



REPORT No 7

Observation Mission of the Presidential Election in the Republic of Moldova of 1 (15) November 2020.

Observation period: 2 - 11 November 2020

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EXECUTIVE SUMMARY

Legal framework. In the context of these elections as well, Promo-LEX OM notifies the lack of any explicit and exhaustive legal provisions in the Electoral Code to regulate the conduct of the second round of elections. We mainly refer to the deadline for setting the date of the second round of election and date for starting the election campaign for the second round. At the same time, with regards to funding the election campaign for the second round, we appreciate that the Regulation on Funding the Election Contenders' Campaigns establishes the date when the 'Electoral Fund' account is unfrozen for the election contenders that make it to the second round.

Electoral bodies. During the reference period, CEC met for 3 online and mixed meetings during which 23 decisions related to the organization of the presidential election were adopted. During the observation period, CEC accredited 120 national observers and 22 international observers. A total of 2328 observers were accredited for the presidential election, specifically 1996 national observers, 321 international observers and 11 international electoral experts. Of the total number of national observers, Promo-LEX Association accredited 1246 (62%).

A number of 3,605,517 ballot papers were printed for the second round of the presidential election of 1 (15) November 2020. Compared with the first round, the number of printouts was increased for 55 PSs (40%) of the 139 PSs set up abroad.

All 36 level-two DECAs visited by observers were open during the working hours. But not all DECAs comply with the requirements on how to work during the pandemic: 5 (14%) councils do not have a register for monitoring the temperature of electoral officials; at least 8 (22%) DECAs do not measure the visitors' temperature; 2 DECAs (6%) do not display any information about the health protection rules during pandemic. However, compared to the previous reporting period (14 – 28 October 2020), we have noticed a better DEC compliance with epidemiological requirements.

As many as 345 PEBs were visited during the observation period. Of these, according to Promo-LEX observers, only 250 bureaus (72%) were open during the working hours. A part of PEBs still do not comply with the protection requirements during the pandemic. Thus, only 205 PEBs (59%) have and fill in a register for monitoring the temperature of electoral officials. Only 131 electoral bureaus (38%) measure the temperature of PEB visitors. There is no information about the health protection rules during pandemic displayed in the offices of at least 258 electoral bureaus (75%). But if compared with the previous observation period, the level of compliance is however higher.

Promo-LEX OM draws attention to the legal uncertainties related to the establishment, again, of two PEBs (13/1 Donduseni t., Donduseni d. and 13/5 Baraboi v., Donduseni d.) during the period between the first and the second round of the election. But according to the electoral legislation, DEC shall set up the PEB at least 25 days before the election day. We hence believe that bureaus may not be set up again between the first and the second round of the election.

We also draw the attention to at least four cases when requests to vote at the place of stay were collected by unauthorised persons: persons reported as electioneers of candidate Igor Dodon (3 cases) and employees of the postal office (1 case). Promo-LEX OM warned in its Report No 6 on the increasing number of requests to vote at the place of stay for the presidential election. We specifically underscore the relevancy and possible scale of this problem for the second round of the election. We remind that at the second round of the 2016 presidential election, by 22% more voters cast their votes at the place of stay compared to the first round.

Electoral litigations. According to Promo-LEX observers, during the monitored period, DECAs settled at least two complaints, and CEC responded to at least six complaints. At the same time, at least one complaint and two notifications were filed with CEC, which remained unanswered. The complaints were submitted against the actions and decisions issued by electoral bodies (PEB 34/6 Banestii Noi, Telenesti, PEB 1/73 Chisinau, DEC 18 Floresti) and against certain actions of candidate Igor Dodon.

Courts also settled two electoral litigations, both of them submitted by Dorin Chirtoaca. The complaints relate to the organisation and conduct of the electoral process in the polling stations

abroad and in the polling stations set up for voters from the left bank of the Nistru river. Both complaints were declared non-admissible.

Election contenders. During 2-11 November 2020, Promo-LEX observers reported at least 142 electoral activities. Of them, Igor Dodon (IC) carried out 72 activities (51%), while Maia Sandu (PAS) conducted 70 (49%). PSRM continues its active participation in the campaign of independent candidate Igor Dodon.

In addition, at least 473 cases of using electoral advertising were reported, of which 308 cases (65%) by Maia Sandu (PAS), and 165 cases (35%) by Igor Dodon (IC). Sponsored advertising on social media - 166 (35%) and printed materials (newspapers, booklets, leaflets, posters, calendars etc.) were the most frequently used promoting methods - 97 cases (21%).

The observers identified at least 12 cases that can be regarded as use of administrative resources. Out of them, 11 cases featured Igor Dodon (IC), and one case - Maia Sandu (PAS). It is about taking credit for works/services funded from public money (6 cases), involving public sector employees in election campaign activities during their working hours (3 cases), using public authorities in campaign activities (1 case), involving public officials in election campaign activities (1 case) and using official websites of public authorities for purposes of electoral promotion (1 case).

Promo-LEX OM draws the attention to a case that could be interpreted as use of undeclared financial and in-kind resources by candidate Igor Dodon. This case about the alleged printing of more issues of the campaign newspapers of the candidate Igor Dodon than stated in the printing data, as well as by another printing house than stated in the publication. In addition, as there's no publicly available documentation to support the contractual relationship (including invoices) between EditTiparGrup printing house - which was the one to print the newspapers according to printing data - and Universul printing house (public institution) that seems to be the one to actually print them, there's reasonable suspicion that administrative resources were spent.

What is particularly suspicious is that although the printing house data says the print date was 9 November 2020, there's at least one picture in the newspaper that is believed to have been taken at the press conference of 10 November 2020 held by district presidents and deputy presidents in support of candidate Igor Dodon. What is more, at least two copies of newspapers printed before the first round of elections were found in the Universul printing house. However, according to the information reported to CEC, candidate Igor Dodon did not print newspapers or other promotional products at Universul printing house during the electoral campaign for the elections of 1 November 2020.

The observers also reported two instances of involving religious denominations in the election campaign of candidate Igor Dodon.

At least two events that involved a big number of participants, in violation of the restrictions established by the National Extraordinary Public Health Commission, were found to have been held during the observation period. One of them was a people's march in Balti Municipality in which more than 200 people participated, and at least 20 car marches (involving more than 450 cars). These events were organised, in both instances, to support Igor Dodon. Another people's march is scheduled to take place in Chisinau on 13 November 2020 in support of the same candidate.

Financing of election campaign. The candidates Maia Sandu (PAS) and Igor Dodon (IC) reported for 4-6 November 2020 revenues totalling MDL 956,816 (including donations in commodities, objects, works or services). Of these, MDL 556,367 (58%) were reported by Maia Sandu (PAS), and Igor Dodon (IC) reported MDL 400,450 (42%). At the same time, the contenders reported total expenses of MDL 842,551. Most of the total reported expenses (94%) were incurred for electoral advertising (74%) and for promotional products (20%).

Promo-LEX OM established that the sources of contenders' revenues were the following: 88% - donations made by individuals, including citizens of the Republic of Moldova living abroad; 4% -

donations from legal entities (Maia Sandu (PAS)) and 8% – donations in commodities, works or services (Maia Sandu (PAS)).

Promo-LEX OM found that expenses estimated at about MDL 500,853 incurred in the first week of election campaign for the second round of presidential elections (2-6 November) were not reported by the contenders in their reports on election campaign financing. Of that amount, Igor Dodon (IC) did not report MDL 394,422 (79%), while MDL 106,431 (21%) were not reported by Maia Sandu (PAS). Most of the resources that were not reported were spent for promotional products by Maia Sandu (PAS) – estimated amount totalling MDL 102,622, and for electoral advertising via electronic media by Igor Dodon (IC) – estimated amount totalling MDL 273,458. Similarly to the previous reporting period, no election contender reported expenses for the rewards paid to electioneers or submitted their declarations on volunteer work.

Hate speech and incitement to discrimination. During the reporting period, at least 51 cases of using hate speeches and incitement to discrimination were identified in the context of the presidential election of 1 (15) November 2020. Igor Dodon (IC) used this type of speech in 7 cases.

There were also reported at least 34 cases of using hate messages and/or incitement to violence against the PAS candidate Maia Sandu (26 cases) and the independent candidate Igor Dodon (8 cases) by politicians, journalists, opinion leaders or candidates' supporters.

In other 10 cases, hate speech and incitement to discrimination targeted members of political parties and/or supporters of candidates, as well as against public officials, politicians and voters in general.

Hate and discriminatory messages mainly built on the following criteria: political affiliation, professional activity, sex/gender, disability, religion and religious beliefs, sexual orientation, nationality and opinion.

Electoral education and awareness. In the context of the second round of the presidential election of 15 November 2020, during the reporting period, Promo-LEX Association and other three organisations that received sub-grants from the Association, carried out at least 33 activities of voter information, education and apolitical mobilisation for the citizens of the Republic of Moldova having the right to vote.

The activities targeted young people, voters of the transnistrian region and the diaspora. These included posts, articles, video news, video reports, information and mobilisation videos, vlogs, talk shows, election quizzes and informational web platforms.

Because of the sanitary and epidemiological restrictions imposed amid the COVID-19 pandemic, all activities were carried out on-line and were advertised on social media networks.

During the reporting period CICDE and CEC conducted information activities (periodicals, participations in radio programmes and video materials, etc.) on the preparation of the second round of the election.

INTRODUCTION

Report no 7 is compiled by Promo-LEX Observation Mission (OM) of the Presidential Election in the Republic of Moldova of 1 (15) November 2020. This report covers the results for the observation mission of the second round election campaign during 2 - 11 October 2020. The funding of candidates' election campaign was monitored for the period of 2 – 6 October 2020. The content of this report can be subject to editing.

The Mission of Promo-LEX OM reports is to notify in real time the electoral bodies about the quality of procedures for election organisation and conduct for a predetermined period of time; raise the electoral stakeholders' accountability; identify the positive and negative trends in the electoral process.

Promo-LEX methodology for election observation was developed according to the relevant international standards and covers observation of the election both in the long run (election period), and in the short run (election day). The observation reports are prepared by the central team of Promo-LEX OM on the basis of the findings of long-term OM observers (LTOs) and describe the activity of all stakeholders involved in the organization and conduct of elections: election contenders, public authorities, electoral bodies, political parties, citizens who file their candidacy, as well as civil society. LTOs report their findings using specialised forms, which are stored on the web platform www.data.promolex.md, which is a secure system with limited access, administered by Promo-LEX. During the planned visits, observers analyse the information from interviews, meetings with interlocutors and review of the official documents. The activity of election contenders is also monitored on-line.

The electoral process is monitored during the election period by 42 LTOs. On the election day for the second round of the presidential election of 1 (15) November 2020, as in the first round, Promo-LEX will delegate one short-term observer (STO) in each of the 608 polling stations (PSSs) selected by Promo-LEX OM from a sample established by a sociological company. Moreover, a static observer will be assigned to each of the 42 polling stations where voters from the transnistrian region will cast their vote. The electoral process in the polling stations, in their immediate vicinity and the access routes to the polling stations where the voters from the transnistrian region will vote, will be monitored also by 80 mobile teams of observers. Also, special consideration will be given to polling stations abroad, where it is planned to delegate static observers in about 60 polling stations. In addition to the first round, Promo-LEX will second observers trained in monitoring public assemblies.

All observers involved in the monitoring process were trained during the seminars organized by Promo-LEX Mission. They sign and assume the Code of Conduct¹ of the Promo-LEX National Independent Observer, undertaking to act quickly, in good faith and in a non-partisan manner. Promo-LEX observers are also trained in protection standards in the context of the COVID-19 pandemic. The central team of the Association coordinates the activity of observers.

Promo-LEX OM for Moldova Presidential Election of 1 (15) November 2020 is a project implemented by Promo-LEX Association as part of the Civic Coalition for Free and Fair Elections. Promo-LEX OM is not a political opponent for the election contenders involved in the electoral process, it is not an investigation body and does not assume the express obligation to support its findings by evidence. Nonetheless, the observers' reports are accompanied, as much as possible, by photo and video evidence. These can be made available only to law enforcement and electoral bodies on the basis of proper official requests and never to election contenders. At the same time, electoral authorities shall deal with the violations presented in this report, including the alleged ones, as prescribed in Article 22 (1)(q) and Article 68 (5) of the Electoral Code, treating them as observers' notifications to be reviewed according to their competence.

¹ [Code of Conduct](#) of Promo-LEX National Independent Observer.

Promo-LEX mission manages the public web platform www.electoral.monitor.md, which stores relevant information (with photos/videos, that do not contain any personal data) from the observers' reports. In addition, any individual, including representatives of electoral contenders, can upload on this platform their alerts about electoral activities. The Mission's observers verify the alerts of the citizens during the next visit planned in the community where such activities were reported. The Mission also manages www.instruire.monitor.md, a platform that offers access to everyone to the training materials for short-term observers, except for their reporting forms.

Promo-LEX is a Non-Government Organisation that aims at developing the democracy in the Republic of Moldova, including the transnistrian region, by promoting and defending the human rights, monitoring the democratic processes, and strengthening the civil society. The Association has been observing elections in the Republic of Moldova since 2009, this OM being the 20th. In addition, the Association employees and members have international experience and participated in the observation of elections, as part of International Missions in Armenia, Germany, Georgia, Estonia, Norway, Montenegro, Romania, Serbia, Sweden, Ukraine, etc.

This report refers to the international standards developed by UN, OSCE, European Commission for Democracy through Law, European Union and Council of Europe. Recommendations for public authorities, electoral bodies, election contenders, and other stakeholders, aimed at improving the electoral process, can be found at the end of each of the reports.

The Mission is conducted and the report is developed with the financial support of the United States Agency for International Development (USAID) via the 'Democracy, Transparency and Accountability' Program, the Good Governance Department of Soros Foundation-Moldova under 'Monitoring the Presidential Elections of 1 November 2020' Project, and the Council of Europe under 'Support for civic observation of 2020 Presidential Election in polling stations abroad'. *'Hate speech' component is supported by Justice and Human Rights Department of Soros Foundation-Moldova under 'Consolidation of a platform for the development of activism and education in the area of human rights in Moldova – stage IV' Project.*

The opinions set out in the public reports and press releases of Promo-LEX OM are those of the authors and do not necessarily reflect the donors' view.

I. LEGAL FRAMEWORK

In the context of these elections as well, Promo-LEX OM notifies the lack of any explicit and exhaustive legal provisions in the Electoral Code to regulate the conduct of the second round of elections. We mainly refer to the deadline for setting the date of the second round of election and date for starting the election campaign for the second round.

At the same time, with regards to funding the election campaign for the second round, we appreciate that the Regulation on Funding the Election Contenders' Campaigns establishes the date when the 'Electoral Fund' account is unfrozen for the election contenders that make it to the second round.

1.1. Lack of legal rules on conducting the campaign for the second round of elections

According to Article 120(1), if none of the candidates to the position of president of the Republic of Moldova gained at least half of the votes cast by the voters who participated in the election, then the second round of elections shall be held for the first two candidates established in descending order according to the number of votes gained on the first round. According to par. (4) of the same Article, the second round of elections shall be held 2 weeks after the first round, and information on the conduct of the second round of election shall be made public by CEC within 24 hours from the established date. The date of the second round of election shall be established by CEC.

We remind that on 25 October 2020, without complying with the rules on decision-making transparency, by Decision No 4428, CEC completed the Regulation on funding the election campaigns of the election contenders. Thus, according to Item 22², regarding the organisation of the second round of presidential elections, after the date of its holding is established, the account with the mention 'Electoral fund' of the election contender passing into the second round gets unlocked, and the balance from this account is being used for the election campaign in the second round.

On 4 November, by Decision No 4466, CEC approved the minutes on the election's final results and established 15 November 2020 as the date of holding the second round for the election of the President of the Republic of Moldova.

Taking into account the above mentioned and the fact that all expenses for the election campaign shall be made from the 'Electoral Fund' account, we conclude that the election campaign **for the second round of elections could have started only on 5 November**. However, we draw attention to the fact that the Electoral Code does not contain rules prohibiting carrying out electioneering activities in the days immediately following the election day, when the preliminary results are announced.

We remind that Promo-LEX OM underscored, on the occasion of the parliamentary elections of 2016 that the Electoral Code does not regulate in any way the electoral campaign for the second round of elections². The lack of legal rules on conducting the second round of elections determines different and situational interpretation of the legal norms. Thus, we reiterate that a clear regulation in the Electoral Code of the organisation and conduct of the second round of election is of utmost importance, especially as regards the deadline for setting the date of the second round of election and the date for starting the election campaign for the second round.

² [Report](#) No 5 on the observation of the presidential election in the Republic of Moldova, 2016.

II. ELECTORAL BODIES

During the reference period, CEC met for 3 online and mixed meetings during which 23 decisions related to the organization of the presidential election were adopted. During the observation period, CEC accredited 120 national observers and 22 international observers. A total of 2328 observers were accredited for the presidential election, specifically 1996 national observers, 321 international observers and 11 international electoral experts. Of the total number of national observers, Promo-LEX Association accredited 1246 (62%).

A number of 3,605,517 ballot papers were printed for the second round of the presidential election of 1 (15) November 2020. Compared with the first round, the number of printouts was increased for 55 PSs (40%) of the 139 PSs set up abroad.

All 36 level-two DECAs visited by observers were open during the working hours. But not all DECAs comply with the requirements on how to work during the pandemic: 5 (14%) councils do not have a register for monitoring the temperature of electoral officials; at least 8 (22%) DECAs do not measure the visitors' temperature; 2 DECAs (6%) do not display any information about the health protection rules during pandemic. However, compared to the previous reporting period (14 – 28 October 2020), we have noticed a better DECA compliance with epidemiological requirements.

As many as 345 PEBs were visited during the observation period. Of these, according to Promo-LEX observers, only 250 bureaus (72%) were open during the working hours. A part of PEBs still do not comply with the protection requirements during the pandemic. Thus, only 205 PEBs (59%) have and fill in a register for monitoring the temperature of electoral officials. Only 131 electoral bureaus (38%) measure the temperature of PEB visitors. There is no information about the health protection rules during pandemic displayed in the offices of at least 258 electoral bureaus (75%). But compared with the previous observation period, things are better.

Promo-LEX OM draws attention to the legal uncertainties related to the establishment, again, of two PEBs (13/1 Donduseni t., Donduseni d. and 13/5 Baraboi v., Donduseni d.) during the period between the first and the second round of the election. But according to the electoral legislation, DECA shall set up the PEB at least 25 days before the election day. We hence believe that bureaus may not be set up again between the first and the second round of the election.

We also draw the attention to at least four cases when requests to vote at the place of stay were collected by unauthorised persons: persons reported as electioneers of candidate Igor Dodon (3 cases) and employees of the postal office (1 case). Promo-LEX OM warned in its Report No 6 on the increasing number of requests to vote at the place of stay for the presidential election. We specifically underscore the relevancy and possible scale of this problem for the second round of the election. We remind that at the second round of the 2016 presidential election, by 22% more voters cast their votes at the place of stay compared to the first round.

2.1. CEC Activity

During the reporting period, CEC met for 3 on-line and mixed meetings, of which 1 ordinary meeting and 2 extraordinary, during which 23 decisions related to the organization and conduct of the second round of the presidential election were adopted.

2.1.1. CEC decisions relevant for the organisation and conduct of the second round of the presidential election

Thematic content of adopted decisions. Out of 23 decisions on the organization and conduct of the second round of the presidential election, 11 (48%) are related to the accreditation of national and international observers. The other decisions concerned the results of the first round and the

organisation of the second round of the election, determination of the print-out number of ballot papers for the round II, issues related to the organised transportation of voters to the polling stations, ensuring the protection measures during the voting procedure of the round II of the presidential election, reports on the incomes and expenses of the election contenders during the election campaign, amendment of previous CEC decisions.

2.1.2. Accreditation of observers by CEC

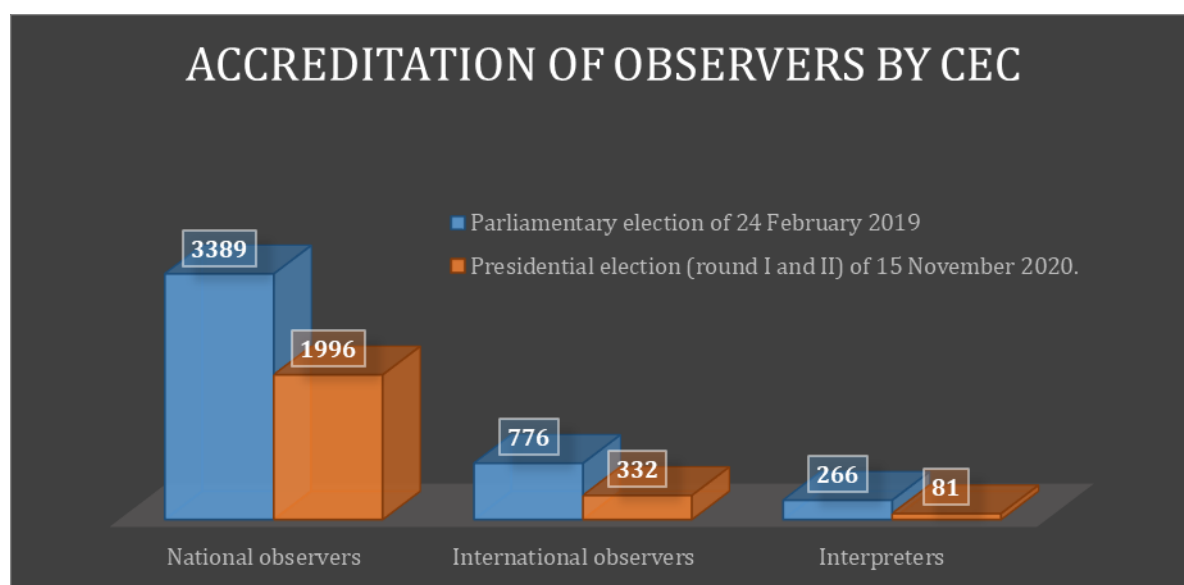
Promo-LEX OM points out that, according to the electoral authority announcement, accredited observers for the presidential election of 1 November 2020 can continue their activity also during the second round of the election of 15 November 2020.

At the same time, in the reference period, CEC adopted 11 decisions regarding the accreditation of 142 observers in order to monitor the second round of the presidential election of 15 November 2020. In this manner, 120 national observers and 22 international observers were accredited. Also, during the monitored period, the electoral authority adopted 3 amendments of the decisions on the accreditation of the observers in order to monitor the second round of the presidential election. Thus, Promo-LEX OM reveals a modification of the number of observers on the part of the Civil association 'MIRAD', the independent candidate Igor Dodon and the candidate Maia Sandu (PAS), accredited under the Electoral Code conditions.

In total, by 11 October 2020, for the presidential election (round I and II), according to available data, a number of 1996 national observers and 321 international observers, 11 international electoral experts and 81 interpreters were accredited for the presidential election. Of the total number of national observers, Promo-LEX Association accredited 1246 (62%).

Compared to the Parliamentary election of 24 February 2019, we note a decrease of the number of national observers by 41%, and of international observers - by 57% (Chart 1).

Chart 1



2.1.3. Circular letters

In order to ensure good organisation and conduct of the second round of the presidential election, on 10 November 2020 CEC sent to the precinct electoral bureaus from abroad the *Circular Letter*

CEC-8/3332 including clarifications on the state identification number of the individual (IDNP) in the passport of the citizen of the Republic of Moldova, valid until 2003³.

2.1.4. Notifying CEC about surveys

According to data on the CEC website, 'Survey notifications' section, in the reference period, 3 applications on the initiation of surveys were submitted. In this manner, the civil association 'SPERO', together with the SRL 'Intellect Group' Company, submitted an application on the conduct of an electoral survey at the exit of the polling stations on the election day (15 November 2020). The company 'Magenta Consulting' SRL sent a notification regarding the conduct of a survey⁴, and 'Simpals' SRL - regarding the conduct of a survey on the Internet users preferences among candidates in the presidential election of 15 November 2020⁵.

At the same time, we mention that, for the exit poll, CEC has accredited 150 interview operators with appropriate identification cards and approved instructions that the interview operators shall follow, like: maintain secrecy of voting of the interviewed person, question people outside the polling station, keep the identification card at sight, not to electioneer for or against election contenders, observe all health protection measures, not to reside in the polling station area. The electoral authority sent to all PEB Chairpersons (100 PS on the territory of the Republic of Moldova) the notification on conducting the electoral survey at the exit of the polling stations (exit-poll) by interview operators accredited to this end.

2.2. Activity of Level-Two Electoral Constituency Councils

2.2.1. Compliance with the activity schedule

According to the information provided by Promo-LEX observers, all 36 level-two DEC offices were open during the visits made in the reference period.

2.2.2. Changes to DEC membership

Promo-LEX OM reports the modification of the nominal structure of at least 2 level-two DECs (No 30 Straseni, No 33 Taraclia), by keeping the gender-based structure. The modification initiatives were submitted by PPS and, respectively, PSRM.

In addition, we mention that, in total, by 11 November 2020, at least 18 electoral councils changed their nominal structure (No 1 Chisinau, No 4 Anenii Noi, No 7 Cahul, No 9 Calarasi, No 10 Căușeni, No 11 Cimișlia, No 12 Criuleni, No 16 Edineț, No 17 Falesti, No 21 Ialoveni, No 23 Nisporeni, No 24 Ocnîța, No 28 Sângerei, No 29 Soroca, No 30 Strășeni, No 31 Soldanesti, No 33 Taraclia, No 37 for the communities on the left bank of Nistru River), and 2 electoral councils completed their DEC Office staff list by 2 posts (No 1 Chisinau, No 2 Bălți).

2.2.3. Uncertainties concerning the re-establishment of certain precinct electoral bureaus in the period between the first and the second round of the election

Promo-LEX observers identified at least two cases of re-establishment of the precinct electoral bureaus (13/1, Donduseni, Donduseni district, and 13/5, Baraboi, Donduseni district) related to the COVID-19 infection of a member of each bureau and the containment of other PEBs members.

We remind that, according to Article 30(9) of the Electoral Code, electoral constituency councils shall establish precinct electoral bureaus at least 25 days before the election day from an odd number of members, not less than 5 and not more than 11 people.

³ [Circular letter](#) CEC-8/3332 of 10 November 2020.

⁴ [Notification](#) of the company „Magenta Consulting” regarding the conduct of a survey on 5 November 2020.

⁵ [Notification](#) of the company 'Simpals' SRL regarding the conduct of the survey on 2 November 2020.

We believe that a new electoral body can not be established between two election rounds, considering that the second round of the election shall be conducted under the same conditions than the first one (with the same councils and electoral bureaus, based on the same lists of voters).

At the same time, although Article 36 of the Electoral Code does not provide circumstances concerning COVID-19 infection as a reason for modifying the structure of the electoral council or bureau, we believe that replacing PEB members between the first and the second rounds of the election can be viewed as a modification of the PEB structure (based on circumstances that do not depend on the members' willing or the body/authority that nominated them), and not as an establishment.

Moreover, even in the case of certain frauds, according to Article 127(4) of the Electoral Code, members of the electoral bureaus and councils shall be replaced, but a new bureau or council shall not be established.

2.2.4. The activity of the level-two DEC amidst the pandemic

Following the visits made during the monitored period at level-two DEC, the Promo-LEX observers reported:

With regards to the register for monitoring the temperature of electoral officials. Out of the 36 level-two DECs visited during the observation period, 5 councils⁶ (14%) do not have a filled out register for monitoring the temperature of electoral officials.

With regards to measuring the temperature of DEC visitors. At least 8 electoral councils⁷ (22%) do not measure the temperature of DEC visitors.

With regards to displaying information about the health protection measures. There is no information about the health protection measures during COVID-19 pandemic displayed in the offices of at least 2 electoral councils⁸ (6%).

With regards to confirmed infection cases among the electoral officials. Members of at least 3 level-two DECs were found to be infected with COVID-19 (No 4 Anenii Noi; No 6 Briceni; No 23 Nisporeni). Note that the activity of electoral body was not affected.

Compared to the previous reporting period (14 – 28 October 2020), we notice a better DEC compliance with epidemiological requirements. Thus, 10 (28%) more DECs measure the temperature of their visitors. Also, 3 (8%) more councils have a register for monitoring the temperature of electoral officials and display information about the health protection measures during the COVID-19 pandemic.

2.3. Activity of precinct electoral bureaus

2.3.1. Compliance with the activity schedule

As many as 345 PEBs were visited during the observation period. Of these, according to Promo-LEX observers, only 250 bureaus (72%) were open during the working hours.

In addition, Promo-LEX OM reported the change to the membership of at least 28 PEBs. Among the causes of the modifications we note: the absence at two consecutive meetings (2 cases); at request (27 cases); refusal to execute the decisions of DEC (one case); other causes (6 cases) (Table 1).

⁶ DEC: Chisinau, Cimislia, Criuleni, Ialoveni, Hancesti.

⁷ DEC: Balti, Basarabasca, Cantemir, Chisinau, Criuleni, Drochia, Ialoveni, Soldanesti.

⁸ DEC: Criuleni, Rezina.

Table 1. Changes to PEB membership

| Changes to PEB membership | | | |
|----------------------------------|--------------------------------------|-------------------------------|--------------------------------------|
| No of excluded members | Initiator of the modification | No of included members | Appointment of the new member |
| 6 | CEC REO | 6 | CEC REO |
| 9 | LPA | 10 | LPA |
| 9 | PAS | 9 | PAS |
| 2 | PDM | 1 | PDM |
| 4 | PPFDA | 4 | PPFDA |
| 3 | PPS | 3 | PPS |
| 3 | PSRM | 3 | PSRM |

2.3.2. Specificity of the activity in the context of the pandemic

Promo-LEX OM is still finding shortcomings in the observance of the protection and prevention measures against COVID-19 infection by the electoral bureaus. Thus, regarding the PEB activity under pandemic conditions, Promo-LEX observers reported that:

With regards to the register for monitoring the temperature of electoral officials. At least 205 electoral bureaus (59% out of the total of 345 visited electoral offices) have and fill in a register for monitoring the temperature of electoral officials.

With regards to measuring the temperature of PEB visitors. Only 131 electoral bureaus (38%) measure the temperature of PEB visitors, and the last ones are wearing masks/gloves.

With regards to displaying information about the health protection measures. Information about the health protection measures during COVID-19 pandemic is displayed in the offices of at least 258 electoral bureaus (75%).

With regards to confirmed infection cases among the electoral officials. At least 12 PEB members were found to be infected with COVID-19. Note that the activity of electoral body was not affected.

Compared to the previous reporting period (14 - 28 October 2020), we notice a better DEC compliance with anti-epidemic measures. Thus, the number of PEB that display information about the health protection measures during COVID-19 pandemic in their offices increased by 52%. At the same time, the number of PEB that have a register for monitoring the temperature of the electoral officials increased by 24%, and that of the PEB who ensure measuring the temperature of the electoral bureau visitors - by 14%.

2.3.3. Cases that can be viewed as involvement of unauthorised people in collecting requests for voting at the place of stay.

According to Item 3¹ of the Guideline on the voting procedure with the mobile ballot box⁹, applications on voting at the place of stay shall be submitted personally by voters at the PEB. At the same time, the persons incapable of submitting the request for voting at the place of stay individually, for health or other reasonable excuses, can submit the request through a member of the family or can request assistance of a social worker from Mayor's Office.

According to Promo-LEX observers, in at least four cases requests to vote at the place of stay were collected by unauthorised persons: individuals reported as electioneers of candidate Igor Dodon (3 cases) and employees of the postal office (one case).

In this manner, in Rotunda village, Edinet district, electioneers of the candidate Igor Dodon collect from aged people requests to vote at the place of stay and submit them to the PEB.

⁹ [Guideline](#) on the voting procedure with the mobile ballot box, approved by the Central Electoral Commission Decision No 3391 of 30 July 2010.

Also, at the PEB 11/3 Cimisia, around 7 requests to vote at the place of stay were submitted by unauthorised persons (electioneerer of the candidate Igor Dodon). Besides, in the first round, these voters did not submit requests for voting at the place of stay. PEB secretary refused to register these requests. The person who submitted the requests had an aggressive behaviour and made use of verbal assault.

At the PEB 11/3 Cimisia were also three electioneerers of the candidate Igor Dodon who submitted for registration 10 citizens' requests to vote at the place of stay. The PEB member refused to accept the requests on the grounds that these were submitted by unauthorised persons. As a result, the electoral official was insulted and threatened to be dismissed from the PEB.

In at least one case, the Promo-LEX observer was informed from many sources that the employees of the post office in Taul village, Donduseni district, collect from the inhabitants requests to vote at the place of stay.

Promo-LEX OM warned in its Report No 6¹⁰ on the potential increasing number of voters who could apply to vote at the place of stay for the second round. We remind that at the second round of the 2016 presidential election, by 22% more voters cast their votes at the place of stay compared to the first round.

2.4. Aspects regarding the organisation of election for voters who live abroad

In the context of the organisation and conduct of the second round of the presidential election, CEC carried out the following activities:

- *increased the number of established ballot papers for 55 PSs (40%) of 27 countries.*

On 4 November 2020, CEC established the printing number of ballot papers needed for the polling stations abroad during the second round of the presidential election of 15 November 2020¹¹. For 55 PSs (40%), the printing number of the ballot papers needed for the second round was increased. For the second round, Promo-LEX OM decided to print by 5000 ballot papers (maximum legally allowed number) for 134 PSs (96%) out of 139. Only for 5 Ps was established to print by 300 ballot papers¹².

There was also a significant increase in the PSs opened in Tallinn, Republic of Estonia (+4,500), Riga, Republic of Letonia (+4,500), Vilnius, Republic Of Lithuania (+4,500), Budapesta, Republic of Hungary (+4,000), Sofia, Republic of Bulgaria (+4,000) and Ankara, Republic of Turkey (+3,500).

In addition, we mention that, according to the minutes on the vote counting results¹³, of 134 PSs for which was established to print the maximum number of 5,000 ballot papers, in the first round of the election, in 48 PSs voted less than 500 voters¹⁴. On the other hand, there were identified 9 PSs

¹⁰ [REPORT No 6](#). Promo-LEX Election Observation Mission for the Presidential Election in the Republic of Moldova of 1 November 2020, p. 22.

¹¹ [CEC Decision](#) on the establishment of the printing number of ballot papers needed for the polling stations abroad during the second round of the presidential election of 15 November 2020.

¹² Azerbaijan, China, United Arab Emirates, Japan, Qatar.

¹³ [Minutes](#) on the vote counting results for the polling stations abroad.

¹⁴ Belarus, Minsk, PS No 1/308 (142), Bulgaria, Sofia, PS No 1/311 (105), Canada, Ottawa, PS No 1/312 (127), Canada, Toronto, PS No 1/313 (453), Canada, Calgary, PS No 1/315 (470), Estonia, Tallinn, PS No 1/322 (105), Russia, Moscow, PS No 1/325 (171), Russia, Moscow region, PS No 1/329 (439), Russia, Sankt Petersburg, PS No 1/330 (220), Russia, Sankt Petersburg, PS No 1/331 (276), Russia, Sankt Petersburg, PS No 1/332 (273), Russia, Sochi/Krasnodar, PS No 1/333 (135), Russia, Lipetsk, PS No 1/334 (78), Russia, Tula, PS No 1/335 (146), Russia, Kursk, PS No 1/336 (209), Russia, Kostroma, PS No 1/337 (91), Russia, Reazan, PS No 1/338 (50), Russia, Surgut/Khanty-Mansyisk, PS No 1/339 (85), Italy, Napoli, PS No 1/366 (197), Italy, Genoa (Genova), PS No 1/389 (411), Latvia, Riga, PS No 1/391 (78), Lithuania, Vilnius, PS No 1/392 (44), the United Kingdom, Glasgow, PS No 1/399 (252), Norway, Oslo, PS No 1/400 (391), Poland, Warszawa, PS No 1/401 (163), Portugal, Setubal, PS No 1/404 (492), Romania, Bacau, PS No 1/414 (356), Romania, Sibiu, PS No 1/416 (408), Romania, Craiova, PS No 1/417 (222), Romania, Oradea, PS No 1/418 (287), Spain, Valencia, PS No 1/422 (465), Spain, Malaga, PS No 1/423 (151), USA, Washington, PS No 1/424 (301), USA, New York, PS No 1/425 (479), USA, Boston, PS No 1/429 (353), USA, Asheville, PS No 1/430 (267), USA, Orlando, PS No 1/431 (382), USA, Atlanta, PS No 1/432 (267), USA, Denver, PS No 1/433 (159), USA, Dallas, PS No 1/434 (179), USA, Minneapolis, PS No 1/435 (218), Sweden, Stockholm, PS No 1/437 (202), Turkey, Ankara, PS No 1/438 (131), Turkey, Istanbul, PS No 1/439 (412), Ukraine, Kiev, PS No 1/440

(Great Britain - 4, France - 2, Italy - 2, Germany - 1)¹⁵ where, in the first round participated more than 3,000 voters, while there is a number of 5,000 ballot papers established both for the first and the second round.

Besides, for the second round of the presidential election of 15 November 2020 the printed number of ballot papers for the polling stations organized in Moldova was the same – 2,934,017 ballot papers. A total number of 3,605,517 ballot papers were printed for the second round of the presidential election of 1 (15) November 2020.

- *change of the location of 10 PS (Italy – 4, Germany – 2, the United Kingdom – 2, Romania – 1, Israel – 1).*

Note that, according to Article 35 of the Electoral Code, PSs are established 35 days before the election day, and information concerning the limits of each PS, address of the PEBs headquarters, address of the venue of voting and contact details shall be made public. Subsequently, we note that only 6 days before the election, it was decided to modify the address of the venue of voting. Thus, for example, in the United Kingdom, the address of two PSs of London was changed. The new venues are located at approximately 3.5-5.5 km from those in the first round.

In Promo-LEX opinion, the final decision of MFAEI to ensure ‘a better organisation of voting and the access for voters’ is welcome¹⁶. As a result, information campaigns conducted by the diplomatic missions in order to inform about changes that have been made shall be appreciated.

- development of the human and logistic capacities of the PS.

In order to ensure a better conduct of the election in the PSs abroad, CEC decided to complete the officers’ staff of the electoral bureaus, as well as to provide the polling stations which registered a high number of voters in the first round with additional ballot boxes and voting booths.¹⁷

2.5. Uncertainties regarding the qualification and control of the organised transportation within the area of the polling stations opened abroad

According to Promo-LEX observers, by means of electronic media, mobilisation activities of voters and organisation of transportation in order to vote at the polling stations organised abroad were noticed. The groups represent examples of self-organisation. Thus, in an on-line group¹⁸, three types of announcements concerning the travel to the PSs abroad were found. 1) offers concerning available places in the means of transport (most including 2-3 places per announcement); 2) search of available places in the means of transport (1-4 places); 3) accommodation offers (maximum for 1-2 families).

In the same context, the emergency draft ordinance of the Romanian Government (deadline for recommendations/notes: 11 November 2020)¹⁹. The draft proposes the development of a legal framework concerning a free back and forth travel on the railway - to and from the communities in Romania where polling stations are organised on 15 November 2020. The initiative is meant to ensure that all Moldavian students who live in Romania and have the right to vote could exercise this right.

(129), Ukraine, Odessa, PS No 1/441 (147), Hungary, Budapest, PS No 1/442 (149), Cyprus, Limassol, PS No 1/444 (346).

¹⁵ France, Villeneuve-Saint-Georges, PS No 1/343 (3,208), France, Montreuil, PS No 1/344 (3,658), Germany, Frankfurt on Main, PS No 1/349 (3,318), Italy, Bologna, PS No 1/367 (3,046), Italy, Mestre, PS No 1/379 (3,041), the United Kingdom, London, PS No 1/393 (3,487), the United Kingdom, London, PS No 1/394 (4,282), the United Kingdom, London, PS No 1/395 (3,111), the United Kingdom, Northampton, PS No 1/397 (3,242).

¹⁶ [Press release](#) of MFAEI of 09 November 2020.

¹⁷ [CEC Press release](#): Recommendations and solutions for the improvement of the organisation process and conduct of the second round of the presidential election of 15 November 2020.

¹⁸ [Diaspora Votes! #ParalelState](#).

¹⁹ [Emergency Draft Ordinance](#) of the Government concerning the development of a legal framework in order to facilitate free transportation of Moldavian students who study in Romania on the Romanian railways so that they can exercise their right to vote at the presidential election of 15 November 2020.

We remind that a diaspora association requested CEC to interpret the Decision on the interdiction of the organised transportation and explain if it applies to the polling stations abroad²⁰. The association noted that it represents the interests of the Moldavian who live in Denmark, it is apolitical and wants to facilitate the transportation of students and other citizens so that they can exercise their right to vote. The reason for that is a financial one, as citizens of the Republic of Moldova would have to pay too much to reach the polling station and exercise their right to vote. According to the response letter No CEC-8/3/85 of 28 October 2020, CEC decisions are enforceable for all the citizens, including those who live outside the country. At the same time, CEC stated that the area of competence of the Ministry of Internal Affairs and Ministry of Economy and Infrastructure is limited in terms of territory, given the control task they are in charge of concerning the referred decision.

²⁰ [The Request](#) of the Association of Moldavian in Denmark regarding the interpretation of the CEC decision of 20 October 2020 on the interdiction of the organised transportation of voters to the polling stations.

III. ELECTORAL LITIGATIONS

According to Promo-LEX observers, during the relevant period, DEC's settled at least two complaints, and CEC responded to at least six complaints. At the same time, at least one complaint and two notifications were filed with CEC, which remained unanswered. The complaints were submitted against the actions and decisions issued by electoral bodies (PEB 34/6 Banestii Noi, Telenesti, PEB 1/73 Chisinau, DEC 18 Floresti) and against certain actions of candidate Igor Dodon.

Courts also settled two electoral litigations, both of them submitted by Dorin Chirtoaca. The complaints relate to the organisation and conduct of the electoral process in the polling stations abroad and in the polling stations set up for voters from the left bank of the Nistru river. Both complaints were declared non-admissible.

3.1. Electoral Litigations at electoral bodies

According to Promo-LEX observers, during the period between 2-11 November 2020, DEC's settled at least two complaints, and CEC responded to at least six complaints. At the same time, at least one complaint and two notifications were filed with CEC, which remained unanswered. The complaints were submitted against the actions and decisions issued by electoral bodies (PEB 34/6, PEB 1/73, DEC 18) and against certain actions of the election contender Igor Dodon.

3.1.1. Complaints filed with DEC

- On 1 November, the **PAS observer** submitted a complaint to DEC No 34 Telenesti against **the actions of the PEB 34/6**. Claimant alleges that PEB members filled in eight applications on behalf of certain voters to vote at the place of stay. Though complaints submitted on the election day shall be settled on the same day, DEC No 34 Telenesti adopted a decision only on 5 November 2020. By the decision, DEC No 34 found that the claimant did not provide conclusive evidence in order to demonstrate the committing of a violation. Thus, DEC No 34 decided to take note of the submitted notification and to warn the PEB 34/6 Chairperson about the importance of observing the Guidelines referring to the procedure of voting with the mobile ballot box.

- On 2 November 2020, the candidate **Dorin Chirtoaca**, appointed by EB UNIREA, submitted to CEC a complaint **against the actions of the PEB 1/73**. The claimant alleges that a member of the bureau stamps the ballot papers and requested the electoral bureau to confirm this fact. On 2 November the complaint was sent for examination to DEC No 1 Chisinau. On 4 November DEC No 1 issued the Decision No 52, by which it concluded that the member of the PEB 1/73 has marked with the mention 'Cancelled' the unused ballot papers before the end of the voting process (at 9:00 p.m.) and it reminded the bureau's members about the observance of the electoral legislation. However, DEC No 1 reported the absence of electoral frauds, as an admitted deviation is a violation of the pre-definite criteria, and does not affect in any way the vote counting in order to get an electoral outcome, and does not constitute an influencing factor for the electoral score.

3.1.2. Complaints filed with CEC

- On 4 November 2020, **Dorin Chirtoaca** submitted a complaint by which he requested the Commission to cancel the registration of the **candidate Igor Dodon** and exclude him from the electoral race on the grounds that the Church is involved in his election campaign. The claimant mentioned as a reason the meeting of Igor Dodon and the Metropolitan Bishop of Moldova, His Eminence Vladimir, at the headquarters of the Moldovan Metropolitan Church on 3 November 2020. On 9 November, CEC, by the letter No CEC 8/3311, reported that the complaint does not comply with the admissibility conditions, and according to the CEC Decision No 4466 of 4 November 2020, by which the results of the first round of the election were summed up, **candidates who did not enter the second round do not have the right to challenge the actions/inactions of the election contenders**, this prerogative belonging to the candidates in the second round of election. At the same time, if actions/inactions of the election contenders are challenged by the voter, the admissibility shall be viewed as a real violation of the voter's own right. *Promo-LEX OM reminds that, according to Article 22, q), CEC is responsible for analysing electoral frauds, including the alleged ones, and to take preventive measures.*

- On 5 November 2020, **Dorin Chirtoaca** submitted to CEC a complaint against the actions of **Igor Dodon**. According to the claimant, Igor Dodon, in collusion secret services of the Russian

Federation and the ATU Gagauzia Administration, through which administrative resources have been used, organised actions like: pressuring the voters, surveying through video equipment the voting procedures, obliging voters to take pictures of their cast vote, thus violating the secrecy of voting, throwing ballot papers in the ballot boxes. The claimant referred to the statements of the Member of Parliament Serghei Cernev from the People's Assembly of Gagauzia. Dorin Chirtoaca requested the establishment of frauds and violations, sanctioning the responsible persons, cancellation of the registration and exclusion of the candidate Igor Dodon from the electoral race. By letter No CEC-8/3304 of 8 November 2020, the Commission informed the claimant that the allegations included in the complaint require investigation activities, so the complaint was referred for examination to the General Police Inspectorate and General Prosecutor's Office.

- On 5 November 2020, a **voter** submitted a complaint **against** the Decision No 95 of 30 October, issued by **DEC No 18 Floresti** on the examination of the complaint submitted against the actions of PEB 18/29. Alongside the request to cancel the decision mentioned, the claimant requires the PEB No 18/29 Chairperson to be held legally liable and be dismissed from the position held. As a reason for the cancellation of the Decisions issued by DEC No 18 Floresti, the claimant alleges that she was not informed about the date and time of the examination of the complaint, and neither she has been sent the copy of the decision on the examination of the complaint. In addition, the claimant does not agree on the warning sanction applied to the PEB that committed violation. By letter No CEC-8/3301 of 7 November 2020, CEC informed the claimant that they warned DEC No 18 about their liability to strictly observe the electoral legislation, and that applying more severe sanctions to the Chairperson of the electoral bureau would not be proportional to the achievement of the intended goal.

- On 6 November 2020, **Dorin Chirtoaca** submitted a complaint against the actions of the contender **Igor Dodon**. The claimant alleges the involvement of the Russian Federation in the electioneering and supporting the election campaign of Igor Dodon, and requests the cancellation of his registration and the exclusion of the candidate from the electoral race. Relating to this complaint, CEC reported also by the letter No CEC 8/3311 of 9 November 2020, that the complaint does not comply with the admissibility conditions, and according to the CEC Decision No 4466 of 4 November 2020, by which the results of the first round of the election were summed up, candidates who did not enter the second round do not have the right to challenge the actions/inactions of the election contenders.

- On 7 November 2020, **Dorin Chirtoaca** submitted to CEC a complaint requesting the cancellation of the registration and exclusion of **Igor Dodon** from the electoral race. The claimant alleges the involvement of political consultants, Russian Federation citizens, in the election campaign of Igor Dodon, referring to a journalistic investigation published on 5 November by RISE Moldova. Relating to this complaint, CEC reported also by the letter No CEC 8/3311 of 9 November 2020, that the complaint does not comply with the admissibility conditions, and according to the CEC Decision No 4466 of 4 November 2020, by which the results of the first round of the election were summed up, candidates who did not enter the second round do not have the right to challenge the actions/inactions of the election contenders.

- On 9 November 2020, **Dorin Chirtoaca** submitted a complaint against the candidate **Igor Dodon**. The claimant alleges that in the context of the march and rally supporting Igor Dodon that were organised in Balti on 8 November 2020, were notices personal attacks, violation of human rights, extremist speech, incitement to interethnic hatred, xenophobia, use of administrative resources. Thus, the Commission was requested to ascertain the submitted violations of the law, to sanction the election contender Igor Dodon and people who committed the violations mentioned and cancel the registration of the election contender. By 11 November 2020, the Commission did not publish any solution on the respective complaint.

3.1.3. Notifications submitted to CEC

Please note that from 29 October 2020 until 11 November 2020, the Commission failed to publish its correspondence on the CEC website. This, in conjunction with not registering the notifications as complaints and not publishing them, respectively, leads to a decrease in the transparency of the electoral process. From the information available in the public space, at least two complaints were submitted to the Commission:

- On 5 November 2020, the MP **Nicolae Pascaru** notified CEC on the mobilization of voters living abroad. He claims that there are certain signs that people were organized in groups, and the actions were politically coordinated, namely posts on Facebook, announcements placed in various groups, proposing to the voters **organized transportation to the polling stations**. By 11 November 2020, neither the submitted complaint, nor a decision or a response on it were published by CEC.

- On 11 November 2020, the representative with the right to consultative vote of the candidate **Maia Sandu** filed a complaint regarding sanctioning the failure to report the expenses made in the electoral campaign by the candidate **Igor Dodon**. The representative with the right to consultative voting alleges that in the night of 10 to 11 November 2020 and in the first half of the day of 11 November 2020, at the State-owned Enterprise 'Universul' Publishing House, it was found that newspapers were illegally printed in large numbers, containing promotional materials in favour of the candidate Igor Dodon. At the bottom of this newspaper was indicated that the newspapers were printed on 9 November by 'EditTiparGrup' SRL in a print run of 55,000 copies, which would not correspond to reality. Likewise, in the notification it is mentioned that through the alleged actions, Igor Dodon allegedly illegally used the state's administrative resources in the election campaign (the use of the resources of the State-owned Enterprise 'Universul' Publishing House) and did not report to CEC the expenses related to printing these electoral materials. By 11 November 2020, neither the submitted complaint, nor a decision or a response on it were published by CEC.

We draw the attention of the electoral bodies that, according to Article 73 of the Electoral Code, all complaints and notifications shall be solved within the time prescribed by law, but not later than the election day. It is worth mentioning that it is important to solve the complaints and notifications before the election day, including those regarding the funding of the election campaign, but also of those that could lead to the annulment of the registration of an election contender or could influence the outcome of the elections.

3.2. Appeals filed to court

Between 2 November and 11 November, courts settled two electoral litigations, both of them submitted by Dorin Chirtoaca. The complaints relate to the organisation and conduct of the electoral process in the polling stations abroad and in the polling stations set up for voters from the left bank of the Nistru river.

- On 1 November 2020, **Dorin Chirtoaca** filed an administrative appeal **against CEC**, requesting the finding of fraud and violation of electoral legislation by the illegal regime in Tiraspol, in complicity with the secret services of the Russian Federation and the election contender Igor Dodon, the canceling the election results in the 42 polling stations open to voters in the transnistrian region, the exclusion of Igor Dodon from the electoral race for corrupting voters and electoral fraud. The Chisinau Court of Appeal found that the action filed by the plaintiff has the specific features of a compulsory claim, but the requirements are not consistent with the Article 206(1)(b) of the Administrative Code, because it was not requested to oblige the defendant to issue an individual administrative act. Since the plaintiff did not correct the specified drawbacks within the prescribed period, by the Court resolution of 1 November 2020 of the Chisinau Court of Appeal, the administrative proceeding action was declared inadmissible under the provisions of Article 207(2)(h) of the Administrative Code. On 2 November 2020, Dorin Chirtoaca filed a second appeal against the Court Resolution of 1 November 2020 of the Chisinau Court of Appeal, and on 5 November 2020, the Supreme Court of Justice delivered judgement rejecting the appeal and upholding the Court resolution issued by the Chisinau Court of Appeal on 1 November 2020.

- On 2 November 2020, **Dorin Chirtoaca** filed a appeal with the Chisinau Court of Appeal against CEC for faulty and poor management of the electoral process in the polling stations abroad. The plaintiff alleges that he submitted a complaint with CEC regarding this matter. On 5 November 2020 the Chisinau Court of Appeal issued a resolution declaring inadmissible the action on the obligation to issue an administrative act, because at the request of the judge to submit a copy of the complaint to CEC, the applicant did not provide the requested document within the set deadline.

IV. ELECTION CONTENDERS

During 2-11 November 2020, Promo-LEX observers reported at least 142 electoral activities. Of them, Igor Dodon (IC) carried out 72 activities (51%), while Maia Sandu (PAS) conducted 70 (49%). PSRM continues its active participation in the campaign of independent candidate Igor Dodon.

In addition, at least 473 cases of using electoral advertising were reported, of which 308 cases (65%) by Maia Sandu (PAS), and 165 cases (35%) by Igor Dodon (IC). Sponsored advertising on social media - 166 (35%) and printed materials (newspapers, booklets, leaflets, posters, calendars etc.) were the most frequently used promoting methods - 97 cases (21%).

The observers identified at least 12 cases that can be regarded as use of administrative resources. Out of them, 11 cases featured Igor Dodon (IC), and one case – Maia Sandu (PAS). It is about taking credit for works/services funded from public money (6 cases), involving public sector employees in election campaign activities during their working hours (3 cases), using public authorities in campaign activities (1 case), involving public officials in election campaign activities (1 case) and using official websites of public authorities for purposes of electoral promotion (1 case).

Promo-LEX OM draws the attention to a case that could be interpreted as use of undeclared financial and in-kind resources by candidate Igor Dodon. This case about the alleged printing of more issues of the campaign newspapers of the candidate Igor Dodon than stated in the printing data, as well as by another printing house than stated in the publication. In addition, as there's no publicly available documentation to support the contractual relationship (including invoices) between EditTiparGrup printing house – which was the one to print the newspapers according to printing data – and Universul printing house (public institution) that seems to be the one to actually print them, there's reasonable suspicion that administrative resources were spent.

What is particularly suspicious is that although the printing house data says the print date was 9 November 2020, there's at least one picture in the newspaper that is believed to have been taken at the press conference of 10 November 2020 held by district presidents and deputy presidents in support of candidate Igor Dodon. What is more, at least two copies of newspapers printed before the first round of elections were found in the Universul printing house. However, according to the information reported to CEC, candidate Igor Dodon did not print newspapers or other promotional products at Universul printing house during the electoral campaign for the elections of 1 November 2020.

The observers also reported two instances of involving religious denominations in the election campaign of candidate Igor Dodon.

At least two events that involved a big number of participants, in violation of the restrictions established by the National Extraordinary Public Health Commission, were found to have been held during the observation period. One of them was a people's march in Balti Municipality in which more than 200 people participated, and at least 20 car marches (involving more than 450 cars). These events were organised, in both instances, to support Igor Dodon. Another people's march is scheduled to take place in Chisinau on 13 November 2020 in support of the same candidate.

4.1. Electoral activities conducted

During the reference period that spanned between 2 and 11 November 2020, Promo-LEX observers reported at least 142 electoral activities promoting candidates (see Table 2).

Table 2. Conducted electoral activities

| No | Activities | Igor Dodon (IC) | Maia Sandu (PAS) | Total |
|--------------|--------------------------------------|-----------------|------------------|------------|
| 1 | Dissemination of electoral materials | 34 | 39 | 73 |
| 2 | People's/car marches | 21 | | 21 |
| 3 | Meeting with voters | 8 | 10 | 18 |
| 4 | Door-to-door activities | 3 | 9 | 12 |
| 5 | Press conferences | 4 | 7 | 11 |
| 6 | Posting of electoral posters | | 5 | 5 |
| 7 | Cleaning activities | 1 | | 1 |
| 8 | Surveys | 1 | | 1 |
| Total | | 72 | 70 | 142 |

According to observers, Igor Dodon (IC) carried out 51% of activities (72), while Maia Sandu (PAS) carried out 49% (70). Distributed by regions, 32% of activities were reported in Chisinau, 5% – in Cantemir, 5% – in Edinet.

The most common campaign related activities were the dissemination of candidate-related electoral materials (newspapers, leaflets, posters, etc.), which accounted for 51% (73) of all activities, car marches – 15% (21), and meetings with voters – 13% (18).

Endorsement of independent candidate Igor Dodon (IC) by PSRM Igor Dodon (IC) had meetings in 8 towns²¹ with PSRM members and representatives/staff from at least across 15 districts on 7 and 8 November 2020. According to information posted on social media, the candidate thanked them for supporting him throughout the campaign and urged them to mobilise for the second round.

Also, compared to the campaign preceding the first round of elections, the electoral promotion of the candidate Igor Dodon (IC) on the PSRM website intensified as articles on his performance have been published daily²².

We noticed that the PSRM representatives continue to carry out campaigning activity in support of Igor Dodon (IC). As such, at least 11 (21%) of the campaigning activities promoting the candidate Igor Dodon (IC) were carried out by PSRM representatives using the PSRM logo.

4.2. Outdoor/promotional/on-line advertising

The observers reported at least 473 cases in which electoral advertising was used during the monitoring period. The findings show that most cases involved Maia Sandu (PAS) – 65% (308), while 35% (165) involved Igor Dodon (IC) (see Table 3).

Table 3. Data on the use of advertising

| No | Advertising | Maia Sandu (PAS) | Igor Dodon (IC) | Total |
|--------------|--|------------------|-----------------|------------|
| 1 | Sponsored advertising | 141 | 25 | 166 |
| 2 | Newspapers, leaflets, brochures, posters, etc. | 59 | 38 | 97 |
| 3 | Jackets, bags, caps, etc. | 46 | 30 | 76 |
| 4 | Tents | 24 | 42 | 66 |
| 5 | Video spots | 3 | 20 | 23 |
| 6 | Billboards | 14 | 8 | 22 |
| 7 | Banners | 18 | | 18 |
| 8 | Online banners | 3 | 2 | 5 |
| Total | | 308 | 165 | 473 |

²¹ Stefan Voda, Briceni, Soroca, Cantemir, Rascani, Edinet, Falesti si Ceadar-Lunga.

²² [Articles](#) on the official PSRM website.

Sponsored advertising on social media – 35% (166) and printed materials (newspapers, booklets, leaflets, posters, calendars etc.) were the most frequently used advertising methods – 21%(97).

4.3. Voter awareness-raising and mobilisation activities in the transnistrian region and among those living abroad

Voters in the transnistrian region. Same as in the first round, there was lack of information activities for voters of the Republic of Moldova from the transnistrian region. We reiterate that, according to the SRV, 256,203 citizens with the right to vote reside in the transnistrian region²³.

Diaspora voters. In the context of the second round of the presidential elections, the candidate Maia Sandu (PAS) held a live streaming on social media on 7 November 2020 for the diaspora voters, who had thus the chance to ask questions and be answered by the candidate directly.

Another instance also involved using electronic media to advertise a concert for the Moldovan diaspora in the Russian Federation held on 11 November 2020. The ‘Dar pentru Moldova’ association [‘A gift for Moldova’] claimed they organised the event (‘Dar pentru Moldova’ is a project launched on 15 March 2020 in pursuit of the stated goal to help Moldovan citizens living in the Russian Federation)²⁴. Messages in support of the electoral program of the candidate Igor Dodon were conveyed at the event. According to the organisers and images from this event, ‘the entry, food&drinks and entertainment were all free’.

4.4. Activities that can qualify as use of administrative resources for electoral purposes

Also, at least 12 cases that can qualify as use of administrative resources were noticed during the monitored period. Out these, 11 cases involved Igor Dodon (IC), and one case – Maia Sandu (PAS):

- *Involving state institutions in campaigning activity* – one case (Igor Dodon(IC)).

On 19 December 2019²⁵, amendments were made to the Law on the Unitary Salary System in the Budgetary Sector, which included a provisions regarding the annual bonuses to staff working in the budgetary sector²⁶. The Government was to pass the required regulatory acts (one regulation) to enforce these amendments within six months after they were approved. Therefore, the regulation was supposed to have been approved by 19 June 2020 the latest. Still, no such regulation was passed till November 2020.

The authorities blamed it all on the ‘*Covid-19 epidemiological crisis. It demanded additional imperative measures in 2020 aimed at mitigating the devastating effects, which was a challenge for the national public budget*’.

The Prime minister Ion Chicu said in a TV show²⁷ on 3 November 2020: ‘We saw what budget execution was like in October and since we restored revenues to the state budget, we will appropriate the MDL 520 million for the annual bonuses of budgetary sector staff, the key category being the teaching staff, but also public sector workers. We will pass the regulation next week on Wednesday at the government meeting (11 November 2020).’ Also note that on 21 October 2020, the National Confederation of Trade Unions of the Republic of Moldova filed a request with the Government, demanding the as-soon-as-possible allocation of funds for the annual bonuses of public sector workers²⁸.

²³ [Report](#) No 4. Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020, p. 28.

²⁴ [The show](#) Beaumonde – ‘Dar pentru Moldova’.

²⁵ [Law](#) No 175 of 19 December 2019 Amending the Law No 270 on the Unitary Salary System in the Budgetary Sector.

²⁶ Article 211 of the [Law](#) No 270 of 23 November 2018 on the Unitary Salary System in the Budgetary Sector.

²⁷ [TV Show](#) ‘Moldova in direct’ [Moldova Live] of 3 November 2020.

²⁸ [Press release](#): The trade unionists filed a request with the Government, demanding the as-soon-as-possible allocation of funds for the annual bonuses of public sector workers.

Note that according to the 2020 State Budget Law, the budget deficit was MDL 15.9 million in September 2020.

On 6 November 2020, the Government published for public consultation the draft Decision on the Annual Bonuses to Public Sector Workers for their 2019 performance²⁹. The deadline by which recommendations were supposed to be made was 11 November 2020, which is in violation of the law³⁰ (as only 5 days were given, instead of 10). However, even this deadline was not observed by the government, as the regulation was passed in the government meeting of 11 November 2020.

However, what actually happened is that the Government approved the conditions for bonuses to public sector workers of about MDL 520 million for more than 176,000 civil servants³¹ in great haste and in violation of transparent decision-making rules, while the election campaign was in full swing, and only 4 days before election day.

➤ *Involving dignitaries in election campaigning activity* – one case Igor Dodon (IC).

A group consisting of 22 District Presidents and Deputy Presidents communicated in a press conference – on 10 November 2020 during working hours – that they supported the candidate Igor Dodon (IC) in the election of 15 November 2020³². They said, at the press conference, that besides the participants there, 400 other mayors claimed they supported the candidate Igor Dodon (IC).

The dignitaries emphasised the following at the press conference: *'We are leading villages and towns in the north of the country, we represent the people of that region (...), we speak on behalf of our citizens of different ethnicities...'* The opinion of Promo-LEX is that the local electees abused their position when they claimed they spoke for all the citizens from the regions where they hold office when they said they supported the candidate Igor Dodon (IC).

In this regard, it bears mentioning that the Electoral Code guarantees the right of every citizen to cast their vote freely and independently. Each and every voter has the right to one single vote that they must cast personally, as this is secret ballot. No one has the right to exert any pressure on a voter to make him/her vote or not, nor to prevent him/her from expressing his/her will.

➤ *Involving public sector workers in the election campaign during their working hours* – 3 cases (Igor Dodon(IC)).

In the first case, Alexandr Nesterovschi – PSRM MP, organised in Edinet an electoral assembly attended by mayors and councillors from Edinet district on 9 November 2020, during their working hours.

In the second case, on 10 November 2020, the Deputy Director of the Territorial Social Insurance House from Stefan Voda – Tatiana Timbalist – engaged in electioneering during working hours which involved handing out printed materials inside the institution. The printed materials were handed out both to employees and to people present inside the institution.

In the third case that took place on 9 November 2020 – the head of the Visniovca Post Office, Cantemir – Constantin Bessarab was urged by the President of Cantemir District – Anatoli Ichim (appointed by PSRM) to electioneer, during working hours, for the candidate Igor Dodon (IC) when people show up at the post office. When the former refused to succumb to these instructions, the president of the district warned him that measures were going to be taken about him.

²⁹ [Draft](#) Decision on the Annual Bonuses to Public Sector Workers for their 2019 performance..

³⁰ Article 11(2²) of the [Law](#) No 239 of 13 November 2008 on Decision-making Transparency stipulates that public consultations, as well as associated documentation, shall be announced/provided at least 15 working days before the draft decision is finalised.

³¹ [The Government](#) approved the annual bonuses for public sector workers.

³² [Pres Briefing](#) organised by the staff of the independent presidential candidate Igor Dodon.

As a result, shortly after this incident, Constantin Bessarab received a phone call from the Head of the Postal Office of Cantemir District – Adela Popa – who told him in an unambiguous inflection that they would look into whether he is still fit for his current position.

- *Using official websites of public authorities for purposes of electoral promotion – 1 case (Maia Sandu (PAS)).*

On 9 November 2020, on the official website of Rezina mayoralty³³, was published the message of the candidate Maia Sandu (PAS) for the mayor Of Rezina, listing her commitments in the event of her accession to the office of President.

- *Taking credit for works provided from public money – 6 cases: Igor Dodon (IC), as follows:*
 - in a promotional video on the part Cimisia district³⁴, the mayor of the locality, Natalia Scrob (appointed by PSRM), expressed her support for the candidate Igor Dodon (IC), based on his deeds for the country: new roads have been built, the kindergarten fence is being repaired, money has been allocated for street lighting;
 - in a promotional video on the part of Leova district³⁵, a citizen expressed his support for the candidate Igor Dodon (IC), arguing that he helped repair the House of Culture and the Administrative building in the locality;
 - in a promotional video on the part of Cantemir district³⁶, a citizen expressed his support for Igor Dodon (IC), arguing that he ‘increased our salaries, there was a decrease in the prices for gas and electricity’;
 - on the social media of PSRM in Anenii Noi, at least 3 cases were publicized regarding roads repair in Ochiul Ros, Ciobanovca and Merenii Noi thanks to the ‘*Good Roads for All program, relaunched at the initiative of President Igor Dodon*’.

4.5. A case that could be interpreted as use of undeclared financial and in-kind resources

Promo-LEX OM draws the attention to a case that could be interpreted as use of undeclared financial and in-kind resources. According to Article 75(2)(a), of the Electoral Code, for the use by the election contender of undeclared financial and material funds or exceeding the expenses above the threshold for the electoral fund, found by the court through a final decision, the candidate's registration is annulled.

According to the Promo-LEX observer, on 11 November 2020, a group of citizens was informed that at the ‘Universul’ Publishing House (which is public property) a number of newspapers of the candidate Igor Dodon were printed and loaded in vans, which exceeded the number indicated in the publication details (55,000 copies). The notified persons paid a visit to the publishing house – among them were representatives of the candidate Maia Sandu (PAS), who alerted the police about this fact. With a significant delay, police crews arrived on the scene. All the doors of the publishing house were locked up. However, after a while, the citizens outside the publishing house were able to get inside, where newspapers were found with the indicated print date of 9 November 2020, as a publishing house being indicated EditTiparGrup.

At least two pallets with several packages with newspapers were found and later seized by the police as evidence. Also, two vans Mercedes Sprinter with the registration plates IDA606 and CRJ996 were sealed and evacuated to the Police Sector Centre. The Promo-LEX observer identified newspapers in at least one of those vans (CRJ996). After discussing with the witnesses, the observer reported about 90 packages with 800 newspapers each (about 72,000 copies). Note that according

³³ [The posting](#) on the website of Rezina mayoralty.

³⁴ [Rezina district](#) comes out to vote!

³⁵ [Leova district](#) comes out to vote!

³⁶ [Cantemir district](#) comes out to vote!

to the printing data, the newspaper is published with a print run of 55,000 copies. Also, the police officers included in the protocol 90 packages of newspapers that were taken out from the warehouse of 'Universul' printing house. The witnesses were heard and all the circumstances are to be identified.

What is particularly suspicious is that although the printing house data says the print date was 9 November 2020, there's at least one picture in the newspaper that is believed to have been taken at the press conference of 10 November 2020 held by district presidents and deputy presidents in support of candidate Igor Dodon. Moreover, at least two copies of newspapers printed before the first round of elections were found in the 'Universul' printing house. However, according to the information reported to CEC, candidate Igor Dodon did not print newspapers or other promotional products at Universul printing house during the electoral campaign for the elections of 1 November 2020.

In addition, as the observers didn't identify documentation (contracts, invoices, etc.) to support the trade relationship (including invoices) between EditTiparGrup printing house – which according to the printing data, printed the newspaper – and 'Universul' printing house that seems to be the one to actually print them, there's reasonable suspicion that administrative resources were spent. We remind that 'Universul' printing house is a public institution.

Besides, note that according to Article 70(6) of the Electoral Code, electoral contenders shall be liable for the content of published or aired electoral materials. Each advertising material shall bear the name of the electoral candidate, **date of printing, print run, name of the publishing house**. Thus, it is not about the contracted business entity, but about the printing house that printed the newspaper.

Also, given the publication in the public space of the copy of the Contract no 81 between 'Edit Tipar Grup' and the candidate Igor Dodon which is presented by the candidate in relation to the detection of newspapers printed at 'Universul' printing house, Promo-LEX found the following. The contract is effective between 2 October and 31 December 2020 and covers both rounds of elections. The contract contains data about a newsletter printed in 65,000 copies in Russian language and 55,000 copies in Romanian language. According to Promo-LEX observers, these newspapers were already printed and distributed throughout the country during the campaign for the first round of elections, on 2 October 2020.

Additionally, for the first round of elections, on 8 October 2020, a print run of 17,000 newsletters in Romanian language and 32,000 in Russian language were printed. On 22 October 2020, another 65,000 copies were printed. All these are not included in the contract that was made available. Other additional documents were not made available to the observers when this Report was developed.

4.6. Involving religious cults in the election campaign

During the monitoring period, at least 2 cases when election candidates involved religious cults in their election campaign were found. Both cases featured Igor Dodon (IC) as follows:

- on 3 November 2020, Igor Dodon (IC) was noticed when making a visit to the Metropolis of Chisinau and All Moldova where she stayed for an hour. Coincidence or not, the second day, on 4 November 2020, the Bishop Marchel of Balti and Floresti had a meeting with priests from Glodeni. Promo-LEX observers did not manage to obtain details on this meeting;
- on 8 November 2020, Igor Dodon (IC), together with the Bashkan of Gagauzia, attended a religious service at the Metropolitan Cathedral 'Nasterea Domnului' from Ceadir-Lunga, on the occasion of St. Dimitrie and 'Kasym' holiday (of Gagauz minority). The candidate congratulated the parishioners.

4.7. Cases that can qualify as violation of the public health protection rules imposed by the National Extraordinary Public Health Commission (NEPHC)

The Decision of the National Extraordinary Public Health Commission (NEPHC) No 33 of 28 September 2020 approved the measures for the prevention and control of COVID-19, which were to be applied at national level³⁷. According to its provisions, public meeting with more than 50 participants are prohibited.

However, at least two events that involved a big number of participants were found to have been held during the observation period and both events were organised with the aim to promote the candidate Igor Dodon (IC). In the first case, on 8 November 2020, about 200 individuals marched on the streets of Balti municipality. The aim of the event was to support the candidate Igor Dodon (IC). In the second case, on 11 November 2020, at least 20 marches were organised with the participation of at least 450 cars in Briceni, Ocnita, Edinet, Rascani, Falesti, Balti, Glodeni, Singerei, Ungheni, Calarasi, Anenii Noi, Criuleni, Causeni, Comrat, Ceadir-Lunga, Cahul, Cantemir, Vulcanesti, Leova, Basarabasca. The aim of the march was to support the candidate Igor Dodon (IC). According to a source of information, certain drivers admitted that they were paid to attend the event (a driver mentioned the amount of MDL 600).

Moreover, note that at least on 10 November 2020, inhabitants of Chisinau municipality were called by individuals who introduced themselves as employees of the 'electoral staff of the candidate Igor Dodon' who invited them 'in the morning of 13 November 2020 in front of the Academy of Sciences to a rally in the support of the candidate'. In this context, for 13 November 2020, the observers found that at least two civil society organisations and an individual associated with the candidate Igor Dodon (IC) registered on the website of Chisinau Mayoralty three preliminary declarations for the organisation of assemblies, as follows:

| <i>Applicant</i> | <i>Date of the declaration</i> | <i>Declared goal</i> | <i>Address of the assembly</i> | <i>No of people</i> |
|---|--------------------------------|---|---|---------------------|
| 'Urmarii lui Stefan' NGO [lit. Stefan's Successors] | 09.11.2020 | Assembly/rally against the political situation in the country | Square of the National Opera and Ballet Theatre | 50 |
| Centre for Youth Cooperation NGO | 09.11.2020 | Assembly/rally against the political situation in the country | Presidency of the Republic of Moldova | 50 |
| Victor Poleacov | 09.11.2020 | Socio-political event in form of march and rally (various groups of 50 people each) | March from the Square of the Academy of Sciences of Moldova until the Square of the National Opera and Ballet Theatre | 50 |

Note that 4 preliminary declarations of PSRM are registered on the same source, but they all were submitted in the first half of 2019 and it is not clear if they are still topical for the applicant.

Promo-LEX OM draws attention to the fact that the police should find the facts regarding the failure to comply with the measures of preventing and/or combating epidemiological diseases and if it jeopardizes the public health according to Article 76¹, 400 of the Contravention Code.

Also, the employees of the subdivisions subordinated to the Ministry of Internal Affairs that fulfil the police duties, according to the Article 67,400 of the Contravention Code, should ensure the public order during public assemblies and find the violation of the legislation of assemblies.

We recommend that the law enforcement bodies react fairly to all people's calls, take action against the violations of the law which they have witnessed, including those of electoral nature. According to the information available in the public space, even if such events seem to have been conducted in violation of the requirements for epidemiological prevention, organisers and the participants were not sanctioned. We draw the attention on the need to not respond selectively to certain events on the election day and particularly the notifications received during the election campaign. Moreover, the police officers should behave uniformly and respectfully towards all those who report potential violations. It is necessary to avoid the regrettable situations and not treat people as bad intentioned because such a treatment can be interpreted as intimidation from the law enforcement agencies.

³⁷ [NEPHC Decision](#) No 33 of 28 September 2020.

4.8. Black PR (negative campaign) and disinformation of voters

In the context of the election campaign for the second round of presidential elections of 15 November 2020, negative campaign activities and assumed disinformation of voters.

Thus, on 3 November 2020, during a press conference concerning the relaunch of the election campaign for the second round of elections³⁸, the candidate Igor Dodon (IC) launched 10 key assumptions/forecasts in the campaign activities. They are all based on attack against person and on the denigration of the counter-candidate.

Later, based on those assumptions/forecasts, electoral promotional materials (posters, newspapers, etc.) were printed and distributed throughout the country. At the same time, video/audio³⁹ spots started to be broadcast at the radio and in the electronic media.

4.9. Cases of violence in electoral context

On 7 November 2020, the administrator of the Facebook group of Sadac c., Cantemir d., Dumitru Bahrin, who is at the same time a Promo-LEX short-term observer, was assaulted by the mayor of the commune, Ilie Porumbescu, a PSRM member. The incident happened in electoral context. The reason for that was the fact that the mayor published on the Facebook page of the commune photo-shopped images with the candidate Maia Sandu (PAS) in front of representatives of LGBT community. In response to this post, shortly after that, a group of young people edited the picture and placed the picture of the mayor instead of the candidate. The mayor of the commune requested to delete the post, but the administrator that he didn't delete the picture of the mayor and he would not delete the picture posted by the young people. As a result, the mayor decided to solve the problem by using the physical violence against Dumitru Bahrin.

³⁸ [Briefing](#) conducted by Igor Dodon.

³⁹ The audio spot was broadcast at the radio stations: 

V. FUNDING OF THE ELECTION CAMPAIGN

The candidates Maia Sandu (PAS) and Igor Dodon (IC) reported for 4-6 November 2020 revenues totalling MDL 956,816 (including donations in commodities, objects, works or services). Of these, MDL 556,367 (58%) were reported by Maia Sandu (PAS), and Igor Dodon (IC) reported MDL 400,450 (42%). At the same time, the contenders reported total expenses of MDL 842,551. Most of the total reported expenses were incurred for electoral advertising (74%) and for promotional products (20%).

Promo-LEX OM established that the sources of contenders' revenues were the following: 88% – donations made by individuals, including citizens of the Republic of Moldova living abroad; 4% – donations from legal entities (Maia Sandu (PAS)) and 8% – donations in commodities, works or services (Maia Sandu (PAS)).

Promo-LEX OM found that expenses estimated at about MDL 500,853 incurred in the first week of election campaign for the second round of presidential elections (2-6 November) were not reported by the contenders in their reports on election campaign financing. Of that amount, Igor Dodon (IC) did not report MDL 394,422 (79%), while MDL 106,431 (21%) were not reported by Maia Sandu (PAS). Most of the resources that were not reported were spent for promotional products by Maia Sandu (PAS) – estimated amount totalling MDL 102,622, and for electoral advertising via electronic media by Igor Dodon (IC) – estimated amount totalling MDL 273,458. Similarly to the previous reporting period, no election contender reported expenses for the rewards paid to electioneers or submitted their declarations on volunteer work.

5.1. Legal Framework

According to Item 22² of the Regulation on Funding the Election Contenders' Campaigns⁴⁰, in the second round of elections is organised, after setting the date of the second round, the accounts entitled 'Electoral Fund' of the election contenders who got to the second round of elections will be unblocked, with the possibility to use the financial resources from these accounts for the election campaign in the second round of elections. Note that the legal framework did not explicitly set the date when the election campaign for the second round of elections begins.

At the same time, according to Article 120(4) of the Electoral Code, the second round of elections shall be conducted two weeks after the first round and the date shall be established by CEC. In its turn, CEC shall establish the date of the second round of elections only after approving the protocol on summing up the results of the elections conducted within 5 days, on the basis of the protocols presented in lower-level electoral bodies after closing the polling stations (maximum term for presentation – 48 hours).

However, the practice of observing the elections it was found that the election campaign activities conducted by the election contenders who got to the second round of elections start the next day after the election day. Therefore, we believe that it is necessary the explicit regulation of the aspects concerning resumption of the election campaign activities if the second round of elections is conducted.⁴¹

5.2. Financial reporting of election contenders to the CEC and the management of the process by the electoral body

According to the legal provisions, during the election period, the registered election contenders shall execute the following actions to ensure the fair reporting of election campaign funding.

⁴⁰ [Regulation](#) on Funding of Election Contenders' Campaigns, approved by CEC Decision No 2704 of 17 September 2019.

⁴¹ This recommendation was also included in the final [Report](#) of OSCE/ODIHR Observation Mission for the Presidential Elections of 2016.

- appoint to CEC the person in charge of funding (treasury)⁴²;
- within three days after the registration of the election contender, open the 'Electoral Fund' account through which the transferred financial means will be received and the expenses for the election campaign will be conducted, and inform CEC if it was opened or not⁴³;
- submit, at the beginning of the campaign, the financial report of political parties that intend to transfer their own funds owned on their account as of the date when the election campaign began on the 'Electoral Fund' account of the contender⁴⁴;
- submit the report on the financing of election campaign within 3 calendar days from the moment the 'Electoral Fund' account was opened; this report should be submitted weekly⁴⁵.

Table 4 contains data regarding the observance by the election contenders of the deadlines concerning the reporting of the election campaigns funding to CEC.

Table 4. Reporting of the election contenders to CEC

| <i>Financial reporting</i> | <i>Renato Usatii (PN)</i> | <i>Maia Sandu (PAS)</i> | <i>Violeta Ivanov (PPS)</i> | <i>Igor Dodon (IC)</i> | <i>Andrei Nastase (PPPDA)</i> | <i>Tudor Deliu (PLDM)</i> | <i>Octavian Ticu (PUN)</i> | <i>Dorin Chirtoaca (BE UNIREA)</i> |
|--|-------------------------------|-----------------------------|---------------------------------|----------------------------|-----------------------------------|-------------------------------|--------------------------------|--|
| Contender registration | 13.09.2020 | 30.09.2020 | 29.09.2020 | 28.09.2020 | 13.09.2020 | 25.09.2020 | 05.10.2020 | 05.10.2020 |
| Appointment of the treasurers | 13.09.2020 | 30.09.2020 | 29.09.2020 | 28.09.2020 | 13.09.2020 | 25.09.2020 | 05.10.2020 | 09.10.2020 |
| Opening of the 'Electoral Fund' account | 16.09.2020 | 02.10.2020 | 23.10.2020 | 01.10.2020 | 29.09.2020 | 06.10.2020 | 09.10.2020 | 28.10.2020 |
| Report of the party at the beginning of the campaign | 21.09.2020 | 03.10.2020 | - | n/a | 29.10.2020 | 26.10.2020 | - | 30.10.2020 |
| Initial report, 3 days after opening the bank account | 18.09.2020 | 02.10.2020 | - | 01.10.2020 | 30.09.2020 | 06.10.2020 | 13.10.2020 | 02.11.2020 |
| Report of 09.10.2020 | 09.10.2020 | 09.10.2020 | 09.10.2020 | 09.10.2020 | 09.10.2020 | 09.10.2020 | - | Request |
| Report of 16.10.2020 | 16.10.2020 | 16.10.2020 | 16.10.2020 | 16.10.2020 | 16.10.2020 | 16.10.2020 | 16.10.2020 | Request |
| Report of 23 October 2020 | 23.10.2020 | 23.10.2020 | 23.10.2020 | 23.10.2020 | 23.10.2020 | 23.10.2020 | 23.10.2020 | Request |
| Report of 30.10.2020 | 30.10.2020 | 30.10.2020 | 30.10.2020 | 30.10.2020 | 30.10.2020 | 30.10.2020 | 30.10.2020 | 30.10.2020 |

During the meeting of 7 November 2020, CEC examined the reports on election campaign financing submitted by the contenders between 23 and 30 October. By Decision No 4473 of 7 November 2020⁴⁶, the surveillance and control body found the following:

- *submission of the political party's report at the beginning of the campaign.*

During that period, Andrei Nastase (PPPDA), Tudor Deliu (PLDM) and Dorin Chirtoaca (BE UNIREA) submitted the party's report at the beginning of the campaign. Note that in case of Andrei Nastase (PPPDA) and Tudor Deliu (PLDM), the reports were submitted after CEC urged them to comply with the legal provisions during the meeting of 23 October 2020.

- *opening of 'Electoral Fund' account and submission of the initial report 3 days after opening the bank account.*

On 28 October 2020, Dorin Chirtoaca (BE UNIREA) opened the 'Electoral Fund' account. The initial report, which should be submitted 3 days after opening the bank account, was submitted only on 2

⁴² Article 41(2)(a) of the Electoral [Code](#).

⁴³ Article 41(2) of the Electoral Code.

⁴⁴ Article 43(1) and (7) of the Electoral Code.

⁴⁵ Article 43(1) of the Electoral Code.

⁴⁶ CEC [Decision](#) No 4473 of 7 November 2020 on the reports of income and expenses of the election contenders during the election campaign for the election of the President of the Republic of Moldova of 1 November 2020, as of 23 and 30 October 2020.

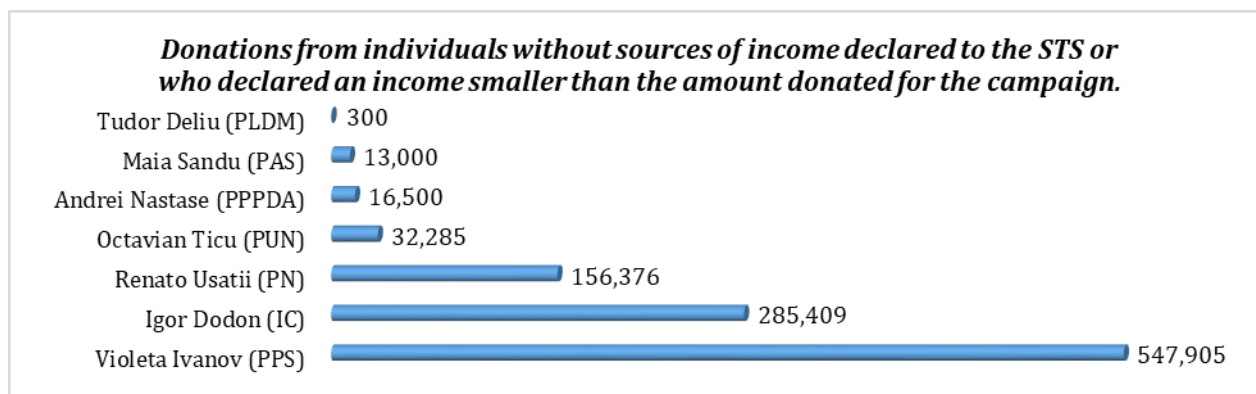
November 2020. As regards this aspect, we found that CEC warned the contender about the need to observe the legal provisions regarding the deadlines for submitting the reports, without sanctioning him.

- identification of donors without sources of income declared to the State Tax Service or who declared an income that is much smaller than the amount donated for the election campaign⁴⁷.

In the reports of 23 and 30 October, after being checked by the STS at CEC’s request, as much as 168 donors were identified, individuals who during 2017–2019 didn’t declare any income or declared an income that is much smaller than the amount donated for the election campaign⁴⁸. The total amount donated by those individuals was MDL 1,051,775 (see Chart 2), of which 52% were donated for Violeta Ivanov (PPS) and 27% – for Igor Dodon (IC).

As regards this aspect, like in previous cases, CEC found that it does not have functional tools to be able to investigate and thoroughly examine the sources of the donated amounts and mentioned that it is necessary to adjust the legal framework to create efficient mechanisms in order to ensure the effective observance of the legal provisions on donations in the election campaign and to provide the tax bodies with additional competence in terms of documenting those cases.

Chart 2



5.3. Setting the date of the second round of presidential elections and unblocking of ‘Electoral Fund’ accounts

By CEC Decision No 4466 of 4 November 2020, the results of the presidential elections of 1 November 2020 were summed up and the date of the second round of elections was set for 15 November. As a result, the ‘Electoral Fund’ accounts were unblocked and starting with 5 November 2020 the contenders made payments for election campaign purposes.

5.4. Election contenders’ revenues and expenses reflected in financial reports on election campaign financing submitted to CEC

According to the Article 43(1) of the Electoral Code, during the election campaign for the presidential election, the reports on the funds received and expenses made during the election campaign shall be submitted to CEC by the election contenders on a weekly basis. According to the Item 52 of the CEC Schedule⁴⁹, the deadline for submitting the financial report for the first week that precedes the second round of elections was 6 November 2020, 4:00 p.m.

⁴⁷ Article 41(1) of the Electoral Code: to finance the activity of the political parties, initiative groups and election campaigns it is allowed to use only the financial resources from the work, entrepreneurial, scientific or creation activity, carried out by the citizens of Republic of Moldova both on the Republic of Moldova and abroad.

⁴⁸ Renato Usatii (PN) – 13, Andrei Nastase (PPPDA) – 3, Tudor Deliu (PLDM) – 1, Igor Dodon (CI) – 37, Violeta Ivanov (PPS) – 99, Maia Sandu (PAS) – 11 and Octavian Ticu (PUN) – 4.

The CEC ⁴⁹ [Schedule](#) of organisation and conduct of the Presidential Election in the Republic of Moldova of 1 November

According to the information placed on CEC’s official website, both candidates submitted the reports on election campaign financing on 6 November 2020, but later with more than an hour.

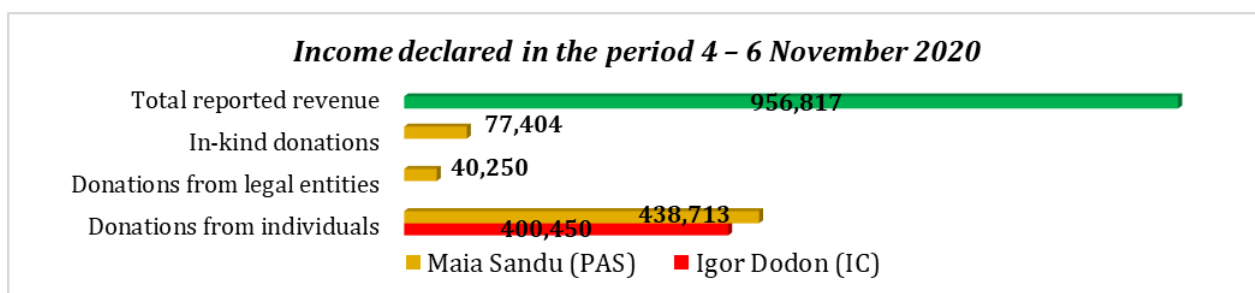
5.4.1. Reported revenues and their origin

The candidates Maia Sandu (PAS) and Igor Dodon (IC) reported for 4-6 November 2020 revenues totalling MDL 956,816 (including donations in commodities, objects, works or services)⁵⁰. Of these, 58% (MDL 556,367) were reported by Maia Sandu (PAS), and Igor Dodon (IC) reported 42% (MDL 400,450).

The reported revenues were raised from the following sources (see Chart 3):

- 88% (MDL 839,463) were raised from donations made by individuals, including citizens of the Republic of Moldova living abroad (MDL 83,440). Of these, 52% were raised for Maia Sandu (PAS), and 48% – for Igor Dodon (IC)⁵¹;
- 4% (MDL 40,250) were raised from donations made by 4 legal entities – all for Maia Sandu (PAS);
- 8% (MDL 77,404) of donations in commodities, works and services were reported by Maia Sandu (PAS).

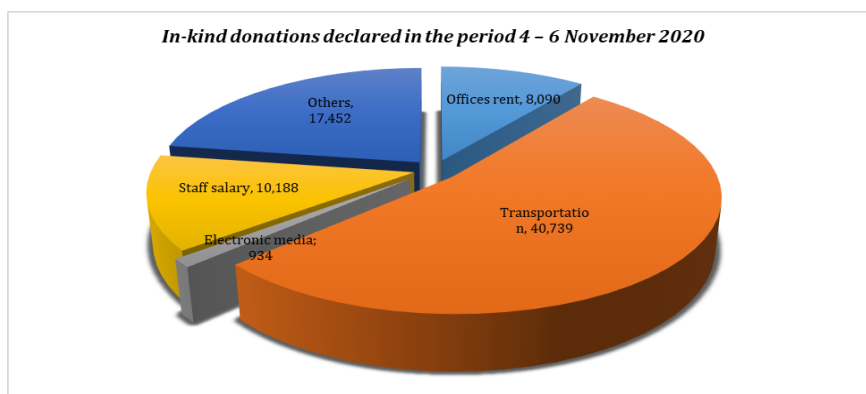
Chart 3



Following the verification of the donations received by the candidates in the ‘Electoral Fund’ account, it was found that the legal thresholds established for both donations of individuals (transfer and cash) and of legal entities (transfer) were observed.

Regarding the reported in-kind donations, after grouping them according to the intended use, it was found that 53% of them were transport services, 10% – staff remuneration, and 23% – other intended use (see Chart 4).

Chart 4



2020, approved by CEC Decision No 4103 of 15 August 2020.

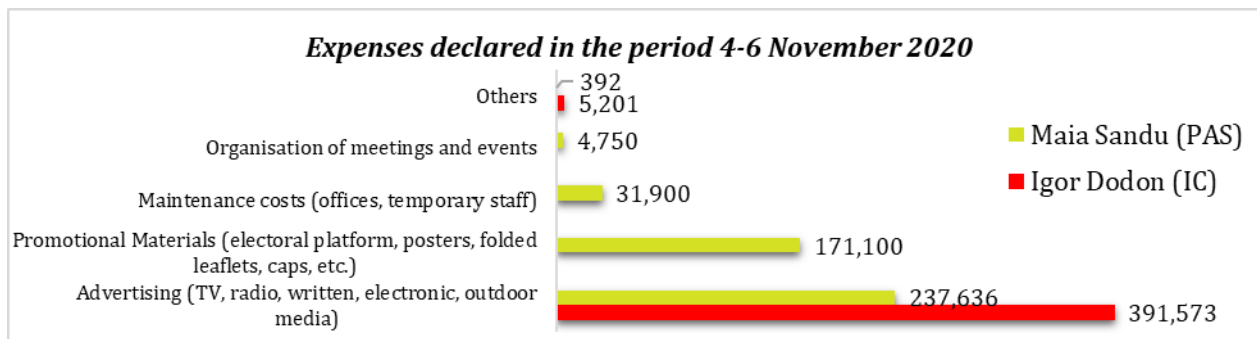
⁵⁰ The total initial balance of the candidates was MDL 390, and the final reported balance – MDL 37,253.

⁵¹ In total, 200 individuals made donations, including 35 citizens of the Republic of Moldova living abroad.

5.4.2. Reported expenses and their intended use

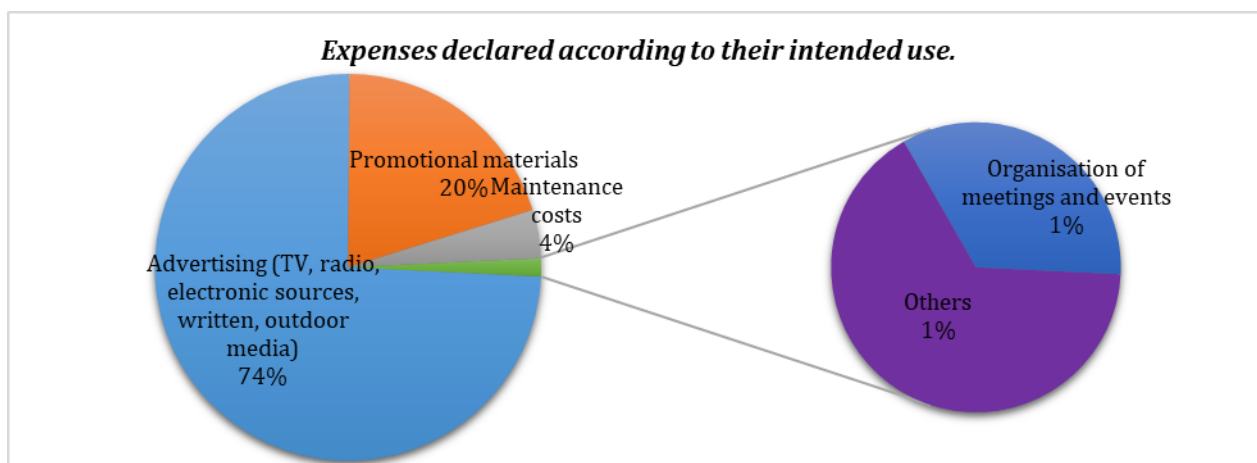
During the reporting period, the election contenders reported total expenses amounting to MDL 842,551 (see Chart 5). Of these, 53% of expenses were reported by Maia Sandu (PAS), and 47% – by Igor Dodon (IC).

Chart 5



The Chart 6 contains the expenses according to their intended use. Thus, we found that of the total reported expenses, 74% were made for election advertising purposes, and 20% – for promotional materials (electoral program, posters, leaflets, etc.).

Chart 6



5.5. Election contenders' expenses estimated by Promo-LEX

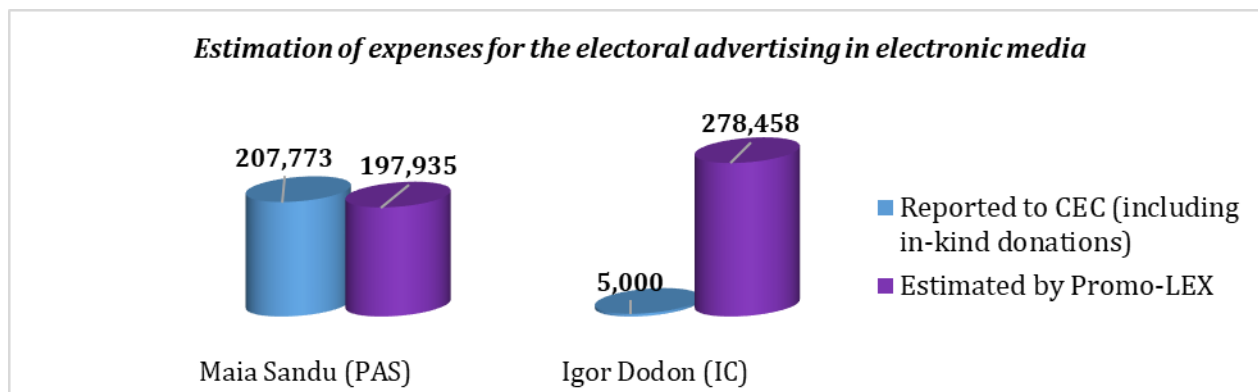
Until 6 November 2020, the most common sources of promotion were electronic media (press conferences, posting on social media, posting video spots, etc.). Also, starting from 5 November, the candidates resumed the activities of disseminating new promotional materials printed in the context of the second round of the presidential elections of 15 November 2020 (newspapers containing the candidates' platform, flyers, posters, etc.).

Based on the reports drafted by the Promo-LEX observers, the expenses of the election contenders made by 6 November 2020 were estimated and compared to the expenses reported to CEC in the reports on election campaign financing (including the declared in-kind donations). As a result, three categories of expenses were identified based on which the Promo-LEX estimates differ significantly from the data in the reports on election campaign financing.

5.5.1. Estimation of advertising expenses by means of electronic media

By 6 November inclusively, Promo-LEX observers reported activities of promoting election contenders through social networks (sponsored advertising)⁵², electoral video spots editing (at least 6 video spots)⁵³ and the organisation of press conferences (at least 5 conferences)⁵⁴. Thus, total expenses amounting to MDL 476,393 were estimated (see Chart 7).

Chart 7



Therefore, we found that in the report submitted to CEC on 6 November 2020, the candidate Igor Dodon would not have declared the estimated amount of MDL 273,458 for electoral advertising by means of electronic media.

5.5.2. Estimation of expenses for promotional materials

Promo-LEX observers reported on the dissemination by the election contenders of the new promotional materials, printed in the context of the second round electoral campaign. Thus, both regarding the candidate Maia Sandu (PAS) and the candidate Igor Dodon (IC), cases of dissemination of electoral materials (newspapers, posters, flyers, etc.) printed between 4 and 6 November 2020 were reported. In addition, note that, according to the legal framework, each advertising material shall bear the name of the electoral candidate, the date of publishing, the print run and the name of the Publishing House⁵⁵, information that is also collected and reported by observers.

Based on the information provided by Promo-LEX observers, total expenses amounting MDL 392,323 were estimated for printing promotional materials (newspapers, posters, flyers, invitations to assemblies, etc.)⁵⁶. The Chart 8 contains the expenses for each candidate.

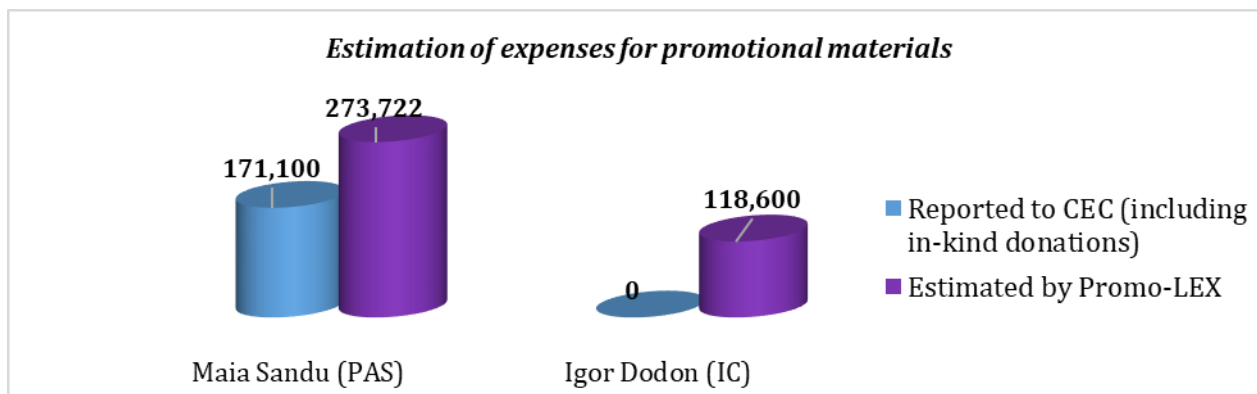
⁵² At least 118 sponsored posts (104 – for Maia Sandu (PAS) and 14 – for Igor Dodon (IC)).

⁵³ Igor Dodon (IC) – 4 video spots, Maia Sandu (PAS) – 2 video spots.

⁵⁴ Igor Dodon (IC) – 2 conferences streamed on the portal www.privescu.eu and Maia Sandu (PAS) – 3 conferences.

⁵⁵ Article 70(6) of the [Electoral Code](#).

⁵⁶ In the case of the candidate Igor Dodon (IC) were reported: newspapers with a cumulative print run of 70,000 copies, flyers and leaflets – with a cumulative print run of 15,000 copies. In the case of the candidate Maia Sandu (PAS) were reported: newspapers with a cumulative print run of 500,000 copies, flyers – with a cumulative print run of 66,350 copies (customized, by region), invitations to assemblies and posters – with a cumulative print run of 10,500 copies.



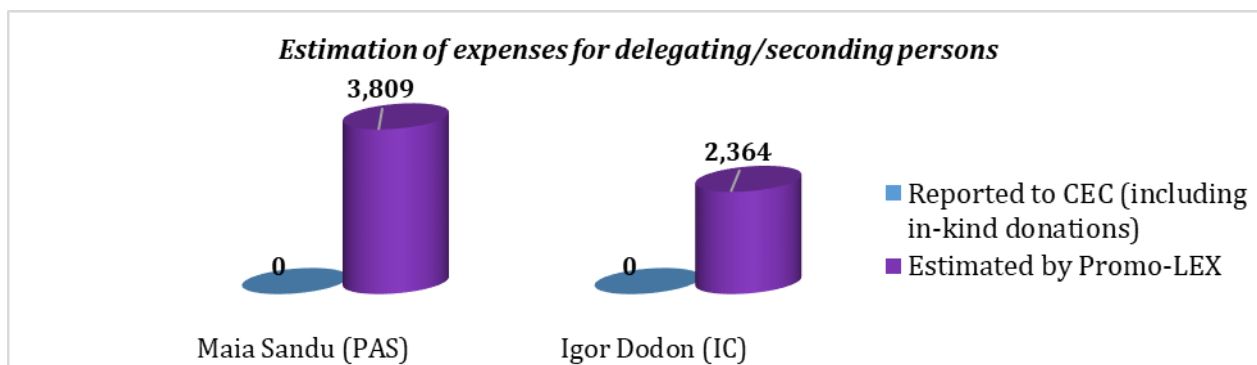
Therefore, we found that in the case of the candidate Maia Sandu (PAS) the report did not include the estimated amount of MDL 102,622 for promotional materials, and in the case of the candidate Igor Dodon (IC) – the estimated amount of MDL 118,600.

5.5.3. Estimation of delegation/secondment expenses

The estimation of the delegation/secondment expenses is done based on the cases reported by the observers with the involvement of the electioneers in electoral campaign activities for a certain election contender (1 electioneer – 1 case). The minimum estimated cost of those expenses is determined on the basis of the minimum guaranteed salary in the real sector.⁵⁷ Thus, note that in 2020, the minimum wage is MDL 2,775, and an hour of work costs a minimum of MDL 16.42.

During the observation period, at least 47 cases of involvement of electioneers in electoral campaign activities were reported, the total estimated expenses amounting to MDL 6,173 (see Chart 9).

Chart 9

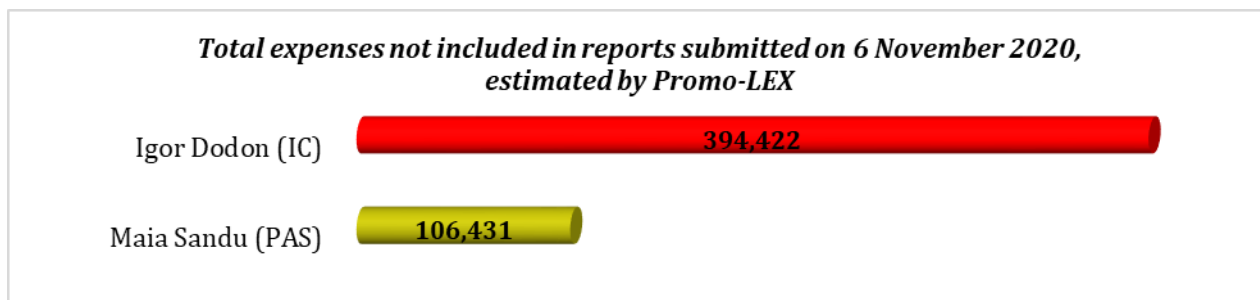


Therefore, we found that in the case of the candidate Maia Sandu (PAS) the report did not include the estimated amount of MDL 3,809 for electioneers, and in the case of the candidate Igor Dodon (IC) – the estimated amount of MDL 2,364.

5.5.4. Conclusions regarding the expenses estimated by Promo-LEX

In the context of the above, we found that in the first week of the election campaign for the second round of the presidential elections of 15 November 2020, Promo-LEX estimated expenses totalling MDL 500,853 that were not reflected in the reports on election campaign financing (see Chart 10). Thus, in 79% Igor Dodon (IC) is involved, and in 21% – Maia Sandu (PAS).

⁵⁷ [Government Decision](#) No 165 of 9 March 2010 on the minimum guaranteed salary in the real sector.



VI. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

During the reporting period, at least 51 cases of using hate speeches and incitement to discrimination were identified in the context of the presidential election of 1 (15) November 2020. Igor Dodon (IC) used this type of speech in 7 cases.

There were also reported at least 34 cases of using hate messages and/or incitement to violence against the PAS candidate Maia Sandu (26 cases) and the independent candidate Igor Dodon (8 cases) by politicians, journalists, opinion leaders or candidates' supporters.

In other 10 cases, hate speech and incitement to discrimination targeted members of political parties and/or supporters of candidates, as well as against public officials, politicians and voters in general.

Hate and discriminatory messages mainly built on the following criteria: political affiliation, professional activity, sex/gender, disability, religion and religious beliefs, sexual orientation, nationality and opinion.

6.1. Candidates who used hate speech or incitement to discrimination

During the monitoring period, at least seven situations were registered when Igor Dodon used hate speech or incitement to discrimination and in this way spread prejudices and stereotypes, incited to discrimination and favoured the perpetuation of intolerance in society.

Of the eight reported cases, in three cases the candidate Maia Sandu (PAS) was targeted, in one case Renato Usatii was the target, in one case the journalist Natalia Morari (TV8), in one case were targeted the citizens of the Republic of Moldova in the diaspora and in one case the LGBT people.

Of the three cases targeting Maia Sandu, in two cases Igor Dodon used prejudices against LGBT people and associated her with the LGBT community in Moldova, denigrating her by presenting information that, on the one hand, incited intolerance towards this community and, on the other hand, created the impression that the latter represents an imminent danger of which Maia Sandu is guilty, and this danger must be confronted.

One of the examples is the statement of the independent candidate Igor Dodon, made during the talk show 'Direct Access' on NTV channel, on 3 November 2020:

'Look at what they did with the Church in Ukraine, when they divided it into two parts – well, they will do the same in Moldova. You know my position on traditional values, Orthodox faith, traditional family. But, on the other hand, we see that Ms. Sandu attends the gay parade in the centre of Chisinau, she participated two years ago and three days ago she declared that she is not going to prohibit the parades. What's next? The legalization of couples... families, people of the same sex? Or next... we change the school curriculum, but she is good at changing the school curriculum, because she took the Russian language out of the curriculum; now she speaks Russian. Now she publishes newspapers in Russian, now in the elections she suddenly cares, but back then she excluded and banned the Russian language from schools. And are we going to see appearing in schools, these lessons on sex education for 2nd, 3rd, 4th grade children? I don't want this for my children, but you, dear citizens, do you want it?'

In the third case, Igor Dodon ridiculed his opponent, Maia Sandu, by associating her with fascist extremists, as can be seen in the examples below, registered during the press briefing on 1 November 2020, streamed on his personal Facebook page:

„9. There is no need to divide the citizens of the Republic of Moldova by ethnicity and call the citizens of Moldova who live in Transnistria or Gagauzia separatists, as Maia Sandu and her party members do. And we saw it happening two days ago. Making such statements, Maia Sandu can bring the situation in the country to a conflict, as in the early 90s, there were also such... I was going to say it not in a nice way... Nazis who made such statements. What did this lead to? Do you want me to remind you? Do you want destabilization of the situation in the Republic of Moldova?'

Another registered case is sexist speech, which Igor Dodon used in relation to the journalist Natalia Morari, the moderator of the talk show 'Politica' on TV8 channel. Thus, on 4 November 2020, during the aforementioned show, Igor Dodon said:

Igor Dodon: '[...] it's rude for a man to interrupt a woman.'

Moderator: 'We are now talking not as a man and a woman, but as a journalist with a candidate about the program.'

Igor Dodon: All the more given that I am participating in such an interesting program, with a pretty and professional journalist and we can talk without interrupting each other.'

Moderator: 'What you are saying is sexism, because I might as well be ugly, but that doesn't make me a worse journalist, but that's another topic.'

During the same talk show, Igor Dodon was asked about one of his statements regarding the participation of Maia Sandu in the Pride marches organised in Moldova, and he replied that the marches in support of the rights of LGBT people are dangerous and that they contradict the traditional values:

Moderator: *'You said that, unlike Maia Sandu, you will not attend gay parades. Maia Sandu has never participated in gay parades, 'LGBT marches' as you call them. The only march in which Maia Sandu participated was the March of Solidarity of 8 March, which, by the way, I also attended. It was a march of solidarity of all women, about the rights of all women, in all areas. You know, nowadays around the world, not that it is fashionable, but it's in the air, movements for women's solidarity, about... equal salaries and the like. This is not about sexual minorities, Mr. Dodon.'*

Igor Dodon: *'There was a question the other day, listen, so, are you going to ban them once and for all or not? I, for one, believe that it should not be allowed in the Republic of Moldova because of our values, and this is precisely what I am advocating. I think traditional values are important.'*

'[...] I believe that this is the type of marches that my opponent said she would not prohibit. I think this is dangerous for our society.'

Thus, on the one hand, Igor Dodon creates the false public perception that LGBT people endanger the social values and the society as a whole, and on the other hand, he instigates discrimination by limiting the right to freedom of assembly for this social group.

Another registered case featuring Igor Dodon happened during the talk show 'Direct Access' on NTV channel, on 3 November 2020, in which he said:

'As for Usatii's meeting with Maia Sandu, I think it's their business. They were boasting that one was going to be the first lady and one the president. Who will be the first lady... maybe Usatii would want to become the first lady, finally, of the Republic of Moldova or vice versa... who knows what is going on. It's their own business. These are two people who have no families, who knows what they are discussing, coalitions or something else. One more time. I don't interfere with their personal affairs.'

This message appeared in the context of the discussions that the PAS candidate, Maia Sandu, initiated after the first round of elections with Renato Usatii, the PN candidate, who came in third place according to CEC data. Through this message, Igor Dodon ridiculed Renato Usatii. At the same time, the independent candidate did not hesitate to draw the public's attention to the fact that the two politicians, Maia Sandu and Renato Usatii, are not married, compared to him, which is nothing more than a gender bias, used extensively in the election campaign.

The last case involving Igor Dodon happened during the press briefing on 1 November 2020, streamed on the Facebook page, where he targeted the citizens of the Republic of Moldova:

'I address all the citizens of the Republic of Moldova and those outside the country, but especially those who live in the Republic of Moldova, who did not leave the country, who stayed here. With all the problems that exist in our country. They take their children to kindergarten every day, as I take them to school, and they stay here at home, work here, live here. Let's think very carefully about what we do on the 15th, and let's mobilize massively. Aren't we the ones who are supposed to decide the fate of this country, where our children grow up? Yes, those in the

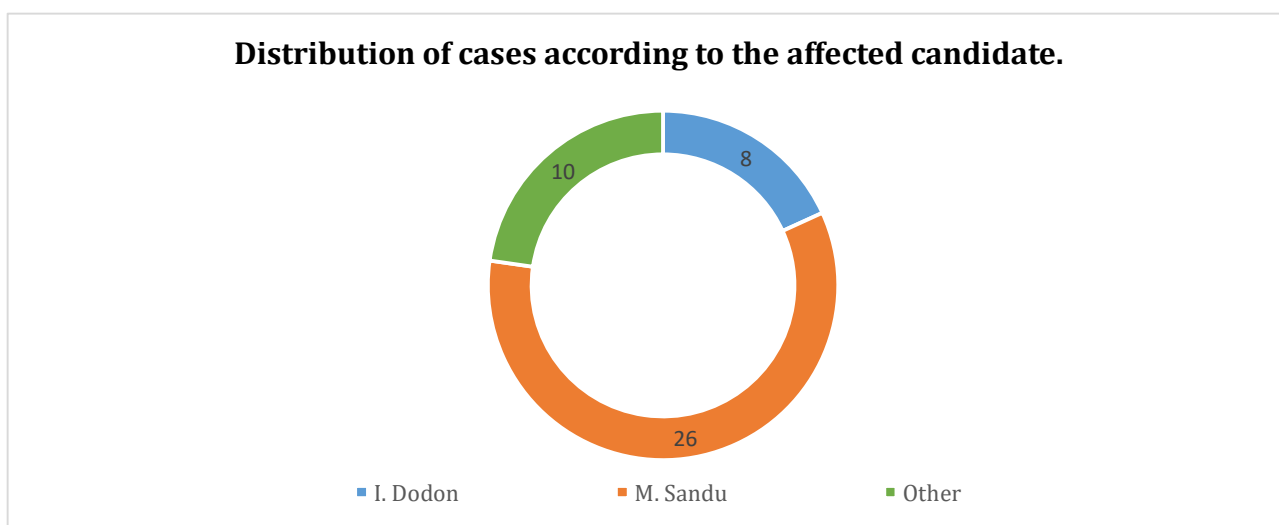
diaspora are still part of this country, but they live abroad. Yes, we gave them the right to vote and it's okay, right, so let them vote. But which votes should be decisive? We, who live in this country, and our children have to live in Moldova... we who have to build roads, who have to build up the economy? Or should we leave our fate in the hands of those who weren't in the Republic of Moldova for decades and may not even want to come? Those whom we respect, love, want them home. That is why we need to mobilize more actively and I am firmly convinced that we will mobilize. I am firmly convinced and I believe in the wisdom of the Moldovan people. As it has always been, in the toughest challenges and in the hardest times. I am not going to divide the citizens of the Republic of Moldova into good and bad, as Maia Sandu does.'

This message, part of a longer speech by the independent candidate Igor Dodon, is one that divides the society between US and THEM, in other words, between the citizens of the Republic of Moldova and the Moldovan citizens of the diaspora. Also, this message is one that promotes a false 'danger' coming from Moldovan citizens who have a different political opinion, but who are presented as a group of people who are not aware of the problems facing the Republic of Moldova and do not contribute to solving them.

6.2. Candidates who were the target of hate speech or incitement to discrimination

According to data provided by experts involved in the hate speech monitoring process, at least 44 situations were registered in which the two remaining candidates in the electoral race for the second round of the presidential elections, representatives of political parties and/or supporters of candidates and other social groups were the target of public speeches that incited to discrimination or violence, denigrated and made use of stereotypes and prejudices (see Chart 11).

Chart 11



Hate speech and incitement to discrimination against Maia Sandu (PAS)

In the 26 registered cases, the hate speech or incitement to discrimination directed against Maia Sandu took the form of dehumanization, associating her with birds and animals ('magpie', 'sheep', 'blood-thirsty being'), with negative social events (extermination of Moldovan Jews and Roma in the First World War) or with people with a predominantly negative image in the contemporary history (fascist extremists, Marshal Ion Antonescu, German Nazi SS members or Joseph Goebbels, the Propaganda Minister during the Nazi regime in Germany), but also the form of denigration through personal attacks.

An example of this kind is the message of the PSRM MP Bogdan Tirdea, made public on his personal Facebook page, on 5 November 2020:

'According to Sandu, 36% of the country's citizens – this is the people. Since they voted for her. The rest are non-people. Since they do not want to unite with Romania, gay parades and Antonescu veneration. Thank you, Maya

Grigorievna, for admitting to it. [...] Now you are trying to convince the pensioners to vote for you. And you demand that the veterans support your reverent attitude towards Antonescu! I will tell you as it is. You promote ideas about people and non-people, about higher and lower castes. Soon you will also start determining by the skulls who is Man and who is not. But your efforts are in vain. Moldova is populated by free people, not cattle. They defeated fascism in 1945 and will not allow it to be brought back. And they will show you where you belong. And it is in the dustbin of history.'

Maia Sandu was also targeted in messages that, on the one hand, instigated discrimination against LGBT people, and, on the other hand, the PAS candidate was associated with this community, and this association was always presented in a negative light, as can be seen below in the message published by Bogdan Tirdea, PSRM MP, on his Facebook page, on 4 November 2020:

'In the USA, Biden (Sandu's curator) is openly promoting the right of 8 year olds to sex change through surgery! And there are already thousands of cases of children who, after becoming adults, realized that they crippled themselves! But they will never be able to return to their former self! Millions of euros are pumped into our country to destroy the family institution, unleash hatred and war between men and women (radical feminism), between children and parents (juvenile justice and children's rights), between heterosexuals and hordes of all kinds of exotic characters (bisexuals, transgender people, transvestites, transsexuals, asexuals)! This is not a call to arms. We urge you to protect your right to have a family, children, mother and father, GENDER. We advocate for keeping intact the man's love for a woman and the willingness to perform heroic deeds for her! Treasure the tender attitude of a woman, sister and mother to her man, brother and son. Sandu openly proposes to introduce courses on LGBT rights, sex education in schools ...'

Note that the stereotypes and the hatred towards the LGBT group are used as a tool to denigrate and unite the intolerant electorate against it.

Last but not least, Maia Sandu was also affected by the sexist discourse, which most of the times appealed to gender prejudices and stereotypes, as can be seen in the example below, the message of Artur Ramasca, coach, made public during the Press Conference 'The position of athletes on the current situation in the Republic of Moldova' on 5 November 2020:

'There should be competent people in all areas, and the task of the head of state is to appoint these competent people, and then select them and then bear responsibility for them. Otherwise, we will have nothing – a kitchen maid cannot run the state. Thanks anyway... let her fry eggs.'

Hate speech and incitement to discrimination against Igor Dodon (IC)

In the case of the independent candidate Igor Dodon, eight cases were registered in which both messages of denigration and hatred, as well as threats were used. Igor Dodon was associated with animals, birds or with objects ('pig', 'pigeon', 'plastic bag'), which is, on the one hand, a form of dehumanization and, on the other hand, is intended to ridicule him.

An example is the message of the activist Vlad Biletschi who, during the show 'Live with Vlad Biletschi' on 10 TV channel, on 04 November 2020, said:

'This is the level of the current head of state. He is a nobody and his name is nobody. [...] I mean, when we call Igor Dodon bad names, make fun of him, rightly so, calling him pigeon, pig, plastic bag, that's okay, and if someone would dare to make a caricature of Maia Sandu – that's it: that person is a Judah, a KGB agent, let's shoot him against the wall! [...] But we have to vote against Dodon. Otherwise, we are going to watch this pigeon for another 4 years at the head of the state.'

Also, messages were registered that took the form of threats with physical violence, and to a such case belongs the message of the activist Feodor Ghelici, made public in a video on his personal Facebook page on 2 November 2020:

'Oh, Dodon, Dodon, if you only knew how I would rip you apart, being in the mood I am right now, you can't even imagine. [...] This is 100% your end, you totally pissed me off today. I couldn't believe my ears you trying to make our children into scapegoats – no way, never. [...] Our children will return from abroad, they will bury you, you understand, they will bury you both literally and figuratively; as a man, in conclusion, I will tell you this, first: don't dare open your mouth about our children anymore.'

Hate speech and incitement to discrimination against the supporters of the candidates/political parties and voters

Out of the 44 cases of hate speech or incitement to discrimination registered, in 10 cases politicians, party members and their supporters were targeted, as well as voters.

In the case of voters, prejudices against people with mental disabilities were being used, as well as them being associated with the Taliban. One of the examples is the message of the activist Feodor Ghelici, published on the Facebook page FACES TV – PUBLIC CHANNEL, on 2 November 2020:

'All of you, you personally are an accomplice in the theft of the billion and you nourished in your bosom all the vipers, all the corrupt officials, thieves, you made morons of voters who still believe you...'

In the other cases, politicians and party members were targeted, who were often ridiculed using gender prejudices, as can be seen in the message of Vladimir Voronin, president of the PCRM, during the talk show 'The Fourth Power' on N4 TV channel, on 3 November 2020:

'They deliberately did not put forward any candidate and they were silent during the entire election campaign – not a squeak out of them, of the existence of the Democratic Party, of MPs representing this party. It is out of their ranks that MPs are dragged here, there, everywhere; they are silent, exercise patience, waiting for somebody above them to say: 'We have long said that this man has all... the right to lead the country and we are... will support him in Parliament and everywhere'. What a great fellas these democrats are. It is what they always did. And are going to do in the future. This is called political prostitution, and they are really good at it.'

The Promo-LEX Association emphasises that the use of hate speech and incitement to discrimination in the public space and in the mass-media by candidates and their supporters amid election campaign harms not only the dignity of counter-candidates, by also that of people from particular social groups, including when prejudice and stereotypes are used or when people are incited to discrimination and violence.

VII. ELECTORAL EDUCATION AND AWARENESS

In the context of the second round of the presidential election of 15 November 2020, during the reporting period, Promo-LEX Association and other three organisations that received sub-grants from the Association, carried out at least 33 activities of voter information, education and apolitical mobilisation for the citizens of the Republic of Moldova having the right to vote.

The activities targeted young people, voters of the transnistrian region and the diaspora. These included posts, articles, video news, video reports, information and mobilisation videos, vlogs, talk shows, election quizzes and informational web platforms.

Because of the sanitary and epidemiological restrictions imposed amid the COVID-19 pandemic, all activities were carried out on-line and were advertised on social media.

During the reporting period CICDE and CEC conducted information activities (periodicals, participations in radio programmes and video materials, etc.) on the preparation of the second round of the election.

7.1. Promo-LEX campaign for information, electoral education and apolitical mobilisation of Moldovan citizens with the right to vote

As part of the 'aiVOT!' Campaign, Promo-LEX Association carried out voter information activities and apolitical mobilisation of voters to come out to vote. The activities targeted young voters, voters from the transnistrian region and the diaspora, as well as the voters in general.

In this respect, Promo-LEX distributed through various social networks 11 awareness-raising⁵⁸ and motivational messages⁵⁹ regarding the second round of the presidential elections⁶⁰. Besides, a video was released⁶¹ promoting the importance for young people and people of other age groups from the left bank of the Nistru River to come out to vote. Promo-LEX also launched a contest for young people promoting voting⁶².

On 5 November, Promo-LEX launched a motivational video spot that encourage young people to vote⁶³. The spot was promoted on social media and on 12 TV channels and radio stations with national and regional coverage.

In partnership with the Public Institution 'Teleradio-Moldova' Company, on 10⁶⁴ and 11⁶⁵ November, two electoral talk shows were held on the public radio station Radio Moldova, with the participation of the candidates for the position of president.

The organisations that received grants from Promo-LEX Association also carried out various activities of voters information, electoral education and apolitical mobilisation.

Thus, during the reporting period, the Association of Independent Press (AIP) CSO produced and promoted on the social media a motivational show on electoral education for young people⁶⁶; published the results of the electoral knowledge testing quiz⁶⁷; produced and promoted an

⁵⁸ <https://www.facebook.com/iesilavot/photos/a.634153243386082/2054056754729050/>

⁵⁹ <https://www.facebook.com/iesilavot/photos/a.634153243386082/2054866087981450/>

⁶⁰ <https://www.facebook.com/iesilavot/photos/a.634153243386082/2057852597682799/>

⁶¹ <https://fb.watch/1HLLUgeEbFR/>

⁶² <https://www.facebook.com/iesilavot/photos/a.634153243386082/2060194277448631/>

⁶³ Video spot 'On 15 November #aiVOT. We will try once more!', 5.11.2020.

<https://www.facebook.com/promolex.md/videos/3424009864361078>

⁶⁴ <https://www.facebook.com/185736972172156/videos/660992338112533>

⁶⁵ <https://www.facebook.com/185736972172156/videos/1004410196745228>

⁶⁶ https://observatorul.md/actual-divers/importan/2020/11/10/83176_un-alegator-informat-este-un-alegator-constient-video

⁶⁷ https://www.facebook.com/permalink.php?story_fbid=440166777385243&id=101882141213710

awareness-raising article on youth participation in voting⁶⁸. AIP's campaign activities were carried out in partnership with the information portals diez.md and observatorul.md.

The Association for Participatory Democracy (ADEPT) CSO published on its website www.alegeri.md, on the 'Voting abroad' page, the results of the first round of presidential elections⁶⁹; the results by countries⁷⁰; the top localities by number of voters⁷¹. Also, on the same page, 2 posts targeting the diaspora were posted up^{72,73}.

The 'Rockit Academy' CSO produced and promoted on the social media 8 KOMETA videos on the first round results⁷⁴, the election campaign⁷⁵, the statements of the candidates⁷⁶ and a video with the participation of a civic activist, who analysed the electoral promises of the candidates remaining in the election race⁷⁷.

7.2. Voter information activities, organised by CEC and CICDE

Regarding voters awareness-raising, Promo-LEX OM confirms that during the monitoring period at least one CEC member participated in radio programmes on the preparation for the second round of election.

During the reference period, CEC frequently posted on its website information on the voting schedule, the verification of voter assignment to polling stations, the voting process steps in the second round of presidential elections, the requests to vote in the second round, the access of voters to the polling stations, how the students and pupils with the right to vote can vote, the special work schedule of certain polling stations abroad, the need to observe anti-epidemic measures at meetings with voters indoors.

During the monitored period, under the CICDE18+ information campaign, CICDE launched 4 memes on the number of observers involved in monitoring the presidential elections, the participation rate of the population of the Republic of Moldova in the 2016 presidential elections and 2020 presidential elections, voting right certificates for the second round of election, activism during the presidential elections of 1 November by age groups.

On 7 November, during the 'Democracy can be learned!' Campaign, CICDE organised and conducted a simulation of the electoral process, of the election day, for the second year students of the 'Alexei Mateevici' College in Chisinau, who played the role of electoral officials, election contenders, national and international observers. Special attention during the simulation was given to the importance of compliance with the public health requirements by taking temperatures at the entrance to the polling station, disinfecting the hands, surfaces, wearing masks, gloves and face shields – conditions that must be observed also in the second round of presidential elections of 15 November this year.

On 11 November, in the radio talk show 'Electoral basics. 2020 Presidential Elections. Discussions within the society', the Head of CICDE and the Executive Director of the Infonet Alliance addressed the topic of organising and conducting the second round of election, from the perspective of accessibility of the electoral process.

⁶⁸ <http://api.md/news/view/ro-in-organismul-uman-o-singura-celula-poate-preveni-o-maladie-si-invers-la-fel-e-si-cu-votul-2373>

⁶⁹ http://alegeri.md/w/Votarea_pestre_hotarele_Republicii_Moldova#Rezultatele_preliminare_ale_vot.C4.83rii_pestre_hotare

⁷⁰ http://alegeri.md/w/Votarea_pestre_hotarele_Republicii_Moldova#Rezultatele_pe_.C8.9B.C4.83ri

⁷¹ http://alegeri.md/w/Votarea_pestre_hotarele_Republicii_Moldova#Top_localit.C4.83.C8.9Bi_dup.C4.83_num.C4.83rul_de_aleg.C4.83tori

⁷² <https://www.facebook.com/alegeri.md/posts/3392648244104214>

⁷³ <https://www.facebook.com/alegeri.md/posts/3379355272100178>

⁷⁴ <https://www.facebook.com/1225322320862031/videos/368476017932001>

⁷⁵ <https://www.facebook.com/watch/?v=670815327163166>

⁷⁶ <https://www.facebook.com/1225322320862031/videos/357216798671903>

⁷⁷ <https://www.facebook.com/1225322320862031/videos/762182041002806>

RECOMMENDATIONS

To the Parliament of the Republic of Moldova

1. Regulate explicitly in the Electoral Code the organisation and conduct of the second round of election, especially as regards the deadline for setting the date of the second round of election and the date for starting the election campaign for the second round.

To the Central Electoral Commission and other Lower-Level Electoral Bodies:

2. Solve all the complaints and notifications before the election day, especially those that could lead to the annulment of the registration of an election contender or could influence the outcome of the elections.

3. Publish on CEC website, within a reasonable time, the submitted complaints and how they were settled.

To the Law Enforcement Bodies

4. We recommend that the law enforcement bodies react promptly and fairly to all people's calls, take action against the violations of the law which they have witnessed, including those of electoral nature. We reiterate the opinion on the need to react in a fair and unbiased manner not only to certain events on the election day, but also to the notifications during the election campaign.

ABBREVIATIONS

para. – paragraph

LPA – Local Public Authorities

Art. – Article

EOPS – Electoral Office of the Polling Station

BE Unirea – UNIREA Electoral Bloc

twp. – township

CEC – Central Election Commission

ECC – level-two Electoral Constituency Council

IC – independent candidate

CICDE – Ongoing Training Centre on Electoral Matters

NEPHC – National Extraordinary Public Health Commission

TEPHC – Territorial Extraordinary Public Health Commission

let. – Letter

OM – Observation Mission

mun. – Municipality

No – number

t. – town

OSCE – Organization for Security and Cooperation in Europe

OSCE/ODIHR – OSCE Office for Democratic Institutions and Human Rights

LTO – Long Term Observer

STO – Short-Term Observer

PAS – Action and Solidarity Political Party

p. – Item

PSRM – Socialist Party of the Republic of Moldova

REO – Registry of Electoral Officials

v. – village

PS – polling station

ATU – Administrative Territorial Unit

c.u. – conventional units

USAID – United States Agency for International Development

ATUG - Autonomous Territorial Unit Gagauzia