



## **ENEMO International Election Observation Mission**

### **Presidential Election, second round 15 November - Moldova 2020**

#### **STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS**

**17 November 2020**

*The second round of the Presidential election was managed efficiently, despite lack of a proactive approach of the CEC to address issues related to campaign finance. Fundamental rights were upheld during the campaign and candidates could campaign freely. However, the campaign was marred by personal attacks and defamation, which eclipsed discussions based on policies. Election day was largely well administered, and procedures were carried out in line with the legal provisions, with few procedural violations that are assessed not to have affected negatively the legitimacy and integrity of the process.*

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 the November 2020 Presidential Election. After observing the first round of the election and issuing an [Interim Report](#) on 26 October and the [Statement of Preliminary Findings and Conclusions](#) for the first round on 3 November, the IEOM also observed the second round of the election, which took place on 15 November.

The IEOM is composed of 8 Core Team members and 8 long term observers (LTOs). 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 process<sup>1</sup>. On Election day, 35 short-term observers were also deployed by ENEMO, in 18 teams, 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, election dispute resolution and other crucial aspects of the process, based on international standards for democratic elections and the legal framework of Moldova. Until the second round's Election day the IEOM has conducted a total of 460 meetings, with election management bodies<sup>2</sup>, presidential candidates, political

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<sup>1</sup> Election campaign, election day and run-off election day, and the period of potential post-electoral complaints and appeals.

<sup>2</sup> Including the Central Electoral Commission.

parties, state officials<sup>3</sup>, the international community, domestic civil society organizations, and media; in addition to observing 75 campaign activities (meetings or rallies).

This Second Preliminary Statement is based on ENEMO observers' findings during the period between the two rounds of the election, ending with the second round's Election day (15 November). The Statement should be considered in conjunction with the [Statement of Preliminary Findings and Conclusions](#) for the first round. The Mission will continue to follow the electoral process, including resolution of existing and potential complaints, as well as post-election developments. A final report, including a full assessment, which will depend in part on the conduct of the remaining stages of the election, as well as detailed findings and recommendations will be issued within sixty days from the certification of results.

ENEMO would like to express its gratitude to electoral management bodies and especially the CEC, to election contestants, relevant representatives of public institutions, the civil society, media, the international community and all other organizations, institutions and individuals in Moldova for their cooperation and support.

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*The content of the document is the sole responsibility of ENEMO and does not necessarily represent the position of donors.*



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<sup>3</sup> Including the Prime minister.

## Preliminary conclusions

On 15 November the citizens of Moldova went to the second round to elect the President of the country. Despite challenges by the COVID-19 pandemic, the turnout was higher than in the first round, at 52.78%. According to preliminary results, the winning candidate is Ms. Maia Sandu, who received 57.72% of valid votes cast. Her contestant, Mr. Igor Dodon, did acknowledge the preliminary results of the election, while also claiming unprecedented violations and foreign intervention in the process, as well as hinting at legal challenges. The final result of the election is to be validated by the Constitutional Court.

The electoral legal framework provides a sound legal basis for holding of democratic elections, as it was already noted in the first round. Nonetheless, different matters regarding the conduct of the second round of the election are not sufficiently regulated.

Although the CEC managed the technical aspects of the electoral process efficiently, the overall level of trust in its impartiality was seemingly hindered before the second round of the election, due to its rather passive approach to handling of complaints and legal notices, as well as the level of disagreement amongst its members in most pressing matters. The CEC published scanned protocols of all polling stations for the first round and, on Election Day, real-time live updates on turnout and preliminary results were available, which contributed to increasing the transparency of the process. However, minutes of CEC sessions during the second round were not posted online, reducing transparency.

For the second round, the composition of mid-level and lower level electoral commissions remained similar to the first round, with sporadic member replacements, mostly due to the COVID-19 pandemic. In general, DEC's managed the process efficiently and, overall, in line with the requirements of the law.

Candidates were able to openly express their messages to the public, and fundamental rights to freedom of expression and assembly were upheld. Political polarization was particularly evident during the second round. In a tense campaign atmosphere, candidates often resorted to unethical campaigning and personal attacks, especially against Ms. Sandu. Elements of a functionaries' campaign were observed again in the second round, as numerous public officials openly campaigned, or supported candidates.

The polarized media environment remained a concern. The Audiovisual Council showed a limited understanding of its role and responsibility towards the citizens of Moldova during the election campaign, or lack of willingness to address biased media conduct. The supervisory role of the AC was limited to post-factum non dissuasive sanctioning of broadcasters, failing to ensure that voters were provided with unbiased information.

Differently from the first round, the CEC received more complaints than courts, as well as a number of legal notices, most of which related to the financial activity of contestants. Besides the fact that the CEC was not particularly proactive in handling the presented allegations, it can be asserted that this was also due to, *inter alia* limited legal instruments offered to this institution by the Electoral Code.

Election day was largely well administered, and procedures carried out in line with the legal provisions, with occasional procedural violations that are assessed not to have affected negatively the legitimacy and integrity of the process. Instances of organized transportation of voters and allegations of voter influence persisted during the second round, especially with regards to voters residing on the left bank of the river Nistru, even becoming a source of occasional conflicts during election day.

Women were 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 as well. On election day, 80.5% of PEB members were women, with 86.3% of PEB chairs and 73.3% of deputy chairs being women.

Only 38.8% of observed polling stations on election day were assessed as accessible for persons with locomotor disabilities, while access required minor assistance in 32.9% of the observed polling stations. 28.3% of PSs were assessed as non-accessible.

## Preliminary findings

### Background

According to official results of the first round of elections, announced by the CEC on 4 November<sup>4</sup>, none of the eight contestants in the first round gathered enough votes to achieve a simple majority of the votes cast. The second round was contested by the former Prime minister and leader of the Party Action and Solidarity, Maia Sandu and the incumbent President, Igor Dodon, formally running as independent for a second term.

The second round of the election was held on 15 November. As in the first round, elections were not organized in Transnistria or the municipality of Bender. However, voters from these localities could vote in 42 polling stations established in different localities on the right bank of the Nistru river.

The preliminary voter turnout for the second round of 52.78%<sup>5</sup>, as announced by the CEC was higher than that of the first round (48,54%). According to current preliminary results, the winning candidate is Ms. Maia Sandu, who received 57.72% of the votes cast. Mr. Dodon, who came second in this round, did acknowledge the preliminary result of the election, while also claiming unprecedented violations and foreign intervention in the process, as well as hinting at legal challenges. The final result of the election is to be validated by the Constitutional Court.

New political developments in the country were noticed between the two rounds, both at the legislative and at the executive level. Following the departure of five MPs from the Parliamentary faction Pro Moldova<sup>6</sup> on 23 October, they initiated a parliamentary platform called “For Moldova” on 3 November and were joined the next day by nine members of the Parliamentary faction of the Shor Party, who signed in support of this platform. On 7 November, the Democratic Party of Moldova announced that it would withdraw its ministers from the Government right after the new President was sworn in office, so that the newly elected president would be able to “build an efficient collaboration between the executive and the legislative, according to the provisions of the Constitution and in compliance with the vote of Moldovan citizens<sup>7</sup>”. However, PDM’s five ministers were dismissed two days later, on 9 November, and new ones were sworn in on the same day.

The Parliament has not convened into a plenary session since 11 September and it remains unclear what will be the effects of recent political developments on the parliamentary majority, or support for the Government. The political discourse in the country between the two rounds was dominated by discussions about early Parliamentary elections, a prospect which both candidates publicly stated to be contemplating during the campaign.

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<sup>4</sup> CEC Decision No. 4466 of 4 November.

<sup>5</sup> <https://pv.cec.md/cec-template-presidential-presence.html>

<sup>6</sup> Composed of MPs elected as Democratic Party’s list in February 2019 that left the PDM parliamentary faction in March 2020.

<sup>7</sup> [Pavel Filip statement on November 7th on the withdrawal of its Ministers.](#)

## Legal Framework and Electoral System

The legal framework prescribes the holding of a second round of the election for the President, if no candidate gathers at least half of valid votes cast in the first round. The Electoral Code contains only one article specifically regulating the conduct of the second round<sup>8</sup> of election and few specific provisions that can be found in other articles<sup>9</sup>. The legal framework provides a sound legal basis for holding of democratic elections, as previously stated by the IEOM.

Nonetheless, different matters regarding the conduct of the second round are not sufficiently regulated. Inter alia, the active suffrage of voters who reach the voting age between the two rounds of the election; the start of the electoral campaign for the second round; the moment of reopening of electoral accounts of the two contestants in the second round; the deadline for establishing the date of the second round and other.

On 4 November the Central Electoral Commission established the date of the second round of election to 15 November 2020<sup>10</sup>. The CEC also approved a series of decisions regulating the conduct of the second round; on the number of ballots for PEBs abroad<sup>11</sup>, public health preventive measures for the second round<sup>12</sup>, and amendments of previous decisions regarding the second round<sup>13</sup>.

## Election Administration

The second round of the Presidential election was managed by the same election management bodies, the Central Electoral Commission (CEC), 36 District Electoral Councils (DECs), and 2,143 Precinct Electoral Bureaus (PEBs).

After the first round, all levels of the election administration continued to conduct their work in a timely manner, despite the challenges posed by the COVID-19 pandemic. Scanned protocols of the first round's Election day from all polling stations were published on the CEC website on 5 November, which positively contributed to the overall transparency of the process<sup>14</sup>.

The election administration was efficient in preparing for the run-off election. Occasional replacements of PEB members were mainly caused by COVID 19 pandemic<sup>15</sup>, although this did not seem to negatively affect the process overall.

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<sup>8</sup> "Electoral Code of the Republic of Moldova" Art. 120.

<sup>9</sup> "Electoral Code of the Republic of Moldova" Art. 68, p. 5; Art. 125, p. 2; Art. 127, p. 3.

<sup>10</sup> Central Electoral Commission, [Decision](#) No. 4466, dated 04/11/2020.

<sup>11</sup> Central Electoral Commission, [Decision](#) No. 4472, dated 04/11/2020.

<sup>12</sup> Central Electoral Commission, [Decision](#) No. 4468, dated 04/11/2020.

<sup>13</sup> Central Electoral Commission, [Decision](#) No. 4467, dated 04/11/2020.

<sup>14</sup> PEB protocols were published as PDF documents of pictures of the actual protocols.

<sup>15</sup> According to Art. 30 of the Electoral Code, PSs are established by DECs at least 35 days prior to the Election Day, therefore not allowing the establishment of new PSs in-between two rounds.

## Central Electoral Commission (CEC)

On 4 November, the CEC adopted a decision according to which five CEC decisions issued for the first round of the election remained in force for the second round as well<sup>16</sup>. On the same day, the CEC also adopted a decision on increasing the number of ballots to be printed and distributed to polling stations abroad<sup>17</sup>. In total, 3,605,517 ballot papers (2,840,120 in the state language, 765,397 in Russian)<sup>18</sup> were printed for the second round, 671,500 (115,500 more than in the first round) of which for the voters abroad<sup>19</sup>. Nevertheless, on election day, seven polling stations abroad ran out of ballot papers due to a very high turnout<sup>20</sup>.

Although the CEC managed the technical aspects of the electoral process efficiently, the overall level of trust in its impartiality was seemingly hindered before the second round of the election, due to its rather passive approach to handling of complaints and legal notices<sup>21</sup>, as well as the level of disagreement amongst its members in most pressing matters.

Different from the first round, the CEC received more electoral complaints than courts. Even though the CEC often reflected passivity to intervene in the presented allegations, it can be asserted that this was also due to, *inter alia* limited legal instruments offered to this institution by the Electoral Code.

The CEC's Center for Continuous Electoral Training (CCET) continued its voter education campaign before the second round and distributed educational materials. Videos that were part of the campaign<sup>22</sup> were in Romanian language with Russian and Gagauz subtitles, and with sign language interpretation for voters with hearing impairment, while print materials were available in Romanian, Romani, Gagauz, Russian and Ukrainian. The CCET maintained a free hotline for voters' inquiries, and on the eve of the second round the number of telephone operators was significantly increased<sup>23</sup>.

The State Automated Information System "Elections" was tested on the eve of the Election day and the system's sub-modules "Voting" and "Counting" revealed no technical difficulties<sup>24</sup>. On Election Day, the CEC's website published real-time live updates on turnout during the voting process and on preliminary results, during the counting, which contributed to increasing the transparency of the process. On Election day, the Deputy Chairperson of the CEC stated<sup>25</sup> that the Commission's infrastructure was under multiple cyberattacks, which, however, did not cause major

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<sup>16</sup> CEC Decisions No. 4124, 4151, 4374, 4376, 4390.

<sup>17</sup> CEC Decision No. 4472 of 4 November 2020.

<sup>18</sup> [https://a.cec.md/ro/3-605-517-buletine-de-vot-vor-fi-tiparite-2781\\_98132.html](https://a.cec.md/ro/3-605-517-buletine-de-vot-vor-fi-tiparite-2781_98132.html)

<sup>19</sup> Of which 583,100 in state language and 88,400 in Russian.

<sup>20</sup> Frankfurt, Germany 1/349, Berlin, Germany 1/348, London, Great Britain 1/393, London, Great Britain 1/394, Montreuil, France 1/344, Villeneuve-Saint-Georges, France 1/343, Parma, Italy 1/369.

<sup>21</sup> On 11 November CEC received a legal notice (*sesizare*) concerning undeclared costs for printing of promotional newspapers by Igor Dodon. On its session of 13 November, the Commission postponed the consideration of this issue with a proposal to re-submit the notice as a formal complaint by 12:00 the next day, what in practice led to a postponement of the ruling on the legal notice until after the elections, as the previously announced CEC session on 14 November was cancelled.

<sup>22</sup> The educational campaign included a dedicated voter information campaign that details election day procedures for voters in Moldova and abroad, accessibility for voters with disabilities and measures to reduce the spread of COVID-19 during elections.

<sup>23</sup> From 8 to 35 operators, according to the CEC.

<sup>24</sup> According to the CEC.

<sup>25</sup> [https://a.cec.md/ro/pana-la-ora-1800-au-votat-pestea-14-mil-de-alegatori-2781\\_98209.html](https://a.cec.md/ro/pana-la-ora-1800-au-votat-pestea-14-mil-de-alegatori-2781_98209.html)



problems<sup>26</sup>.

On 10 November the CEC announced that exit-polls were to be conducted during the run-off election<sup>27</sup>, and accredited 150 operators from two polling companies<sup>28</sup>. The exit-polls were carried out in polling stations in 77 municipalities, and their results were made public after the closing of polling stations.

### **District Electoral Commissions (DECs)**

DECs<sup>29</sup> were responsible for managing the electoral process in their relevant territories and aggregating election results. In general, DECs managed the process efficiently and, overall, in line with the requirements of the law.

The law does not provide for any legal deadline after which replacements of DEC members are no longer allowed. However, according to the data available on the CEC webpage, only one replacement of DEC members<sup>30</sup> occurred in-between the two rounds.

The decisions of the DECs were not made publicly available in the CEC website even during the second round, although decisions of some DECs were posted in the webpages of municipalities where these operated<sup>31</sup>. ENEMO considers the practice of publishing DEC decisions in the webpage of the CEC, a positive practice from past elections that would have largely contributed to an increased transparency of the overall election process.

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

On 15 November, the voting was again conducted at 2,004 PSs<sup>32</sup> within the country and 139 polling stations abroad. ENEMO observers assessed the conduct of PEBs as mostly efficient, although PEBs did not exactly follow the CEC's instruction<sup>33</sup> and video cameras were being used during the voting process, often being positioned towards ballot boxes in a high number of polling stations observed.

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<sup>26</sup> At the press-briefing held at 18:00 on November 15th, the CEC stated that the SAIS-E system has been subjected to multiple cyber-attacks and that they managed to fight them, with the support of governmental services, who ensure cybernetic security throughout the territory of the Republic of Moldova. According to Mr. Șarban, these didn't have a significant negative impact on the overall election process:

<https://www.privesc.eu/Arhiva/92649/Alegeri-Prezidentiale-2020--Briefingul-Comisiei-Electorale-Centrale---ora-18-0>

<sup>27</sup> CEC Decision No. 4488 of 10 November 2020. This CEC decision was brought into question by several interlocutors claiming that it was not adopted by the majority of voting members. However, the CEC claimed a technical error during the voting and the final CEC decision was announced with a delay, only after evaluating the video recording of the session.

<sup>28</sup> Association "SPERO" and a company, named "Intellect Group".

<sup>29</sup> DECs are formed at least 50 days prior to elections by the CEC, and their members are nominated by courts and local councils. DECs have seven to eleven members and PEBs have five to eleven members. According to available data on current compositions, apart from DEC 1 that has 11 members, all other DECs have 9 members.

<sup>30</sup> DEC 31, according to the CEC Decision No. 4501 of 13 November 2020.

<sup>31</sup> 8 out of 36 DEC publish their decisions on web pages of respective local authorities.

<sup>32</sup> ENEMO observers reported that a few replacements of PEB members occurred throughout the period between the two rounds. The compositions of PEBs 13/1, 13/5, 18/52 have been changed significantly due to COVID-19 health risks.

<sup>33</sup> CEC Decision No. 2821 of 17 October 2019 for modifying the Instruction issued by the CEC Decision No. 2265 of 8 February 2019. On 28 October 2020, the CEC issued a brief press-release on a video recording system in polling stations saying that in the second round the system will work in the same way as in the first one.



Compared to the first round, the place of venue for at least eight PSs abroad was changed in order to better organize voting and ensure access for voters. Therefore, the DEC 1, in cooperation with the Ministry of Foreign Affairs and European Integration issued a Decision on the new addresses for the previously established PSs. The MFA informed citizens about such changes in several countries<sup>34</sup> through its website and social media. As in the first round, voters from the left bank of river Nistru could vote in the same 42 polling stations located on the right bank of the river, under the authority of DEC 37.

The management of the polling and conduct of PEBs was assessed positively in the majority of cases observed, with some procedural irregularities, assessed as not having negatively affected the overall process.

## Registration of Voters

Although the Electoral code states that Moldovan citizens who have reached the age of 18, including on the Election Day shall have the right to vote<sup>35</sup>, the Code does not contain any provisions with regards to rights of voters' who reach the voting age between the two rounds of a Presidential election. This issue was not adequately regulated by the CEC in this election and therefore opened the space for being differently applied by PEB members<sup>36</sup>.

Before the Election day, voters could apply for the absentee voting certificate<sup>37</sup>, as in the first round. In-between the two rounds, the CEC and CCET informed voters<sup>38</sup> about the possibility to vote in another polling station, with the absentee certificate<sup>39</sup>, as well as reminding all voters that they need to request mobile voting again for the second round, if they are still unable to go to a PS, as the requests made in the first round were no longer valid.

## Election Campaign and Campaign Finance

### Election Campaign

The Election Code does not determine when the campaign resumes after the first round of the election, yet candidates mostly respected the principle of starting their campaigns following the announcement of official results<sup>40</sup>.

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<sup>34</sup> <https://mfa.gov.md/ro/content/alegeri-prezidentiale-2020>

<sup>35</sup> ...except for those legally deprived of this right under the law - Art. 11 of the Electoral Code.

<sup>36</sup> ENEMO observers asked PEBs if voters who turned 18 between the two rounds were able to vote. While most of them answered that these voters could vote, in other instance they were informed that these voters do not have the right to vote.

<sup>37</sup> Art. 44, paragraph 8 of the Electoral Code: If a voter has changed his/her domicile or residence during the period after the voters' lists were developed and before the date of elections, the electoral bureau of the polling station from the previous domicile, upon the request of the voter and on the basis of the identity document accepted for voting, shall issue the voter a certificate confirming the right to vote.

<sup>38</sup> [https://a.cec.md/ro/cec-precizeaza-modalitatile-de-votare-pentru-turul-al-doilea-2781\\_98133.html](https://a.cec.md/ro/cec-precizeaza-modalitatile-de-votare-pentru-turul-al-doilea-2781_98133.html)

<sup>39</sup> According to paragraph 34.1 of the Regulation on the preparation, administration, dissemination and updating of voter lists adopted the CEC Decision No. 2674 of 25 September 2014.

<sup>40</sup> CEC decision from 4 November [https://a.cec.md/ro/cu-privire-la-totalizarea-rezultatelor-alegerilor-presedintelui-republicii-moldo-2751\\_98124.html](https://a.cec.md/ro/cu-privire-la-totalizarea-rezultatelor-alegerilor-presedintelui-republicii-moldo-2751_98124.html)

Political polarization remains a defining feature of Moldovan politics, which was especially evident in the period before the second round of the election. Such polarization frequently eclipsed policy debates and candidate's platform discussions. Both candidates often directed their criticism towards the opponent rather than their electoral platforms, which characterizes the campaign as negative in tone. No debates were held between the two candidates during the second round.

Both candidates conducted door-to-door canvassing, meetings with voters and rallies, flyers, newspapers, banners<sup>41</sup> and posters, media and extensive social media campaigns. A considerable amount of paid campaign ads on online media, especially on social media, was noticed immediately after the first round.

Messages from both candidates concentrated on social and economic problems, the geopolitical orientation of the region, development programs, and corruption, but in comparison to the first round, the focus shifted significantly towards accusations against the opponent. Unethical campaigning practices occurred when candidates used inflammatory or discriminatory language against their opponent. Negative campaign tactics, including the use of sexist language and gender stereotyping<sup>42</sup> towards Maia Sandu, as well as instances of homophobic language<sup>43</sup> were observed<sup>44</sup>. Dissemination of black PR materials<sup>45</sup>, especially on social networks<sup>46</sup> and online media were also noted, contributing to further raising of tensions in a highly polarized environment.

ENEMO EOM noted and/or was informed of cases of the use of incumbency<sup>47</sup> or office privileges<sup>48</sup>, potential pressures on workers to engage in political events<sup>49</sup> and candidates attending religious events during the campaign<sup>50</sup>. Many allegations of vote buying<sup>51</sup>, increased involvement

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<sup>41</sup> Mr. Dodon used banners only in the last days of the campaign.

<sup>42</sup> The traditionalist patriarchal rhetoric was also actively used, that a woman cannot be a good leader and similar.

<sup>43</sup> <https://t.me/PravdaGagauzia/2389>

<https://www.jurnal.md/ro/news/490e37ca86cc490a/dodon-o-ataca-dur-pe-sandu-nu-particip-la-marsuri-gay-cum-a-participat-ea-pas-dodon-arata-cine-genereaza-stiri-false.html>

<sup>44</sup> Defamatory messages targeting Maia Sandu claimed that her election would lead to closing of schools and hospitals, ruin of Moldovan farmers, degrade the church, cause a war in Transnistria and that she would advocate for the "gay ideology".

<sup>45</sup> Leaflets printed in both Russian and State language, explaining what is going to happen "if Maia Sandu wins". On November 12, a number of media outlets reported that Igor Dodon's headquarters were distributing fake PAS booklets.

<sup>46</sup> ENEMO noticed YouTube channels, two of which were established in October 2020, clearly with a purpose to spread black PR against presidential candidates and which have also used advertising to spread their messages.

<https://www.youtube.com/channel/UCH-CkjX-q2t-c0JzjM4svQg/videos>

[https://www.youtube.com/channel/Ucc50St\\_JfDFUz2V6O--2chw/videos](https://www.youtube.com/channel/Ucc50St_JfDFUz2V6O--2chw/videos)

<https://www.youtube.com/channel/UCheCgKCMk-3XxOUR88nhngg/videos>

<sup>47</sup> The candidate Igor Dodon promised amnesty (in the Russian Federation) for Moldovans with the "Voted" stamp in passports.

<sup>48</sup> According to mission interlocutors, civil servants from Rayon council in Calarasi were allegedly involved in distribution of campaign materials in the office of one of the mayors; public officials from Floresti were allegedly involved in the organization of different meetings with their subordinates, aimed at ensuring their support for Igor Dodon.

<sup>49</sup> On Sunday, 07<sup>th</sup> of November, Igor Dodon held a meeting in Balti with about 1,000 participants, who are mostly employees of different state enterprises (about 60-100 persons from each of them: Red Nord, CET Nord, MoldovaGaz, Balti Gaz, MoldTelecom, Balti Gaz, Moldovan Post etc.) and were allegedly pressured to come to the meeting

<sup>50</sup> Mr. Dodon attended the liturgy together with the governor of Gagauzia on 8 November addressing church officials and gathered citizens.

<sup>51</sup> According to the EOM interlocutor, following the 1<sup>st</sup> round many PSRM mayors and local officials in Floresti were instructed to offer people different goods in return for their vote for the incumbent president (e.g. the coal).

of public officials (especially mayors<sup>52</sup>), approving of Government subsidies to public sector employees<sup>53</sup>, misuse of administrative resources<sup>54</sup> and abuse of office were expressed as concerning by EOM interlocutors, bringing into question fair and equal campaigning conditions. The pressure on public employees and those of large companies increased between the two rounds, even leading to intimidation of voters<sup>55</sup>. As the campaign progressed, aspects of functioners' campaign were noticed more frequently, as many public officials actively campaigned or endorsed candidates before the second round again.

Given the opposed positions of candidates in platforms that they represented and the geopolitical courses they advocate, most contestants who did not qualify for the second round of the election took clear positions and opted to support one of the participants in the second round. Renato Usatii, who was the third most popular candidate in the first round was particularly vocal in calling voters not to vote for the incumbent president. He claimed that he was openly threatened and blackmailed<sup>56</sup> in order to provide support to Mr. Dodon, thus further increasing the tension in the overall campaign environment.

The Covid-19 pandemic also marked the campaign, as the NECPH and other public bodies' rules and instructions relating to the safety standards for campaigns were not strictly complied with, since some pre-election rallies were carried out without compliance with the specified measures.

## Campaign Financing

After the date of the second round of the election is set, the "Electoral Funds" of electoral contestants entering the second round are unlocked<sup>57</sup> and the balance in these accounts can be used for campaigning. ENEMO notes that this newly introduced regulation<sup>58</sup> is a positive step towards ensuring a level playing field regarding the timeframe for campaigning in the second round, to some extent filling the gap for the lack of legal provisions regulating the start of the second round. Both candidates provided their weekly reports on the funding of their electoral campaigns to the CEC according to legal deadlines.

The CEC concluded<sup>59</sup> that some of the individual donors of electoral contestants<sup>60</sup> in the last three years (2017-2019) did not have any source of income declared to the State Tax Service (STS) or had declared a lower income than the donated amount. CEC maintained its point of view

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<sup>52</sup> The President of the Raion Council and PSRM Branch in Ungheni, declared that 70 mayors signed declarations in support of Igor Dodon

<sup>53</sup> By the end of this year, over 180,000 employees will receive salary subsidies provided by law, amounting to up to 50% of the basic salary. For the implementation of the project, the Government will allocate from the state budget about 520 million lei. <https://gov.md/ro/content/guvernul-decis-acordarea-premiului-anual-angajatilor-din-sectorul-bugetar>

<sup>54</sup> A deputy of the People's Assembly of Gagauzia (former PDM) made a public statement in which he accused the authorities of Gagauzia of large-scale use of administrative resources and coercion to vote

<sup>55</sup> Mr. Dodon addressed agricultural leaders arguing that if he would not win the election, they would not have the possibility to access the Russian market anymore.

<sup>56</sup> [https://www.facebook.com/watch/live/?v=961020087754616&ref=watch\\_permalink](https://www.facebook.com/watch/live/?v=961020087754616&ref=watch_permalink)

<sup>57</sup> In the case of organizing the second round of a Presidential election, after the date of the second round is established, the account with the mention "Electoral Fund" of the competitor that enters the second round is unlocked and the balance in this account is used for election campaign dedicated to the second round of election (*CEC decision no. 4428 of 25.10.2020*).

<sup>58</sup> [Decision no. 4428](#) of the CEC, date 25.10.202.

<sup>59</sup> Examining the data from the reports submitted for the situation of October 23, 2020 and October 30, 2020 and reporting them to the State Tax Service (STS).

<sup>60</sup> Renato Usatii, Andrei Nastase, Tudor Deliu, Igor Dodon, Violeta Ivanov, Maia Sandu and Octavian Țicu.

formulated in its previous decision<sup>61</sup> that it does not have the functional tools to be able to investigate and examine in-depth the origin of the donations.

Since related legislation lacks legal mechanisms to ensure compliance with the provisions set out in the Electoral Code<sup>62</sup> ENEMO raises concerns that the inefficiency and limitations of the control mechanisms for campaign financing leave room for abuse and inadequate transparency of campaign financing.

On 11 November the CEC received a legal notice<sup>63</sup> (sesizare) concerning undeclared costs for printing of promotional newspapers<sup>64</sup> by Mr. Igor Dodon. Another appeal on the same matter<sup>65</sup> was filed<sup>66</sup> to the CEC by Renato Usatii, requesting sanctions for this candidate. After analyzing the evidence provided, including police's findings, the CEC rejected the allegations made<sup>67</sup>, as the presented facts were not confirmed.

## Complaints and Appeals

The administrative and judicial review of complaints related to the first round of the election may eventually exceed the two-week period between the two rounds. This may lead to situations in which complaints might still be pending on Election Day, and as such affecting the efficiency of the right to appeal<sup>68</sup>.

A total of 13 complaints were submitted to the CEC in between the two rounds, of which five from one contestant<sup>69</sup>. Most of these complaints regarded alleged illegal financial activity of electoral contestants. Other matters on which the CEC has received complaints were misuse of public administration resources, interference of foreign countries in the electoral campaign and derogatory language in the electoral campaign. In none of these cases, the CEC took a formal decision<sup>70</sup>, and either responded to the complainers with letters of the Chairperson, forwarded the case to other authorities<sup>71</sup> or did not express any response yet<sup>72</sup>.

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<sup>61</sup> The CEC Decision no. 4401 of October 23, 2020.

<sup>62</sup> According to Art. 41 of the Electoral Code, the amount of the donation must be correlated with the amount of income earned by a person.

<sup>63</sup> CEC-7/10863.

<sup>64</sup> Ms. Oleseia Stamate, the representative with consultative voting rights in the Central Electoral Commission of the electoral contestant Maia Sandu claimed that electoral agitation newspapers of the electoral contestant Igor Dodon were illegally printed during the electoral campaign at the State Publishing House "Universul". On the footer of the newspaper it is written that it has a circulation of 55000, but allegedly, hundreds of thousands were printed.

<sup>65</sup> In this appeal it is mentioned that 2 million newspapers were printed for the 2nd round of the election, with an estimated price of 2 LEI per unit; and another 3 million printed for the 1st round. For a total of 5 million newspapers, more than 10 million LEI was spent, a number 3 times higher than the total amount of financial expenses declared by the contestant Igor Dodon.

<sup>66</sup> CEC by Renato Usatii on November 12<sup>th</sup> <https://a.cec.md/storage/ckfinder/files/Contesta%C8%9Bia%2015%C3%A2.pdf>

<sup>67</sup> [https://a.cec.md/ro/referitor-la-declaratiile-facute-pe-retelele-sociale-de-catre-2781\\_98200.html?fbclid=IwAR2xL0ujfBu3Lejaa9kaZUxe84KIAA8M2da4D4kJOZILlkyyUj6h6ccsBxU](https://a.cec.md/ro/referitor-la-declaratiile-facute-pe-retelele-sociale-de-catre-2781_98200.html?fbclid=IwAR2xL0ujfBu3Lejaa9kaZUxe84KIAA8M2da4D4kJOZILlkyyUj6h6ccsBxU)

<sup>68</sup> OSCE, "Copenhagen Document", 1990, paragraph 5.10; Venice Commission, "Code of Good Practice in Electoral Matters", paragraph II.3.3.

<sup>69</sup> Mr. Dorin Chirtoacă

<sup>70</sup> The assessment is based on the information published on the Official website of the Central Electoral Commission and the communication with CEC officials.

<sup>71</sup> Complaints No. 5, 9, 19.

<sup>72</sup> Complaints No. 14, 15, 16, 17, 18.

Referring to the communication with the CEC officials, more than 30 election related legal notices (sesizare) were also submitted by contestants, citizens and third parties<sup>73</sup>. These legal notices mainly addressed alleged cases of voter intimidation and influence, irregular activity of the observers, illegal support to electoral contestants and similar.

The EOM is aware of three appeals reviewed by the Chisinau Court of Appeal and one by the Supreme Court of Justice, which were from the same complainant and all were dismissed on formal grounds. Also, there was an election related case of defamation reviewed by the District Court of Chisinau, which was partly approved<sup>74</sup>.

The most legally disputed case was the one on the alleged undisclosed financial activity by the contestant and the incumbent President Igor Dodon. There were three complaints and one legal notice<sup>75</sup> regarding the reported expenditures by the mentioned candidate for printing of informative leaflets. The CEC<sup>76</sup> and the Police Authorities<sup>77</sup> found no grounds to define such activity as undeclared expenditure by the electoral contestant.

As per official information from the Police, 94 electoral meetings and rallies were held and 26 cases of infringements were proceeded, of which 6 cases related to illegal electoral advertising and 8 cases related to infringement of anti-COVID-19 measures, between the two rounds. Also, on 14 November, the day before the election, 14 notifications were registered regarding various violations, incidents and other actions related to the election<sup>78</sup>.

With regards to the Election Day, Police Authorities reported to have registered 324 notifications about various violations, incidents and other actions linked to the conduct of the election; 29 cases of electoral agitation, 36 cases of voting secrecy infringements, 122 cases of coordinated voters transportation, 13 cases of alleged voter's corruption, 3 cases of alleged multiple voting, and other election related cases.

## Media

Data from media monitoring reports of the Audiovisual Council and domestic organizations have shown a polarized media coverage of the campaign, in line with the polarized campaigning overall. A number of TV channels covered one, or the other contestant in a negative context. Contestants

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<sup>73</sup> Mr. Renato Usati, regarding the alleged organized transport of voters in Transnistria in the first round; international observers, regarding a PAS MP accredited as an observer, who allegedly blocked voters from voting in Transnistria for the first round; Mr. Octavian Ticu, regarding the actions of one international observer in a Polling Station in Varnita, requesting the removal of the accreditation of this observer; Mr. Dorin Chirtoaca regarding the alleged illegal support of Mr. Igor Dodon, Ms. Olessia Stamate, regarding the alleged misuse of administrative resources and voter control (prison No. 4, prison No. 17, and Forester Authority), and voter influencing (villages Besalma, Comrat); citizens requesting to be removed from the Voters List and similar.

<sup>74</sup> Chisinau District Court, Contestant Maia Sandu vs. Contestant Igor Dodon, dated 14/11/2020, regarding the leaflets containing defamation against the electoral contestant Maia Sandu, affecting the honor and dignity of the person.

<sup>75</sup> Central Electoral Commission, Complaint No. 14, Mr. Dorin Chirtoaca, dated 11/11/2020; Complaint No. 15, Mr. Renato Usati, dated 12/11/2020; Complaint No. 19, Mr. Ilian Casu, dated 14/11/2020, Legal Notice No. CEC-7/10863, Ms. Olesea Stamate, dated 11/11/2020.

<sup>76</sup> Central Electoral Commission, [Letter](#) No. CEC-8/3397, dated 15/11/2020.

<sup>77</sup> Central Electoral Commission, [Reference](#) No. CEC-10APr / 19 / R, dated 14/11/2020.

<sup>78</sup> More specifically: 2 cases of violation of public health restrictions; 1 case of alleged voter corruption, 4 cases of electoral agitation; 3 cases of incidents in polling stations; 4 cases of other violations of the electoral process.

continued to widely use social media during the second round. Dissemination of black PR against candidates in online and social media was observed by the IEOM.

No debates were organized in the second round between candidates, although two of them were scheduled. However, two days before the first debate, on 9 November, Ms. Sandu stated that she would not attend debates. Regardless of this, Mr. Dodon attended one of the two pre-scheduled debates alone on 12 November, on the national TV channel Moldova 1, thus using the entire allocated airtime.

On 10 November, the Audiovisual Council (AC) examined the second media monitoring report, corresponding to the second half of the first round's campaign coverage<sup>79</sup>. Based on the findings, the AC sanctioned 13 out of the 15 monitored broadcasters for failing to fulfill the principles of fairness and balance in their coverage of the campaign during prime time newscasts<sup>80</sup>. ENEMO notes that most broadcasters received the same sanction<sup>81</sup>, regardless of the magnitude of the violation.

During the same meeting, the Chairperson of the AC commented on the approach of the AC to the monitoring of the broadcasters, which was criticized during the first round by both international and domestic stakeholders, including ENEMO. He stated that the AC refrained from applying sanctions during the examination of the first monitoring report, so that it could form a full opinion on the coverage of the campaign before applying any sanctions, if this was needed. ENEMO deems that such an approach shows a limited understanding of the AC on its role and responsibility towards the citizens of Moldova during election campaigns, or lack of willingness to address biased media conduct. The supervision of the AC during elections should not be limited to post-factum sanction of broadcasters that violate the law or principles of fair and balanced coverage, but rather aim to ensure that voters are provided with unbiased information on contestants so that they will be better equipped to make an informed decision on Election day. The monitoring methodology of the Audiovisual Council for the November 2020 Presidential election has failed to ensure this, as sanctions were applied only a few days before the second round of the election, when the biased coverage had already produced a potential negative effect.

In two meetings held during the period between the two rounds, the Audiovisual Council examined a number of complaints and notifications, mainly from domestic CSOs, on the conduct of

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<sup>79</sup> 16 October - 1 November 2020, thus including the election day silence and election day for the first round. The Audiovisual Council adopted a bi-weekly schedule for examining monitoring reports for this election. They have already examined the two monitoring reports for the first round and are conducting monitoring for the second round separately, thus a third report is expected to be issued after the second-round election day.

<sup>80</sup> The Audiovisual Council sanctioned broadcasters in the form of fines of 5000 MDL (i.e. approximately 250 Euros) each for violating the provisions of point 4.1. lit. b) of the Conditions of Broadcasting license, the provisions of Audiovisual Media Services Code of the RM, the Electoral Code, the Regulation on electoral campaign coverage, the referred broadcasters include: Publika TV, Prime, Primul în Moldova, TVR Moldova, Canal 2, Canal 3, TV8, NTV Moldova, Jurnal TV, PRO TV Chisinau, RTR Moldova, Televiziunea Centrala and only one TV channel, BTV, received a harsher sanction than others - fined with 10'000 MDL (i.e. approximately 500 Euros) .

<sup>81</sup> [DECISION no. 33/199 of 10 November 2020](#). Regarding the examination of the results of the monitoring of the main newscasts some audiovisual media service providers in terms of campaign coverage in the presidential elections of November 1, 2020, for the period October 16 -November 1, 2020, and the notifications of the IP "Center for Independent Journalism" and Mrs.Natalia Lupan



broadcasters. A total of four petitions and notifications<sup>82</sup> were accepted and several were rejected<sup>83</sup>. Prompted by notifications from civil society organizations<sup>84</sup>, sanctions were applied to four TV channels<sup>85</sup> for broadcasting discriminatory messages towards the LGBTQ community<sup>86</sup>.

## Gender Representation

There are no legal provisions promoting representation of each gender at different levels of the election administration<sup>87</sup> and all nine CEC members are men. However, women were generally 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 as well. On election day, at observed PSs women were well represented in all PEBs, with 80.5% of PEB members being women, as well as in leadership positions within the PEB (86.3% of PEB chairs and 73.3% of deputy chairs were women).

Even in the second round, no candidates explicitly tackled gender equality policies in their campaigns. Issues related to women's rights remained marginal. Negative campaigning was frequent, including the sexist language against candidate Maia Sandu.

According to preliminary results on voter turnout, women casted around 54.3% of total votes cast.

## Election Day

On Election Day, ENEMO deployed 18 teams of two short-term observers each to follow the opening, voting, counting, transfer and intake of election materials by DEC. Observation teams observed the opening procedures in 18 polling stations, voting in 240 polling stations, and closing and counting in 17 polling stations. In addition, ENEMO observed the tabulation and election materials' intake in 17 DEC.

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<sup>82</sup> Based on the [DECISION no. 33/199 of 10 November 2020](#),

<sup>83</sup> [DECISION no. 34/212 of 13 November 2020](#) Regarding the examination of the results of the monitoring of the television station "Primul in Moldova", following the Community notification for advocacy and public policies "WatchDog.MD", [DECISION no. 34/ 211 of 13 November 2020](#) Regarding the examination of the results of the monitoring of the radio station "Radio Plai", following the complaint from Mrs. Olesia Stamate, the representative of electoral contestant Maia Sandu with the consultative right to the AC, [DECISION no. 34/210 of 13 November 2020](#) Regarding the examination of the results of the monitoring of the television station "„NTV Moldova" following the Community notification for advocacy and public policies "WatchDog.MD" and

<sup>84</sup> [DECISION no. 34/209 of 13 November 2020](#) Regarding the examination of the results of the monitoring of some audiovisual media service providers on media coverage, within the program services, statements regarding LGBT marches

<sup>85</sup> Out of which two were based on the note from Watchdog.md community (NTV Moldova and Primul in Moldova). Following that, the AC president Dragoş Vicol, proposed the urgent monitoring of other audiovisual media service providers that disseminated this information, a proposal accepted by all members of the Council. Consequently, the monitoring data from AC showed that the TV channels PRO TV Chisinau and TV8 covered the subject on LGBT marches in their newscasts and discussed in the show "Politica Natalia Morari" on TV8 on November 4, 2020, having invited the independent candidate Igor Dodon. Based on that, the regulator decided to sanction both PRO TV Chisinau and TV8 as well in the same form of sanction - public warning. or violating the provisions of art. 13 para. (6) lit. b) of the Code of Audiovisual Media Services, which states: *"In the audiovisual news and debate programs, the information in matters of public interest, of a political, economic, social or cultural nature, the following requirements must be observed: b) avoidance of any forms of discrimination"*.

<sup>86</sup> [DECISION no. 33/204 of 10 November 2020](#) Regarding the examination of the results of the monitoring of television stations "Primul in Moldova" and "NTV Moldova", following the notifications from the Community of advocacy and public policies "WatchDog.MD"

<sup>87</sup> And no such data is aggregated by the CEC.



The second round of the election was organized in a rather calm environment and most PEBs conducted their work in line with relevant regulations, except for the use of video equipment, where cameras were often not turned off during the voting. Many PSs established abroad faced a high voter turnout and a number of them ran out of ballot papers during the day. Possible cases of vote buying, and voter transportation were reported at PSs established for voters from Transnistria in this election round too.

## Opening

ENEMO observed the opening procedures in 18 polling stations and the environment around polling stations was assessed as calm and regular, without any observed incidents.

Preparations for the opening started between 6:00 and 6:38 in all observed polling stations, with all of them opening on time (7:00), 17 of which in the presence of all PEB members of the respective polling station and just one PS missing several members<sup>88</sup>. All of the observed polling stations were equipped with all essential materials needed for voting at the moment of the opening<sup>89</sup>.

The procedure of sealing ballot boxes was followed properly in 16 (for stationary) and in 14 (for mobile boxes) observed polling stations, while the procedure of filling out the opening protocols was followed properly in 17 PSs<sup>90</sup>. At 17 polling stations observed, the camera was functioning and positioned adequately, whereas in one case PEB members turned on the camera after they announced the opening.

The arrangement of premises of polling stations was assessed as suitable and ENEMO observers were able to properly monitor the opening procedures in 17 polling stations<sup>91</sup>.

In 15 of the observed polling stations, observers noticed the presence of unauthorized persons in the premises while the opening procedures were being carried out<sup>92</sup>. In all cases, observers assessed that their presence did not negatively affect the process.

One complaint related to mobile voting request<sup>93</sup> was filed in the polling station during opening.

Covid-19 protective measures were respected in 13 of the observed polling stations. In isolated cases, some individuals<sup>94</sup> did not wear protective masks properly and did not respect the recommended distance.

PEB members conducted the opening procedures generally in an orderly manner and following all

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<sup>88</sup> Requirement of Art. 35 of the Electoral Code was fulfilled, and majority of PEB members were present.

<sup>89</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.

<sup>90</sup> In one case, the protocol was partially prefilled.

<sup>91</sup> The premises of one polling station in Peresecina was arranged in a way which does not allow to observe the opening procedures properly.

<sup>92</sup> In two cases they were the staff of the relevant institution and in one case a police officer.

<sup>93</sup> Some requests for mobile voting were not eligible since they were received from voters who should vote in another PS.

<sup>94</sup> PEB Chairpersons, PEB members, SAIS-E operators.

requirements in all observed polling stations. Opening procedures were assessed positively in all observed PSs (“very good” in 11 and “good” in 7).

## **Voting**

ENEMO observers monitored the environment around polling stations and the voting process in 240 polling stations during Election Day.

The environment around polling stations was assessed as orderly in 92.5% of the observed polling stations. However, observers reported three cases of campaigning or campaign materials near the PS entrance.

At the PS 37/29 in Dorotcaia the observers noticed organized transportation of voters coming from Transnistria. There were three persons who seemed to be coordinating such transportation. In addition, in the same PS, observers witnessed one situation that seemed to indicate vote buying<sup>95</sup>.

All observed polling stations were operating with the presence of the minimum required number of PEB members, as per the Law. Women were well represented in all PEBs, with 80.5% of PEB members being women, as well as in leadership positions within the PEB (86.3% of PEB chairs and 73.3% of deputy chairs were women).

Set up of polling stations was positively assessed by observers in 99.2% of the observed polling stations and assessed as unsuitable in only two cases, both of them due to too small premises of the PSs. At the PS 20/41 in Rusca, a picture of the incumbent president, was found inside the polling station, right behind the voting booths.

In 92.5% stationary ballot boxes were properly sealed and placed according to procedures. Regarding mobile ballot boxes, observers reported they were properly sealed in 72.9% of cases, while in 25% mobile ballot boxes were not observed because they were either used (and thus located outside of polling stations at the time of observation), 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. 227 out of the observed 240 polling stations received as many ballot papers as there were voters in the main voter list or slightly more<sup>96</sup>. Numbers of received ballots varied from 49 to 3,316.

Voter identification procedures were followed properly in 98.8% of the observed polling stations. In one polling station some irregularities regarding voter identification procedures<sup>97</sup> were noticed. In 94.6% of observed polling stations SAIS-E was functioning properly during the process of

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<sup>95</sup> Observers witnessed what seemed to be an exchange of money between a voter and one of the persons that were coordinating the voter transportation.

<sup>96</sup> In 13 polling stations observed, the number of ballots received by PEBs was insignificantly inferior to the number of voters on the main list.

<sup>97</sup> At PS 20/44 in Mereşeni, a voter was allowed to vote by the PEB Chairperson despite the fact that the SAIS-E did not permit him/her to do so. Another voter allegedly received a ballot without proper identification using other voter's documents.

voting. In 5.4% of cases, SAIS-E operators faced some minor technical issues<sup>98</sup>, which were properly managed and did not affect the integrity of the process.

The secrecy of the vote was not respected in 5.4% of the observed polling stations, with two cases of more than one voter in the voting booth, and two cases in which the secrecy of voting was challenged due to improper setup of the voting booths, and one case of taking a photo of a marked ballot<sup>99</sup>. In 31.3% of observed polling stations, observers noticed that PEB members did not turn off the camera during the voting process.

Most observed polling stations (94.6%) were assessed as being managed properly and PEBs functioned in an orderly manner. In 98.8% of observed polling stations, no formal complaints were submitted during the voting process<sup>100</sup>.

In 97.5% of observed polling stations, no serious procedural violations were witnessed, whereas in one case proxy voting was observed, in one case more than one person in the voting booth, and in one case a representative of a candidate was sitting behind the desk and kept a list of persons who had voted<sup>101</sup>. At almost all polling stations observed (97.9%), no presence of unauthorized persons was witnessed by observers.

Only 38.8% of observed polling stations were assessed as accessible for persons with locomotor disabilities, while access required minor assistance in 32.9% of observed polling stations, and 28.3% of polling stations were assessed as non-accessible. In 30% of the visited polling stations, ballot templates in Braille language were available, whereas 3% were equipped with magnifying glasses for voters with slight visual impairment.

COVID-19 protective measures were not respected at 20.4% of the observed PSs. These measures were not respected by PEB members (14.6% of cases), observers (5.8%), PEB chairman (4.2%), voters (4.2%), SAIS-E operators (2.9%).

Authorized observers were able to properly observe in 97.5% of the polling stations observed, whereas 2.5% of observers could not observe properly, due to the set-up, or overcrowded PS. ENEMO observers did not report being prevented from observing in any of the polling stations visited. However, at the PS 26/12 in Cuizăuca, a police officer took a picture of the license plate of ENEMO observers' car, mentioning that such order has been issued by the police department of Rezina.

Voting procedures were positively assessed in most observed polling stations (either “very good” - 51.3%, or “good” - 47.1%). In 1.6% the PEB received a negative evaluation (assessed as “bad” - 3 cases, “very bad” - 1 case<sup>102</sup>).

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<sup>98</sup> In 13 cases SAIS-E operators faced minor technical issues due to Internet shortage.

<sup>99</sup> PS 36/8. Police was called by a PAS observer to investigate the case and previous cases of taking photos at this PS.

<sup>100</sup> Whereas in 1.2% of observed polling stations, PEBs had received unfounded formal complaints.

<sup>101</sup> ENEMO observers noted more than two hundred names in the list.

<sup>102</sup> PS 20/44 in Mereșeni.

## **Closing and Counting**

ENEMO followed the closing and vote-counting procedures in 17 polling stations. Almost all observed polling stations closed on time (21:00), and in one case the PS was closed at 20:56. 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 the video camera was turned on when the counting process started, which is in line with the CEC Regulation.

At 13 out of 17 polling stations observed, counting procedures were followed properly and protocols were filled out in accordance with the law. However, similar to the first round, some procedural irregularities were observed, including PEB members not announcing each ballot during sorting (2 cases), opening of the stationary ballot box before the mobile ballot box (1 case), and procedural steps made simultaneously (1 case); these procedural omissions were made mainly to speed up the process and could not be said to have negatively affected the legitimacy of the counting process.

At 16 out of 17 polling stations observed, counting procedures were followed properly and protocols were filled out in accordance with the law<sup>103</sup>.

No presence of unauthorized persons was noticed in the observed polling stations. All observers present were able to observe, and copies of protocols were handed to observers upon request and posted at information boards immediately in 16 polling stations observed. In one polling station observed, result protocol was not posted for public scrutiny<sup>104</sup>, contrary to the Election Code. No formal complaints had been submitted at polling stations observed during the counting process.

In 11 out of 17 polling stations, everyone respected the COVID protective measures, but a significant number of PEB members did not respect the social distance and were not wearing protective masks properly, in the other six.

At 16 out of 17 polling stations observed, all election materials were packed and sealed in accordance with the law<sup>105</sup>. The evaluation of PEBs during counting was either "very good" (12) or "good" (5) in all observed polling stations.

## **Transfer of Materials to DEC's and DEC's' Activity**

ENEMO observers monitored the transfer of election materials and respective intake at 17 DEC's. The transfer of materials was done in an orderly manner and following the procedures in 15 out of 17 observed polling stations<sup>106</sup>.

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<sup>103</sup> In one case the counting was not conducted according to the procedures, the number of unused ballots was counted before the procedures started, as well as the number of voters in the voter lists.

<sup>104</sup> PEB 20/3.

<sup>105</sup> In one case, election materials were mostly packed and sealed in according with the law.

<sup>106</sup> In other cases (DEC's 12, 25) the results of the polling-station counts were transmitted to a higher-level election commission, where the district results were tabulated, while the packs with ballot papers were initially delivered to a court.

Observers assessed that DEC observed were acting transparently and straightforwardly in 16 DEC<sup>107</sup>. No formal complaints had been submitted during the tabulation process at DEC observed.

In 10 cases, premises of observed DEC were assessed as adequate and with proper setup for the delivery of election materials, and in 7 cases DEC premises were not spacious enough for adequate delivery of the materials<sup>108</sup>. In 5 DEC observed, long lines of persons were noted, and moving about the DEC was hard in one case.

In 16 DEC observed, protocols needed no correction, while corrections were made at 1 DEC due to miscalculations in the protocols<sup>109</sup>, but not concerning the results. At 8 DEC observed, all individuals respected the Covid-19 protective measures, while at 9 observed DEC, measures were not properly respected.

In 15 out of 17 observed DEC their work was assessed as positive by ENEMO observers (“very good” - 9, “good” - 6), and in 2 DEC, their work was assessed negatively (“bad”) due to negligence.

## Observers and Civil Society

The election was monitored by 2,072 national observers and 333 international observers<sup>110</sup>. No specific provisions for accrediting additional observers for the second round are provided for in the Electoral Code, although the Code does set out that accreditations issued for the first round are valid also for the second one. Thus, accreditations of international and citizen observers were extended for the second round by default. Candidates which were not contesting in the run-off were eligible to have representatives and observers at polling stations, as their accreditations were still valid.

In addition to observers accredited from the first round, 185 additional observers<sup>111</sup> were accredited for the second round. While local observers from the first round remained accredited to observe the second round of elections, the CEC did not accredit the list of 15 observers from one national NGO<sup>112</sup>.

ENEMO has noted with concern the statement of the domestic organization Promo-Lex on their observers being intimidated after the first round of the election by the police. ENEMO deems that practices as the ones being described by Promo-Lex have the potential to hinder the will of citizens to report violations or engage in civic activism and should be avoided.

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<sup>107</sup> In the DEC 37, commission members were unorganized, slow and messy. DEC members were not welcoming to observers.

<sup>108</sup> In one case, DEC members separated arriving PEB members into 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.

<sup>109</sup> ENEMO observers were witnesses of this case in the DEC 14.

<sup>110</sup> Data for 13 November, <https://a.cec.md/ro/acreditarea-observatorilor-7641.html>

<sup>111</sup> 162 national (including 41 for observation abroad) and 23 international observers.

<sup>112</sup> Association FORȚA VETERANILOR, the CEC draft decision on accreditation failed to get the majority of votes of its members.

## 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.