



## **REPORT No 3**

# **Promo-LEX Observation Mission for the Early Parliamentary Elections of 11 July 2021**

Observation period: 26 May – 8 June 2021

Published on 10 June 2021

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*The responsibility for the view shared in this Report belongs to Promo-LEX Association and does not necessarily reflect the opinion of donors. If there are any discrepancies between the text in Romanian and its translation, the provisions formulated in Romanian shall prevail.*

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## EXECUTIVE SUMMARY

**Legal framework.** On 28 May 2021, in the election campaign, the Presidency held a meeting of the Supreme Security Council, one of the subjects on its agenda being related to the risks of corruption in the process of financing political parties and election campaigns. Promo-LEX OM supports the need to ensure a legal and transparent financing of parties and electoral contenders. However, we draw the attention of public authorities to the importance of refraining during the electoral period from actions that can be interpreted as interfering or influencing the electoral process, except if expressly established by law. Moreover, the participation in the meeting of only representatives of two political parties may affect compliance with the principle of equal opportunities.

On 3 June 2021, almost two weeks after the start of the election campaign, the National Extraordinary Public Health Commission approved the Instruction on Organisation and Conduct of Elections by Central Electoral Commission Amidst the COVID-19 Pandemic. Although it was belatedly approved, Promo-LEX OM appreciates the existence of such a document laying down clearer rules for the organisation and conduct of elections under pandemic conditions. However, the Instruction contains a number of uncertainties, most of which were also noted in the presidential elections, such as: there are uncertainties as to whether the provisions relating to the conduct of the election campaign have the character of a recommendation or are mandatory; a complete list of the necessary protective equipment for the subjects involved in the electoral process on election day is missing; risks related to possible obstruction of access to polling stations of voters showing symptoms of acute respiratory infection, etc.

**Electoral bodies.** During the period in question, CEC convened in nine meetings, two of which were ordinary and seven extraordinary, conducted in a mixed format. The accreditation process of observers was accelerated, during the reference period of Report No 3 being accredited 734 (91%) observers out of a total of 811. The Promo-LEX Association accredited 680 observers. Also, we found at least two cases of conducting opinion polls on voters' political preferences without notifying the electoral authority.

The management of DEC II offices was elected by the legal deadlines. The gender balance was observed in the case of management positions, except for the position of secretary, 84% of which were held by women. According to observers, out of the total of 83 visits made during office hours, in seven instances (8%) the DEC II offices were closed (No 10 Causeni, No 13 Donduseni, No 21 Ialoveni, No 23 Nisporeni, No 24 Ocnita, No 27 Rascani and the PS No 38 abroad). Moreover, of the 37 DEC II offices, only 17 (46%) are accessible to people with mobility impairments.

The electoral bodies established within legal deadlines a total number of 2149 PSs, of which 146 polling stations abroad and 44 polling stations for voters residing in localities on the left bank of the Nistru River. Compared to the previous national elections, for the elections of 11 July 2021 the DEC II offices established with 12 PSs less than for the 2019 parliamentary election and with 3 PSs less than for the 2020 presidential election.

For the parliamentary election of 11 July 2021, 44 PSs were established for the voters in the transnistrian region – with two more than in the presidential election of November 2020. This is despite the fact that the voter turnout in the 2020 presidential election was lower than in the 2019 parliamentary elections. According to Promo-LEX, 28 rationally located polling stations would be a reasonable number to ensure the participation in elections of the citizens from the left bank of the Nistru River. In this context, we express our concern regarding at least three PSs set up in Corjova and Bender, territories which are not effectively controlled by the constitutional authorities. Also, with regard to these PSs, the Security and Intelligence Service, the Ministry of Internal Affairs and the Bureau for Reintegration Policies expressed concerns related to ensuring security. Moreover, Promo-LEX OM points out that the PSs in Bender municipality had to be legally established by the DEC No 3 and in no way by the DEC No 37. Thus, the CEC established the constituency No 3 Bender without establishing the electoral council of this constituency.

The CEC approved twice the total number of polling stations abroad. Initially, on 5 June 2021, when 139 PSs were established. The decision provoked protests from civil society, electoral contenders, as well as critical attitudes from the People's Advocate, the Government and the Presidency. Subsequently, on 8 June 2021, the CEC approved 146 PSs, four less than it budgeted (150 PSs). In the opinion of the Promo-LEX OM, the CEC had to start from a minimum of 150 polling stations, as set out in the expenditure estimate. If necessary, provided that the Government provides additional financial resources, even more can be set up. In this context, we reiterate the observation that the Government of the Republic of Moldova did not approve a decision (not even by 8 June 2021) on the allocation of financial resources that would cover the expenses according to the expenditure estimate approved by the CEC.

By comparing the estimates made by Promo-LEX (based on 150 PSs) with the CEC decision (based on 146 PSs), we point out that, in the Mission's view, more polling stations would need to be opened in Germany (+6), United Kingdom and France (+2).

**Appointment and registration of candidates.** By 8 June 2021, three days before the expiry of the deadline for the submission of registration applications, CEC registered a total of 17 electoral contenders, of which 9 during the reference period of this report. Two other applications are under review. In comparison with Parliamentary Elections of 24 February 2019, there was a total of 15 contenders in the national constituency.

The gender quota in the candidate lists is observed. No application for registration has been rejected. At the same time, no independent candidate has been registered yet.

**Electoral disputes.** During the monitored period, 5 complaints were filed with CEC, most of them being against the actions of electoral contenders. Regarding three of the registered complaints, the CEC issued letters of return within the legal deadline, and regarding two of them it did not express an opinion.

Also, four notifications were submitted to the Central Electoral Commission, which were not resolved within the maximum term provided by the law for the examination of complaints (5 days).

According to observers, at least 10 complaints were filed with the Chisinau Court of Appeal against CEC actions and decisions. Of these, four complaints concern the establishment of polling stations abroad. By 8 June 2021, the Chisinau Court of Appeal issued its resolution on 5 of the 10 complaints, declaring the actions filed inadmissible.

With regard to the inadmissibility of one complaint by the CEC and three complaints by the Chisinau Court of Appeal due to the lack of actual harm to the personal right of voter or electoral contender, Promo-LEX believes that the reason invoked is unfounded since any electoral violation affects the right of voters to form an opinion or the right of electoral contenders to run on equal terms.

**Public administration.** Promo-LEX OM continues to find gaps in the way LPAs fulfil their duties of ensuring a transparent and accurate electoral process. According to observers, out of the total of 351 LPAs visited, about 283 (81%) approved decisions establishing designated places for electoral posters, and at least 274 mayoralties (78%) adopted decisions on providing premises for meetings with voters.

We draw attention to the information shared by the Congress of Local Authorities from Moldova, this being also confirmed by other sources, about a number of mayors voicing concerns on the initiation by the investigation and control authorities of unannounced checks, including at the request of two MPs, electoral contenders.

Note that in these elections too the Chisinau Municipal Council failed to approve the nomination of PEB members by local public authorities. The meeting did not take place on the grounds that the PSRM and PPS councillors were not present. We draw the attention that using the CEC's Register of Electoral Officials as a replacement of the LPA powers to appoint PEB members undermines the transparency of the electoral process and raises concerns about the integrity of procedures. We also

note the non-transparent nature of the mechanism for substituting officials from LPAs with those from the REO. The concerns of the Observation Mission are also fuelled by the obstruction by the Chisinau Municipal Council of access to information relevant to electoral operations.

**Electoral contenders.** Between 26 and 8 May 2021, at least 673 electoral activities were reported by nine electoral contenders, the most active being BECS – 357 activities (53%) and PAS – 177 activities (26%). The most observed were dissemination of electoral materials (62%) and electoral meetings (26%).

The observers also reported at least 42 cases that can be regarded as use of administrative resources with electoral impact, of which: BECS – 34 cases (81%), PDM – 4 cases (10%), PAS – 2 cases (5%), BERU and PDCM – 1 case each. By categories, the breakdown is the following: involving public sector employees in election campaign activities – 27 cases (64%), organisation of electoral meetings within state institutions with their employees, during their working hours – 12 cases (29%) and taking credit for works/services performed from public funds – 3 cases (7%).

The Promo-LEX observers also reported at least one case that can be regarded as offering gifts with electoral impact, with the involvement of the BECS candidate. During the observed period, at least 8 cases were reported (PAS – 4 cases, BECS – 2 and PPPDA and PUN – 1 case each) in which images/state symbols of the Republic of Moldova or other states were used for electoral promotion purposes.

We also draw attention to two cases of campaign activities involving religious cults. In the first instance, at least one case was reported in which representatives of religious cults were directly involved in the PDM election campaign, as well as at least one case in which BECS used the image of religious cults in promotional activities.

**Financing of election campaigns.** The reports on the financing of the electoral campaign for the first week of the campaign, which were to be submitted by 28 May 2021, were submitted by 6 candidates out of 8, and for the second week (which were to be submitted by 4 June 2021) – by 7 electoral contenders out of 10. In both periods, MPSN did not comply with the legal provisions. PACE (with a delay) and PUN stated that they did not incur any campaign expenses. In the case of PACE, there was a delay on the part of the commercial bank whose services the candidate used when opening an ‘Electoral Fund’ account.

Between 21 May and 4 June 2021, 7 electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) reported total revenues of MDL 9,551,708. Of these, 47% were reported by BERU, 20% – by PAS, 11% – by PDM, 8% each – by BECS and PPS, and 3% each – by PPCC and PPPDA. The declared revenues were accumulated within the legally established thresholds. Sources: 57% as money transfers from the current account of 6 political parties; 34% were raised from donations made by individuals, including citizens of the Republic of Moldova living abroad; 5% were donations made by legal entities and 6% – donations in commodities, works or services.

During the reporting period, seven electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) reported total revenue amounting to MDL 5.880.932. Of them, 47% of the declared expenses were made by BERU, 13% - by BECS and PPS each, 11% - by PAS, 9% - by PDM, 5% - by PPPDA and 3% - by PPCC. Thus, we found that of the total reported expenses, 39% were made for election advertising purposes, and 34% – for promotional materials (electoral program, posters, leaflets, etc.), 16% - to organise electoral events, 10 - for transport and 1% - for other categories.

Promo-LEX OM estimated at least MDL 1.922.687 as undeclared expenses during the first two weeks of the election campaign, of which PAS – MDL 1.068.194 (56%), BECS – MDL 457.335 (24%), PPPDA – MDL 119.860 (6%), PPCC – MDL 91.909 (5%), PACE – MDL 86.249 (4%), PPS – MDL 81.509 (4%), PDM – MDL 13.185 (1%), BERU – MDL 4.447. The costs for advertising materials (56%), and outdoor and mobile advertising (18%) have the biggest share of the unreported expenses.

**Hate speech and incitement to discrimination.** During the election campaign for the early Parliamentary Elections of 11 July 2021, between 25 May and 7 June 2021, Promo-LEX Association

identified at least 36 cases of hate speech and incitement to discrimination in the public space, in the media and online in the Republic of Moldova. Thus, compared to the previous monitoring period, the number of cases of hate speech and incitement to discrimination grew by about 33%.

Most cases of hate speech and incitement to discrimination are generated online and most of them are against electoral contenders, party members and supporters.

During the reference period, CEC suggested that electoral contenders and media representative sign a Code of Conduct that also contain provisions about public speech and incitement to hatred. As of 8 June 2021, the Code was signed by two contenders only - PPS and PDM.

**Electoral education and information.** Promo-LEX Association is running a campaign for electoral information and education and apolitical mobilization of citizens of the Republic of Moldova with the right to vote. The campaign comprises electoral debates; production and dissemination of information materials and two video spots; online information and apolitical mobilization, etc. Promo-LEX Association also offered four grants for projects that encourage people to vote.

During the observation period, CICDE and CEC organised face-to-face trainings for members and accountants of electoral councils, and online trainings for judges on issues related to the review and settlement of electoral litigations. Regarding information activities, we found the following: CEC members participated in TV shows, CICDE developed and launched a video material on vote accessibility and equality, launched a course of civic and electoral education.

## INTRODUCTION

Report No 3 was developed under the Promo-LEX Observation Mission (OM) of the early Parliamentary Elections of 11 July 2021. The observation period of the events included in the report is 26 May – 8 June 2021. The results of the monitoring of hate speech and incitement to discrimination are submitted in the period 25 – 2021 May 2021.

Promo-LEX OM shall submit a number of six observation interim reports and a final report on the early Parliamentary Elections. On the election day, press releases will be issued on the conduct of the election, the results of the partial counting of votes and the assessment of protocols' accuracy. Promo-LEX OM reports aim at notifying the electoral bodies about the results of the real-time assessment of the quality of organizing and conducting election procedures; raising the accountability of electoral actors; informing the society about the positive and negative tendencies found during the electoral process; preventing possible violations of electoral law.

The Promo-LEX election observation methodology is based on international electoral standards and involves the observation of both long-term (election period) and short-term (election day) elections. The observation reports are developed by Promo-LEX OM central team based on their findings, including those reported by the long-term observers (LTOs) on the activity of all actors involved in the organization and conduct of the elections: electoral contenders, public authorities, electoral bodies, political parties, citizens who submit their own candidacy, as well as civil society.

During the electoral period, the monitoring of the electoral process shall be carried out by 43 LTOs. During field visits, Promo-LEX observers collect and analyze information resulting from interviews, meetings with interviewees and review of the official documents. The activity of electoral candidates/contenders is also monitored on-line. Promo-LEX will also monitor hate speech and discrimination, using 7 monitors. LTO/monitors' findings are reported based on thematic templates and are stored on the web platform [www.data.promolex.md](http://www.data.promolex.md), a secure system with limited access, managed by Promo-LEX.

On the election day, Observation Mission will delegate one short-term observer (STO) to about 600 polling stations (PSs), selected on the basis of a nationally representative sample, established by a sociological company. In addition, the electoral process in the other polling stations and their adjacent spaces will be monitored by 160 STOs, grouped and distributed nationwide in 80 mobile teams of observers.

The polling stations set up for voters in the Transnistrian region will be fully monitored by delegating a static STO to each of them. Particular attention will be paid to the electoral process monitoring in polling stations that will be opened abroad. For this purpose, Promo-LEX OM plans to delegate about 60 static STOs on the election day to abroad polling stations.

The activity of the observers is coordinated by the central team of the Mission, composed of 22 members. All Promo-LEX observers and monitors are trained in the workshops organized by the Observation Mission, including on compliance with protection measures related to the COVID-19 pandemic. The observers also sign and undertake to comply with the Code of Conduct<sup>1</sup> of the Promo-LEX Independent National Observatory, committing to act in good faith and in non-partisan way.

The OM of the early Parliamentary Elections of 11 July 2021 is a project of the Promo-LEX Association, carried out within the Civic Coalition for Free and Fair Elections.

The Promo-LEX OM is not a political opponent of the contenders involved in the electoral process, it is not an investigative body and does not assume the express obligation to prove the observed findings. However, the observers' reports are accompanied, as far as possible, by photo and video evidence, other documents, which can only be made available to law enforcement bodies, on the basis of appropriate requests, and in no case, shall it be provided to electoral contenders. At the same time, the violations, including the alleged ones, which are found in this report, must be treated by the electoral authorities as notifications and are to be examined according to the competence, in the light of the provisions of Article 22 (1) (q) and Article 68 (5) of the Electoral Code.

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<sup>1</sup> [The Code of Conduct](#) of the Promo-LEX Independent National Observatory.



The Promo-LEX Mission manages the [www.electoral.monitor.md](http://www.electoral.monitor.md) web platform, where any citizen can report activities with electoral overtones. Relevant information from observers' reports are stored on the same platform. Citizens' notifications are verified by the mission observers during the next scheduled visit to the settlement, where the alert was recorded.

Promo-LEX is a public association that aims at developing democracy in the Republic of Moldova, including in the Transnistrian region, by promoting and protecting human rights, monitoring democratic processes and strengthening the civil society. The Association organizes Election Observation Missions in the Republic of Moldova since 2009, the current OM being the 21st. Also, the employees and members of the Association have extensive international experience and participated in election observations in the International Missions of Armenia, Czech Republic, Estonia, Georgia, Germany, Montenegro, Norway, Romania, Serbia, Sweden, Ukraine, etc.

The international standards referred to in this report are those developed by the UN, OSCE, the European Commission for Democracy through Law (Venice Commission), the European Union and the Council of Europe. At the end, the report contains recommendations for public authorities, electoral bodies, electoral contenders, other stakeholders, to ensure the good organization and optimization of the electoral process.

The Observation Mission of the early Parliamentary Elections of 11 July 2021 is conducted by Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) through the 'Democracy, Transparency and Accountability' Program, of the Council of Europe through the 'Support for the civic observation of 2021 early Parliamentary Elections in the polling stations created abroad' Project, as well as of the Embassy Office of the Kingdom of the Netherlands through the 'Support for citizen information and observation of 2021 early Parliamentary Elections in the polling stations created for the voters from the transnistrian region' Project. The 'hate speech' component is supported by the Justice and Human Rights Department of Soros Moldova Foundation through the project 'Building a platform for the development of activism and education on Human rights in the Republic of Moldova – stage IV'.

The opinions expressed in the reports and press releases of the Promo-LEX OM belong to the authors and do not necessarily reflect the position of the donors.

## I. LEGAL FRAMEWORK

*On 28 May 2021, during the election campaign, the Presidency held a meeting of the Supreme Security Council, one of the subjects on its agenda being related to the risks of corruption in the financing political parties and election campaigns. Promo-LEX OM supports the need to ensure a legal and transparent financing of parties and electoral contenders. However, we draw the attention of public authorities to the importance of refraining during the electoral period from actions that can be interpreted as interfering or influencing the electoral process, except if expressly established by law. Moreover, the participation in the meeting of only representatives of two political parties may affect compliance with the principle of equal opportunities.*

*On 3 June 2021, almost two weeks after the start of the election campaign, the National Extraordinary Public Health Commission approved the Instruction on Organisation and Conduct of Elections by Central Electoral Commission Amidst the COVID-19 Pandemic. Although it was belatedly approved, Promo-LEX OM appreciates the existence of such a document laying down clearer rules for the organisation and conduct of elections under pandemic conditions. However, the Instruction contains a number of uncertainties, most of which were also noted in the Presidential Elections, such as: it is not clear whether the provisions relating to the conduct of the election campaign are binding or not; a complete list of the necessary protective equipment for the subjects involved in the electoral process on election day is missing; risks related to possible obstruction of access to polling stations for voters showing symptoms of acute respiratory infection, etc.*

### 1.1. Organisation and conduct of the Supreme Security Council meeting as regards the election campaign financing

On 27 May 2021 a press release was published on the Presidency website<sup>2</sup>, according to which the President of the Republic of Moldova, Maia Sandu, was summoning a meeting of the Supreme Security Council (SSC) on 28 May 2021. The topic to be discussed related to the risks of corruption in the process of financing political parties and election campaigns.

Subsequently, on 28 May 2021, a Press Release was published on the Presidency's website about the held meeting. Thus, according to President Maia Sandu, 'illegal financing of political parties and election campaigns is a major threat for national security, it undermines the democratic foundation of the society and the lawfulness of the political power. The law and democratic exercise are prioritary'. Information presented by relevant institutions was heard during the meeting.

According to Decision No 01-02-10 of 28 May 2021<sup>3</sup>, SSC decided, *inter alia*, to recommend CEC to create a working group that would include representatives of the General Prosecutor's Office, MIA, SIS, FIU, NIA and other authorities that have duties in this field. This working group would have task to identify risks related to illegal financing of political parties and **election campaigns** and all aspects, including attempts to promote parties camouflaged under various project implemented based on undeclared financial sources, **to examine promptly and efficiently all notifications in this respect, and to undertake measures to combat and sanction such cases.**

**In terms of timeline**, please note that this meeting took place amidst the election campaign, and 8 political parties had registered until 28 May 2021. Promo-LEX OM does not doubt the importance of the discussed topic for national security and potential risks and weaknesses that could emerge during this election campaign. However, we believe that **public authorities**, except for their duties stipulated by law, **must refrain during the electoral period from actions that can be interpreted as interfering or influencing the electoral process.** We would like to remind you that the Central Electoral Commission, according to Article 1 of the Electoral Code is an independent state body, established to supervise and control the observance of legal provisions on financing of political parties and election campaigns.

Also, note that according to the publicly available information, there are no recent circumstances that would lead to the need to summon an urgent meeting of the SSC on the topic of election

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<sup>2</sup> [Press Release](#) of 27 May 2021.

<sup>3</sup> [SSC Decision](#) No 01-02-10 of 28 May 2021.

campaign financing. However, according to international standards<sup>4</sup>, investigations aimed at political opponents may be an example of obstructing the free and equal campaigning, which encroaches upon the principle of non-discrimination.

**In terms of political party representation**, we would like to highlight that SSC includes representatives of four political parties from the Republic of Moldova, which also run for the Parliamentary Elections of 11 July 2020, namely: four representatives from PAS list<sup>5</sup>, one representative from PPS<sup>6</sup>, one representative from PPPDA<sup>7</sup>, one representative from BECS list<sup>8</sup>. However representatives of only two parties took part in the SSC meeting of 28 May 2021 – PAS and PPPDA. It is unclear whether the absence of other SSC members is due to their subjective will or is caused by a conflict of interest<sup>9</sup>. Promo-LEX OM believes that during the election campaign, in order to respect the equal chances for all parties and candidates<sup>10</sup>, the SSC meeting regarding the financing of election campaigns should have been organised either in presence of representatives from all political parties<sup>11</sup>, or with no representatives of political parties at all.

## 1.2. Establishing rules to prevent and combat COVID-19 infection during the election

On 3 June 2021, the National Extraordinary Public Health Commission (NEPHC) passed the Decision No 56<sup>12</sup> establishing the general mandatory rules on prevention and combating of COVID-19 infection during elections. Moreover, the same Decision approved the Instruction on Organisation and Conduct of Elections by Central Electoral Commission Amidst the COVID-19 Pandemic. The rules set by the Instruction are also applicable to the polling stations opened abroad, except for cases where the rules on the management of the epidemiological situation in the respective country provide otherwise.

Even though this document was approved with delay, as the election campaign started back on 21 May 2021, Promo-LEX OM appreciates the established measures. Particularly, we mean the recommendations developed for the events/meetings/actions that are going to be organised with the physical presence of participants. We would like to remind you that in previous reports<sup>13</sup> Promo-LEX OM drew the attention of the authorities to the risk of contamination with COVID-19, in the absence of regulations on holding public meetings for electoral purposes. However we would like to highlight the following uncertainties related to the content of the Instruction:

- It is unclear whether the provisions on the conduct of the election campaign are binding or not, as item 3 stipulates that 'it is recommended to follow some measures' and sub-item 3.2 specifies the duty of event organisers to ensure and observe various measures and rules. Note that this

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<sup>4</sup> [Report](#) CG31 (2016) 07 final of the Congress of Local and Regional Authorities and Council of Europe. The misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials, p. 13. "A further example is the obstruction of the free and equal campaigning of opposition parties encroaching upon the principle of non-discrimination, notably through: pressure on/intimidation of candidates and their activists, *e.g.*, to withdraw from the election, pressure on small business owners or owners of private premises not to rent these out to opposition candidates, unequal distribution of campaigning space, **directed investigations against political opponents** (...)."

<sup>5</sup> Andrei Spinu, Secretary General of the Office of the President of the Republic of Moldova; Olesia Stamate – Advisor of the President of the Republic of Moldova in the field of Justice; Igor Grosu, Member of Parliament, Deputy Chairperson of the Parliamentary Committee for National Security, Defense and Public Order; Sergiu Litvinenco, Member of Parliament.

<sup>6</sup> Serghei Sirbu – Chairperson of the Parliamentary Committee for National Security, Defense and Public Order.

<sup>7</sup> Chiril Motpan – Member of Parliament.

<sup>8</sup> Zinaida Greceanii – Speaker of the Parliament.

<sup>9</sup> According to Article 11(3) of the [Regulation on](#) SSC<sup>9</sup>, a member of the Council shall not invited to a meeting that will discuss a topic that generates a conflict of interest.

<sup>10</sup>In line with the Code of Good Practice in Electoral Matters, the equality of opportunity must be guaranteed for parties and candidates alike and encourage the state to have an impartial attitude towards them and to fairly apply the same legislation to everyone. The neutral attitude **shall apply particularly to the election campaign**.

<sup>11</sup> According to Article 7(4) of the Regulation on the SSC, it is possible to invite to the meetings, given the approval of the President of the Republic of Moldova, representatives of the Parliament, of central and local public authorities, of other public authorities and institutions, as well as of the civil society should it be deemed that their presence is necessary in the context of the topics on the meeting agenda.

<sup>12</sup> [NEPHC Decision](#) No 56 of 03.06.2021.

<sup>13</sup> [Report](#) No 2. Observation Mission of the early Parliamentary Elections, page 10.

uncertainty may result in not following such rules and people that violate the established rules may be not sanctioned appropriately.

- It is not clear what protective equipment electoral officials, operators, observers and other subjects involved in the electoral process on election day must wear, because item 4.7 does not provide a comprehensive list of equipment – '(masks, gloves, face shields, etc.)'.
- As in case of the Presidential Election, Promo-LEX OM found that voters will be treated differently on election day by being allowed into the polling station or not<sup>14</sup>, depending at what time they come to the polling station and if they have or not domicile/residence on the left bank of Nistru river or if they vote abroad. We believe that on the election day a level playing field shall be ensured for all voters, and the preparation for COVID-19 prevention on the election day and ensuring the right to vote for all electors have to be taken before the respective day.
- As in the case of the Presidential Election, we see that the Instruction fails to regulate the situation when the person is self-isolated in another place than their valid domicile or residence. Respectively, there may be cases when voting at the place of stay is not possible because the voter is registered with the main lists of voters of another polling station. We would like to mention that such cases happened in the 2020 Presidential Elections, i.e. the voters' right to vote was obstructed.

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<sup>14</sup>According to items 4.9-4.11 of the Instruction, people with acute respiratory infection symptoms coming to the polling stations by 3 p.m. would not be allowed into the polling station premises, but would be registered on the list of voting at the place of stay. Simultaneously, those who will come to the polling station after 3 p.m., even if they will have the same symptoms, they will be provided conditions for voting. At the same time, the access in the polling station of voters from the left bank of the Nistru river will be allowed regardless of their health condition.

## II. ELECTORAL BODIES

*During the period in question, CEC convened in nine meetings, two of which were ordinary and seven extraordinary, conducted in a mixed format. The accreditation process of observers was accelerated, during the reference period of Report No 3 being accredited 734 (91%) observers out of a total of 811. Promo-LEX Association accredited a total number of 680 observers. Also, we found at least two cases of conducting opinion polls on voters' political preferences without notifying the electoral authority.*

*The management of DEC's was elected by the legal deadlines. The gender balance was observed in the case of management positions, except for the position of secretary, 84% of which were held by women. According to observers, out of the total of 83 visits made during office hours, in seven instances (8%) the DEC II offices were closed (No 10 Causeni, No 13 Donduseni, No 21 Ialoveni, No 23 Nisporeni, No 24 Ocnita, No 27 Rascani and the PS No 38 abroad). Moreover, of the 37 DEC II offices, only 17 (46%) are accessible to people with mobility impairments.*

*The electoral bodies established within legal deadlines 2149 PSs, of which 146 polling stations abroad and 44 polling stations for voters residing in localities on the left bank of the Nistru River. Compared to the previous national elections, for the elections of 11 July 2021 the DEC's established with 12 PSs less than for the 2019 parliamentary election and with 3 PSs less than for the 2020 presidential election.*

*For the parliamentary election of 11 July 2021, 44 PSs were established for the voters in the transnistrian region – with two more than in the presidential election of November 2020. This is despite the fact that the voter turnout in the 2020 presidential election was lower than in the 2019 parliamentary elections. According to Promo-LEX, 28 rationally located polling stations would be a reasonable number to ensure the participation in elections of the citizens from the left bank of the Nistru River. In this context, we express our concern regarding at least three PSs set up in Corjova and Bender, territories which are not effectively controlled by the constitutional authorities. Also, with regard to these PSs, the Security and Intelligence Service, the Ministry of Internal Affairs and the Bureau for Reintegration Policies expressed concerns related to ensuring security. Moreover, Promo-LEX OM points out that the PSs in Bender municipality had to be legally established by the DEC No 3 and in no way by the DEC No 37. Thus, the CEC established the constituency No 3 Bender without establishing the electoral council of this constituency.*

*The CEC approved twice the total number of polling stations abroad. Initially, on 5 June 2021, when 139 PSs were established. The decision provoked protests from civil society, electoral contenders, as well as critical attitudes from the People's Advocate, the Government and the Presidency. Subsequently, on 8 June 2021, the CEC approved 146 PSs, four less than it budgeted (150 PSs). In the opinion of the Promo-LEX OM, the CEC had to start from a minimum of 150 polling stations, as set out in the expenditure estimate. If necessary, provided that the Government provides additional financial resources, even more can be set up. In this context, we reiterate the observation that the Government of the Republic of Moldova did not approve a decision (not even by 8 June 2021) on the allocation of financial resources that would cover the expenses according to the expenditure estimate approved by the CEC.*

*By comparing the estimates made by Promo-LEX (based on 150 PSs) with the CEC decision (based on 146 PSs), we point out that, in the Mission's view, more polling stations would need to be opened in Germany (+6), United Kingdom and France (+2).*

### 2.1. CEC Activity

#### 2.1.1. CEC decisions relevant for the organisation and conduct of the parliamentary election

*During the period in question, CEC convened in nine meetings, two of which were ordinary and seven extraordinary, conducted in a mixed format. They adopted 44 decisions, as follows: 16 decisions to accredit national and international observers; ten decisions registering candidates to the position of Member of the Parliament of the Republic of Moldova; six decisions amending CEC*

decisions; two decisions setting up PSs abroad and for voters from the left bank of the Nistru river and ten decisions on other issues related to election organisation.

### **2.1.2. Observer accreditation**

During the report's reference period, 734 international observers were accredited, of whom 628 national observers and 106 international observers (according to Annex 1). Since the beginning of the election period and by 8 June 2021, a total of 811 observers were accredited for the early Parliamentary Elections, of whom 696 were national observers and 115 were international observers and experts. As of 8 June 2021, Promo-LEX Association accredited a total number of 680 observers.

Note that according to the amendments made to the Regulation on the Status of Observers and their Accreditation Procedure, the requesting institution should submit a copy of the Statute in order to accredit the observers<sup>15</sup>.

### **2.1.3. Regulations amended by CEC during the observation period**

To adjust the electoral procedures to the amendments made to the Electoral Code in 2019 on aspects regarding the proportional system for Parliamentary Elections and to the existing needs and context, five regulations were amended during the reference period: The Regulation on the status of observers and their accreditation procedure<sup>16</sup>, Regulation on the activity of trustees of electoral contenders<sup>17</sup>, Regulation on the method of electoral advertising and political promotion on billboards<sup>18</sup>, Regulation on the voting procedure of citizens of the Republic of Moldova living abroad<sup>19</sup> and Regulation on the operation of the Video Recording System in the polling stations. According to the latter, in order to ensure the security and transparency of the voting process on the election day, the system that is not connected to the Internet will be functional and operational starting with the beginning of the preparatory electoral operations regarding the opening of the polling station and ending with the tabulation of the results of voting by members of the precinct electoral bureau. At the same time, we underscore that before and on the election day, CEC will inform all the participation in the electoral process about the use of video recorders in polling stations.

We point out that other three CEC regulations that need to be adjusted to the specificity of the parliamentary elections in a proportional system:

- Regulation on the drawing lots;
- Regulation on the preliminary registration;
- Regulation on the development, administration, dissemination and updating of electoral rolls;

Promo-LEX OM reminds of the need to regulate by a CEC decision the organised transportation of voters for this election, as well. We reiterate that this generates potential risks for the electoral process, including vote rigging.

### **2.1.4. Informing CEC about conducting opinion polls**

According to data placed on the CEC website, 'Survey notifications' section, in the reference period, two applications on the initiation of surveys were submitted to the electoral authorities: by Inteligente SRL (iData) to make a national socio-political study<sup>20</sup> and by „Intellect Group” SRL to make a series of researches (opinion poll, focus group, political rating and exit-poll)<sup>21</sup>. Analysing the

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<sup>15</sup> Item 9(1)(b) of the [Regulation](#) on the Status of Observers and their Accreditation Procedure, approved by CEC Decision No 332/2006.

<sup>16</sup> [CEC Regulation](#) on the Status of Observers and their Accreditation Procedure of 26 May 2021.

<sup>17</sup> [CEC Regulation](#) on the activity of trustees of electoral contenders of 26 May 2021.

<sup>18</sup> [Regulation](#) on the Method of electoral advertising and political promotion on billboards of 26 May 2021.

<sup>19</sup> [Regulation](#) on the Voting procedure of citizens of the Republic of Moldova living abroad of 26 May 2021.

<sup>20</sup> [Notification](#) of iData dated 31 May 2021.

<sup>21</sup> [Notification](#) of „Intellect Group” SRL dated 3 June 2021.

compliance with Article 70(10) of EC, Promo-LEX OM finds that the study made by „Intellect Group” SRL does not contain any information about the commissioner of the poll.

At the same time, during the monitored period, Promo-LEX OM found at least two opinion polls about voters’ political preferences that did not comply with the conditions stated in the Electoral Code. Thus, Chisinau.today news portal<sup>22</sup> and the National Institute for Opinion Polls and Marketing (INSOMAR)<sup>23</sup> conducted an opinion poll each among internet users from the Republic of Moldova about the political preferences during the parliamentary elections. Note that eight thousand persons participated in Chisinau.today survey, and over 1,200 persons participated in INSOMAR survey.

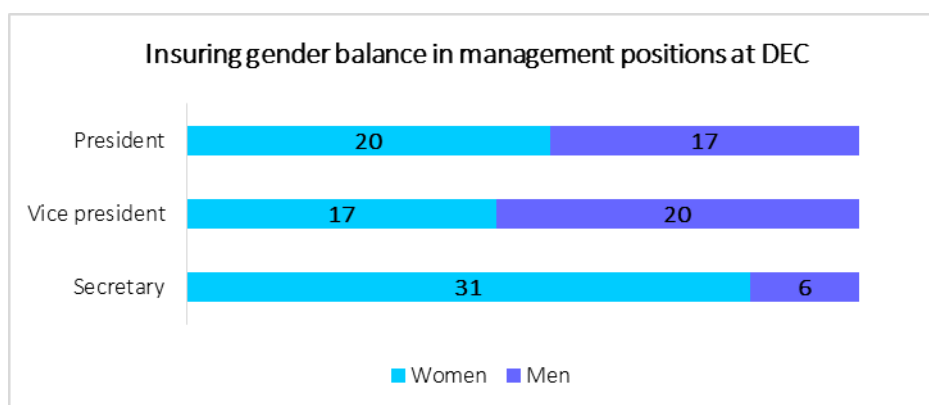
## 2.2. Activity of Level-Two District Electoral Councils

### 2.2.1. Election of the DEC management

According to Article 28(8) of the Electoral Code, within three days since the establishment date of electoral council, its members shall elect by secret vote the President, the Deputy President and the Secretary of the Council, and shall immediately communicate to CEC the results of these elections.

According to the information reported by Promo-LEX observers, in all of the 37 electoral councils visited, the management bodies were elected in line with the law. Gender balance was ensured when appointing people to managerial position, although we see that it’s mainly women that are appointed to the secretary position (84%) (see Chart 1).

Chart 1.



According to the information presented by observers, only 30 (81% of the 37) DEC’s made public the information about the membership of the electoral council.

### 2.2.2. Compliance with the activity schedule

According to the Regulation on the Activity of District Electoral Council, the governing bodies of the electoral constituency councils are to ensure DEC transparency by making public its decisions and other information. Of the 37 electoral councils visited by Promo-LEX observers, 31 level-two DEC’s (84%) displayed their work schedule.

According to the information provided by observers – 83 visits were made in total during working hours throughout the monitoring period, and on 76 occasions (92%) the DEC II offices were open, while on 7 occasions (8%) the DEC II offices were closed.

The work program was not complied with in each second of the DEC’s visited: No 10 Causeni; No 13 Donduseni; No 21 Ialoveni; No 23 Nisporeni; No 24 Ocnita; No 27 Rascani and No 38 for the polling stations set up abroad.

<sup>22</sup> [Online survey](#) on the new membership of the Parliament.

<sup>23</sup> [Online survey](#) on voters’ political preferences.



At the same time, note that during the monitored period, all DEC II meetings were conducted with physical presence<sup>24</sup>.

### 2.2.3. Changes to DEC membership

During the visited period, Promo-LEX OM found at least five cases when DEC II membership was changed (No 1 Chisinau, No 26 Rezina, No 34 Telenesti and No 38 for the polling stations established abroad). These changes were due to the requests for resignation of DEC members appointed by PAS, PSRM and PPS. Besides, in the case of DEC No 1 Chisinau, two positions of adviser operator were added to the staffing list of the council office.

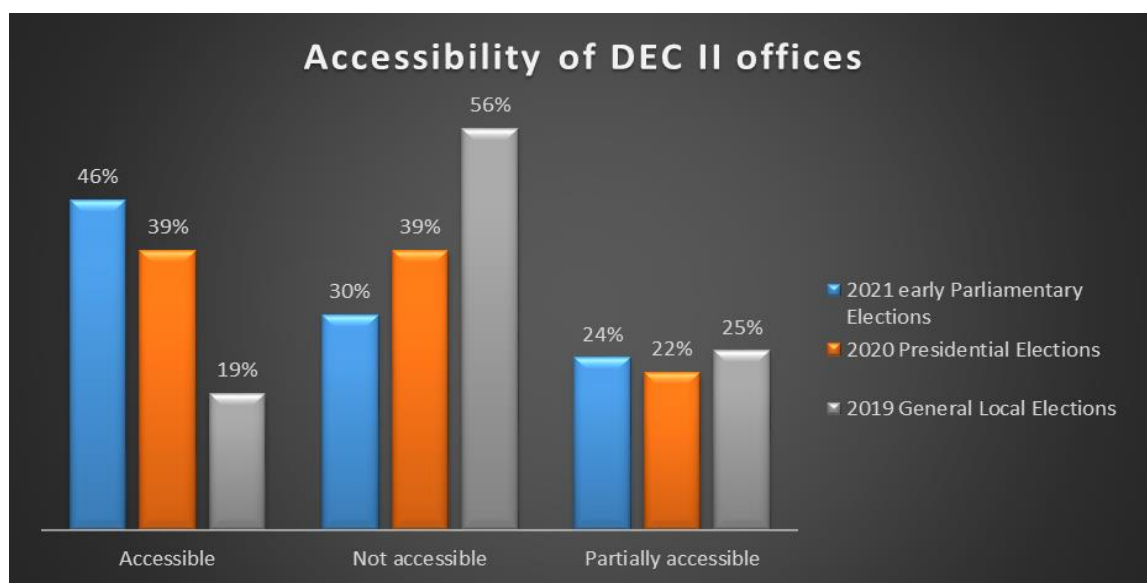
### 2.2.4. Accessibility of DEC II offices

The accessibility of electoral council offices is another aspect assessed by Promo-LEX observers while visiting DEC II. The assessment was based of three criteria: accessible (a ramp at least 90 cm wide and a handrail about 75 cm high), partially accessible (ramp available, but no handrail), and inaccessible (both elements are missing).

According to Promo-LEX observers' reports, for this election the buildings are still not endowed with infrastructure friendly to a larger number of people (people with mobility impairments, older persons, parents with strollers or other groups of people with special needs). Thus, of the 37 level-two DECs, only 17 (46%) seem to be accessible to groups of vulnerable people.

Though from the comparative perspective, progress was made compared to the last two national elections (2020 Presidential Elections and 2019 General Local Elections) (see Chart 2), Promo-LEX OM maintains its recommendation to electoral bodies and the local public administration to ensure the accessibility of all places of public interest for the Parliamentary election of 11 July 2021.

Chart 2.



### 2.2.5. Establishment of polling stations by DEC II

According to Article 30(2) of the Electoral Code, DECs shall establish the PSs in settlements on the basis of proposals from mayors of towns (municipalities), districts and villages (townships), no later than 35 days before election date, and shall comprise at least 30 and no more than 3000 of voters.

<sup>24</sup> According to item 31 of the Regulation on DEC activity provides that in cases when the state of emergency or public health emergency is established on the territory of the Republic of Moldova, as well as when motivated situations impede the physical presence of members in the office where the sessions of the electoral council are held, at the members' request, their participation in the electoral council's sessions may be organised by means of information technologies and communication and/or via on-line video-conference platforms.



Upon proposals from mayors of cities (municipalities), sectors and villages (townships), the 3000 voters limit can be exceeded by a maximum of 10%.

According to Article 30 of the EC and to Item 10 of the CEC Calendar Schedule, the deadline for setting up polling stations was set for 5 June 2021. Level-two ECCs established 1959 PSs (except for PSs in the transnistrian region and abroad). All polling stations were established by the set legal deadlines. Compared to the previous national elections, for the elections of 11 July 2021 DEC established by 12 PSs fewer than for the 2019 Parliamentary Elections and by 3 PSs fewer than for the 2020 Presidential Elections.

According to the information placed on the website of the electoral authority, the greatest number of PSs were set up in Chisinau Municipality (304).

### 2.3. Activities to establish polling stations to the left of Nistru (Transnistria)

In order to implement the law (Article 32(1) of EC), the electoral authority performed the following actions during the reporting period:

- By Letter No CEC-8/4047 of 31 May 2021, as a response to the no objection regarding the list of settlements approved for the Presidential election of November 2020, the electoral authority sent to the Bureau for Reintegration Policies (BRP) under the State Chancellery the preliminary list of venues where CEC intends to set up distinct polling stations for voters from the left bank of the Nistru river<sup>25</sup>.
- In its reply of 23-78-407-4027<sup>26</sup>, dated 1 June 2021, BRP reiterated the lack of any risks related to the establishment of distinct polling stations, as well as its recommendation for CEC to ask for the opinion of district presidents about access routes, and the opinion of law enforcement authorities about public order issues in the communities located in the Security Area. As for Corjova, the Bureau reiterated its concerns regarding the possibility to ensure proper public order and security, considering that the decision to establish a polling station in that settlement should be agreed with the Ministry of Internal Affairs.
- By Letter No CEC-8/4063<sup>27</sup> of 2 June 2021, addressed to local public authorities, the electoral authority sent the preliminary list of venues where CEC intends to set up distinct polling stations for voters from the left bank of the Nistru river and requested that PS offices are arranged and PEB members are appointed.
- On 4 June 2021, by Letter No CEC-8/4085<sup>28</sup>, the electoral authority sent to BRP the adjusted list of 44 polling stations. The Bureau draws the attention of electoral authority that Bender municipality and Corjova commune are settlements with a high security level that have areas that are beyond the actual control of the constitutional authorities where, in case of potential incidents, **it would be problematic or even impossible for the lawful authorities to ensure proper security and public order.**<sup>29</sup> Regarding this list, MIA informed CEC that it has enough capacities to ensure proper organisation of the early Parliamentary Elections of 11 July 2021, **whereas ensuring public order in Corjova commune, Dubasari district and in Bender municipality is possible only with the help of additional forces**, aspect to be discussed within the Joint Control Commission<sup>30</sup>.

On the same topic, we underline that on 7 June 2021, analysing the vulnerabilities and security risks, the Security and Intelligence Service (SIS) **found indices that opening of 3 PSs in Corjova commune, Dubasari district and Bender municipality could affect the smooth conduct of the Parliamentary elections.** Bender municipality is a settlement with a high security regime, beyond the actual control of the constitutional authorities of the Republic of Moldova, which makes it impossible to intervene in case of potential incidents. According to this institution, it will neither be

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<sup>25</sup>Promo-LEX OM draws the attention to the fact that the data stated in the annex to the letter on the number of polling stations are not available.

<sup>26</sup>BRP Letter [No 23-78-407-4027](#) of 1 June 2021.

<sup>27</sup> Letter [CEC-8/4063](#) of 2 June 2021.

<sup>28</sup> Letter [CEC-8/4085](#) of 4 June 2021.

<sup>29</sup> BRP Letter [No 23-78-425-4137](#) of 4 June 2021.

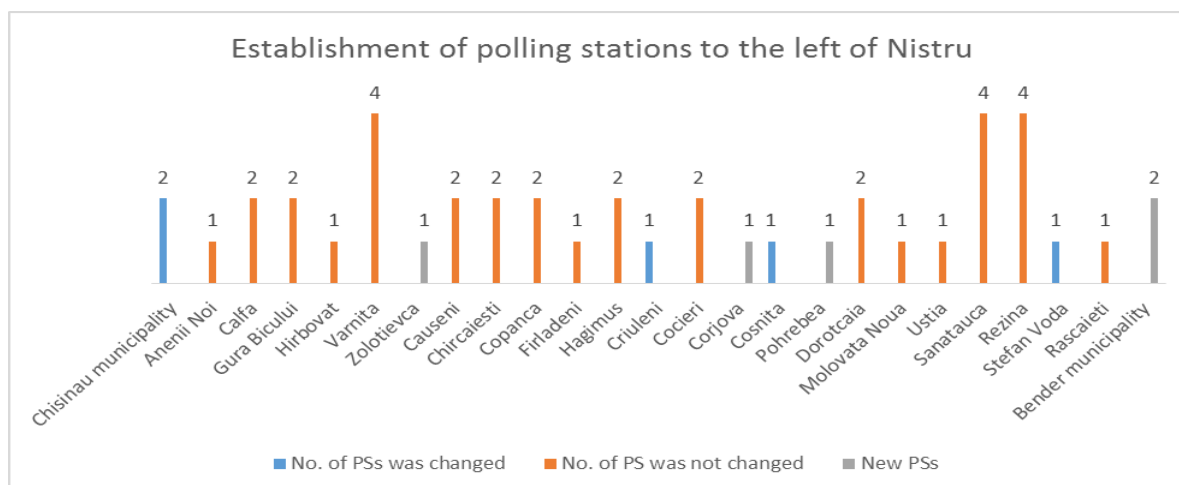
<sup>30</sup> MIA Letter [No 34/1-1972](#) of 4 June 2021.

possible to ensure that polling station members work impartially, without any influence by the illegal paramilitary structures of Tiraspol, nor the presence and security or national and international observers, which creates circumstances for vote rigging at this polling stations. At the same time, SIS underlined that, when passing the decision, CEC had not consulted SIS with regards to risks and threats posed by the Tiraspol regime, which has always opposed and banned any national elections on the territory controlled by it<sup>31</sup>. The SIS findings enjoyed a broad media coverage in the Republic of Moldova.

In addition to the above concerns, Promo-LEX OM draws the attention that CEC established two polling stations in constituency No 3 Bender, with two electoral offices to be established in the same constituency, rather than in DEC No 37, as stated by CEC Decision. We remind that CEC established constituency No 3 Bender for this election, without establishing the Bender district electoral council. However, Bender DEC should have been in charge of setting up potential electoral bureaus in constituency No 3, rather than DEC No 37.

Thus, in spite of the negative opinions received from relevant public authorities, in order to ensure the voting access to voters living in settlements on the left bank of the Nistru River, in Bender Municipality and several settlements in the district of Causeni, on 5 June 2021 CEC established 44 PSs for voters from the transnistrian region (see Chart 3).

Chart 3



Note that a CEC member, Dumitru Pavel, submitted a separate opinion stating that opening these polling stations is against the legal framework and criteria stated by law. He claims that none of the criteria stated in Article 32(3) of the Electoral Code was taken into account, and the number and location of polling stations is not justified and disproportionate for the objective reality<sup>32</sup>.

Promo-LEX OM remarked that for the Parliamentary Elections of 11 July 2021, the number of polling stations for voters to the left of Nistru River was by 2 greater than for the Presidential Elections of November 2020. This is despite the fact that the voter turnout in the Presidential Elections was lower (second round - 31,784) than in the 2019 Parliamentary Elections (37,257).

We underline that opening a greater number of polling stations is for the benefit of voters, but nevertheless we remind Promo-LEX policy document on the number and location of polling stations for voters from the transnistrian region<sup>33</sup>, developed during the pre-electoral period, which concludes that 28 polling stations represent a reasonable figure to ensure the participation of

<sup>31</sup> [SIS findings](#) regarding CEC Decision No 4965 on the establishment of PSs for voters living in settlements on the left bank of Nistru River of 5 June 2021.  
<sup>32</sup> [Separate opinion](#) of Dumitru Pavel to CEC Decision No 4965 on the establishment of PSs for voters living in settlements on the left bank of Nistru River of 5 June 2021.  
<sup>33</sup> [Policy document](#). Establishment of polling stations for the voters from the left bank of the Nistru River.

citizens from the left bank of Nistru River in the voting process. These should be established and concentrated in communities that border the communication routes of both river banks and Bender municipality, instead of the communities located at a certain distance from the access routes (Causeni, Calfa, Anenii Noi, Ustia, Zolotievca).

Regarding the movement of the citizens of the Republic of Moldova residing in the transnistrian region, note that the secessionist administration from Tiraspol extended until this 1 July the period of free movement to the settlements located to the left of the Nistru river and Bender municipality, without the need to coordinate preliminarily the entry into/exit from the region with the local 'crisis centers'<sup>34</sup>.

Regarding the pandemic context and COVID-19 infection rate in the transnistrian region, note that according to MHLSP data the number of persons susceptible to infection is decreasing continuously<sup>35</sup>.

#### **2.4. Setting up polling stations abroad**

*Actions in retrospective.* The deadline for setting up polling stations, including abroad, was 5 June 2021. During the observation period, on 27 May 2021, in its Recommendation No CEC-8/3998<sup>36</sup>, CEC asked the Government of the Republic of Moldova to inform about the source of fundings for the establishment of the 191 PSs suggested by MFAEI. MFAEI was also asked to submit information on the number of Moldovan citizens and their location, from the competent authorities from countries of residence. In addition, information was requested about the consent of host countries for potential venues of the polling stations, and the number of stations that the Ministry can support logistically, as well as how many PEB presidents can be appointed from the diplomatic staff.

In its letter of 2 June 2021, MFAEI provided the requested information, stating that 'leaving the issue of funding for a separate discussion, we note that the oversees voting logistics should be arranged in such a manner that the pressure of waiting queues decreases'<sup>37</sup>. At the same time, according to the publicly available information, the Government did not answer to CEC's request.

On 4 June 2021, CEC submitted to the Government and MFAEI for endorsement the list of 162 polling stations to be opened abroad for the purpose of early Parliamentary Elections of 11 July 2021, while according to Article 31(3) of the Electoral Code, 5 June 2021 was the deadline for establishing them. In the answer of 5 June 2021, MFAEI<sup>38</sup> concluded that they 'see no obstacles currently, which would prevent setting up PSs abroad'

*Passing the decision.* On 5 June 2021 CEC passed the Decision No 4966 on setting up polling stations abroad. Despite the suggestion of the rapporteur Dorin Cimil, CEC Chairperson, to establish 162 PSs abroad, it was voted to establish only 139 polling stations, at the initiative of CEC Secretary Maxim Lebedinschi.

Promo-LEX, being a member of the Civic Coalition for Free and Fair Elections (CALC), condemns the CEC decision to open only 139 polling stations abroad for the early Parliamentary Elections of 11 July 2021, deeming it to be illegal and irresponsible<sup>39</sup>.

The listed arguments include: omitting the three criteria for establishing polling stations abroad, which are provided for by the Electoral Code; preservation of the number and location of the polling stations set up for the 2020 Presidential Elections, even though the Electoral Code provides that PSs for voters who are abroad shall be established for each election individually; inconsistent

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<sup>34</sup> [Free movement](#) in the transnistrian region, 27 May 2021.

<sup>35</sup> [60 cases of COVID-19](#), registered in the past 24 hours (24 for the transnistrian region).

<sup>36</sup> [CEC Letter](#) requesting information about polling stations to be set up abroad, addressed to the Government of the Republic of Moldova and Ministry of Foreign Affairs and European Integration.

<sup>37</sup> [MFAEI Answer to the CEC request](#) No 8/3998 of 27.05.2021 on submitting information about opening polling stations abroad.

<sup>38</sup> [MFAEI answer to CEC request](#) No 8/4086 of 04.06.2021 on endorsement of the list of polling stations to be opened abroad.

<sup>39</sup> [Position of the Civic Coalition for Free and Fair Elections](#) in relation to the illegal decision of the Central Electoral Commission on the opening of polling stations abroad for the early Parliamentary Elections of 11 July 2021.

interpretation and enforcement of the legislation regarding the establishment of PSs for voters who are abroad and for voters from the transnistrian region, etc.

As well, at least four electoral contenders took part in the protest organised in front of the CEC premises against the decision of the authority to set up 139 PSs<sup>40</sup>. In this context, during the day of 7 June 2021 there were certain criticisms regarding the number of polling stations approved by the CEC, coming from the following representatives of public authorities: The President of the Republic of Moldova Maia Sandu<sup>41</sup>, the interim Prime Minister Aureliu Ciocoi<sup>42</sup>, the People's Advocate<sup>43</sup>, as well as the MFAEI<sup>44</sup>. We also draw attention to the information circulated in the public space by Dorin Cimil, who filed a complaint with the police. The CEC President invoked the threat from a colleague while exercising his duties during the discussions related to the amendment of the CEC decision on the establishment of the PSs abroad.

On 7 June 2021, a CEC meeting was held attempting to amend the CEC Decision No 4966, but in the end it was decided to postpone the subject for the meeting of 8 June 2021. Finally, on 8 June CEC decided to approve the Decision No 4974 for the amendment of the Decision No 4966 of 5 June 2021 'On the establishment of polling stations abroad for the early parliamentary elections of 11 July 2021'<sup>45</sup>. **The CEC decision established 146 PSs, 4 less than budgeted by the electoral authority** for the early parliamentary elections of 11 July 2021, but 7 more than in the 2020 presidential elections. In the opinion of the Promo-LEX OM, even in the case of these 146 PSs CEC did not take into account the legal criteria set out in the Electoral Code.

*Aspects of funding.* Regarding the financial aspect of establishing PSs abroad, Promo-LEX OM reiterates its position set out in the previous observation reports<sup>46</sup>, in which it 'expresses its concern about the lack of certainty and predictability in respect to the date of allocation of additional funds and sufficient coverage of the costs for the organisation and conduct of the elections. We are convinced that this situation may affect the good organisation and conduct of electoral procedures.

We remind that during the observation period, CEC, through the requests No CEC-8/3997 and No CEC-8/3998 of 27 May 2021, asked the Government of the Republic of Moldova to ensure the full funding for the organisation and conduct of the early parliamentary elections of 11 July 2021, as well as to communicate the source of funding necessary for the establishment of the polling stations, as proposed by MFAEI. On 7 June 2021, the interim Prime Minister Aureliu Ciocoi noted in a press release that 'the Government will do everything possible to finance the proper organisation of the election both in the country and abroad'<sup>47</sup>. We emphasize, however, that in the absence of a Government decision on the subject of full funding of the early parliamentary elections, the concerns remain valid.

*Promo-LEX assessment.* Taking into account the priority interest of the citizens with the right to vote and the experience of holding the recent presidential election in 139 SVs abroad (which proved to be insufficient, at least in some countries), **Promo-LEX OM believes that it would be necessary to open at least 150 PSs for the early parliamentary elections of 11 July 2021, according to the expenditure estimate approved by the electoral authority.** We also draw the attention to the fact that, the costs estimated for the organisation of the previous elections were as a rule by 20% higher than the actual/final costs incurred by CEC. Thus, it would have been possible to allocate these resources for the opening of up to 30 PSs (+20%) abroad, in addition to the 150 PSs already budgeted.

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<sup>40</sup> [A wave of criticism](#) and protests after CEC decided to open 'only' 139 polling stations abroad.

<sup>41</sup> [The head of the country asked CEC](#) to review its decision opposing the opening of more polling stations in the diaspora.

<sup>42</sup> [The reaction of the Interim Prime Minister](#) Aureliu Ciocoi to the CEC decision on the number of polling stations abroad.

<sup>43</sup> [Ombudsperson](#): The CEC decision of 05.06.2021 on the establishment of polling stations abroad contravenes human rights standards, failing to ensure the realization of the right to vote for all citizens.

<sup>44</sup> [The MFAEI took note of the CEC decision](#) on establishing 139 polling stations abroad.

<sup>45</sup> [The Decision No 4974](#) for the amendment of the Decision No 4966 of 5 June 2021 'On the establishment of polling stations abroad for the early parliamentary elections of 11 July 2021'.

<sup>46</sup> [Report 2](#). The Observation Mission of the Early Parliamentary Elections of 11 July 2021, p. 13.

<sup>47</sup> [Press release](#) of the Government of the Republic of Moldova. The reaction of the Interim Prime Minister Aureliu Ciocoi to the CEC decision on the number of polling stations abroad.

The Promo-LEX estimates based on the 150 PSs included in the expenditure estimate (broken down by 36 countries) are presented in Annex 2. In Table 1 20 countries are selected where the number of PSs estimated by Promo-LEX differ from the number of PSs established by the CEC.

*Table 1. Promo-LEX estimates on the distribution of the polling stations by country*

No	State	Criteria set by the Electoral Code			Promo-LEX Estimates <sup>48</sup> based on the 150 PSs	PS distribution by the CEC, the parliamentary elections, 2021 (146 PSs)	No PSs in 2020, the parliamentary elections (139 PSs)
		Voter turnout in 2020, second Round	Preliminary registrations (26.05.2021)	MFAEI, 2021, highest numbers			
1.	Belgium	6.506	1.684	20.000	3	2	2
2.	Canada	5.051	2.178	19.145	3	4	4
3.	Czech Republic	3.108	749	25.000	2	1	1
4.	Cyprus	577	170	7.000	0	1	1
5.	Switzerland	1593	773	7.000	2	1	1
6.	Russian Federation	14068	7.308	354.200	15	17	17
7.	France	26.939	8.922	160.000	12	10	8
8.	Germany	24.080	14.140	100.000	15	9	6
9.	Greece	2.313	553	30.000	2	1	2
10.	Ireland	11.189	5.173	20.000	5	4	4
11.	Israel	4.990	724	18.000	3	2	2
12.	Italy	83.032	21.796	300.000	30	31	30
13.	UK	26.408	16.176	42.000	12	10	7
14.	Norway	598	330	1.836	0	1	1
15.	Romania	19.530	6.676	19.000	9	12	13
16.	Spain	8.272	3.047	35.000	4	5	5
17.	USA	9.838	3.718	60.000	6	12	12
18.	Netherlands	2779	1.061	2.779	2	1	1
19.	Turkey	1.408	156	7.942	3	2	2
20.	Ukraine	512	81	24.862	3	2	2

*By comparing the Promo-LEX estimates (based on 150 PSs) with the CEC decision (based on 146 PSs), we point out that, in the Mission's view, more polling stations would need to be opened in Germany (+6), United Kingdom and France (+2). On the other hand, CEC opened several sections in the USA (+6), Romania (+3) and the Russian Federation (+2).*

Regarding the analysis of the changes made by the CEC on 8 June 2021, in the context of the increase from 139 PSs to 146 PSs, we note the increase by three PSs in Germany and the United Kingdom where the longest voter queues were formed and practically all the ballot papers were used up or on the verge of being used up. Inexplicably, in the case of the Russian Federation, of the total of 17 polling stations 12 PSs were concentrated in Moscow and its suburbs.

<sup>48</sup> As a basis for calculating this criterion, Promo-LEX OM used the voter turnout in the second round of the presidential elections of 1 (15) November 2021.

The number of preliminary registrations of citizens abroad is going to be established at the end of the respective procedure.

For this criterion, Promo-LEX took into account the data updated by the MFAEI for 2021, stating that the institution presented both the official figures provided by the authorities of the respective states and the estimates made by the embassies of the Republic of Moldova on the number of citizens abroad. In most cases these two sets of information differ significantly. However, starting from the priority interest of the citizen with the right to vote, Promo-LEX OM decided for this simulation exercise to take into account the numbers with higher values that were reported by the host states or the embassies of the Republic of Moldova. Additionally, in some cases, when the number of voters who participated in the 2020 presidential election was higher than the figure reported by the embassies of the Republic of Moldova, as well as by the host states, Promo-LEX OM retained and used for calculations the voter turnout data from the last national election.



### III. CONTENDERS' APPOINTMENT AND REGISTRATION

By 8 June 2021, three days before the expiry of the deadline for the submission of registration applications, CEC registered a total of 17 electoral contenders, of which 9 during the reference period of this report. Two other applications are under review. In comparison with Parliamentary Elections of 24 February 2019, there was a total of 15 contenders in the national constituency.

The gender quota within the lists of candidates is observed. No application for registration has been rejected. Meanwhile, no independent candidate has been registered.

#### 3.1. Candidates nomination and registration.

Between 27 May and 8 June 2021, nine political parties were registered as electoral contenders, and two others submitted their applications for registration of the candidates for the position of Member of the Parliament of the Republic of Moldova.

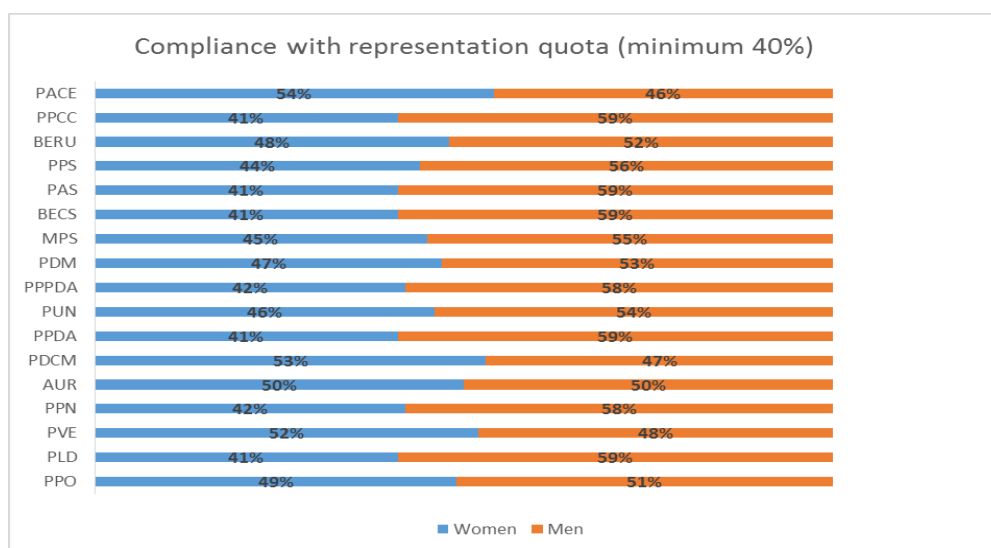
Table 2. Registration of electoral contenders (according to their order in the ballot paper)

No	Formation	Application date	Decision and date of the contender's registration
1	Political party Party We Build Europe Home 'PACE'	14.05.2021	CECD No 4855 of 21.05.2021
2	Political party 'Joint Actions Party - the Civic Congress'	14.05.2021	CECD No 4856 of 21.05.2021
3	Electoral bloc 'RENATO USATII'	14.05.2021	CECD No 4857 of 21.05.2021
4	'Sor' Political Party	14.05.2021	CECD No 4859 of 21.05.2021
5	Political party 'Action and Solidarity Party'	14.05.2021	CECD No 4858 of 21.05.2021
6	Electoral bloc of Communists and socialists	14.05.2021	CECD No 4854 of 21.05.2021
7	Professionals' movement 'Speranța - Надежда'	18.05.2021	CECD No 4908 of 25.05.2021
8	Democratic Party of Moldova	20.05.2021	CECD No 4921 of 26.05.2021
9	'Dignity and Truth Platform' Political Party	24.05.2021	CECD No 4935 of 31.05.2021
10	'National Unity Party' Political Party	26.05.2021	CECD No 4942 of 02.06.2021
11	'Democracy at Home' Political Party	27.05.2021	CECD No 4953 of 03.06.2021
12	'NOI' Political Party	28.05.2021	CECD No 4958 of 04.06.2021
13	'Development and Consolidation of Moldova Party' Political Party	28.05.2021	CECD No 4956 of 04.06.2021
14	'ALLIANCE FOR THE UNION OF ROMANIANS' Political Party	28.05.2021	CECD No 4957 of 04.06.2021
15	Ecologist Green Political Party	31.05.2021	CECD No 4967 of 07.06.2021
16	'Law and Justice Party' Political Party	01.06.2021	CECD No 4968 of 07.06.2021
17	'People's Power' Political Party	02.06.2021	CECD No 4973 of 08.06.2021
18	Party of the Regions from Moldova	07.06.2021	
19	'Patriots of Moldova' Party	07.06.2021	

In order to evaluate implementation of the provisions of Article 46(3) of Electoral Code<sup>49</sup>, we examined the lists of candidates of the nine electoral contenders registered during the reference period. Thus, according to the Chart 4, we find that the minimum share of representation of 40% of each sex was respected by all nine political parties that submitted lists of candidates. We also mention that in all 17 cases from the beginning of the election period, the positions of candidates in the lists is set according to the legal provisions, *minimum four candidates of the same gender for every 10 positions.*

<sup>49</sup> The lists of candidates for the parliamentary and local elections shall be drawn up by observing the minimum share of representation of 40% of each sex. The formula for positioning the candidates in the lists is: minimum four candidates per ten places.

Chart 4



We note that, in accordance with the legal provisions, the deadline for submitting documents for registration of candidates for the position of Member of Parliament of the Republic of Moldova expires on 11 June 2021 (30 days before election day).

### 3.2. Registration of initiative groups for the registration of independent candidates

Point 12 of the Regulation on the peculiarities of election contender nomination and registration for the position of Member of the Parliament of the Republic of Moldova stipulates that in order to be registered by the CEC, the independent candidate submits candidate nominating petitions containing the signatures of supporters with the right to vote under Article 86 of the Electoral Code. Signatures shall be collected by the initiative group that nominated and/or support the independent candidate or only by the independent candidate if the latter decides not to set up an initiative group.

During the monitored period, Promo-LEX OM identified the registration of a single initiative group for signature collection in support of the independent candidate Veaceslav Valico<sup>50</sup>.

Contextually, we mention that, according to the information published on the webpage of the electoral authority, CEC issued candidate nominating petitions for at least 11 candidates<sup>51</sup> for the position of the Member of Parliament who submitted applications in this regard, without setting up an initiative group.

<sup>50</sup>CEC Decision No [4924](#) of 26 May 2021.

<sup>51</sup> Oleg BREGA, Victor GROSU, Anatoli ZALEVSCHI, Vladimir MAIDUC, Ion STEGĂRESCU, Veaceslav ZMEU, Boris ERIOMENCO, Mihai CRISTIAN, Profir PLATON, Victor BRĂILEANU, Vladislav BUDECI.

## IV. ELECTORAL LITIGATIONS

*During the monitored period, 5 complaints were filed with CEC, most of them being against the actions of electoral contenders. Regarding three of the registered complaints, the CEC issued letters of return within the legal deadline, and regarding two of them it did not express an opinion.*

*Also, four notifications were submitted to the address of Central Electoral Commission, which were not resolved within the maximum term provided by the law for the examination of complaints (5 days).*

*According to observers, at least 10 complaints were filed with the Chisinau Court of Appeal against CEC actions and decisions. Of these, four complaints concern the establishment of polling stations abroad. By 8 June 2021, the Chisinau Court of Appeal issued its resolution on 5 of the 10 complaints, declaring the actions filed inadmissible.*

*With regard to the inadmissibility of one complaint by the CEC and three complaints by the Chisinau Court of Appeal due to the lack of actual harm to the personal right of voter or electoral contender, Promo-LEX believes that the reason invoked is unfounded since any electoral violation affects the right of voters to form an opinion or the right of electoral contenders to run on equal terms.*

### 4.1. Complaints and notifications submitted to the CEC

During the monitored period, five complaints were filed with CEC, which included:

- two were submitted by electoral contenders (AUR – 1, BECS – 1);
- one was submitted by a potential electoral contender (PUN), in the complaint being mentioned that it is also submitted by the voter Octavian Ticu;
- one – by a political party not registered as an electoral contender (PLDM) in the interests of a mayor (Magdacesti village),
- one – by a mayor (Magdacesti village).

All complaints were filed against the actions of electoral contenders (BECS – 2; PDM – 2, PPCC – 1). These relate to allegations of misuse of administrative resources (1)<sup>52</sup>, used for electoral purposes of the image and authority held as mayor (2)<sup>53</sup>, dissemination of false and derogatory information in public speech (1)<sup>54</sup> or in the materials for electioneering activities (1)<sup>55</sup>.

Regarding three of the registered complaints, the CEC issued letters of return to depositors within up to two days. *Thus, we find that the deadline provided by the law for the return of complaints has been met.* We point out that the reasons of returning two complaints were the lack of electoral status of the depositors, and in the case of the third complaint – the lack of electoral status of the subject against whom the complaint was filed. The other two complaints, according to the available information, were not addressed.

Furthermore, regarding the submission of the complaint by a potential electoral contender and as a voter, the Commission mentioned that *'the admissibility of the complaint is to be viewed in the light of Article 17 in conjunction with Article 207 (2) (e) of the Administrative Code, i.e. in terms of the existence of actual harm to the personal right of voter'*. We note that, according to Article 71 (2) of the Electoral Code, the detailed procedure for examining the complaints during the electoral period is approved by decision of the CEC. In this regard, we point out that neither the Electoral Code nor the Regulation on the procedure for reviewing and settling complaints by electoral bodies during the electoral period provide the obligation of the complainant to prove the existence of actual harm to the personal right.

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<sup>52</sup> [Complaint](#) No 1: PUN vs BECS.

<sup>53</sup> [Complaint](#) No 2: PLDM vs PDM, [Complaint](#) No 3: L. Cojocaru vs PDM.

<sup>54</sup> [Complaint](#) No 4: BECS vs PPCC.

<sup>55</sup> [Complaint](#) No 5: AUR vs BECS.



While in the electoral process the legislator expressly established subjects with the right to appeal (voters, electoral contenders), in the administrative procedure the legislator established that the participant in the administrative procedure is any individual or legal entity who requested the initiation of the procedure or in respect of which the procedure was initiated, thus substantiating the condition regarding the existence of the harmed right. In this sense, it is not clear why in the electoral process, in addition to the quality held, the complainant should also prove his harmed right.

International standards also state that the appeal procedure must be simple and non-formal, in particular regarding the admissibility of complaints.<sup>56</sup> At the same time, the Code of Good Practice in Electoral Matters states that in order to ensure the effective application of the rules that guarantee the freedom of voters to form an opinion, any violation of those rules must be sanctioned. And the freedom of voters to form an opinion can be violated by individuals, for example, when they try to buy votes.<sup>57</sup>

*In conclusion, we consider that the inadmissibility of the complaint which has as reason the lack of actual harm to the personal right of the voter or electoral contender is unfounded, or, any alleged electoral violation affects the right of voters to form an opinion or the right of electoral contenders to run for elections on equal terms. Thus, we consider that in the light of the short deadlines, the electoral authority and the courts should examine on the merits any complaints, the admissibility stage not being applicable to the electoral aspects once the contesting subject is determined.*

In addition, on 2 June 2021, **four notifications** were submitted to the Central Electoral Commission. Of these, in two notifications are alleged violations of electoral provisions by the President of the Republic of Moldova, and in two others – alleged violations of electoral rules by candidates nominated by PAS (O. Stamate, A. Spanu). Among the issues of the notifications are the involvement of the President in the electioneering, the dissemination of false and denigrating information, the use of administrative resources. By 8 June 2021, none of these notifications were addressed.

*Taking into account the fact that the respective notifications were not addressed within the maximum term provided by the legislation for complaints (5 days), we draw the CEC's attention to the need of solving them in short time including notifications or requests alleging violation of electoral provisions.*

#### **4.2. Electoral disputes.**

During the reference period, at least 10 complaints were filed with the Chisinau Court of Appeal against the actions and decisions of the CEC. Most of the complaints are related to:

- setting up polling stations abroad (four complaints filed by BERU, PAS, PPPDA, PUN) and polling stations for voters from the left bank of the Nistru river (one complaint filed by PPPDA);
- registration/non-registration of a candidate or electoral contender in elections (two complaints filed by PPN, one complaint filed by PPCC).

By 8 June 2021, regarding those five complaints, the Chisinau Court of Appeal issued its resolution, declaring the actions filed inadmissible<sup>58</sup>. The complaints were solved within one day (two complaints); two days (one complaint) and four days (two complaints). *Thus, we find that in these cases was met the legal term established in Article 73 (1) Electoral code for solving complaints within a maximum of five calendar days.*

In the case of at least three conclusions out of five, the reason for the inadmissibility of the complaints was based on the provisions of Article 207 (2) (e) Administrative Code – the plaintiff cannot claim the violation, through the administrative activity, of a personal right. *In this regard, we*

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<sup>56</sup> [Code](#) of Good Practice in Electoral Matters, item 3.3.b.

<sup>57</sup> [Code](#) of Good Practice in Electoral Matters, item 3.1.a, c.

<sup>58</sup> [Conclusion](#) of the Civil, Commercial and Administrative Litigation Board of Chisinau Court of Appeal of 1 June 2021, in the case of Cavaliuc Gheorghe vs CEC; [Conclusion](#) of the Civil, Commercial and Administrative Litigation Board of Chisinau Court of Appeal of 7 June 2021, in the case of PP. vs CEC; [Conclusion](#) of the Civil, Commercial and Administrative Litigation Board of Chisinau Court of Appeal of 8 June 2021, in the case of PUN vs CEC; [Conclusion](#) of the Civil, Commercial and Administrative Litigation Board of Chisinau Court of Appeal of 8 June 2021, in the case of PPPDA vs CEC; [Conclusion](#) of the Civil, Commercial and Administrative Litigation Board of Chisinau Court of Appeal of 8 June 2021, in the case of PP. vs CEC.

*reiterate that any alleged electoral violation affects the right of voters to form an opinion or the right of electoral contenders to run on equal terms.*

Following the complaint against one of the conclusions of the Chisinau Court of Appeal, the Supreme Court of Justice upheld the conclusion of the first instance<sup>59</sup>.

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<sup>59</sup> [Decision](#) of the Civil, Commercial and Administrative Litigation Board of Supreme Court of Justice of 7 June 2021, in case of Gheorghe Cavcaliuc vs CEC.

## V. STATE REGISTER OF VOTERS

During the current year, starting with 02.03.2021, CEC publishes monthly SVR data. Based on the information presented on 01.06.2021, we deduce the maintenance of the trends reported by Promo-LEX in previous reports<sup>60</sup>: the gradual decrease of the total number of voters simultaneously with the increase of the number of voters in the Transnistrian region and of those without domicile/residence.

In comparison with the SVR information from the Presidential Elections of 1 November 2020, for now, we find a decrease in the total number of voters by 4,852 citizens. At the same time, the number of voters without domicile/residence increased by 4,691, and of those in the Transnistrian region – by 2,395.

Table 3. Dynamics of the number of voters from 2020 to 2021, based on SVR data

Date	Total No of voters	Dynamics	No of voters without domicile/residence	Dynamics	No of voters from ATU, from the left bank of Nistru River	Dynamics
08.10.2020	3 287 140		232 631		256 203	
02.03.2021	3 284 618	-2 522	234 803	+2 172	257 722	+1 519
02.04.2021	3 283 182	-1 436	235 856	+1 053	258 010	+288
04.05.2021	3 282 783	-399	236 744	+888	258 287	+277
01.06.2021 <sup>61</sup>	3 282 288	-495	237 322	+578	258 598	+311

We reiterate that the increased number of voters without domicile/residence and of those in the Transnistrian region creates prerequisites for the increased share of citizens who could vote on additional rolls. And this fact contradicts the international recommendations in the field<sup>62, 63</sup>.

<sup>60</sup> [Report No1](#). The Observation Mission of the Early Parliamentary Elections of 11 July 2021, p. 27.

<sup>61</sup> [The total number of voters](#) registered in State Voter Register on the date of 1 June 2021 is 3282288. The CEC press release.

<sup>62</sup> [Code](#) of Good Practice in Electoral Matters, p. 6.

<sup>63</sup> OSCE/ODIHR-Venice Commission [Joint Opinion](#) on the Law for Amending and Completing Certain Legislative Acts (Electoral System for the Election of the Parliament) of Moldova, item 77.

## **VI. PUBLIC ADMINISTRATION**

*Promo-LEX OM continues to find gaps in the way LPAs fulfill their duties of ensuring a transparent and accurate electoral process. According to observers, out of the total of 351 LPAs visited, about 283 (81%) approved decisions establishing designated places for electoral posters, and at least 274 mayoralties (78%) adopted decisions on providing premises for meetings with voters.*

*We draw attention to the information shared by the Congress of Local Authorities from Moldova, this being also confirmed by other sources, about a number of mayors voicing concerns on the initiation by the investigation and control authorities of unannounced checks, including at the request of some MPs, electoral contenders.*

*Note that in these elections too the Chisinau Municipal Council failed to approve the nomination of PEB members by local public authorities. The meeting did not take place on the grounds that the PSRM and PPS councillors were not present. We draw the attention that using the CEC's Register of Electoral Officials as a replacement of the LPA powers to appoint PEB members undermines the transparency of the electoral process and raises concerns about the integrity of procedures. We also note the non-transparent nature of the mechanism for substituting officials from LPAs with those from the REO. The concerns of the Observation Mission are also fuelled inclusive by the obstruction by the Chisinau Municipal Council of access to relevant information for electoral operations.*

### **6.1. Establishing places for electoral posters and venues for meetings with voters**

By 8 June 2021, Promo-LEX observers have visited 351 level-one LPAs. The observers reported on the activity of LPAs during early Parliamentary Elections:

*With regard to the decision on places for electoral posters.* 283 mayoralties (81%) adopted the decision on places for electoral posters. Out of them, only 154 decisions (54%) were displayed at the LPA premises. At the same time, places for posters were prepared in 253 ATUs (72%). Of these, there was enough space for electoral advertising for all election contenders (at least 1 sq.m. per election candidate) in 136 settlements only (54%).

*With regard to the decision on venues for meetings with voters.* At least 274 mayoralties (78%) have approved decisions on venues for meeting with voters. Only 148 decisions of these (54%) were posted at the LPA premises. Out of 274 LPAs that have approved such decisions, 237 (87%) provided for free a place of meeting with voters. On the other hand, 37 LPAs (13%) set a charge from MDL 100 to MDL 1500 per hour, i.e. MDL 200 – MDL 3000 per meeting.

We note that in compliance with item 31 of the schedule, the deadline for establishing the places for electoral displays and the premises for conducting meetings with voters is 8 May 2021.

*With regard to the use of the venues for meetings.* In 27 settlements the venues were already used for meeting with voters. The venue users were PAS (9 – for free), PPS (4 – for free), PPPDA (2 – for free), BERU (1 – for free), PAC CC (1 – for free), PDM (1 for free and 1 for 200 MDL), BECS (10 for free and 1 for 500 MDL), PACE (2 – for free and 1 for 1000 MDL).

### **6.2. Actions that can be qualified as intimidation and pressure in relation to LPAs**

On 31 May 2021, the Congress of Local Authorities from Moldova (CALM) submitted to the President of the Republic of Moldova, Government, State Chancellery, CEC, Council of Europe, Prosecutor General, electoral contenders, media and civil society *the Appeal in relation to a number of mayors and representatives of LPAs, from different regions of the Republic of Moldova, voicing concerns on the initiation by the investigation and control authorities of unannounced checks, including at the request of several MPs, electoral contenders.* It was alleged the selective approach and a „special” attitude of the respective state authorities, whose actions target only certain mayors with particular political

views. We mention that, according to the document, the checks were carried out during the election period, in non-compliance with the legal deadlines, being selective, abusive and aiming to intimidate and block the activity of LPAs<sup>64</sup>.

We note that on 3 June 2021 Sergiu Litvinenco (PAS) published an inquiry made by Vasile Bolea (PSRM), who requested law enforcement bodies to investigate the „poor management of the local budget” and the „misuse of public funds” in the mayoralty of Cupcui, Leova district<sup>65</sup>, and on 7 June, the mayor of Festelita village, Stefan Voda district, reported that similar inquiries were also sent to Stefan Voda Police Inspectorate concerning the check of several funding sources for certain expenses made by the authority he is in charge of<sup>66</sup>.

We also note that Promo-LEX observers reported at least eight cases (Iordanovca village, Basarabeasca district; Ciobalaccia village, Cania village and Cantemir, Cantemir district; Iargara and Leova, Filipeni and Tochile-Răducani villages, Leova district<sup>67,68</sup>) of pressure on LPAs from Vasile Bolea (PSRM). According to the observers and based on what was mentioned by public officials, the reason for unannounced checks of LPAs was the poor management of the local budget and the misuse of public funds. We note that several mayors have been summoned by law enforcement bodies that made accusations against them.

We point out that according to Venice Commission, when necessary, public authorities can make declarations and issue clear instructions on not tolerating any form of pressure against public officials and that any public official or citizen should not fear for their position or social services as a result of supporting any political party or candidate. Public officials should benefit from protection against any form of intimidation or pressure. They, as well as their relatives must be protected against sanctions, pressure or intimidation (hidden) when disclosing an alleged fraud or the misuse of administrative resources. And if, in general, the legal framework does not protect the informants, there should be specific rules for electoral processes<sup>69</sup>.

### **6.3. LPAs’ duties in appointing the members of the electoral body**

According to Article 28(5) of Electoral Code, in the case of parliamentary elections, the applications of two DEC II members are proposed by level-two local councils and the People's Assembly of Gagauzia.

For now, Promo-LEX OM found at least one case where the LPA failed to meet its obligation to appoint members to the PEB. Thus, Chisinau Municipal Council (CMC) meeting of 7 June 2021, having the topic of nominating candidates for establishing PEB on its agenda, did not take place, being boycotted by PSRM and PPS councillors<sup>70</sup>.

Note that according to the data on the website of the Chisinau Mayorality, latest information on the CMC agenda from the ‘*Activity of the Council*’ and ‘*CMC meetings*’ sections dates 19 April 2021<sup>71</sup>.

Verbally and subsequently in written form, the Promo-LEX observer requested a list of persons nominated on the behalf of Chisinau LPA to be the members of the PEB, from the interim secretary of the CMC. Note that despite the Article 68 of Electoral Code, Promo-LEX observer was denied access to the relevant documentation about the electoral process by the LPA representatives. Moreover, it

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<sup>64</sup> [Appeal](#) of CALM in relation to a number of mayors and representatives of LPAs, from different regions of the Republic of Moldova, voicing concerns on the initiation by the investigation and control authorities of unannounced checks, including at the request of several MPs, electoral contenders, 31 May 2021.

<sup>65</sup> [Deschide.md](#)

<sup>66</sup> [Deschide.md](#)

<sup>67</sup> [Independent.md](#)

<sup>68</sup> [Alexandru Bujorean, Mayor of Leova Mayorality.](#)

<sup>69</sup> [Joint Guidelines](#) for preventing and responding to the misuse of administrative resources during electoral processes, Venice Commission, p. 10, 2016.

<sup>70</sup> [CMC meeting](#) was cancelled due to the lack of quorum.

<sup>71</sup> [Meetings](#) of the Chisinau Municipal Council.

was alleged that interdiction was due to the discussion with Mr. Berlinschi from CEC. Rationale invoked was that draft law was not approved and it is not an official document.

Promo-LEX OM disagrees with obstructing observers' access to electoral documentation. Also, we repeatedly draw attention to the existing reasonable doubts about the transparency and integrity of the process of appointing PEB members in the Chisinau municipality. We believe that the delegation of PEB members through deliberation by the municipal council is unreasonably substituted with non-transparent appointment by the CEC within REO.

We remind that during presidential elections of November 2020, Promo-LEX observers reported the lack of municipal council's decision on this issue, members of all PEBs set up by DEC No 1 in Chisinau Municipality were appointed either by the parliamentary political parties or on the basis of the REO<sup>72</sup>. Final Report of the Promo-LEX OM of the 2016 Presidential Elections Observation highlights the 'lack of transparency in the establishment of the Register of Electoral Officials (REO) and the setting up, according to it, of lower-level electoral bodies'<sup>73</sup>.

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<sup>72</sup> [Final Report](#). Observation Mission of the Presidential Election in the Republic of Moldova of 1 (15) November 2020, p. 57.

<sup>73</sup> [Final Report](#). Observation Mission of the Presidential Election in the Republic of Moldova of 30.10.2016, p. 25.

## VII. ELECTORAL CONTENDERS

During 26 May – 8 June 2021, at least 673 electoral activities conducted by nine electoral contenders were reported, the most active being BECS – 357 (53%) activities and PAS – 177 (26%) activities. The most observed were dissemination of electoral materials (62%) and electoral meetings (26%).

The observers also reported at least 42 cases that can be regarded as use of administrative resources with electoral impact, of which: BECS – 34 cases (81%), PDM – 4 cases (10%), PAS – 2 cases (5%), BERU and PDCM – 1 case each. By categories, the breakdown is the following: involving public sector employees in election campaign activities – 27 cases (64%), organisation of electoral meetings within state institutions with their employees, during their working hours – 12 cases (29%) and taking credit for works/services performed from public funds – 3 cases (7%).

The Promo-LEX observers also reported at least one case that can be regarded as offering gifts with electoral impact, with the involvement of the BECS candidate. During the observed period, at least 8 cases were reported (PAS – 4 cases, BECS – 2 and PPPDA and PUN – 1 case each) in which images/state symbols of the Republic of Moldova or other states were used for electoral promotion purposes.

We also draw attention to two cases of campaign activities involving religious cults. At least one case was reported in which representatives of religious cults were directly involved in the PDM election campaign, as well as at least one case in which BECS used the image of religious cults in promotional activities.

### 7.1. Activities with electoral overtones carried out until the contenders' registration

In accordance with Article 52(4) of the Electoral Code, as well as with the CEC Schedule<sup>74</sup>, electioneering is allowed only after the registration of the electoral contender by the electoral body. It should be noted that, according to the law, *electioneering* is an activity of preparation and dissemination of information containing a call to vote in order to determine voters to vote for certain electoral contenders.

Despite the above, during the monitored period, Promo-LEX observers reported at least 9 activities with electoral overtones, conducted by potential electoral contenders during the examination of applications submitted to CEC (information materials dissemination and meetings with citizens). Of them, PPPDA and PUN are involved in 3 cases, PDA – in 2 cases and AUR – in one case.

### 7.2. Promotion activities in the election campaign

During 26 May – 8 June 2021, at least 673 electoral activities conducted by nine electoral contenders were reported (see Table 4). According to the Promo-LEX observers, the most active was BECS (53%), followed by PAS (26%) and PDM (5%).

Table 4. Electoral activities of electoral contenders

Activities	BECS	PAS	PDM	PPCC	BERU	PPPDA	PPS	PACE	PUN	Total
Dissemination of electoral materials	226	105	15	26	18	13	5	4	2	414
Întruniri cu alegătorii	86	53	12		7	6	7	4	1	176
Door-to-door activities	32	5				1	2			40
Marches/Flashmobs	1	7			1	1		2		12
Press conferences	4	6	4			3	1	3	1	22
Events for children	8									8
Cleaning activities		1								1
<b>Total</b>	<b>357</b>	<b>177</b>	<b>31</b>	<b>26</b>	<b>26</b>	<b>24</b>	<b>15</b>	<b>13</b>	<b>4</b>	<b>673</b>

<sup>74</sup> [The CEC schedule](#) for organising and conducting the early Parliamentary Elections of 11 July 2021, Item 33.



The most popular activities used by the candidates for electoral promotion purposes were the dissemination of electoral materials (62%) and the electoral meetings (26%).

### 7.3. Activities that may be viewed as use of administrative resources for electoral purposes.

During the observation period, at least 42 cases viewed as use of administrative resources<sup>75</sup> for electoral promotion purposes were identified, of them BECS is involved in 34 cases, PDM – in 4 cases, PAS – in 2 cases, BERU and PDCM – one case each, as follows:

- *Involving the public sector employees in election campaign activities* – 27 cases, of which BECS is involved in 24 cases and BERU, PAS and PDM – one case each (see Table 5). In the case of BECS, besides 11 cases included in the table, we note that on 26 and 28 May 2021, two articles<sup>76</sup> on the support of BECS by mayors and councillors of about 13 LPA were published on the official PSRM website. Besides the fact that mentioned officials support BECS, they – holding a civil service position – also call on voters within the LPA area of their office to support and/or vote for BECS.

Table 5. The engagement of public sector employees in election campaign activities

Contender	Locality	Date of the event	Description of the event
BECS	Anenii Noi, Anenii Noi	26.05.2021	Ion Vicol, president of the Anenii Noi district council, Ruslan Cretu, mayor of Floreni village, Valina Cusnir, mayor of the Ciobanovca village, Sergiu Moroz and Valentina Chemscaia, deputy mayors of Anenii Noi town, attended an electoral meeting during working hours.
	Basarabasca	26.05.2021	Piotr Puscari, president of the Basarabasca district council and Nina Capsamun, director of the Basarabasca railway junction ('Calea Ferata din Moldova' SOE), during working hours, attended an electoral meeting.
	Briceni, Lipcani	26.05.2021	Evghenii Dumenco, mayor of Lipcani town, was present at an electoral meeting during working hours.
	Balti, Sadovoe	26.05.2021	Serghei Buzurnii, mayor of Sadovoe village, was present at an electoral meeting during working hours.
	Briceni, Berlinti	26.05.2021	Viorica Oleinic, mayor of Berlinti village, was present at an electoral meeting during working hours.
	Balti, Balti	26.05.2021	Serghei Gramma, director of 'Furnizarea Energiei Electrice Nord' JSC was present at an electoral meeting during working hours.
	Edinet, Zabriceni	27.05.2021	Nicolae Melnic, president of Edinet district council, was present at an electoral meeting during working hours.
	Edinet, Terebna	27.05.2021	Victor Titanu, mayor of Terebna village, was present at an electoral meeting during working hours.
	Edinet, Cuconestii Noi	27.05.2021	Nicolae Melnic, president of Edinet district council, and Irina Chimacovschi, mayor of Cuconestii Noi village, were present at an electoral meeting during working hours.
	Edinet, Badragii Noi	27.05.2021	Nicolae Melnic, president of Edinet district council, and Liuda Semenitcaia, mayor of Badragii Vechi village, were present at an electoral meeting during working hours.
	Basarabasca, Isrelia	02.06.2021	Ludmila Rotari, mayor of Isrelia village, was present at an electoral meeting during working hours.
BERU	Leova, Leova	03.06.2021	Alexandra Topala, mayor of Baius village, was present at an electoral bloc launching event during working hours.
PAS	Criuleni, Criuleni	04.06.2021	Valeriu Cartin, mayor of Mascauti, was present at PAS electoral meeting during working hours.
PDM	Cimislia, Cimislia	28.05.2021	A number of public sector employees (Iurie Raileanu – director of 'Posta Moldovei' Cimislia SOE; Tamara Pascaru – head of the Cimislia District Public Health Center; Sveatoslav Prodan – director of the Cimislia Forestry Enterprise) were present at the event of launching the PDM teams from Cimislia and Basarabasca in the election campaign, during working hours.

<sup>75</sup> OSCE and Venice Commission state that administrative resources are human, financial, material, in natura (like some benefits from social programmes, including goods and in kind resources) and other immaterial resources enjoyed by both incumbents and civil servants in elections, deriving from their control over public sector: staff, finances and allocations, access to public facilities as well as resources enjoyed in the form of prestige or public presence that stem from their position as elected or public officers and which may turn into political endorsements or other forms of support.

<sup>76</sup> PSRM press-releases of 26 and 28 May 2021 in support of BECS.



- *Taking credit for works/services performed from public funds* – 3 cases, BECS, PDM and PDCM are involved in one case each.

In case of BECS, on 26 May 2021, during an electoral meeting with the employees of the Anenii Noi District Hospital, Igor Dodon recalled his initiative, when he as the country's president declared 2020 the Year of health care worker and said: 'I started to gradually increase the salaries of health care employees. I regretted that the third stage of 40% salary increase starting with 1 July, was blocked by President Maia Sandu' (message in the social media). At the same time, the PSRM leader credited the party for the procurement of a pulmonary ventilator for the health care institution. *De facto*, this device was purchased with public money, allocated from the reserve fund of the Anenii Noi District Council.

In case of PDM, on 27 May 2021, at the event launching the party in the election campaign, Pavel Filip took credit for implementing the 'Drumuri bune' ('Good roads'), 'Prima casa' ('First house'), 'Un doctor pentru tine' ('A doctor for you') and for increasing the salaries and pensions – all implemented from public money. Note that it is also mentioned that PDM also took credit for these projects in the brochure (printed on 19 May 2021) distributed for electoral promotion purposes.

In case of PDM, on 8 June 2021, at the event launching the party in the election campaign, Ion Chicu took credit for decreasing taxes, increasing the salaries, for 'Drumuri bune' project etc.

- *Organisation of electoral meetings within state institutions with their employees, during their working hours* – 12 cases, of which BECS is involved in 9 cases, PDM – in 2 cases and PAS – in one case (see Table 6).

*Table 6. Electoral meetings organised in state institutions during working hours*

Contender	Locality	Date of the event	Description of the event
BECS	Anenii Noi, Anenii Noi	26.05.2021	Organising an electoral meeting with the employees of District Hospital.
	Basarabasca	26.05.2021	Organising an electoral meeting with the employees of District Hospital, social workers.
	Cimislia	27.05.2021	Organising an electoral meeting with employees of territorial subdivision of National Food Safety Agency, social workers.
	ATUG, Besalma	27.05.2021	Organising an electoral meeting with the employees of kindergarten.
	Ocnita, Ocnita	28.05.2021	Organising an electoral meeting with the employees of 'Apa Canal' ME.
	Ocnita, Ocnita	28.05.2021	Organising an electoral meeting with the employees of 'Ocol Silvic' ('Forestry') SOE.
	Causeni, Causeni	02.06.2021	Organising an electoral meeting with the employees of the 'Salubrizare si Amenajare' ME.
	Basarabasca	02.06.2021	Organising an electoral meeting with the employees of District Hospital.
	Ocnita, Ocnita	04.06.2021	Organising an electoral meeting with employees of District Council Culture Unit.
PAS	Chisinau, Cricova	28.05.2021	Organising an electoral meeting with the employees of the 'Alexei Mateevici' Theoretical Lyceum.
PDM	Hancesti, Crasnoarmeiscoe	01.06.2021	Organising an electoral meeting with the employees of kindergarten.
	Causeni, Tocuz	02.06.2021	Organising an electoral meeting with the employees of kindergarten.

#### **7.4. Cases that can be qualified as gifts with electoral impact**

During the monitored period, at least one case that can be regarded as offering gifts with electoral impact was reported, with the involvement of BECS. Thus, we find that on 5 May 2021, Vitalii Evtodiev, a candidate from BECS lists, gifted a playground for children to the Parcani village, Slobozia district. The candidate stated in a social media posting: 'On the occasion of International Children's Day (...), children of Parcani village, Slobozia district, received a playground from me'<sup>77</sup>.

<sup>77</sup> [Social media posting](#) of 5 June 2021.

## 7.5. Cases that can be qualified as electoral promotion using images of public authorities and national symbols

According to Article 52 (8) of the Electoral Code, images representing state institutions or public authorities of the country, other states or international organisations cannot be used for the purpose of electoral advertising. In addition, the combinations of colours and/or sounds that invoke national symbols of the Republic of Moldova or any other state, the use of materials with historical personalities of the Republic of Moldova or from abroad, symbols of other foreign countries or international organisations, or the image of some foreign officials is prohibited.

However, note that at least 8 cases were reported (PAS – 4 cases, BECS – 2 and PPPDA and PUN – 1 case each) in which images/state symbols of the Republic of Moldova or other states were used for electoral promotion purposes, as follows:

- *PAS – 4 cases.* Thus, the first case<sup>78</sup>, PAS candidates used the flag and the anthem of the Republic of Moldova during the event of launching in election campaign. At the same time, the images of President Maia Sandu and foreign officials (Klaus Iohannis, Dacian Ciolos, Ludovic Orban, etc.) were widely used.

In the second case<sup>79</sup>, on 26 May 2021, PAS promoted on social media the meeting between Igor Grosu, PAS President, and Ambassador of Romania Daniel Ionita, stressing the importance of development partners in the further development of the Republic of Moldova.

In the third case, on 4 June 2021, PAS promoted a video spot<sup>80</sup> on social media in support of candidate Gheorghe Agheorghiesei, who used the image of President Maia Sandu, mentioning that corruption motivated him to become more actively involved in politics, namely ‘to support President Maia Sandu’s PAS team’.

In the fourth case, in the newspaper published on June 4, 2021, paid from the account "Electoral Fund", with a circulation of 100,000 copies, was used the image of Maia Sandu as leader of PAS in 2016-2020, as well as a image from its investment in the position of President of the Republic of Moldova.

- *BECS – 2 cases.* In the first case, on 4 June 2021<sup>81</sup>, PSRM conducted social media promotion of the working meeting between Igor Dodon, leader of PSRM, and George P. Kent, Deputy Assistant Secretary of State, Bureau of European and Eurasian Affairs of the Department of State, voicing PSRM position regarding the development of the Republic of Moldova.

As for the second case, on 8 June 2021, BECS conducted social media promotion of the message of supporting the establishment of the electoral bloc by Kazbek Taisaev, deputy of the State Duma of the Russian Federation, deputy chairman of the Union of Communist Parties<sup>82</sup>.

- *PPPDA – 1 case.* PPPDA candidates used the flag and the anthem of the Republic of Moldova during the event of launching in election campaign<sup>83</sup>.
- *PUN – 1 case.* PUN candidates used the flag and the anthem of the Republic of Moldova during the event of launching in the election campaign<sup>84</sup>.

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<sup>78</sup> PAS event of [launching](#) in the election campaign, dated 5 June 2021.

<sup>79</sup> [Meeting](#) between Igor Grosu, PAS President and Ambassador of Romania, Daniel Ionita.

<sup>80</sup> [Video clip](#) promoting PAS candidate to the position of Member of the Parliament Gheorghe Agheorghiesei.

<sup>81</sup> PSRM [press release](#): PSRM leader met with Deputy Assistant US Secretary of State.

<sup>82</sup> [BECS posting](#).

<sup>83</sup> PPPDA event of [launching](#) in the election campaign, dated 2 June 2021.

<sup>84</sup> PUN event of [launching](#) in the election campaign, dated 5 June 2021.

In this context, we repeat Promo-LEX opinion that lawmaker should revise the content of the respective prohibitions so that they are more precise, more explicit and take into account the general framework that regulates the freedom of expression. When the restrictions are inappropriate and almost impossible to apply, the legislator could consider abolishing them<sup>85</sup>.

## 7.6. Outdoor/promotional/on-line advertising

During the observation period, at least 1,227 cases of using political advertising by 11 electoral contenders were reported (see Table 7). According to the observers, most cases included activities for the promotion of BECS – 49%, PAS – 28% and BERU – 6%.

Table 7. Data on using political advertising by electoral contenders

<i>Advertising used</i>	<i>BECS</i>	<i>PAS</i>	<i>BERU</i>	<i>PPCC</i>	<i>PPPDA</i>	<i>PDM</i>	<i>PPS</i>	<i>AUR</i>	<i>PACE</i>	<i>PUN</i>	<i>PDA</i>	<i>Total</i>
Newspapers, leaflets, brochures, posters, etc.	285	130	22	26	22	21	9		5	5		<b>525</b>
Jackets, bags, caps, etc.	114	102	18	20	5	4	2		6	1	1	<b>273</b>
Tents	145	53	14		4	16			4			<b>236</b>
Publicitate online (postări, bannere)	5	37	16	3	2		13	10	1	7		<b>94</b>
Banners	20	15		1	14	1			2			<b>53</b>
Video spots:	9	4	3					10		1	1	<b>28</b>
Street billboards	18											<b>18</b>
<b>Total</b>	<b>596</b>	<b>341</b>	<b>73</b>	<b>50</b>	<b>47</b>	<b>42</b>	<b>24</b>	<b>20</b>	<b>18</b>	<b>14</b>	<b>2</b>	<b>1227</b>

The most frequent types of advertising used during the election campaign included electoral materials (newspapers, posters, leaflets) - 43%, visibility materials (jackets, bags etc.) – 22%, and tents – 19%.

## 7.7. Cases that can qualify as use of the image of religious cults in the election campaign

During the monitoring period, at least one case was reported in which representatives of religious cults were directly involved in the PDM election campaign, as well as at least one case in which BECS used the image of religious cults in promotional activities for electoral purposes.

Thus, in the first case, note that during an election meeting on 2 June 2021, conducted in Izbiste village, Criuleni district, the local priest conducted electioneering in support of PDM, stressing that development of the locality was possible thanks to the programs implemented by the party (for example, ‘Drumuri bune’).

In the second case involving BECS, we see that Igor Dodon, candidate from the bloc list, visited the church ‘Nasterea Maicii Domnului’ (‘Birth of the Divine Mother’) from Boscana village, Criuleni where he spoke with parishioners. The event was largely promoted on the social media and official PSRM website.

## 7.8. Situations that can be qualified as intimidation and/or using violence during the election campaign

During the monitored period, at least three cases that can be qualified as intimidation and/or using violence during the election campaign. In the first case, it appears that BECS was responsible for actions of intimidation/violence and in the second case BECS was assaulted.

Thus, we note that during the working visit in Edinet town on 1 June 2021, President Maia Sandu met protests, organized – according to eyewitnesses – by several young socialists from the Balti youth organization.

<sup>85</sup> [Final Report](#) . The Observation Mission of the New Local Elections of 20 May (3 June) 2018, p. 26. [Report](#) No 3. Observation Mission of the Presidential Election in the Republic of Moldova of 1 November 2020.

On the other hand, on 2 June 2021, PSRM representatives published photos reflecting the vandalised PSRM office in Causeni on social media (it was sprinkled with excrements). The case is being investigated by the police.

## VIII. ELECTION CAMPAIGN FUNDING

*The reports on the financing of the electoral campaign for the first week of the campaign, which were to be submitted by 28 May 2021, were submitted by 6 candidates out of 8, and for the second week (which were to be submitted by 4 June 2021) – by 7 electoral contenders out of 10. In both periods MPSN did not comply with the legal provisions. PACE (with a delay) and PUN stated that they did not incur any campaign expenses. In the case of PACE, there was a delay on the part of the commercial bank whose services the candidate used when opening an ‘Electoral Fund’ account.*

*Between 21 May and 4 June 2021, 7 electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) reported total revenues of MDL 9,551,708. Of these, 47% were reported by BERU, 20% – by PAS, 11% – by PDM, 8% each – by BECS and PPS, and 3% each – by PPCC and PPPDA. The declared revenues were accumulated within the legally established thresholds. Sources: 57% as money transfers from the current account of 6 political parties; 34% were raised from donations made by individuals, including citizens of the Republic of Moldova living abroad; 5% were donations made by legal entities and 6% – donations in commodities, works or services.*

*During the reporting period, seven electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) reported total revenue amounting to MDL 5,880,932. Of them, 47% of the declared expenses were made by BERU, 13% - by BECS and PPS each, 11% - by PAS, 9% - by PDM, 5% - by PPPDA and 3% - by PPCC. Thus, we found that of the total reported expenses, 39% were made for election advertising purposes, and 34% – for promotional materials (electoral program, posters, leaflets, etc.), 16% - to organise electoral events, 10% - for transport and 1% - for other categories.*

*Promo-LEX OM estimated at least MDL 1,922,687 as undeclared expenses during the first two weeks of the election campaign, of which PAS – MDL 1,068,194 (56%), BECS – MDL 457,335 (24%), PPPDA – MDL 119,860 (6%), PPCC – MDL 91,909 (5%), PACE – MDL 86,249 (4%), PPS – MDL 81,509 (4%), PDM – MDL 13,185 (1%), BERU – MDL 4,447. The costs for advertising materials (56%), and outdoor and mobile advertising (18%) have the biggest share of the unreported expenses.*

### **8.1. Submitting the financial statement of the political party at the beginning of the election campaign**

According to the Article 43(7) of the Electoral Code, political parties that will make transfers into the ‘Electoral Fund’ account shall submit with CEC a financial report on the balance of funds of the party. According to Item 45 of CEC schedule<sup>86</sup> the above mentioned report shall be submitted on the date when the election campaign of the electoral contender begins.

By 8 June 2021, 17 electoral contenders were registered and 8 reports<sup>87</sup> of political parties who intend to make transfers into the ‘Electoral Fund’ account were published on CEC’s official website (see Table 8). Of these, note that for the financial support of BERU, both parties of the bloc submitted the reports (PN and PPP) and in the case of the second electoral bloc registered in the electoral race – BECS, only PSRM submitted the report (PCRM didn’t submit that report).

### **8.2. Opening bank accounts, appointing treasurers, electoral contenders reporting to CEC and managing the process by the electoral body**

During the observed period, the following situation was found regarding the compliance of electoral contenders with the legal provisions that are relevant for the funding of election campaign:

➤ *person in charge of electoral contender funding (treasurer)*<sup>88</sup>. According to the data published on CEC official website, and according to the decisions on the registration of electoral

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<sup>86</sup> [The schedule](#) for organising and conducting early Parliamentary Elections of 11 July 2021, approved by CEC Decision No 4817 of 5 May 2021.

<sup>87</sup> PPCC, BERU, PPS, PAS, BECS, PDM, PPPDA.

According to the<sup>88</sup> Item 46 of CEC [schedule](#), electoral contenders shall confirm the persons in charge of finances (treasurers) when the candidates are registered in the electoral race or right after their registration.

contenders, it was found that all those 17 candidates registered until 8 June 2021 appointed treasurers with CEC (see Table 8).

➤ *opening and not opening the 'Electoral Fund' account*<sup>89</sup>. According to the data published on CEC official website, and according to the decisions on the registration of electoral contenders, it was found that the 'Electoral Fund' account was opened by 10 electoral contenders<sup>90</sup> of those 17 registered (see Table 8).

In the case of PACE, on 4 June 2021, the contender chose to organise a press conference during which it stated that the commercial bank that serves the party delays the opening of 'Electoral Fund' account and that after about two weeks after the request, the account was not open. In the same train of thoughts, we found that in case of MPSN, one registered, against the legal provisions, the contender did not submit any information with CEC about the election campaign funding. In the case of PUN, on 4 June 2021, a request was submitted with CEC to inform it about the fact that the contender did not open the 'Electoral Fund' account and did not make any campaign expenses.

➤ *report after three days since the opening of the 'Electoral Fund' account*<sup>91</sup>. During the observed period, reports submitted within three days after opening the 'Electoral Fund' account by four electoral contenders were published on CEC's official website (see Table 8).

➤ *weekly reporting with CEC on election campaign funding*<sup>92</sup>. The reports on electoral campaign funding, which were to be submitted by 28 May 2021 (first week of the campaign), were submitted only by 6 candidates out of 8 that were to submit such reports. PACE and MPSN did not comply with the legal provisions. Note that in the case of PACE, only on 5 June 2021, a request was submitted with CEC informing it about not opening the 'Electoral Fund' account and not making any campaign expenses.

The reports on electoral campaign funding, which were to be submitted by 4 June 2021 (second week of the campaign), were submitted only by 7 electoral contenders out of 10 that were eligible. MPSN did not comply with the legal provisions. In the case of PUN and PACE, requests were submitted with CEC informing it about not making any campaign expenses.

*Table 8. Opening 'Electoral Fund' accounts, appointing treasurers and submitting weekly reports to CEC*

<i>Contender</i>	<i>Registering the contender</i>	<i>Appointing the treasurer</i>	<i>Report of the party at the beginning of the campaign</i>	<i>Opening the 'Electoral Fund' account</i>	<i>Early report (3 days)</i>	<i>Report week 1</i>	<i>Report week 2</i>
PEACE.	21.05.2021	21.05.2021				request	request
PPCC	21.05.2021	21.05.2021	28.05.2021	26.05.2021	28.05.2021	28.05.2021	04.06.2021
BERU	21.05.2021	21.05.2021	23.05.2021	26.05.2021	-	28.05.2021	04.06.2021
PPS	21.05.2021	21.05.2021	24.05.2021	21.05.2021	-	28.05.2021	04.06.2021
PAS	21.05.2021	21.05.2021	25.05.2021	21.05.2021	26.05.2021	28.05.2021	04.06.2021
BECS	21.05.2021	21.05.2021	21.05.2021	25.05.2021	27.05.2021	28.05.2021	04.06.2021
MPSN	25.05.2021	25.05.2021	-	-	-	-	-
PDM	26.05.2021	26.05.2021	26.05.2021	26.05.2021	-	28.05.2021	04.06.2021
PPFDA	31.05.2021	31.05.2021	31.05.2021	01.06.2021	03.06.2021		04.06.2021
PUN	02.06.2021	02.06.2021		request			request
PDA	03.06.2021	03.06.2021		01.06.2021			
AUR	04.06.2021	04.06.2021					
PDCM	04.06.2021	04.06.2021		28.05.2021			

<sup>89</sup> According to Article 41(2) of the Electoral Code, the electoral contender shall inform CEC about opening or not opening the 'Electoral Fund' account. According to Item 47 of CEC schedule, electoral contenders shall submit the information about opening or not opening the 'Electoral Fund' account within three days after the registration.

<sup>90</sup> PPCC, BERU, PPS, PAS, BECS, PDM, PPPDA, PDA, PDCM, PLD.

<sup>91</sup> According to Article 43(1) of the Electoral Code, the political parties and electoral blocs, initiative groups and independent candidates, in case of parliamentary or presidential elections, shall submit with CEC, within three days after opening the 'Electoral Fund' account, and later, every week, a report about the funds accumulated and the expenses made during the election campaign.

<sup>92</sup> Article 43(1) and (6) of the Electoral Code. According to CEC schedule, the deadline for submitting the reports for the observed period was 21 May 2021, 28 May 2021 and 4 June 2021.

PPN	04.06.2021	04.06.2021					
PVE	07.06.2021	07.06.2021					
PLD	07.06.2021	07.06.2021		25.05.2021			
PPPO	08.06.2021	08.06.2021					

On 8 June 2021, by Decision No 4975<sup>93</sup>, CEC took note of the information submitted by electoral contenders BECS, PPCC, BERU, PAS, PPS and PDM through the reports submitted by 28 May 2021, including the information from the reports submitted three days after opening the ‘Electoral Fund’ account. At the same time, the electoral authority summoned MPSN to submit the information about election campaign funding within 24 hours.

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

According to Article 43(1) of the Electoral Code, during the election campaign for the Presidential Elections, electoral contenders shall submit with CEC a weekly report about the funds accumulated and the expenses made during the election campaign. According to Item 48 of CEC schedule<sup>94</sup>, the deadline for submitting the financial reports for the first two weeks of the election campaign was 28 May 2021 and 4 June 2021.

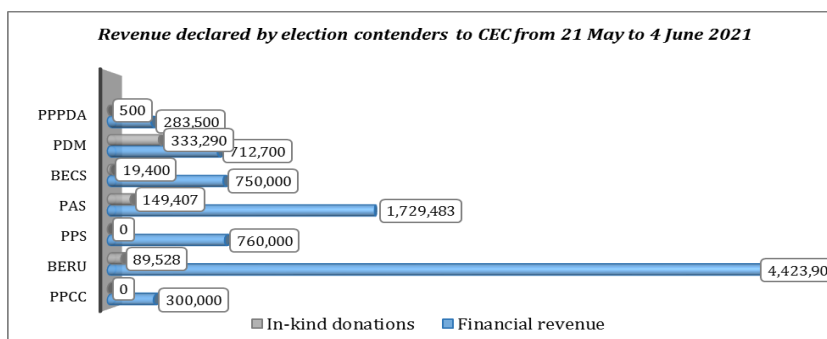
According to the information published on CEC website, six electoral contenders (PPCC, BERU, PPS, PAS, BECS and PDM) published the reports, and 7 electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) – for the second week. PACE and PUN declared the lack of campaign revenues and expenses by 4 June 2021.

As regards the rectitude and accuracy of the reported information, note that in case of PPCC, there was no continuity between the information submitted on 28 May 2021 and later on 4 June 2021. Thus, we find that in the report submitted on 28 May 2021 published on CEC website, PPCC declared MDL ‘0’ for revenues and expenses. Later, on 4 June 2021, the data indicated in the section intended for the first week of campaign (28 May 2021) were different from those from the initial report (they reported revenues of MDL 200,000 and expenses of MDL 165,005).

#### 8.3.1. Reported revenues and their origin

Between 21 May and 4 June 2021, 7 electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) reported total revenues amounting to MDL 9,551,708 (including donations in commodities, objects, works or services)<sup>95</sup>. Of these, 47% were reported by BERU, 20% – by PAS, 11% – by PDM, 8% each – by BECS and PPS, and 3% each – by PPCC and PPPDA (see Chart 5).

Chart 5



<sup>93</sup> [CEC Decision](#) No 4975 of 8 June 2021 on the reports about revenues and expenses of electoral contenders during the election campaign for early Parliamentary Elections of 11 July 2021, as of 21 and 28 May 2021.

<sup>94</sup> [The schedule](#) for organising and conducting early Parliamentary Elections of 11 July 2021, approved by CEC Decision No 4817 of 5 May 2021.

<sup>95</sup> The total initial balance of the contenders at the beginning of the campaign was MDL ‘0’ (zero) and the final balance reported on 4 June 2021 – MDL 3,113,646.



The reported revenues were raised from the following sources (see Chart 6):

- 57% (MDL 5,479,500) were collected from the transfers of funds from the current account of six political parties (PN, PPS, PAS, PSRM, PDM and PPPDA) into 'Electoral Fund' account of six electoral contenders – BERU, PPS, PAS, BECS, PDM and PPPDA (see Chart No 6);
- 34% (MDL 3,045,491) were collected from donations made by individuals, including from individuals who live abroad (MDL 168,383);
- 5% (MDL 434,592) were collected from donations made by legal entities;
- 6% (MDL 592,125) – from donations in commodities, works or services (see Chart 6).

Chart 6

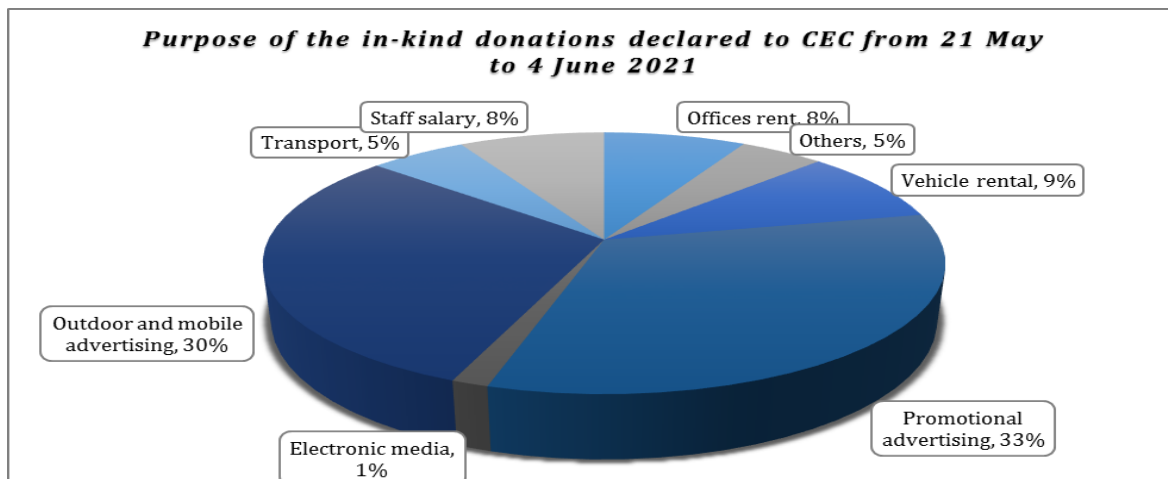
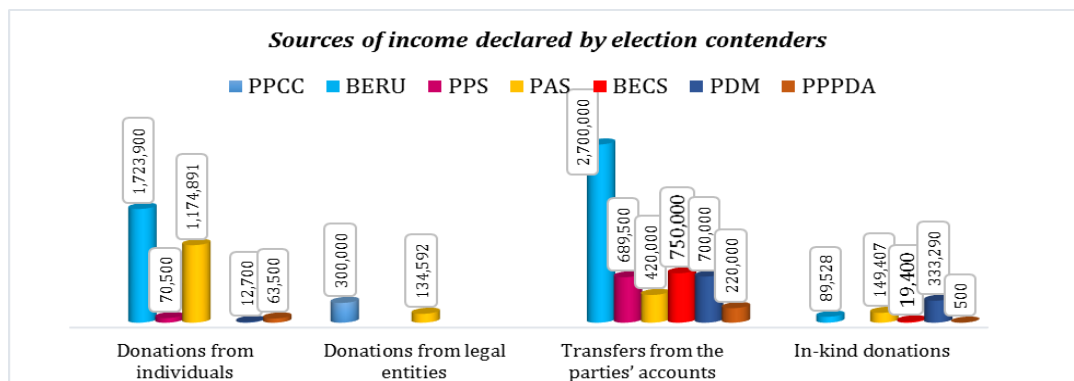


Chart 7

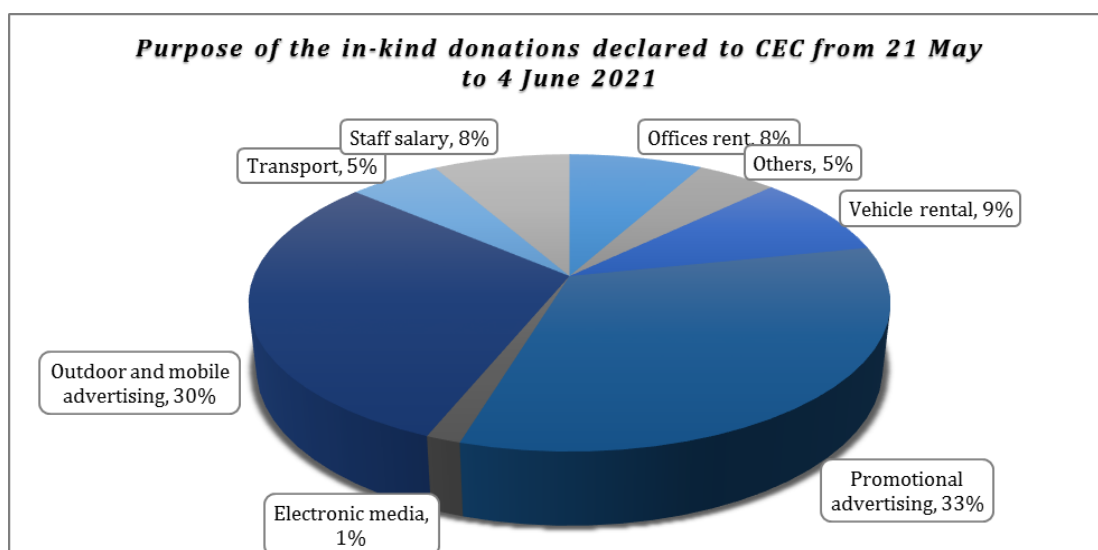


Following the verification of the donations received by the candidates in the 'Electoral Fund' account, it was found that the legal thresholds established for both donations of individuals (transfer and cash) and of legal entities (transfer) were observed.

As regards the reported material donations, note that following their distribution depending on the reported expenses, it was found that 33% of them were for promotional advertising, 30% – for outdoor and mobile advertising and 17% – for rental services (offices, vehicles) – see Chart 8.



Chart 8



As regards the reporting of material donations or the free services, like in the previous reports for the observation of elections, we reiterate that, according to Promo-LEX, those donations are a positive practice to ensure the transparency of election campaign. Moreover, this is a good measure if it is not possible to open a special bank account intended for revenues and expenses during election campaign. However, this practice seems to be a symbolic one as the amounts estimated for these donations are not include din the balance of the report, in the section financial turnover, both as funding source (with the indication of individuals or legal entities that donated, the origin of the source of these donations) and as expenses (function of expenses).

According to Promo-LEX, the arbitrary declaration of these donations, without clear and exhaustive instructions developed by CEC, risks to diminish the accuracy of the reporting and use it a method of avoiding the rules imposed for the check of financial flows from the 'Electoral Fund' account.

### 8.3.2. Reported expenses and their intended use

During the reporting period, 7 electoral contenders (PPCC, BERU, PPS, PAS, BECS, PDM and PPPDA) reported financial expenses in the total amount of MDL 5,880,932 (see Chart 9). Of them, 47% of the declared expenses were made by BERU, 13% – by BECS and PPS each, 11% – by PAS, 9% – by PDM, 5% – by PPPDA and 3% – by PPCC.

Chart 9

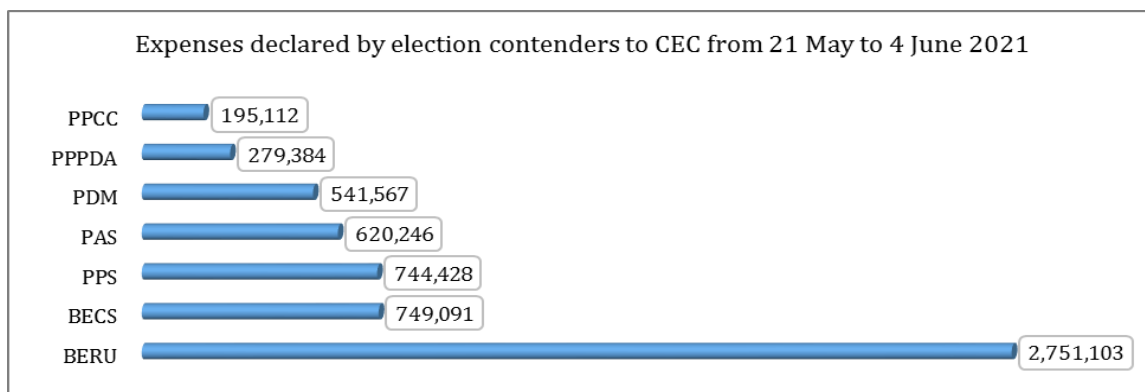
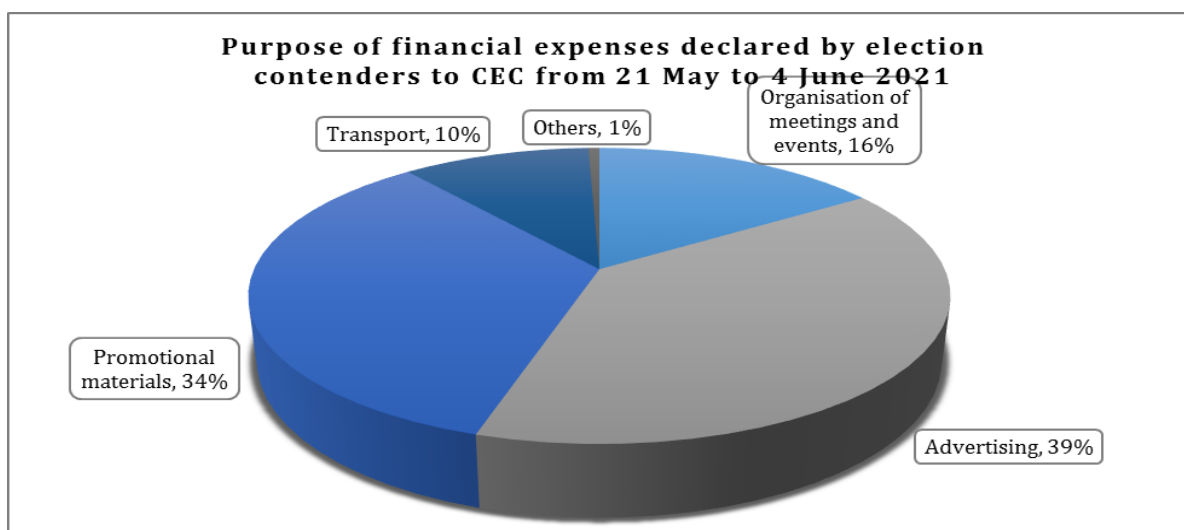


Chart 10 reflects the financial expenses that were not reported with CEC depending on their purpose. Thus, we found that of the total reported expenses, 39% were made for election advertising

purposes, and 34% – for promotional materials (electoral program, posters, leaflets, etc.), 16% - to organise electoral events.

Chart 10



#### 8.4. Election contenders' expenses estimated by Promo-LEX

The Promo-LEX estimates for electoral activities carried out by the contenders cover the period between 21 May 2021 and 4 June 2021 (first weeks of election campaign that were reported with CEC on 28 May 2021 and 4 June 2021, respectively). Electoral activities were accounted for each electoral contender beginning with the registration in the electoral race and until 4 June 2021.

Later, the expenses estimated by Promo-LEX were compared with the expenses reported with CEC in the reports on election campaign funding (including the material donations). As a result, six categories of expenses were identified based on which the Promo-LEX estimates are significantly different from the information from the reports on election campaign funding submitted with CEC.

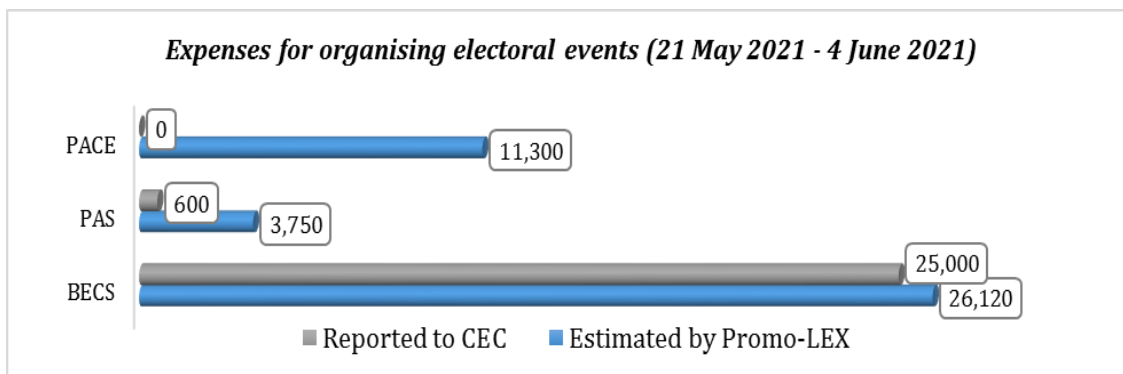
Thus, note that electoral contenders in respect of whom were estimated expenses that are different from the information submitted with CEC (expenses estimated by Promo-LEX as unreported) should report the total expenses incurred during the election campaign in future reports or eventually, in the final report that will be submitted with the electoral authority until 9 July 2021 (2 days before the election day).

In the same context, note that when estimating the expenses, Promo-LEX applies the minimum market prices identified for the services, goods and works applied by the contenders for electoral purposes. However, we believe that there may exist certain discrepancies between the costs applied by Promo-LEX and those indicated by the electoral contenders (both when reporting the financial expenses and those from material donations).

##### 8.4.1. Estimation of expenses for organising electoral events

Based on the forms reported of LTO for 21 May – 4 June 2021, Promo-LEX estimated unreported expenses in relation to three electoral contenders (PACE, BECS and PAS) for organising electoral events<sup>96</sup> in the amount of minimum MDL 15,570 (see Chart 11).

<sup>96</sup> Expenses for the props used during the events (sound, lights), for renting the venue, for moderato, animators, media coverage, etc.

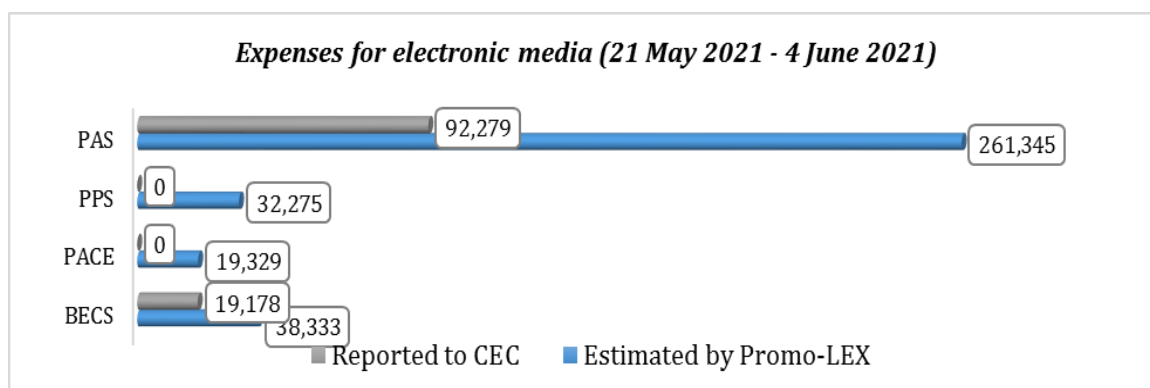


Thus, we found that the biggest share of unreported expenses for organising the events was registered by PACE (MDL 11,300), PAS (MDL 3,150) and BECS (MDL 1,120).

#### 8.4.2. Estimation of advertising expenses by means of electronic media

During 21 May – 4 June 2021, Promo-LEX observers reported promotion activities of electoral contenders through social media (sponsored advertising), promotion of electoral video clips<sup>97</sup>, online banners<sup>98</sup> and organisation of press conferences<sup>99</sup>. As a result, the total unreported expenses estimated in relation to four electoral contenders (PACE, BECS, PAS and PPS) amounted minimum to **MDL 239,825** (see Chart 12).

Chart 12



Thus, we found that the biggest share of unreported expenses for electoral advertising through electronic means was registered in the case of PAS (MDL 169,066), PPS (MDL 32,275), PACE (MDL 19,329) And BECS (MDL 19,155).

#### 8.4.3. Estimation of expenses for promotional materials

Promo-LEX observers reported the distribution by the electoral contenders of promotional materials printed in the context of the election campaign for the Parliamentary Elections of 11 July 2021. Note that according to the legal framework, each advertising material, shall bear the name of the electoral contender, date of publishing, turnout, name of the Publishing House<sup>100</sup> – information which is also collected and reported by observers.

In this context, note that in 5 June 2021, Promo-LEX observers reported that the electioneers of

<sup>97</sup> PAS – at least 3 professionally edited video clips.

<sup>98</sup> Online banners on websites were reported in the case of BERU, PPS, PAS, BECS, PDM, PPPDA, PUN and PACE.

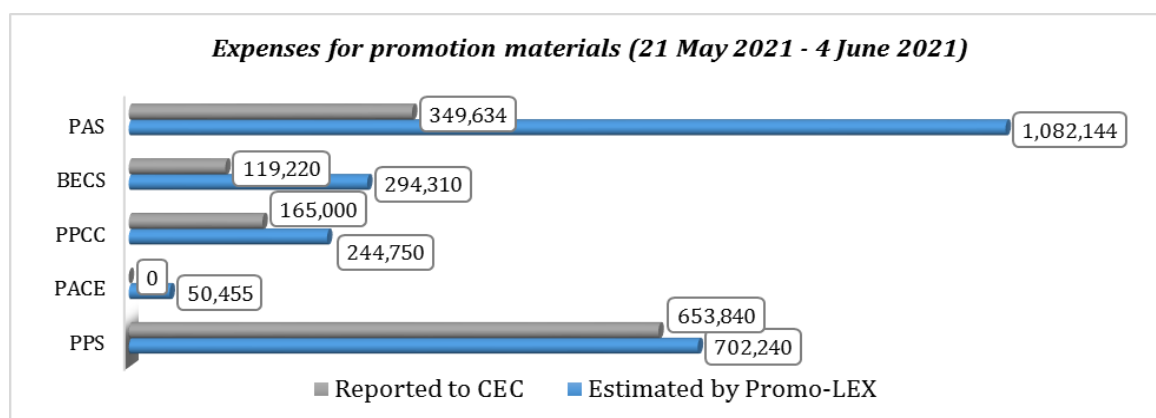
<sup>99</sup> PAS – four conferences broadcast on [www.privesc.eu](http://www.privesc.eu), BECS – at least one, etc.

<sup>100</sup> Article 41(2) of [Electoral Code](#).

PPPDA were distributing electoral materials that had a date subsequent to the event (on 5 May they distributed leaflets and flyers with the printing date of 7 June 2021). Thus, we note that the information about the printing date of electoral material is misleading.

For the electoral materials reported between 21 May – 4 June 2021 that were identified and accounted on the basis of the information provided by Promo-LEX, the total unreported expenses were estimated to at least MDL **1 086 205** for printing the promotional materials (newspapers, posters, flyers, invitations to meetings, t-shirts, caps, etc.)<sup>101</sup>. The Chart 13 contains the expenses for each candidate.

Chart 13



Thus, we find that the biggest share of unreported expenses for promotional materials was registered in the case of PAS (MDL 732,510), BECS (MDL 175,090), PPCC (MDL 79,750), PACE (MDL 50,455) and PPS (MDL 48,400).

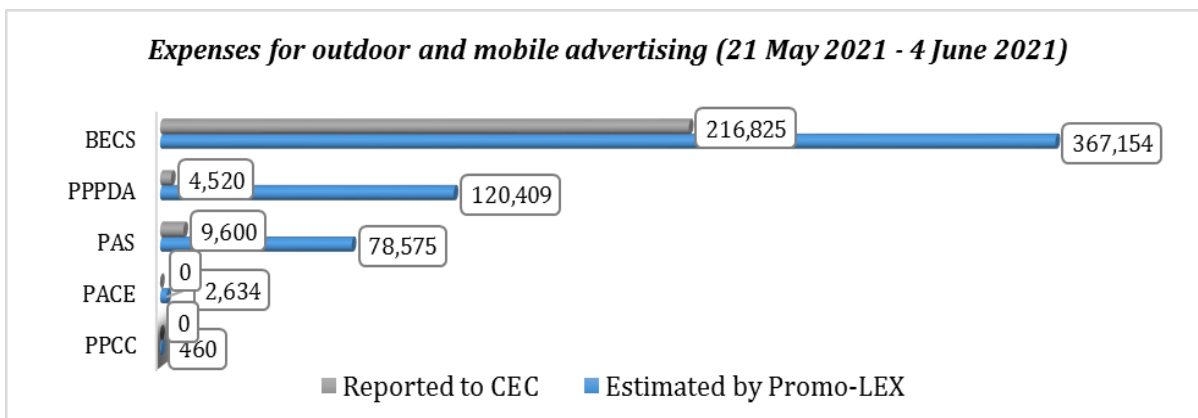
#### 8.4.4. Estimation of expenses for outdoor and mobile advertising

The expenses for outdoor and mobile advertising cover all the data from the territory about tents, banners, billboards, etc. used by electoral contenders for electoral purposes.

Promo-LEX observers estimated that during 21 May – 4 June 2021, five electoral contenders<sup>102</sup> made unreported expenses in the amount of at least **MDL 338,287** for outdoor and mobile advertising (see Chart 14).

<sup>101</sup> In the case of PAS a total number of 770,000 copies of newspapers (20, 21, 25 May 2021, 4 June 2021), A3 leaflets (60,000 copies of 3 June 2021), a total number of 340 000 flyers (22, 25 and 27 May 2021), 500,000 leaflets (3 June 2021), t-shirts (at least 600), caps (at least 150), etc. were reported. In the case of BECS a total number of 600,000 copies of A4 leaflets (22 May and 2 June 2021), 2,000 copies of A3 leaflets (28 May 2021), calendars, invitations, jackets (at least 160), t-shirts (at least 210), bags, etc. were reported. In the case of PPS, 300,000 copies of newspapers (26 May 2021), flyers and leaflets (24 May 2021) and brochures – 175,000 copies (27 May 2021), etc. were reported. In the case of PPCC, 150,000 copies of newspapers (28 May 2021), A3 leaflets – 2,000 copies (31 May 2021), t-shirts, etc. were reported.

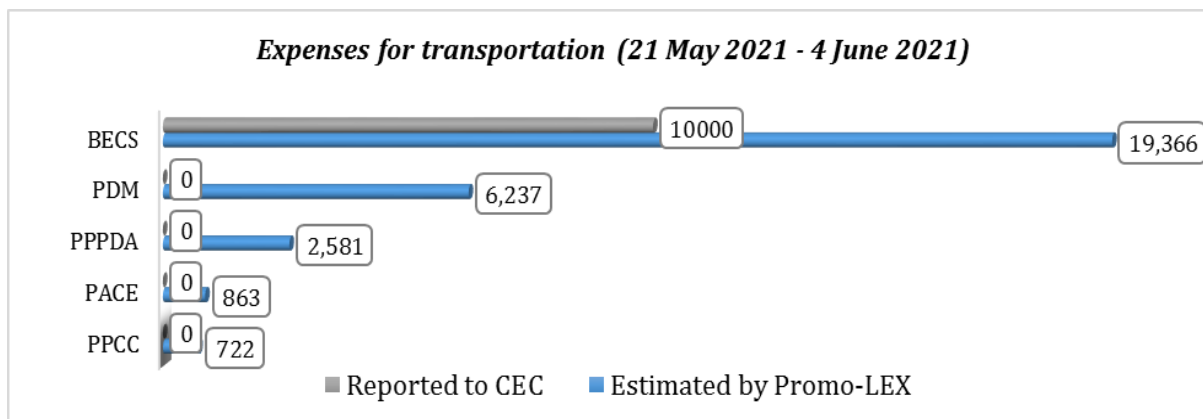
<sup>102</sup> In the case of BECS, at least 38 billboards, 98 tents and 20 banners were reported. In the case of PAS, at least 15 banners and 63 tents were reported. In the case of PPPDA, 500 copies of banners (of 2 and 3 June 2021) were reported.



Thus, we found that the biggest share of unreported expenses for outdoor and mobile advertising was registered in the case of BECS (MDL 150,329), PPPDA (MDL 115,889), PAS (MDL 68,975), PACE (MDL 2,634) and PPCC (MDL 460).

**8.4.5. Estimation of transportation expenses**

During the reference period, Promo-LEX observers reported campaigning activities that involved trips of electoral contenders or persons who were delegated by them in the settlements of the Republic of Moldova, which incurred transportation expenses (at least for fuel). As a result, the total unreported expenses in relation to 5 electoral contenders were estimated to at least **MDL 19,769** (see Chart 15).



Thus, we found that the biggest share of unreported expenses for transportation was registered in the case of BECS (MDL 9,366), PDM (MDL 6,237), PPPDA (MDL 2,581), PACE (MDL 863) and PPCC (722).

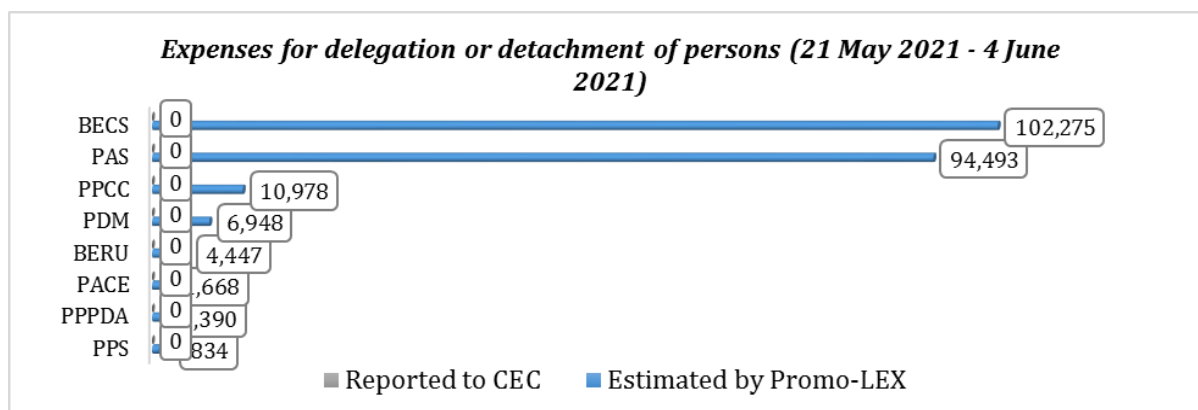
**8.4.6. Estimation of expenses for delegating people**

The expenses for delegating people are estimated on the basis of cases reported by observers with the involvement of electioneers in election campaign activities for a certain electoral contender (1 electioneer per day – 1 case). The minimum estimated cost of those expenses is determined on the basis of the minimum guaranteed salary in the real sector.<sup>103</sup> Thus, note that in 2021, the minimum wage is MDL 2,935, and an hour of work costs a minimum of MDL 17.37.

<sup>103</sup> [Government Decision](#) No 165 of 9 March 2010 on the minimum guaranteed salary in the real sector.

During the observation period, at least 1,605 cases<sup>104</sup> of electioneers involvement in election campaign activities were reported, being estimated unreported expenses in the amount of at least MDL 223,031 (see Chart 16).

Chart 16

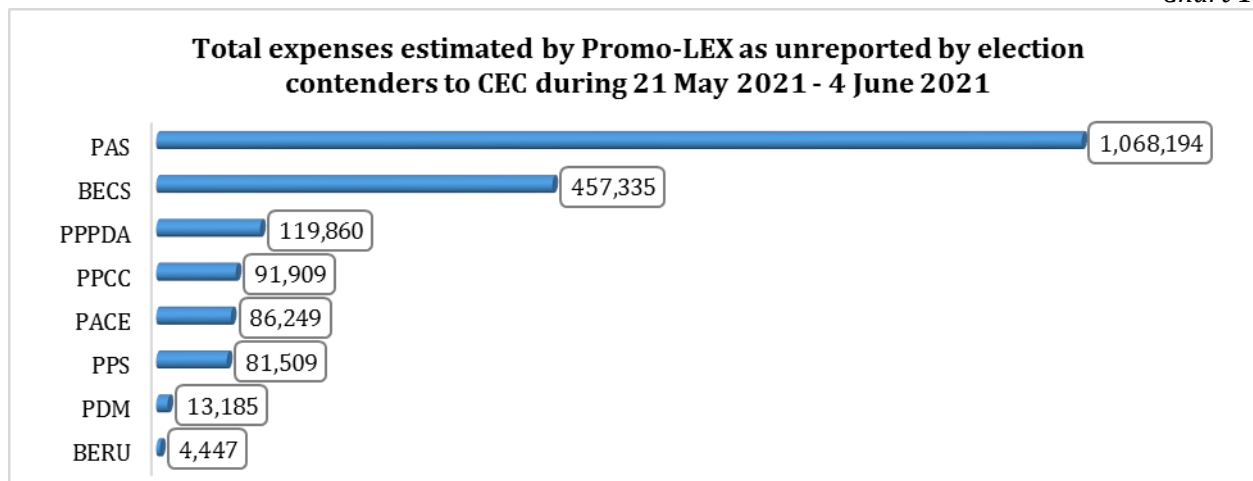


Thus, we found that the biggest share of unreported expenses for delegating people were estimated for BECS (MDL 102,275), PAS (MDL 94,493), PPCC (MDL 10,978), PDM (MDL 6,948), BERU (MDL 4,447), PACE (MDL 1,668), PPPDA (MDL 1,390) and PPS (MDL 834).

#### 8.4.7. Conclusions regarding the expenses estimated by Promo-LEX

Given the above mentioned, we found that for the first two weeks of the election campaign, Promo-LEX estimated unreported expenses of at least **MDL 1 922 687** (see Chart 17). Thus, 56% of the estimated unreported expenses were made by PAS, 24% – by BECS, 6% – by PPPDA.

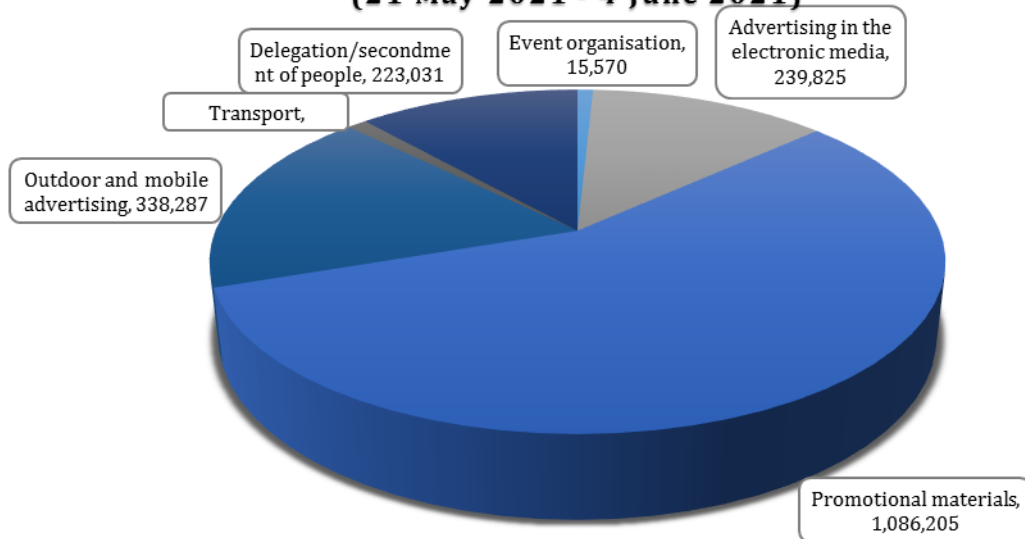
Chart 17



The costs for advertising materials (56%), followed by outdoor and mobile advertising (18%) had the biggest share of the unreported expenses – see Chart 18.

<sup>104</sup> PPCC (79), BERU (32), PPS (6), PAS (680), BECS (736), PDM (50), PPPDA (10) and PACE (12).

**Purpose of expenses estimated by Promo-LEX as unreported  
(21 May 2021 - 4 June 2021)**





## IX. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

*During the election campaign for the early Parliamentary Elections of 11 July 2021, between 25 May and 7 June 2021, Promo-LEX Association identified at least 36 cases of hate speech and incitement to discrimination in the public space, in the media and online in the Republic of Moldova. Thus, compared to the previous monitoring period, the number of cases of hate speech and incitement to discrimination grew by about 33%.*

*Most cases of hate speech and incitement to discrimination are generated online and most of them are against electoral contenders, party members and supporters.*

*During the reference period, CEC suggested that electoral contenders and media representative sign a Code of Conduct that also contain provisions about public speech and incitement to hatred. As of 8 June 2021, the Code was signed by two contenders only - PPS and PDM.*

### 9.1. General Recommendations

**Display environment.** The online environment is still the most frequently used space for transmitting intolerant messages (social media – 16 cases and online media – 11 cases). Another eight cases were registered at TV channels and one case – on the website of a political party.

**Criteria underlying the hate speech.** The criteria underlying cases of hate speech and incitement to discrimination were: political affiliation, sex / gender, age, opinion, color, nationality, ethnicity, sexual orientation, disability, language and domicile.

**Affected groups.** The groups most affected by this type of discourse were: electoral contenders, politicians, members and supporters of political parties and women. Other social groups affected by this type of speech were: ROMA, men, LGBT people, people with disabilities, Russians/Russian speakers, Romanians/Romanian speakers, people who live in the left bank of Nistru River, Jews.

### 9.2. Intolerance generated by electoral contenders / politicians

During the reporting period, at least three candidates used intolerant forms of expression: Vasile Costiuc (PPDA) – 4 cases, Igor Dodon (BECS) și Dorin Chirtoaca (AUR) – one case each.

The cases in which **Vasile Costiuc** was involved were registered in the online environment (social media). The messages targeted politicians/electoral contenders and their supporters and took the form of speech that instigates to violence and of speech based on age criterion.

The example below was based on age criterion and the message targeted Zinaida Greceanii. She was ridiculed through the expression ‘old hag’ and the association with Muma Padurii (forest witch), a character in Romanian mythology:

*This is the transportation mean of the Hag Zana, she gets on the broom and flies [...] and when she comes to the Parliament, she leaves the broom on the right side<sup>105</sup>.*

On 01.06.2021, on REN TV Moldova channel, during the talk show ‘Эксклюзивное интервью’ (Exclusive Interview)<sup>106</sup>, **Igor Dodon** used the insult ‘сукин сын’ (son of the bitch) in relation to Maia Sandu:

*ID: [...] here is a decree signed earlier by the president and she annulled it with another decree – which is not in line with the Constitution; and all the western ambassadors like Hogan, Michalko and so on – stay quiet.*

<sup>105</sup> <https://www.facebook.com/PartidulDemocratiaAcasa/videos/134632352066790>

<sup>106</sup> <https://www.youtube.com/watch?v=c6cmd-Dg8ul>

M: *Because these are different things.*

ID: *Because they are ours... son of the bitch – but they are ours, as they say...*

### **9.3. Intolerance promoted against electoral contenders/politicians**

Out of those 36 cases of intolerant messages registered by Promo-LEX, in 22 cases they targeted at least 10 electoral contenders (Igor Dodon – BECS (6 cases), Vladimir Voronin – BECS (2 cases); Adrian Cheptonar – PAS, Alexandru Slusari – PPPDA, Bogdan Tirdea – BECS, Dorin Chirtoaca – AUR, Igor Grosu – PAS, Natalia Davidovici – PAS, Nicolae Pascaru – BECS and Vlad Batrincea – BECS – one case each) and Maia Sandu, the President of the Republic of Moldova (6 cases).

Another eight cases targeted the supporters of PAS, PN, PPPDA and BECS.

Most of the times, the messages that targeted the electoral contenders, members of political parties and their supporters took the form of sexism, negative associations through the use of stereotypes and prejudices against people with mental and mobility impairments, as well LGBT people, of racist messages, insults, denigrations and dehumanisation.

An example in this regard is the statement of Anatol Arhire, former MP in the Parliament of the Republic of Moldova in the legislature 2009–2010, published on YouTube channel of the newspaper Timpul, on 27.05.2021, about the PAS candidate, Adrian Cheptonar:

*I assume that Adrian Cheptonar continues to be a security officer. He was employed in the administration of Ungheni Mayoralty under the protection of Ambros. People there change a lot<sup>107</sup>.*

On the other side, contenders were ridiculed by associating them with the women in general or with Roma women in particular. In most of the cases this was done through memes that were published and promoted through social media as you can see in the following example, published on Facebook<sup>108</sup> on 04.06.2021.

The use of discriminatory language, by making negative associations between politicians/electoral contenders and people with mental disabilities is aimed at ridiculing the denigrate them. An example in this respect is the report 'Бурлаки на русских танках' (Burlaks on Russian tanks), published on the website of the Party of Communists from the Republic of Moldova, [www.pcrm.md](http://www.pcrm.md), on 28.05.2021, which targeted Alexandru Slusari, candidates on PPPDA lists:

*This is cool, but given that Slusari gained the reputation of city fool in Moldova, once again released from a mental hospital for a period - to scare people, to amuse himself – no one paid attention to his words<sup>109</sup>.*

Another form of denigration of electoral contenders is the negative association with LGBT people. Vlad Batrincea was targeted by such a message which contained a picture accompanying the report entitled 'Vlad Batrincea, communist leader and repeating student at school. Accused to be part of LGBTQ community', published on [www.timpul.md](http://www.timpul.md), on 03.06.2021<sup>110</sup>.

### **9.4. Signing the Code of Conduct on the conduct and coverage of election campaign during the Parliamentary Elections of 11 July 2021**

On 7 June 2021, CEC proposed the electoral contenders and media representatives of the Code of Conduct on the conduct and coverage of election campaign during the Parliamentary Elections of 11 July 2021. Compared to the Presidential Elections of 2020, CEC included a new article about defining

<sup>107</sup> <https://www.youtube.com/watch?v=BkrtC8e3Blk&t=77s>

<sup>108</sup> <https://www.facebook.com/iurii.apostolov.5/posts/249891493602244>

<sup>109</sup> [http://www.pcrm.md/main/index\\_md.php?action=news&id=17559](http://www.pcrm.md/main/index_md.php?action=news&id=17559)

<sup>110</sup> <https://www.timpul.md/articol/vlad-batrincea-frunta-comunist-i-repent-la-coala--acuzat-ca-face-parte-din-comunitatea-gay-lgbtq-164365.html>

the public speech and incitement to hatred<sup>111</sup>. During the reference period of the report, the Code was signed by two contenders only (PPS and PDM).

Although it is a document drafted under the auspices of the authority in charge of conducting the elections, the observance of the obligations set in the Code was left at the discretion of electoral contenders and media representatives and CEC did not take on any role in this respect. The document does not contain sanctions for the failure to observe it. At the same time, the process of discussing the violations will be initiated only following a notification filed by at least  $\frac{1}{4}$  of the signatories, which could, on one hand, lead to inefficient examination of violations, and on the other hand, limit the possibility to examine a notification filed by one single signatory. Also, the Code does not contain provisions that would allow CEC to take action on its own initiative in cases of hate speech and incitement to discrimination.

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<sup>111</sup> See [Article 5](#) of the Code of Conduct.

## X. ELECTORAL EDUCATION ȘI INFORMATION

*Promo-LEX Association is running a campaign for electoral information and education and apolitical mobilization of citizens of the Republic of Moldova with the right to vote. The campaign comprises electoral debates; production and dissemination of information materials and two video spots; online information and apolitical mobilization, etc. Promo-LEX Association also offered four grants for projects that encourage people to vote.*

*During the observation period, CICDE and CEC organised face-to-face trainings for members and accountants of electoral councils, and online trainings for judges on issues related to the review and settlement of electoral litigations. Regarding information activities, we found the following: CEC members participated in TV shows, CICDE developed and launched a video material on vote accessibility and equality, launched a course of civic and electoral education.*

### 10.1. Promo-LEX campaign for electoral information and education and apolitical mobilization of citizens of the Republic of Moldova with the right to vote

In the context of early Parliamentary Elections of 11 July 2021, the Promo-LEX Association conducts a campaign for electoral information and education and apolitical mobilization of citizens of the Republic of Moldova with the right to vote. The target group of the campaign are citizens of the Republic of Moldova with the right to vote, including those from the transnistrian region and from diaspora. The general objective of the campaign is to help improve the level of participation of the citizens in the early Parliamentary Elections of 11 July 2021 and promote a more informed vote. The campaign is conducted between June-July 2021 and comprises electoral debates; creation and dissemination of two video spots; online activities for information and apolitical mobilization, etc.

Also, the Promo-LEX Association provided four grants in the total amount of USD 47,607.00 to nongovernmental and media outlets for projects aimed to promote the participation in the elections of the citizens of the Republic of Moldova during early Parliamentary Elections of 11 July 2021. The grants were provided to the following organisations:

- *'Academia Rockit' Civil Association* – will produce 80 KOMETA-type information videos, in Romanian and Russian, about the election campaign, electoral contenders, electoral proceedings, etc. Also, 50 quote-pictures and 50 stories reflecting the election campaign will be created and promoted. All materials will be promoted on social media. The target group of the project are the voters aged between 18 and 34.
- *The Civil Association 'Association for Participatory Democracy' (ADEPT)* – will conduct an information campaign that will comprise the following activities: development and update of the analytical section *Voting outside the Republic of Moldova* on the platform [alegeri.md](http://alegeri.md); disseminate thematic information on social media; two video blogs (vlogs) and Instagram Stories with Dorin Galben and Banca de Bancuri; a videoreport prepared in collaboration with *'Ziarul de garda'* newspaper and thematic posts on social media. The target group of the project are voters from the diaspora.
- *ICS Reforma Art SRL (Jurnal TV)* – Jurnal TV campaign for information and apolitical mobilization of voters intends to produce and broadcast a video clip that encourages people to vote; promote 15 videos containing testimonies of Jurnal TV presenters who urge people to vote; seven materials that explain the duties of the Parliament and the electoral process; and 10 video materials explaining the profile of the MPs and factions that will cross the threshold. The target group of the project are citizens of the Republic of Moldova with the right to vote from the country, including those from the transnistrian region and from diaspora.
- *Interact Media SRL (Agora media platform)* – under the project, on [www.agora.md](http://www.agora.md) website, they will create the section Parliamentary Elections 2021, which will provide the readers with news that are grouped by tags – Elections 2021, early Parliamentary Elections. Also, at least 45 pieces of news

about election campaign, electoral contenders, etc. and five live video interviews will be produced in the studio of Agora with the participation of electoral contenders. A module entitled *Live text* will be created for the election day, which will present every minute the conduct of the elections and will integrate interactive infographics that display the results of elections in real time. All materials produced under the project will be promoted on social media. The target group of the project are young voters, including those from the diaspora.

During the reporting period, 'Academia Rocket' Association created and promoted 10 quote-pictures<sup>112</sup> and 8 KOMETA-type<sup>113</sup> information videos about the election campaign. ADEPT association developed and promoted an infographic<sup>114</sup> about the distribution of MP seats during the early Parliamentary Elections of 2021.

In addition, under the 'Support for citizen information and observation of 2021 early Parliamentary Elections in the polling stations created for the voters from the transnistrian region' Project, the Promo-LEX Association started a campaign for information and apolitical mobilization of the citizens of the Republic of Moldova with the right to vote from the transnistrian region. The campaign aims at encouraging the people to vote and to be informed when doing so and involves the dissemination of information and video materials, talk-shows, thematic news, etc.

## **10.2. Training and information activities organised for voters by CEC and CICDE**

*Training activities.* During the observation period, CICDE and CEC organised face-to-face trainings for members and accountants of electoral councils. Also, in partnership with Council of Europe, they organised in Chisinau an online round table to raise the awareness of electoral stakeholders and media on combating the misuse of administrative resources during the electoral period.

Also, in partnership with the National Institute of Justice, CEC/CICDE ensured the online training of judges with focus on the examination and solving electoral litigations, the international and national framework on the misuse of administrative resources during the electoral period.

La 26 May 2021, CICDE opened the registration in the course 'Parliamentary Elections. General Aspects' with focus on topics like: electoral cycle, legal provisions about Parliamentary Elections; electoral administration and people that are interested in the electoral process.

To monitor the electoral process in the Republic of Moldova and abroad, CICDE, together with the Center for Consultancy and Civic Education, launched the fourth edition of the electoral practice program. The program is intended for people aged over 18 and will comprise training seminars about incitement to hatred; accessibility of the electoral process; participation in DEC and PEB meetings; monitoring and observation of the electoral process during the entire practice program.

*Information activities.* During the reference period, CEC members participated in four talk-shows (TV and radio), 'Moldova in direct'<sup>115</sup>, 'Punctul pe AZI'<sup>116</sup>, Unimedia<sup>117</sup> and the dialogue platform<sup>118</sup> about the organisation of early Parliamentary Elections of 11 July.

With the support of the Ministry of Education, Culture and Research and of higher education institutions, by disseminating the information, the electoral authority, informed the students and pupils with the right to vote about the procedure and methods of exercising the right to vote (voting in any PS opened in the settlement where they are enrolled, announcing about the new place of stay by 10 June or obtaining the certificate for the right to vote during 21 June – 10 July).

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<sup>112</sup>For example: <https://www.facebook.com/kometa.news/photos/a.1459507514110176/4178752295519004/>

<sup>113</sup>For example: <https://www.facebook.com/kometa.news/videos/218017299948472>

<sup>114</sup> [The distribution of MP seats](#) if the proportional system is applied, explained in three steps.

<sup>115</sup> [Talk-show](#) 'Moldova in direct', TV Moldova 1.

<sup>116</sup> [Talk-show](#) 'Punctul pe AZI', TVR Moldova.

<sup>117</sup> [Interview](#) with Mr. M. Lebedinschi for Unimedia news portal.

<sup>118</sup> [Dialogue platform](#), Press Centre Sputnik Moldova.

On 1 June 2021, with the support of USAID Moldova and UNDP Moldova, CICDE launched the contest of essays for children and young people entitled 'Why Would I Run for Parliament?'. The essays should reflect the visions and the perceptions of children and young people about future MPs: their interest in being elected by people and the problems they intend to solve.

Regarding the information of voters, CICDE developed and launched a video material with information about equal access for all during the electoral process: accessibility of PSs, access to information for all types of disabilities and creating voting conditions by ensuring them with 3X magnifying glass and stencil sleep.

Also, it launched a civic and electoral education course 'Elect the Parliament in 60 minutes', which provided an overview about the organisation and conduct of Parliamentary Elections and about the peculiarities of proportional system, activity of electoral bodies, the things that a voter and the elected ones must know, the vote counting procedure and their transformation into MP.

## **RECOMMENDATIONS**

### **To the Parliament of the Republic of Moldova:**

1. Provide a clear and exhaustive definition of 'administrative resources' in accordance with the relevant international standards. It is necessary to extend the period of prohibiting the use of administrative resources, as well as punishing such use, to cover not just the election campaign, but also the election/pre-election period.
2. Regulate explicitly the grounds for refusing to open accounts for election contenders by commercial banks, as well as the legal consequences on the right to be elected.
3. Review the Article 52 (8) of the Electoral Code (used of images representing state institutions or public authorities of the country, other states or international organisations cannot be used for the purpose of electoral advertising) so that the restrictions set out to be more explicit and to take into account the general framework that regulates the freedom of expression.
4. Develop the legal framework related to the prohibition to involve/use the image of religious cults during the election period, as well as to punish such deeds.
5. Review the criteria set out in the Article 31(3) of the Electoral Code on the organisation of polling stations from abroad in order to explain more clear the mechanism of their application.

### **To the Central Electoral Commission:**

6. Monitor the situation in the Security Area and transnistrian region, which will allow, when needed, to review the decision on the establishment of polling stations for voters from the transnistrian region in order to ensure their organisation of the territory that is under the actual control of the constitutional authorities.
7. Solve the notifications or requests that invoke the violation of electoral provisions in short time, according to the deadlines set for solving the complaints.
8. Include the value of material donations and technical details about them in section II of the report – money flow, that will allow to take them into account when calculating the revenues and the expenses.
9. Revise the approach to qualify as inadmissible the complaint invoking the lack of actual harm to the personal right of the voter or electoral contender, because every electoral violation affects the right of voters to form an opinion or the right of electoral contenders to run for elections on equal terms.

### **To the Broadcasting Council:**

10. Respond to all the cases of hate speech and apply efficiently the provisions of the Code of audiovisual media services as regards hate speech, sexist speech and the measures aimed to ensure equality among audiovisual products, including during the election campaigns.

### **To political parties and election candidates**

11. Register and actively involve in the election campaign the institution of 'trustees' as a source of people who help candidates electioneer for them and represent their interests in relations with the public authorities, voters, electoral councils and bureaus.
12. Sign and observe the Code of Conduct approved by the CEC.
13. Condemn hate speech and dissociate from intolerant messages spread by the members of the political party.



## **ABBREVIATIONS**

para. – paragraph

NIA – National Integrity Agency

LPA – Local Public Authorities

Art. – Article

AUR — ‘ALLIANCE FOR THE UNION OF ROMANIANS’ Political Party

EB - Electoral bloc

BECS — Electoral bloc of Communists and Socialists

BERU — Electoral bloc ‘RENATO USATII’

PEB – Precinct Electoral Bureau

BRP — Bureau for Reintegration Policies

CEC – Central Election Commission

DEC – level-two District Constituency Council

CICDE – Centre for Continuous Electoral Training

NEPHC – National Extraordinary Public Health Commission

SCS — Supreme Council of Security

JCC — Joined Control Commission

let. – letter

MFAEI — Ministry of Foreign Affairs and European Integration

MIA – Ministry of Internal Affairs

OM – Observation Mission

MPSN – ‘Hope’ Movement of Professionals

MSMPS - Ministry of Health, Labor and Social Protection

mun. – Municipality

No – number

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

PACE – Building Europe at Home Political Party ‘PACE’

PAS – Action and Solidarity Political Party

p. – Item

PDCM – ‘Development and Consolidation of Moldova Party’ Political Party

DPM – Democratic Party of Moldova

PLD – Party of Law and Justice

PP - political party

PPCC – Political party ‘Joint Actions Party – the Civic Congress’

PPDA - "Democracy at Home" Political Party  
PPN - 'NOI' Political Party  
PPP - 'HOMELAND' Political Party  
PPPDA - 'Dignity and Truth Platform Party' Political Party  
PPS - Sor Political Party  
PSRM - Socialist Party of the Republic of Moldova  
PUN - 'National Unity Party' Political Party  
PVE - Green Environment Party Political Party  
REO - Registry of Electoral Officials  
ISS - Intelligence and Security Service  
FIU - Financial Intelligence Unit  
PS - polling station  
ATU - Administrative Territorial Unit  
USAID - United States Agency for International Development

## ANNEXES

*Annex 1. Observers accredited from 12 May to 8 June 2021*

<b>Applicant institution</b>	<b>12 May – 25 May</b>	<b>26 May – 8 June</b>	<b>TOTAL as of 8.06.2021</b>
<b>NATIONAL OBSERVERS</b>			<b>696</b>
Promo-LEX Observation Mission	68	612	680
International institute of monitoring the development of democracy, parliamentarism and observance of the electoral rights of citizens from member of the IA of CIS	-	3	3
Embassy of Japan in the Republic of Moldova	-	2	2
Embassy of the United Kingdom of Great Britain and Northern Ireland to the Republic of Moldova	-	11	11
<b>INTERNATIONAL OBSERVERS</b>			<b>111</b>
Embassy of the Czech Republic to the Republic of Moldova	2	-	2
Embassy of Hungary in the Republic of Moldova	3	-	3
Embassy of the Republic of Turkey to the Republic of Moldova	-	9	9
Embassy of Japan in the Republic of Moldova	-	3	3
Embassy of Ukraine in Republic of Moldova	-	12	12
Embassy of the Kingdom of Sweden to the Republic of Moldova	-	5	5
Embassy of the United Kingdom of Great Britain and Northern Ireland to the Republic of Moldova	-	3	3
Embassy of the French Republic to the Republic of Moldova	-	3	3
Swiss Cooperation Office/Swiss Confederation Embassy Office in the Republic of Moldova	-	1	1
European Network of Election Monitoring Organizations (ENEMO)	-	6	6
OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)	4	36	40
Observation Mission of the Commonwealth of Independent States (CIS)	-	2	2
Council of the Interparliamentary Assembly of the CIS Member States	-	22	22
<b>INTERNATIONAL ELECTION EXPERTS</b>			<b>4</b>
Central Electoral Commission of the Russian Federation	-	2	2
Central Electoral Commission of Ukraine	-	2	2

Annex 2. Promo-LEX estimates on the distribution of the polling stations by country

No	State	Criteria set by the Electoral Code			Promo-LEX Estimates <sup>119</sup> based on the 150 PSs	No PSs in 2020, the parliamentary elections (139 PSs)	PS distribution by the CEC, parliamentary elections, 2021 (146 PSs)
		Voter turnout in 2020, second Round	Preliminary registrations (26.05.2021)	MFAEI, 2021, highest figures			
1	Austria	1.510	390	1.510	1	1	1
2	Azerbaijan	53	11	200	1	1	1
3	Belarus	216	22	2.974	1	1	1
4	Belgium	6.506	1.684	20.000	3	2	2
5	Bulgaria	239	40	3.626	1	1	1
6	Canada	5.051	2.178	19.145	3	4	4
7	Czech Republic	3.108	749	25.000	2	1	1
8	China	19	18	300	1	1	1
9	Cyprus	577	170	7.000	0	1	1
10	Denmark	911	793	1.194	1	1	1
11	Switzerland	1593	773	7.000	2	1	1
12	United Arab Emirates	176	140	1.574	1	1	1
13	Estonia	226	59	922	1	1	1
14	Russian Federation	14068	7.308	354.200	15	17	17
15	France	26.939	8.922	160.000	12	8	10
16	Germany	24.080	14.140	100.000	15	6	9
17	Greece	2.313	553	30.000	2	2	1
18	Ireland	11.189	5.173	20.000	5	4	4
19	Israel	4.990	724	18.000	3	2	2
20	Italy	83.032	21.796	300.000	30	30	31
21	Japan	30	15	300	1	1	1
22	Latvia	84	32	343	1	1	1
23	Lithuania	77	18	729	1	1	1
24	UK	26.408	16.176	42.000	12	7	10
25	Norway	598	330	1.836	0	1	1
26	Poland	317	182	2.000	1	1	1
27	Portugal	5.847	1.569	27.000	3	3	3
28	Qatar	66	19	192	1	1	1
29	Romania	19.530	6.676	19.000	9	13	12
30	Spain	8.272	3.047	35.000	4	5	5
31	USA	9.838	3.718	60.000	6	12	12
32	Sweden	368	210	368	1	1	1
33	Netherlands	2779	1.061	2.779	2	1	1
34	Turkey	1.408	156	7.942	3	2	2
35	Ukraine	512	81	24.862	3	2	2
36	Hungary	247	69	1.300	1	1	1

<sup>119</sup> As a basis for calculating this criterion, Promo-LEX OM used the voter turnout in the second round of the presidential elections of 1 (15) November 2021.

The number of preliminary registrations of citizens abroad is going to be established at the end of the respective procedure. For this criterion, Promo-LEX took into account the data updated by the MFAEI for 2021, stating that the institution presented both the official figures provided by the authorities of the respective states and the estimates made by the embassies of the Republic of Moldova on the number of citizens abroad. In most cases these two sets of information differ significantly. However, starting from the priority interest of the citizen with the right to vote, Promo-LEX OM decided for this simulation exercise to take into account the numbers with higher values that were reported by the host states or the embassies of the Republic of Moldova. Additionally, in some cases, when the number of voters who participated in the 2020 presidential election was higher than the figure reported by the embassies of the Republic of Moldova, as well as by the host states, Promo-LEX OM retained and used for calculations the voter turnout data from the last national election.