



ENEMO International Election Observation Mission
General Local Elections, 20 October and 3 November
Moldova 2019

INTERIM REPORT
21 - 25 October 2019

27 October 2019

The post-first round electoral environment can be assessed as generally calm, with first round results overall accepted by most electoral contestants. However, the legal framework insufficiently regulates key aspects for the second round. Unclear regulations may lead to inconsistent and contradictory interpretations of the law for the mayoral run-off, which does not provide legal certainty..

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 2019. After observing the first round and issuing an [Interim Report](#) on 13 October 2019 and the [Statement of Preliminary Findings and Conclusions](#) on the First Round on 22 October 2019, the IEOM is observing the second round, scheduled for 3 November 2019.

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.

Until 25 October ENEMO LTO teams conducted 504 meetings, 143 with election management bodies, 96 with political parties, 121 with candidates, 54 with state officials, 31 with media and 59 with domestic civil society organizations, in addition to observing 33 campaign activities (meetings or rallies).

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 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 Second Interim report is based on ENEMO observers' findings from 21 September until 25 October. The Mission will stay in the country until the conclusion of the electoral process and issue a statement of preliminary findings and conclusions for the second round on 5 November 2019. The final report, including detailed findings and recommendations, will be issued within sixty days from the certification of results.

ENEMO's international observation mission for the 20 October 2019 General Local Elections in Moldova is financially supported by the European Union, Sweden, and the Embassy of the Netherlands. The content of the document is the sole responsibility of ENEMO and does not necessarily represent the position of the donors.



Executive summary

The second round for the election of mayors is vaguely regulated in the Electoral Code, leaving some key aspects unaddressed. ENEMO notes that this lack of clarity in provisions leaves space for inconsistent and contradictory interpretation of the law and possible misuse of legislative gaps.

In general, the CEC operated collegially and complied with most legal deadlines. However, several decisions were late, such as addressing complaints submitted to the CEC before 20 October. Also, over the observation period, ENEMO noted an insufficient level of regulations and instructions issued by the CEC in order to address some of the shortcomings in the law.

A number of electoral contestants (mayoral candidates and political parties) resumed campaigning immediately following Election Day on 21 October, despite official results and the holding of a second round not having yet been announced by the CEC. While fundamental freedoms were generally respected and contestants were able to campaign freely, concerns should be raised regarding the increase in “black PR” and hate speech in the period between two rounds amongst second round mayoral candidates.

ENEMO raises concerns regarding allegations of misuse of administrative resources which were ongoing according to observers, namely the involvement of mayor office workers and independent candidates using their official positions to influence the election campaign, as well as the use of mayoral property and resources for campaigning.

ENEMO highlights as a positive fact the coordination of the CEC with other state institutions regarding verification of individual donors of electoral contestants, as well as with the Public Procurement Agency regarding donations of legal entities and checking their engagement in public procurement contracts during the three years preceding the elections (or lack thereof).

ENEMO notes that resolving election related complaints after Election Day, which the CEC did on 22 October, is a practice that should be avoided, since it undermines potential sanctions for breach of the electoral legislation. Moreover, ENEMO reiterates that not updating the online registry of complaints and appeals received by the CEC is a practice that damages transparency of the electoral process and limits the right to information of the public.

Background and Post-First Round Developments

Following the holding of the first round of the local elections on 20 October, the CEC officially announced the results on 23 October, in line with the deadlines provided for in the law¹. In accordance with the legislation, which provides that a second round should be conducted in two weeks for mayoral elections when no single candidate received an absolute majority of the votes in the first round, the CEC on 23 October confirmed the holding of mayoral run-offs in 384 localities on 3 November.

Along with the confirmation of results, the official data provided publicly by the CEC indicated that a total of 1,173,834 voters went to the polls on 20 October, corresponding to a 41,68% voter turnout².

ENEMO notes that the results of the first round were overall accepted by most electoral contestants, except in few cases where contestation of the results by candidates occurred. The post-first round environment can be, in general, assessed as calm.

Legal Framework and Electoral System

The second round for the election of mayors is vaguely regulated in the Electoral Code³, leaving some key aspects unaddressed, such as active suffrage rights for citizens who reach the voting age or change residence in-between the two rounds, timeframes for campaigning, campaign finance regulations, media obligations during the second round, etc. ENEMO notes that this lack of clarity in provisions leaves space for loose interpretation of the law and possible misuse of the legislative gaps.

Mayors are elected under a two round majoritarian system, with the two candidates that received the highest number of votes competing in the run-off elections to be held on 3 November 2019⁴. Candidates will be ranked in the ballot according to the number of votes they received in the first round. While for the first round there was an obligatory turnout of at least 25 percent of the voters registered in a given locality for the election to be valid, no minimum turnout is required for the second round.

¹ Art. 65-66 and 146 of the Electoral Code.

² <https://pv.cec.md/>

³ Articles in the Electoral Code directly regulating aspects of the second round for the election of mayors in local elections are limited to the following: Art. 26, para. 1(o) regarding the role of the CEC in organizing the second round of elections; Art. 65, para. 5 which provides that the accreditation of observers for the first round is valid also for the second round; Art. 145, para. 2 which sets forth that in case no mayoral candidate receives the majority of the votes on Election Day a second round of elections shall be organized in two weeks; and Art. 145., para. 3, which sets forth that local elections in the second round are valid regardless of turnout.

⁴ According to data from the CEC, run-off elections will be held in 384 administrative territorial units.

Election Administration

Over the observation period, ENEMO noted an insufficient level of regulations and instructions issued by the Central Election Commission (CEC) in order to address some of the gaps in the law. For instance, the right to vote for voters who have changed their domicile and/or residence and who became eligible to vote (became 18 year old) between the first and second rounds of elections is an aspect which remains improperly regulated⁵. In other instances, at least one instruction, the one about vote recount, is outdated, and no updated regulation was provided by the CEC for these elections⁶.

In general, the CEC operated collegially and complied with legal deadlines. However, several decisions were late, such as addressing complaints dated 7 October and 9 October: both complaints were addressed at the session held on 22 October, and no complaints were addressed after 22 October.

After the first round, the preliminary results in the State Automated Information System “Elections” (SAIS-E)⁷ did not show discrepancies between data in counting protocols of different contests (i.e for mayors and councils) within the same locality, including in the numbers of voters on the main and supplementary lists for mayoral and municipal councils.

District Electoral Councils (DECs) generally conducted their work in an efficient and timely manner, with most members having previous election experience. However, although the first round of the elections was generally well managed, the level of knowledge and experience of Precinct Electoral Bureaus (PEB) members was in some cases assessed as insufficient by observers. Concerns should be raised regarding the lack of qualitative and comprehensive trainings for all PEB members, as it increases the risk of uneven levels of preparedness and professionalism of lower-level electoral commissions. ENEMO notes that no trainings were conducted by the Center for Continuous Electoral Training (CCET) during the period of observation.

Positively however, the CEC and CCET placed new voter education videos on its social media platforms in the state and Russian languages, supported by sign language interpretation, and sometimes with subtitles in Russian language. Voter education was also carried out in broadcast media and included information on voters’ rights, voting procedures, and electoral offences. The CCET keeps a free hotline for voters’ inquiries.

⁵ Discretion regarding voting rights was included in the agenda of the CEC session on 25 October. However, the decision on these issues was postponed.

⁶ The instruction regarding the procedure of recounting the ballots was adopted on 5 June 2011, CEC Decision nr. 303 of 17 June 2011, and updated in 2015. This Instruction, still in force, refers to Article 55 of the Electoral Code about persons who have the right to participate in the vote recount process, while with the present Electoral Code, the relevant Article is Article 60, paragraph 8.

⁷ Voters were identified on the Election Day through the use of the SAIS-E sub-module “Voting” which contain an electronic copy of the voter lists. Voter IDs were checked through the sub-module to control whether voters were registered at the PS and to prevent multiple voting.

Electoral Campaign and Campaign Finance

Electoral Campaign

As with several aspects of the Electoral Code, no specific conditions or time frames are provided for in the law regarding cases where a second round for mayoral elections will be held. Campaign regulation for the second round, including its official start, is unclear since the Election Code lacks relevant provisions and the CEC did not issue any normative act in this regard. Thus a number of electoral contestants (mayoral candidates and political parties) resumed campaigning immediately following Election Day on 21 October, despite official results and the holding of a second round not having yet been announced by the CEC.

ENEMO observers reported that in a majority of cases, previously placed billboards from the first round had not yet been removed, including those portraying electoral contestants no longer participating in the election. Apart from previously posted billboards, main campaign activities reported by observers during the week after the first round were distribution of printed materials, door-to-door campaigning and meetings of candidates with residents in domiciles, publication of paid campaign materials in local newspapers, and advertising on social media. However, the levels of campaigning varied greatly depending on regions and localities, ranging from considerably active and visible to very low-key.

Observers noted that independent candidates seemed to emphasize their individual personality and achievements in their campaigns, while candidates affiliated to parties mostly use images of top officials and party leaders in their campaigns.

While fundamental freedoms were generally respected and contestants were able to campaign freely, concerns should be raised regarding the increase in “black PR” and hate speech in the period between two rounds amongst second round mayoral candidates, reported by observers. In particular, ENEMO interlocutors mentioned the use of Internet bots to broadcast targeted negative campaigning materials on social networks⁸.

ENEMO raises concerns regarding allegations of misuse of administrative resources which were ongoing according to observers, namely the involvement of mayor office workers and independent candidates using their official positions to influence the election campaign, as well as the use of mayoral property and resources for campaigning. Isolated cases of vote buying in Gagauzia, Basarabeasca, Cimislia, and Taraclia were also reported to observers.

⁸ Social media has been actively used by candidates and parties for election campaigning. ENEMO observed anonymous Facebook pages seemingly operating for the primary purpose of discrediting specific candidates. These pages are disseminating different contents and multimedia materials seemingly in an attempt to harm the reputation of candidates that they target. The majority of these posts are sponsored in order to reach a broad audience.

Campaign Finance

While general campaign finance regulations and provisions of the law apply for the second round, there are no specific legal requirements for reporting on campaign finances for the mayoral run-off.

ENEMO notes that the CEC performed a review of the reports of electoral contestants on the financing of their electoral campaigns following the holding of the first round⁹. According to the CEC, donations received by political parties did not exceed the ceiling established in Article 41 paragraph 2, point e) of the Electoral Code. However, warnings were issued by the CEC to three political parties which did not open an “Electoral Fund” and did not inform the CEC in line with the requirements of Article 41 paragraph 2 point c).

In addition, following inquiry to the State Tax Service and National House of Social Insurance, notification was given by the CEC to the General Prosecutor’s Office with a request to verify the origin of the sources of income of donors who did not declare any income and did not receive any social benefits for the 2016-2019 period.

ENEMO highlights as a positive fact the coordination of the CEC with other state institutions regarding verification of individual donors of electoral contestants, as well as with the Public Procurement Agency regarding donations of legal entities and checking their engagement in public procurement contracts during the three years preceding the elections (or lack thereof).

However, concerns should be raised with regard to the fact that requests were communicated to the Prosecutor General in between the two rounds of elections for further investigation of individuals which donated funds to political parties, as this contains the risk of negatively affecting the image of some parties, thus potentially politically influencing the electoral campaign and affecting the will of voters.

Complaints and Appeals

On 22 October, the CEC examined two complaints that were filed before Election Day, respectively on 7 and 9 October 2019. While both complaints were filed for breach of campaign finance rules, thus not bound to be examined and resolved before Election Day¹⁰. ENEMO notes that resolving election related complaints after Election Day is a practice that should be avoided¹¹.

Between Election Day and 25 October, the CEC received five complaints. The CEC has yet to rule on all of them. ENEMO reiterates that the online register of complaints maintained by the CEC is still not updated with the newly received complaints and supporting documentation, since 15

⁹ This information was presented during the CEC’s session on 22 October. At the moment of writing this report, the information has not yet been posted on the official CEC website for public consultation.

¹⁰ Art. 71, para. 6 of the Electoral Code.

¹¹ Especially as, according to Article 75, para. 2(e) of the Electoral Code, one of the potential sanctions for violation of election legislation is a request to deregister the candidate.

October¹², although CEC decision on complaints can be found at the “Decisions” section of the CEC webpage. ENEMO deems that this practice damages transparency of the electoral process and limits the right to information of the public.

The EOM has been informed of some 21 complaints filed with lower level election management bodies and courts, almost all of which (18 out of 21) requesting recount. A number of the filed complaints were returned by the courts to the complainants to be reformulated, in order to comply with formal elements.

Observers

No additional observers were accredited by the CEC for the second round. No specific provisions are mentioned in the Electoral Code regarding rights and obligations for electoral observers for the mayoral run-off, in particular observers from electoral contestants from the first round which will not be participating in the second round.

According to the NGO Promo-LEX, which is the largest domestic election observation group engaged in monitoring these elections, at least two cases of intimidation and seven of obstruction of the activity of observers were reported on Election Day in the first round, and observers were not always allowed a copy of the voting results protocols¹³. ENEMO deems that election observers should in no case be intimidated or obstructed in their work, as such intimidation attempt and obstructions not only violate the law¹⁴, but are also at odds with international standards.

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

¹² As to the date of publishing this report.

¹³<https://promolex.md/16065-raportul-nr-5-misiunea-de-observare-a-alegerilor-parlamentare-din-24-februarie-2019-ziua-alegerilor/?lang=en>

¹⁴ Art. 68, par. 5 of the Electoral Code.

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; 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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