

## THE 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

7 June 2021

The Civic Coalition for Free and Fair Elections **condemns the illegal and irresponsible decision** of the Central Electoral Commission to open only 139 polling stations abroad for the early Parliamentary Elections of 11 July 2021.

**The Civic Coalition for Free and Fair Elections requests CEC to:**

- **urgently amend Decision No 4966 of 5 June 2021** on the establishment of polling stations abroad;
- **apply in good faith the three criteria provided for in the Electoral Code** for establishing at least 150 polling stations abroad, with the possibility of increasing their number if the MFAEI/Government provides enough budget to CEC for this purpose;
- **publish all the documents related to the process of setting up polling stations abroad**, including the recommendations and the prior consent of the MFAEI.

The Coalition's assessment of the CEC Decision [No 4966](#) of 5 June 2021 on the establishment of polling stations abroad, as well as the above requests are based on the following findings and arguments:

1. **The Central Electoral Commission did not take into account the three criteria<sup>1</sup> laid down in the Electoral Code for the establishment of polling stations abroad.** The CEC's disagreement with the criteria established by the legislator for setting up polling stations abroad or the lack of clarity in relation to them does not entitle the Commission to not use them. These criteria had to be applied compulsorily, taking into account the positive practice of the 2020 Presidential Elections, when the CEC gave each criterion an equal weight<sup>2</sup>.
2. According to the Electoral Code (Article 31(2)) **polling stations shall be established for voters abroad for each individual election.** Despite this legal provision, according to the statements of some CEC members, it was decided to establish 139 polling stations on the basis of the principle of preserving the number and locations of the polling stations established for the 2020 Presidential Elections.
3. **There is an uneven interpretation and application of the legislation in force by CEC.** Thus, for example, in the context of adopting Decision No 4965/2021 on the establishment of polling stations for the voters from the communities on the left bank of the Nistru River (Transnistria) for the early Parliamentary Elections of 11 July 2021, in order to justify the need for more polling stations than in the 2020 Presidential Elections, the rapporteur presented among other reasons the following: a) an LPA requesting to set up a polling station in the locality; b) during the presidential elections many instances of voters queuing in front of the polling stations were registered and there is a need to streamline the flow of voters.

In contrast, compared to the establishment of PSs for the voters in the transnistrian region, where fewer voters voted in the 2020 Presidential Elections (31,784 voters in the second round) than in the 2019 Parliamentary Elections (37,257 voters) and the number of polling stations was increased by 2 PSs, in the case of the polling stations for the voters abroad, even though in the 2020 Presidential Election (second round) almost four times more voters voted (263,177 voters) than in the 2019 Parliamentary Elections (about 76,600 voters), the number of polling stations was not changed.

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<sup>1</sup> (1) voter turnout at the previous election, (2) the results of the preliminary registration and (3) the number and place of the residence of the citizens with the right to vote abroad, based on the information obtained by the MFAEI from the competent authorities of the countries of their residence.

<sup>2</sup> The calculation formula was proposed by Promo-LEX Association and adopted by the Association for Participatory Democracy ADEPT.

4. If we use the data published on [www.inregistrare.cec.md](http://www.inregistrare.cec.md) and [www.cec.md](http://www.cec.md) and verify the application of the calculation formula that led the CEC to the approval of the CEC Decision No 4966/2021, maintaining the maximum number of 139 polling stations, established by the CEC, ***serious discrepancies a noticed between the number of polling stations approved by CEC and the number obtained according to the calculation formula*** (see Annex 1). These discrepancies show that the Central Electoral Commission acted contrary to the Electoral Code and its own arguments presented in the rationale of Decision No 4966/2021.
5. ***The CEC deliberately acted against the interests of voters abroad, who clearly expressed their intention to vote.*** In this context, we remind that in the second round of the Presidential Elections in November 2020, voter turnout abroad was unprecedented, of 263,177 voters. At the same time, as of 26 May 2021, the results of the pre-registration showed 100050 declarations submitted online or on paper, of which 39940 registrations made in 2021. Thus, CEC has completely ignored the problems faced by our citizens in the last elections in United Kingdom, France, Germany, Italy and other countries (insufficient ballot papers, very long queues in front of polling stations, the enormous efforts and expenses incurred by citizens to go to the polls).
6. ***The resolution part of the CEC decision No. 4966/2021, in particular the annex, does not correspond in terms of logic and content to the descriptive part of the decision.*** Particularly, the descriptive part refers to: a) the organization of 150 polling stations, the expenses of which were provided in the estimated expenses developed by CEC; b) the organization of 190 polling stations, based on the embassies proposals; c) the organization of 162 polling stations, a list of which was sent for approval to the Government and MFAEI.

From the complete text analysis of the CEC decision but also the manner how the meeting took place, we can say that the initial meaning of the draft decision (which proposed the setting up of 162 polling stations) was abruptly diverted and without justification by the author and supporters of the amendments that led to the establishing of 139 polling stations abroad.

7. ***The CEC did not take into account its own decision No 4816 of 30 April 2021 by which it adopted the estimate of expenses for the organization of elections, including for the setting up of 150 polling stations abroad.*** Although the Government has so far allocated only about 56% of the amount estimated in the estimate of expenses (MDL 125,046.7 thousand), it showed its willingness to allocate to the CEC the additional necessary financial means, starting with 20 June 2021. The lack of effective communication on expenditure for polling stations abroad is imputed to both the Central Electoral Commission and the Government. However, as long as the necessary financial means are identifiable, the failure of the Government to provide an answer in short time cannot be a reason to limit the number of polling stations.

Note that the MFAEI State Secretary confirmed, at the CEC meeting of 05.06.2021, the possibility to identify the needed funds in the MFAEI budget, including for the establishment of 191 polling stations. 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. We are hence convinced that there are the necessary preconditions for CEC to set up at least 150 polling stations abroad, with the possibility of increasing their number if the Government provides enough budget to CEC.

8. The process of ***deciding on the polling stations to be established abroad was not transparent***, with the relevant decision taken on 5 June 2021 without any public consultations with interested stakeholders. Neither the initial draft CEC decision (envisaging 162 polling stations abroad), nor the recommendations of the Ministry of Foreign Affairs and European Integration on the number and location of polling stations abroad were made public.

**Algorithm for calculating the number of polling stations abroad, on the basis of the three criteria stated in Article 31 of Electoral Code<sup>3</sup>**

Country	Voters at the last election	Value / share of voters (%)	Preliminary registration	Value/ share of preliminary registration (%)	MFAEI information	Value/ share, MFAEI information (%)	Total value/ share (%)	Formula PS No
Country 1	A1	$A1V = A1 * 100\% / T1$	A2	$A2V = A2 * 100\% / T2$	A3	$A3V = A3 * 100\% / T3$	$W = (A1V + A2V + A3V) / 3$	$N * W / 100\%$
Country 2	B1	$B1V = B1 * 100\% / T1$	B2	$B2V = B2 * 100\% / T2$	B3	$B3V = B3 * 100\% / T3$	$X = (B1V + B2V + B3V) / 3$	$N * X / 100\%$
Country 3	C1	$C1V = C1 * 100\% / T1$	C2	$C2V = C2 * 100\% / T2$	C3	$C3V = C3 * 100\% / T3$	$Y = (C1V + C2V + C3V) / 3$	$N * Y / 100\%$
Country n	D1	$D1V = D1 * 100\% / T1$	D2	$D2V = D2 * 100\% / T2$	D3	$D3V = D3 * 100\% / T3$	$Z = (D1V + D2V + D3V) / 3$	$N * Z / 100\%$
<b>Total</b>	$T1 = A1 + B1 + C1 + D1$	<b>100%</b>	$T2 = A2 + B2 + C2 + D2$	<b>100%</b>	$T3 = A3 + B3 + C3 + D3$	<b>100%</b>	<b>100%</b>	<b>N</b>

where:

**A1, B1, C1, D1** stand for the number of voters abroad who participated in the last national election in the country of reference.

**T1** stands for **the total number of voters abroad** who participated in the last national election.

**A1V, B1V, C1V, D1V** stand for the ratio of voters abroad, in the country of reference, who participated in the last national election to the total number of voters who participated in the last election.

**A2, B2, C2, D2** stand for the number of preliminary registrations made by voters who are abroad, in the country of reference.

**T2** stands for **the total number of preliminary registrations** made by voters who are abroad, in their countries of reference.

**A2V, B2V, C2V, D2V** stand for the ratio of preliminary registrations made by voters who are abroad, in the country of reference, to the total number of preliminary registrations.

**A3, B3, C3, D3** stand for the number of voters abroad, in the country of reference, according to the information presented by the Ministry of Foreign Affairs and European Integration.

**T3** stands for **the total number of voters abroad**, according to the information presented by the Ministry of Foreign Affairs and European Integration.

**A3V, B3V, C3V, D3V** stand for the ratio of voters abroad, in the country of reference, who participated in the last national election to the total number of voters who participated in the last election.

**W, X, Y, Z** is the **total value/share of each individual state, calculated on the basis of the 3 (three) criteria**.

The total value/share of each individual state is calculated as an average of the three criteria. The total value/share will be the basis for determining the total number of polling stations to be established in that country.

**N** stands for the total number (150) of the polling stations to be established abroad by the Central Electoral Commission.

**PS No** (number of polling stations) is the ratio of the total number of polling stations to be established by CEC to the value/share of each country.

\* If data are not available for one of the three criteria for a certain country, 0 will be used as the initial value for the criterion concerned. Thus, for example, no polling station was set up in Country 1 at the previous election because no voter had registered preliminarily. Hence, the first criterion for Country 1 will amount to 0 — the number of voters who participated in the previous national election.

[www.alegeliber.md](http://www.alegeliber.md) - **The Civic Coalition for Free and Fair Elections** is a permanent, voluntary entity consisting of 35 Moldovan NGOs, which aims at developing democracy in the Republic of Moldova by promoting and conducting free and fair elections according to the standards of ODIHR (OSCE), Council of Europe and specialised affiliated institutions.

<sup>3</sup> CEC used this algorithm to determine the number of polling stations abroad for the 2020 Presidential Elections, and reportedly (because de facto the CEC members who voted for the decision totally neglected the algorithm) this algorithm underpinned the decision on the polling stations set up for the early Parliamentary Elections of 11 July 2021.