficial translation is available in Romanian.**

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