



REPORT no. 2

Observation Mission General Local Elections and New Parliamentary Elections of 20 October 2019

Monitoring period: 15 August – 3 September 2019

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The responsibility for the opinions expressed in this report lies with the Promo-LEX Association and does not necessarily reflect the position of the donors.

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EXECUTIVE SUMMARY

Legal framework. On 15.08.2019, the Parliament of the Republic of Moldova approved Law no. 113 for the modification of some legislative acts (in particular, the Electoral Code), by which a series of legal provisions were amended, including the ones with immediate effect on the ongoing electoral processes: conducting electoral campaigning on the election day and on the day preceding it, financing of electoral campaigns, designation and registration of candidates, etc.

Promo-LEX OM mentions that the approval of modifications to the existing legal framework during the electoral period has a negative impact on the correctness and predictability of electoral process, given that the law amending the Electoral Code was published and entered into force on 17 August 2019, that is to say, 15 days before the beginning of the electoral period for the new parliamentary elections, according to the Calendar Program approved by the CEC, and only two days before the beginning of the electoral period for the general local elections. Therefore, it was difficult for the CEC to comply with the principles of transparency and public consultation in adjusting its regulations in line with the new amendments.

In addition, due to the changes made to the Electoral Code during the electoral period and due to their differentiated application to the two types of elections held on the same day, the Promo-LEX OM considers that the organization of the electoral process is burdensome and accompanied by uncertainties.

Electoral bodies. General local elections. During the observation period, in addition to the decisions currently approved to regulate the electoral process, the CEC also approved the modification of five and the approval of two regulations. Of these, two normative acts were not submitted to public consultations. The Promo-LEX OM welcomes the amendment of the Regulation on the status of observers and the procedure for their accreditation in order to simplify the accreditation procedure and ensure the right to communicate the observations made on the election day, providing that they do not make electoral campaigning.

All the 36 electoral constituencies and 35 DEC II were constituted in legal terms. Repeatedly, similar to previous local elections, DEC II Bender was not established. Of the 35 DEC II visited, only 66% displayed data on the composition of their membership and only 71% displayed information on the working hours of the DEC II in visible places / information panels.

In terms of gender balance within the DEC II, we can attest to a relatively balanced situation, if the total number of women in the DEC II is 60%, then the share of women holding the position of president of the DEC II is 40%. Only seven premises of the DEC II (20%) can be considered accessible according to the criteria provided by the CEC normative acts.

New parliamentary elections. For the new parliamentary elections, the CEC constituted, in legal terms, all the four constituency councils in Single Member Constituencies: no. 17 (Nisporeni), no. 33 (Chisinau), no. 48 (Transnistria) and no. 50 (west of the Republic of Moldova). At the same time, the Promo-LEX OM found that not all the subjects holding the right to appoint members to the CCs designated their members to these entities. From the gender perspective, about 64% of CC members in SMCs are women.

The Promo-LEX OM notes that the CEC failed to provide a comprehensive information campaign about the need for prior registration for voters residing abroad and those in Transnistria. We also emphasize the lack of transparency and impossibility to check the current data on the number of voters with prior registration.

The state registry of voters (SRV). Due to the late, compared to the previous polls, publication of data on voters registered in the SRV, we attest to a continuous official increase in the number of voters, i.e.

during the last eight months, their total number increased by about 20 thousand. Paradoxically, but the CEC, by its Decision no. 2573, approved the number of councilor mandates in the first and second level local councils by reducing it in certain administrative- territorial units (ATU) compared to 2015, due to the decrease of the population in the respective regions.

Also, the Promo-LEX OM emphasizes the fact that against the backdrop of continuous increase of the number of voters who do not have a domicile or residence - 224 250 (6.82%), as well as in the context of contradictory normative provisions of the CEC in this respect, the probability of restricting the constitutional right to elect in the local and parliamentary elections of 20 October 2019 of voters who do not have a domicile or residence is real.

Designation and registration of candidates. *General local elections.* As of 3 September 2019, there are still no registered electoral candidates, but there are four applications for the position of mayor filed with the DEC Chisinau and two with the DEC Balti. Also, the Promo-LEX OM identified at least 14 cases that can be qualified as early designation of candidates: nine cases – the USB and five cases – ACUM Bloc (PPPDA / PAS). In this context, the Promo-LEX OM reiterates its position on the need to extend the period for designation of candidates in the case of local elections, which is shorter compared to the parliamentary and presidential elections.

New parliamentary elections. The Promo-LEX OM noticed the increased activism of potential MP candidates in single member constituencies. It found that during the observed period, 41 initiative groups (IGs) were registered in the 4 SMCs, accounting for an average of about 10 IGs per constituency, which exceeds the average of 7.86 registered in the parliamentary elections of 24 February 2019. None of the requests for registration of IGs submitted to the electoral bodies was refused. The majority, 68% of the candidates, are nominated by political parties and an electoral bloc. Only two subjects entitled to designate candidates - ACUM Electoral Bloc and the PLR - have candidates in all the four single member constituencies. On 28 August 2019, the CEC, by its Decision no. 2588, registered for the participation in the new parliamentary elections, the ACUM Electoral Bloc, constituted by PAS and PPPDA.

Electoral competitors. As the electoral campaign is approaching, potential competitors become more active in the public space. During the observed period, the OM identified at least 40 cases that can be qualified as activities with an electoral tinge, involving: the PSRM (25), the PN (6), ACUM Electoral Bloc (5), the PDM (2), the PPS (1) and the PCRM (1). The most widely-used types of activities are: distribution of informative materials - 12, organization of various festive events - 6, concerts - 4 etc.

Also, the OM identified at least 10 cases that can be qualified as misuse of administrative resources (8 – the PSRM, 1 – the PDM, 1 - a potential candidate that is currently politically unaffiliated). Among the types of activities used, we can mention: *claiming merits for projects implemented at public expense and use of public events to promote potential candidates.*

The Promo-LEX OM also found at least 4 situations that can be qualified as involvement of the President of the Republic of Moldova, Igor Dodon, in promoting the PSRM and its potential candidates in the general local elections.

Also, during the monitored period, at least 3 events that have a potential electoral impact, organized with the involvement of foundations/ organizations associated with political parties were reported: 2 cases by "Renato Usatii" Foundation and 1 by "For Orhei" Public Association.

Financing of electoral campaigns. During the monitored period, the Promo-LEX OM noted the modification of the Electoral Code in terms of financing of electoral campaigns. The adopted amendments refer to all the electoral polls mentioned in the Code and will be applied accordingly. However, it should be mentioned that the organization of the new parliamentary elections in the four single member constituencies to be held on the same day with the general local elections of 20 October

2019 will be burdened by the fact that previous provisions on the financing of electoral campaign for the new parliamentary elections of 20 October 2019 remain intact, that is, they are the same that were in force before the adoption of the new amendments of 15 August 2019. As a result, the new amendments strictly target the electoral campaign for the general local elections of 20 October 2019.

Although most of the amendments on the financing of electoral campaign meet the previous recommendations of the Promo-LEX OM, making changes during the electoral period, moreover, their uneven "targeted" application / non-application to the new parliamentary elections and the general local elections creates substantial ambiguities for participants. Adopting changes in the period immediately preceding electoral campaign is contrary to both international standards and the smooth running of electoral campaign.

Voter education campaign. The Promo-LEX Association will carry out the Campaign "I vote for ..." aimed at information, electoral education and apolitical mobilization of the citizens of the Republic of Moldova holding voting rights. It will include: "door-to-door" information activities, carried out in 70 settlements with the involvement of 34 coordinators and over 200 volunteers; 10 public electoral debates in 10 rural and urban settlements; TV and Radio debates; creation and dissemination of 2 video spots; an online campaign for information and apolitical mobilization of voters, etc.

During the monitored period, the CEC and CICDE conducted trainings for electoral officials involved in the activities of DEC II and for the registrars within the LPA. A Call Center for general local elections and the new parliamentary elections was launched, which will provide assistance to interested citizens and members of lower electoral bodies to ensure a uniform implementation of electoral procedures. At the same time, representatives of certain interested parties with a potential for disseminating information such as librarians and journalists have been trained.

INTRODUCTION

Report no. 2 has been developed within the framework of the Promo-LEX Observation Mission (OM) of the general local elections of 20 October 2019 and includes the result of monitoring the pre-election period with an emphasis on the period of 15 August – 3 September 2019. The Report also includes the findings of the Observation Mission on the preparation for the new parliamentary elections in four single member constituencies to be held on 20 October 2019 simultaneously with the general local elections. The content of this document may be subject to editorial review.

The Promo-LEX OM will present 5 intermediate observation reports and a final report on the conduct of the general local elections/ new parliamentary elections. Additionally, on the Election Day, (for the I and II rounds in the case of local elections) the Association will issue press releases on the conduct of the elections, results of parallel vote-counting and the correctness of protocols filled in. The mission of the reports published by the Promo-LEX OM is to diagnose, in real time, the quality of the organization and conduct of elections for a predetermined period of time; to bring to accountability electoral actors; to identify positive and negative trends in electoral processes. The final report of the OM will be submitted on 19 December 2019.

The Promo-LEX election observation methodology has been developed in line with the international standards in the field and involves both long-term and short-term observation (election day). Monitoring reports are prepared by the central team of the Promo-LEX OM, based on the findings reported by the long-term observers (LTO) within the Mission on the activity of all the actors involved in the process of organizing and conducting the elections: electoral competitors, public authorities, electoral bodies, political parties, citizens submitting their own candidacy, as well as civil society.

Monitoring of the electoral process will be carried out during the electoral period by 41 LTOs. On the election day, Promo-LEX will delegate a short-term observer (STO) to the polling stations (PSS) selected by the Promo-LEX OM based on a sample identified by a sociological company.

All the observers involved in the monitoring process are trained in the seminars organized by the Promo-LEX Mission and sign the Code of Conduct¹ of the Promo-LEX Independent National Observatory, committing to act in good faith and in a non-partisan way. The activity of all observers is coordinated by the central team of the Association.

The report is drawn up based on the observation reports and the findings of LTOs introduced into the thematic templates, as well as on official public information reported by Promo-LEX OM observers. Carrying out some planned visits, the observers analyze the information that results from discussions, meetings with officials and consultation of official documents.

The Promo-LEX OM for the general local elections and the new parliamentary elections of 20 October 2019 is a project carried out by the Promo-LEX Association within the Civic Coalition for Free and Fair Elections. The Promo-LEX OM is not a political opponent of the competitors involved in the electoral process, it is not an investigative body and does not assume the express obligation to prove the observed findings. However, observers' reports are accompanied, as far as possible, by photographic and video evidence, 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 competitors. At the same time, the violations, including the alleged ones, which are found in this report, must be treated by the electoral authorities in the light of the provisions of art. 22, para. (1), letter q) and art. 68, para. (5) Electoral Code, including as notifications filed by observers and be examined by the competent authorities.

¹ <https://promolex.md/4689-codul-de-conduita-al-observatorilor-electorali-promo-lex/>

The Promo-LEX mission manages the www.monitor.md web platform, where any citizen can report activities with electoral overtones, the information from observers' reports being 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 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 mission being the 18th. Additionally, the employees and members of the Association have extensive international experience and participated in election observations in the International Missions of Armenia, Germany, Georgia, Estonia, Norway, Romania, 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, the European Union and the Council of Europe. At the end of this report, we formulated preliminary recommendations for public authorities, electoral bodies, electoral candidates / participants in the referendums and other stakeholders to ensure the optimization of the electoral process.

The Mission is financially supported by the United States Agency for International Development (USAID) through the "Democracy, Transparency and Accountability" Program and co-funded by the Soros-Moldova Foundation through the project "Strengthening a Human Rights Education and Activism Development Platform in the Republic of Moldova", focused exclusively on monitoring hate speech.

The opinions expressed in the public reports and press releases of the Promo-LEX MO belong to the authors and do not necessarily reflect the views of the financiers.

I. LEGAL FRAMEWORK

On 15.08.2019, the Parliament of the Republic of Moldova approved Law no. 113 for the modification of some legislative acts (in particular, the Electoral Code), by which a series of legal provisions were amended, including the ones with immediate effect on the ongoing electoral processes: conducting electoral campaigning on the election day and on the day preceding it, financing of electoral campaigns, designation and registration of competitors, etc.

Promo-LEX OM mentions that the approval of modifications to the existing legal framework during the electoral period has a negative impact on the correctness and predictability of electoral process, given that the law amending the Electoral Code was published and entered into force on 17 August 2019, that is to say, 15 days before the beginning of the electoral period for the new parliamentary elections, according to the calendar program approved by the CEC, and only two days before the beginning of the electoral period for the general local elections. Therefore, it was difficult for the CEC to comply with the principles of transparency and public consultation in adjusting its regulations in line with the new amendments.

In addition, due to the changes made to the Electoral Code during the electoral period and due to their differentiated application to the two types of elections held on the same day, the Promo-LEX OM considers that the organization of the electoral process is burdensome and accompanied by uncertainties.

1.1. Amending electoral legislation

On 15.08.2019, the Parliament of the Republic of Moldova approved Law no. 113 for the modification of some legislative acts (the Electoral Code, the Law on the Status of the Member of the Parliament, the Law on Identity Documents in the National Passport System, the Law on Political Parties, the Contravention Code), published in the Official Gazette and entered into force on 17.08.2019.

1.1.1. Amendments relevant to general local elections

Amendments with regard to electoral campaigning

- The notion of electoral campaigning has been modified in order to restrict the activities that can be qualified as such. According to the new provision, electoral campaigning represents actions of preparation and dissemination of information **containing an urge to vote to convince the citizens to vote for some or another electoral competitor.**

Thus, we find that the conduct of any other activities that determine voters to vote for some or other electoral competitors, but which do not contain an urge to vote, does not constitute electoral campaigning. At the same time, both the notion of electoral campaigning and the provision on the ban on the involvement of persons who are not citizens of the Republic of Moldova in activities of electoral campaigning, prohibited by the Electoral Code, have not undergone modifications.

- The notion of "election silence" has been returned, instituting the ban on electoral campaigning on the election day and the day preceding the election day. In the same sense, the sanctioning provision of art. 52 of the Contravention Code has been modified. Thus, according to art. 52, para. (10) of the Electoral Code, *"On the election day and on the day preceding the elections, no electoral campaigning is allowed. The prohibition does not refer to information that has been already placed in the Internet and to posters previously displayed."* However, considering that the notion of electoral campaigning has been modified, it seems that on the election day and on the day before the elections, **information preparation and dissemination of information to determine the citizens to vote for some or other electoral competitors, providing they do not contain an urge to vote, can be carried out.**

Thus, we find that there have been made singular changes to the Electoral Code, without taking into account all the provisions related to the changes made, thus failing to evaluate their impact. We

consider that when modifying the notion of electoral campaigning, the following actions were to be carried out:

- a) examine the notion of electoral campaign and the way of conducting an electoral campaign compared with the notion of electoral campaigning;
- b) evaluate the degree of distinction between the notions of electoral campaigning and electoral advertising;
- c) revise the notion of electoral posters;
- d) evaluate the restrictions or limitations for conducting electoral campaigning, within the meaning of the new concept (involvement of persons who are not citizens of the Republic of Moldova, conducting electoral campaigning on the election day and the day preceding it and entering the premises of polling stations by persons displaying emblems, badges, or other signs of electoral campaigning);
- e) examine the activity of trusted persons in terms of carrying out electoral campaigning, especially contrary to the legal provisions.

Amendments with regard to the financing of electoral campaigns

- The ban on the financing of political parties, initiative groups and electoral campaigns by citizens of the Republic of Moldova from the revenues obtained from abroad was excluded, the same modification being made to Law no. 294/2007 on Political Parties.
- The phrase "direct and / or indirect" was excluded from the provisions on the financing of political parties, initiative groups, electoral campaigns. Also, the phrase "as well as material support in other forms" was excluded from art. 41, para. (2) of the Electoral Code.
- The general ceiling of the financial means that can be transferred to the "Electoral Fund" account in the country - which constitutes 0.05% of the revenues provided by the state budget law for the respective year and the maximum ceiling for each constituency - has been set differentially. Additionally, the method of calculating the coefficient established by the CEC has been regulated by the Electoral Code.
- The ceilings of donations made by a natural person for an electoral campaign has been reduced from 50 to 6 average monthly wages in the respective year and from 100 to 12 average monthly wages in the case of legal persons. At the same time, there have been established differentiated ceilings for donations made by the **citizens of the Republic of Moldova with incomes obtained from abroad - 3 average monthly wages for citizens of the Republic of Moldova holding a public office, civil servants, including the ones with special status, or by employees of public organizations** - the ceiling of donations may not exceed 10% of their annual revenue, at the same time, it may not exceed six average monthly wages in the respective year. It should be mentioned that the same provisions have been included in Law no. 294/2007 on Political Parties with reference to donations made to one or more political parties in a budget year.
- The term, in which legal entities are prohibited from financing or offering material support through any form of activity to political parties, initiative groups, electoral campaigns, if they have concluded procurement contracts for public works, goods or services, etc. has been extended from one year before the start of the electoral period to three years. The same modification being implemented in Law no. 294/2007 on Political Parties.
- The beginning of the period, in which political parties can accept donations only to the "Electoral Fund" account and, respectively, the time of transferring their own financial means and presenting the financial report to the CEC has been modified **from the start of the electoral period to the start of electoral campaign**. It should be mentioned that on the date of entry into force of these provisions, 17.08.2019, according to the calendar plan approved by the CEC, the electoral period for the local elections was to begin in two days, that is, on 19.08.2019. In the case of the general local elections, a party submitted the report on the management of financial means four days after the beginning of the electoral period.

Amendments with regard to the designation and registration of electoral candidates

- The provision with regard to the minimum representation quota of 40% for both genders when drawing up the lists of candidates for the parliamentary elections was completed by establishing the positioning of candidates on the lists according to the formula: at least four candidates for every ten seats. However, according to the transitional provision established by the same law, in the general local elections of 20 October 2019, the lists of candidates will be drawn up respecting the minimum representation quota of 40% for both sexes, **at least three candidates for every ten places**. At the same time, there has been introduced a sanction for the "refusal to register an electoral candidate" in case the list of candidates designated for elections does not respect the minimum representation quota and in case the candidates' positioning on the list does not comply with the legal provisions.
- The candidates' obligation to **personally** submit the statement of consent to run in the elections and the documents necessary for the registration of the candidates was excluded.
- The **authorized persons** were excluded from the list of persons who can collect signatures in support of independent candidates in the elections. At the same time, express reference has been made to **the valid domicile or place of residence of the voters within the constituency** in which signatures can be collected to support the candidate in the local elections. At the same time, it should be mentioned that according to art. 134, para. (2), when electing the local council and the mayor, the voters **who do not have a domicile in the respective administrative-territorial unit do not** participate in the election.
- The certificate of integrity issued by the National Integrity Authority has been replaced with the declaration on one's own responsibility with regard to the absence of legal / judicial restrictions to apply for/ hold public offices and the remaining definitive acts with regard to declaring personal assets and interests, to the states of incompatibility and confiscation of unjustified assets, acts that are not prescribed.

Other amendments

- The notion of general elections from art. 1 and art. 8 of the Electoral Code has been modified by expressly mentioning their conduct on Sunday.
- The provision on the publication of the CEC decisions has been modified. According to it, the decisions are displayed on the CEC website within 24 hours after their adoption and *"the normative decisions, the decisions adopted during the electoral period and the decisions about the financial reporting shall be published in the Official Gazette of the Republic of Moldova. The decisions of the Central Electoral Commission shall enter into force at the moment of their adoption, or on the date indicated in the text of the decision"*. Prior to the amendment, this provision stipulated the obligation to publish all types of decisions adopted by the CEC in the Official Gazette with the express indication of the term of five days.
- A derogation has been introduced with regard to the working time ceiling established by the Labor Code and the Law on Civil Service and the Status of the Civil Servant, with the agreement of the permanent employee of the CEC apparatus.
- The provision that established the entity responsible for presenting data on the list of parties and other socio-political organizations has been modified by replacing the *Ministry of Justice* with the *Public Services Agency*.
- It was established that at the proposal of mayors, the limit of 3000 voters that can be included in a polling station can be exceeded by a maximum of 10%.
- It was specified that the following data from the voters' lists: the first and last names and year of birth of each voter can be made accessible in the premises of the polling stations, as well as be published on the CEC website. Also, representatives of electoral competitors and other interested parties have been granted the possibility to verify the correctness of electoral lists and, respectively, the right to contest them.
- Media service providers have been obliged to carry out and broadcast live debates between electoral competitors **only in the prime time - between 19:00 and 22:00 on working days and between 17:00 and 22:00 on rest days**. In this respect, it should be mentioned that the Regulation on the

coverage of electoral campaign in the general local elections of 20 October 2019 does not contain such an obligation, being approved on 22 August 2019, by the CEC Decision no. 2587.

It should be mentioned that the Promo-LEX OM recommended, in the Report no. 1 of the observation mission for the elections of 20 October 2019², *in case of approval of the draft law no. 36 of 29 March 2019, the inclusion in the final provisions of the draft law of a norm that establishes a deadline for the entry into force of amendments to the Electoral Code should be done after the general local elections are held.*

However, according to the final provisions of the Law amending the Electoral Code, the law comes into force on the date of its publication in the Official Gazette (17 August). The government has three months from the date of publication to submit proposals on aligning the legislation in force with the approved law (17 November), and the CEC will adopt the normative acts within its competence to ensure the implementation of the approved law.

*Considering that the Law amending the Electoral Code was published and entered into force on 17 August 2019, that is, 15 days before the beginning of electoral period for the new parliamentary elections, according to the calendar program approved by the CEC, and just two days before the beginning of the electoral period for general local elections, we **find it irresponsible for the legislative authority to set new rules for the electoral process during its conduct**, especially since the CEC does not have time to adjust its rules. At the same time, we find that during the entire observation period (15.08.2019 - 03.09.2019), the Central Electoral Commission approved regulations laying down rules of conduct in the polls to be held and it seems that many other regulations are to be approved in the following period.*

*We mention that the approval of modifications to the existing legal framework during the electoral period has **a negative impact on the correctness and predictability of electoral process**, especially when the Calendar Program for local elections provides for activities starting with 2 August 2019, and the electoral process involves many subjects, such as: voters, electoral competitors, persons designated to electoral bodies, mass media, observers, local public authorities, etc.*

Starting from the above-mentioned and in order to respect the principle of stability of electoral law and ensure the predictability of electoral process, the Promo-LEX OM recommends the Parliament of the Republic of Moldova to establish a period of time (for example, the beginning of electoral period or the date of the elections), in which the operation of any modifications to the existing legal and normative framework, including the one subordinated to the law, is forbidden.

1.1.2. Amendments relevant to the new parliamentary elections

In addition to other aspects relevant to local elections, the following amendments have been introduced by Law no. 113:

- The country returned to the proportional electoral system, excluding the notions (single member constituency, electoral competitors in single member constituency), the provisions of the Electoral Code that referred to the single member component of the mixed electoral system of MPs being repealed, including *Title III Parliamentary elections* that was modified.
- The way of setting up and organizing polling stations abroad has been revised, their establishment falling under the responsibility of the CEC, with the prior approval of the MFAEI, which will obtain the agreement of the competent authorities of the respective country, as well as ensure logistically the

² Report no. 1. Observation Mission for the general local elections and the new parliamentary elections of 20 October 2019, published on 15 August 2019, p .12. <https://bit.ly/2kdDGaw>

voting process. Thus, the government, as a political body, was excluded from the list of authorities that can contribute to the decision to set up polling stations abroad.

- The way of setting up and organizing polling stations for voters in Transnistria has been revised: in establishing them, the CEC will take into account the proposals of the Bureau for Political Reintegration, which in turn will take into account the administrative-territorial organization, the existing communication and access routes and will contribute to ensuring the access of voters to the electoral process and to the appropriate electoral bodies. Also, the term for setting up of polling stations for the residents of Transnistrian region was expressly mentioned - 35 days before the election date. At the same time, the new law excluded the criterion that had been taken into account when opening polling stations for voters in the Transnistrian region, i.e. the boundaries of electoral districts in relation to the domicile of voters on the left bank of the Dniester River, who participated in the previous elections.

- The list of identity documents which can be used for voting in polling stations set up abroad has been expanded, thus making it possible to vote with the identity card of the citizen of the Republic of Moldova. At the same time, amendments have been made to Law no. 271/1994 on identity documents in the national passport system, introducing the provision regarding the possibility of using an expired passport of the citizen of the Republic of Moldova to exercise the right to vote.

We mention that transitional provisions have been included in the Law amending the Electoral Code. According to them, if the mandate of an MP elected in a single member constituency is declared vacant at least 180 days until the expiry of the mandate of the Parliament of the X legislature, **partial parliamentary elections will be organized**, which will be held in accordance with the legislation in force until the date of adoption of this law, **except for the legal reports** regarding:

- a) the obligation to submit certificates of integrity;
- b) electoral campaigning;
- c) voter's identification documents, which will be regulated by the law in force, properly applied.

*Thus, we attest to a situation of **parallel regulation of the same legal relationships**, which refers to different polls. Considering the exhaustive enumeration of the legal reports highlighted in the transitional provisions, we emphasize a series of modified rules, which will not be applied in the new parliamentary / partial elections. They refer to:*

- the method and criteria for setting up and organizing the work of polling stations abroad and for voters in the Transnistrian region. In the case of a hypothetical situation, when it is required to organize partial elections for one of the 48-51 constituencies simultaneously with the presidential elections or a Republican referendum, the provisions regarding the setting up of polling stations abroad or in the Transnistrian region applicable to the above-mentioned elections will be different;
- the ceiling of the number of voters that can be included in a polling station - up to 3300;
- the permission / interdiction to finance electoral campaigns by the citizens of the Republic of Moldova from the revenues obtained from abroad;
- the three-year term of prohibition for financing or offering material support in any form of activity to political parties, initiative groups, electoral campaigns by legal entities that have carried out activities financed or paid from public means (funds);
- the donation ceilings for the electoral campaign from individuals and legal entities;
- the beginning of the period when political parties can accept donations only to the "Electoral Fund" account and, respectively, the time of transferring their own financial means and of presenting the financial reports to the CEC;

- the data from the voters' lists that are made accessible in the premises of the polling stations and are published on the CEC website and the possibility of representatives of electoral competitors to become acquainted with them, verify their correctness lists and, respectively, the right to contest them;
- the lack of the obligation to **personally** submit the statement of consent for candidates willing to run in the elections and the documents necessary for the registration of the candidates;
- the obligation of the media service providers to conduct and broadcast live debates between the electoral competitors only during peak hours - between 19:00 and 22:00 on weekdays and between 17:00 and 22:00 on rest days.

The Promo-LEX OM reiterates its position that the organization of the electoral process is burdensome and accompanied by uncertainties due to the changes made to the Electoral Code during the electoral period and due to their different application to two types of polls held on the same day.

II. ELECTORAL BODIES

General local elections. During the observation period, in addition to the decisions currently approved to regulate the electoral process, the CEC also approved the modification of five and the approval of two regulations. Of these, two normative acts were not submitted to public consultations. The Promo-LEX OM welcomes the amendment of the Regulation on the status of observers and the procedure for their accreditation in order to simplify the accreditation procedure and ensure the right to communicate the observations made on the election day, providing that they do not make electoral campaigning.

All the 36 electoral constituencies and 35 DEC II were constituted in legal terms. Repeatedly, similar to previous local elections, DEC II Bender was not established. Of the 35 DEC II visited, only 66% displayed data on the composition of their membership and only 71% displayed information on the working hours of the DEC II in visible places / information panels.

In terms of gender balance within the DEC II, we can attest to a relatively balanced situation, if the total number of women in the DEC II is 60%, then the share of women holding the position of president of the DEC II is 40%. Only seven premises of the DEC II (20%) can be considered accessible according to the criteria provided by the CEC normative acts.

New parliamentary elections. For the new parliamentary elections, the CEC constituted, in legal terms, all the four DEC II in Single Member Constituencies: no. 17 (Nisporeni), no. 33 (Chisinau), no. 48 (Transnistria) and no. 50 (west of the Republic of Moldova). At the same time, the Promo-LEX OM found that not all the subjects holding the right to appoint members to the DEC II designated their members to these entities. From the gender perspective, about 64% of DEC II members in SMCs are women.

The Promo-LEX OM notes that the CEC failed to provide a comprehensive information campaign about the need for prior registration for voters residing abroad and those in Transnistria. We also emphasize the lack of transparency and the impossibility to check the current data on the number of voters with prior registration.

2.1. CEC decisions relevant to the organization and conduct of general local elections

2.1.1. General description of the decision-making process

For the organization of the general local elections, the CEC adopted nine decisions regarding: the number of mandates in the local councils; additional responsibilities of some authorities; the list of parties and other socio-political organizations holding the right to participate in the elections; setting up second level constituencies; accreditation of national and international observers; relieving from permanent job and summoning some members of DEC II; approval of DEC II memberships; establishing the amount of interest-free credit granted to electoral competitors; establishing the general ceiling of financial means that can be transferred to the "Electoral Fund" account of an electoral competitor, and 35 decisions on the constitution of district and municipal electoral councils. Also, during the monitored period, three decisions were approved to modify the membership of the following DEC II: Cantemir (no. 8), Cahul (no. 7) and Glodeni (no. 19).

2.1.2. Approval by the Central Electoral Commission of the normative framework subordinated to the Electoral Code

During the monitored period, the CEC approved two regulations and amendments to five other regulations, which aim at organizing and conducting the electoral process in local elections.

Regulation on the peculiarities of designation and registration of candidates in local elections

On 20 August, by CEC Decision no. 2584, the **Regulation on the peculiarities of designation and registration of candidates in the local elections** was approved³. It should be mentioned that this regulation was accessible for public consultations, the deadline for submission of recommendations being 7 June 2019⁴.

However, some of the provisions were introduced bypassing the stage of public consultation, following the amendments to the Electoral Code approved on 15.08.2019. These provisions provide for the establishing and registration of initiative groups to support independent candidates for the position of mayor and / or local councilor. We mention that some legal norms do not obviously result from the provisions of the Electoral Code:

- 1) according to point 18 of the Regulation, an independent candidate **may choose not to form an initiative group (IG), if s/he decides to collect signatures independently;**
- 2) according to points 19 and 24, an IG can support a single independent candidate even if s/he is running concurrently for both the local council and the mayor's office. The members of an IG cannot be at the same time members of another initiative group. If, during the verification of the list of members of initiative groups submitted for registration to the DEC, it will be found that the same person has signed several lists to be part of another IG, only the signature applied first chronologically will be considered valid, and the subsequent signatures will be considered null, being a basis for the refusal to register the other groups.

Although the rule that states that the members of an IG cannot be at the same time members of another IG is similar to the one in the Regulation on the appointment and registration of MP candidates, we consider that in the case of local elections, it burdens the situation of independent candidates in comparison with the candidates nominated by political parties or electoral blocs. Thus, an independent candidate, who is simultaneously applying for both the position of councilor in the local council and that of a mayor, must constitute two IGs with different members.

Another norm that was not found in the draft regulation published for public consultations is the one stipulated in point 36. According to it, the coordinator of the working group will ensure the **introduction, verification and processing of subscription lists into the application "Subscription lists"** through the operator of the DEC II. In the case of the new local elections (when the second level district electoral council is not constituted) - through the operator within the first level district electoral council. **The report generated** after the processing of all the subscription lists from the file **will be presented by the coordinator of the working group** to the members of the district electoral council and will be annexed to the informative note on the results of the verification of subscription lists.

In this respect, we reiterate the conclusion and recommendation of the Promo-LEX OM following the parliamentary elections of 20 February 2019,⁵ according to which the *use of the "Subscription lists" application in the elections and the refusal to register candidates due to the results provided by the above application is beyond the legal regulation, since the Electoral Code does not provide for the procedure for checking the subscription lists, nor for the sanction of non-registration of electoral competitors due to the*

³ <https://bit.ly/2lxCezR>

⁴ <https://bit.ly/2jT4dtg>

⁵ Promo-LEX OM. Final Report on the Parliamentary Elections of 24 February 2019, pp. 13-14, <https://bit.ly/31dbx3a>

report generated by the application. Therefore, we recommend the CEC to elaborate regulations for the operation of the "Subscription lists" application, which will contain a description of the information on which the application is based and will provide for an easy procedure to challenge the results provided by the application.

Amendments made to the Regulation on preparation, submission and verification of subscription lists

On 28 August 2019, the CEC approved the Decision no. 2592 for amending the **Regulation on the preparation, presentation and verification of subscription lists**, which mainly adjusted the provisions of the regulation to the amendments of the Electoral Code, in the part regarding the exclusion of authorized persons from the list of persons with the right to collect signatures in the local elections. At the same time, other changes refer to:

- the use of the "Subscription Lists" application - the function block of the State Automated Information System "Alegeri" (SIAS "Alegeri") for checking subscription lists, **as the case may be**. We mention that in the public consultations for the approval of these changes, the Promo-LEX Association proposed to clarify the cases in which electoral bodies will use this application and recommended either the exclusion of the provisions referring to the application, or introducing a parallel regulation on the operation of the application. The recommendation resulted from findings made after the parliamentary elections of 24 February 2019 and aimed at ensuring opposability of data or results provided by this application. These proposals do not seem to have been taken into consideration by the CEC when approving the amendments to the regulation;
- the exclusion of the criteria for considering null and void the lists that contain signs of rectification or falsification of personal data on the subscription lists and the modification of the criterion regarding the application of the signature by persons other than IG member;
- establishing the prohibition of duplicating the subscription list by photocopying them by the persons collecting signatures.

The Promo-LEX OM considers that the changes made to this regulation were necessary in order to remove the errors and gaps observed by observers in the parliamentary elections of 24 February 2019.

Amendments made to the Regulation on the procedures for drawing of lots

On 28 August 2019, the CEC approved the Decision no. 2593 for amending the **Regulation on the procedures for drawing of lots**⁶, which excluded the procedure of notifying the applicants about the convening of electoral body for the organization of the drawing of lots in case they filed the documents for registration on the same day. *We consider that depriving electoral competitors of the possibility to attend the procedure of drawing of lots diminishes the transparency of the procedure.*

At the same time, the models of documents that are to be approved by the electoral bodies in case of drawing of lots have been approved.

With regard to ensuring transparency of decision-making process, although the announcement about the initiation of public consultations was placed on the CEC website, the regulation was not submitted for public consultations.

Amendments made to the Regulation on the activity of the constituency council

⁶ Approved by the CEC Decision no. 1729 of 3 July 2019.

On 28 August 2019, the CEC approved the Decision no. 2593 for amending the **Regulation on the activity of constituency council (CC)**, which contains a series of technical changes and adjustments to the provisions in force of the Electoral Code. At the same time, annex no. 16 to the regulation stipulates the model of the decision regarding the request to revoke a member of electoral council, which describes the violation that determined the revocation of the member and **asks the authority that appointed it both to revoke it and to submit a new candidacy** within 72 hours, otherwise, the candidacy will be identified from the Registry of Electoral Officials (REO).

During the public consultations, the Promo-LEX Association mentioned that **revocation is a right of the authority that designated it** and can become an obligation only if there is a court decision in this respect, similar to the procedure for revoking CEC members. Thus, the Constituency Council cannot request the authority that designated a member to revoke it, it can only propose its revocation and substitution, or notify the authority regarding the violation committed, and the decision of the Constituency Council must only ascertain the violation, as set out in art. 36, para. (2) of the Electoral Code, and not request its revocation.

Taking into account the above, we recommend the modification of the Annex no. 16 to the Regulation on the activity of the constituency council by excluding the requests for revocation of the CC member and that for appointing of a new candidacy.

Amendments made to the Regulations on the status of observers and the procedure for their accreditation

On 29 May 2019, the Promo-LEX Association submitted a petition requesting the modification of the **Regulations on the status of observers and the procedure for their accreditation**, approved by the CEC Decision no. 332/2006, in the part related to the documents to be submitted for the accreditation of observers and in the part of the obligation to refrain from commenting in public until the closure of the polling stations.

Later, on 25 June 2019, the CEC announced the elaboration of the draft decision "for amending the Regulation on the status of observers and the procedure for their accreditation", the proposals being expected by 16 July⁷. At the same time, the announcement about the presentation of the draft decision for public consultations set the deadline of 19 August 2019⁸. On 2 September 2019, following long debates during the meeting, the CEC approved the Decision no. 2637 for amending the **Regulations on the status of observers and the procedure for their accreditation** with 5 votes for and 4 abstentions⁹. This decision facilitated the procedure for accrediting observers, by eliminating the obligation to submit the form signed by the person whose accreditation is requested, respectively the annexes to the regulation being modified.

Also, the obligation to refrain from commenting in public has been replaced with the obligation to refrain from campaigning in favor or to the detriment of any electoral competitor or participant in the referendum.

Although the process of modifying two legal norms within the regulation took three months, the Promo-LEX OM welcomes the approval of these changes that are inevitable and ensure a free election observation mission and a transparent electoral process.

Amendments made to the Regulation on the placement of electoral advertising and political promotion materials on information panels

⁷ <https://bit.ly/2lQ5x0C>

⁸ <https://bit.ly/2jTdwG>

⁹ <https://bit.ly/2lANnOh>

On 3 September 2019, the CEC approved the Decision no. 2651 for amending the **Regulation on the placement of electoral advertising and political promotion materials on information panels**¹⁰, approving the completion of the regulation with point 16¹ with the following content: „16¹. On the election day and on the day preceding the election, no **electoral campaigning** is allowed within the meaning of this regulation. This prohibition does not refer to information that has been already posted on the Internet and to previously posted electoral and / or political posters. *Thus, we find that by approving this norm, the Central Electoral Commission has unreasonably expanded the area of prohibited actions, since, the Electoral Code, art. 52, para. (10), stipulates that no **electoral campaigning** is allowed on the day of the elections and on the day preceding the elections.*

We mention that, according to the regulation, electoral advertising and / or political promotion represents actions for the preparation and dissemination of information by placing it in the form of electoral posters and / or political promotion materials during the electoral period, and according to art. 1 of the Electoral Code, electoral campaigning represents actions for the preparation and dissemination of information **that contains an urge to vote** in order to determine the citizens to vote for some or other electoral competitors.

Respectively, the notion of electoral campaigning is not equivalent to the notion of electoral advertising.

In addition, we emphasize that the approval of this regulation was carried out without respecting the principle of decision-making transparency, failing to ensure public consultations.

Taking into account the above, we recommend the Central Electoral Commission to amend the provision of point 16¹ in order to comply with the provisions of the Electoral Code in the part related to the distinction between electoral advertising and electoral campaigning.

2.2. Decisions relevant to the organization and conduct of the new parliamentary elections

2.2.1. General description of the decision-making process

To ensure the organization of the new parliamentary elections, the CEC adopted four decisions establishing Electoral Councils in the Single Member Constituencies no. 17, 33, 48 and 50. Following the approval of the above decisions, in line with the Calendar Program, through the adoption of ten decisions, the CEC relieved some of the members of the SMC constituency councils from their professional duties; approved the staff of the CC units; in the part referring to the financial means of the parties / electoral competitors, it established the general ceilings of the financial means that can be transferred to the account "Intended for the initiative group / groups" and to the "Electoral fund" of the competitor; established the amount of interest-free credit granted to competitors; registered an electoral bloc (ACUM Electoral Block - the PPPDA and PAS) and established the number of trustees of competitors in the new parliamentary elections. At the same time, it also approved decisions confirming the representatives with consultative voting rights in the CEC and the treasuries of two political parties (the PSRM and the PDM) for the electoral campaign of the new parliamentary elections.

In order to adapt to the new changes¹¹, the **Regulation on the peculiarities of designation and registration of candidates for the Parliament of the Republic of Moldova** has been modified, by

¹⁰ <https://bit.ly/2ks6vjh>

¹¹ <https://bit.ly/2OAIslu>

which the condition of presenting the certificate of integrity, issued, according to the law, by the NIA, was replaced with the Declaration on its own responsibility.

Decisions amending the membership of the SMC constituency councils. During the monitored period, a decision was adopted to amend the membership of the Constituency Council of Single Member Constituency no. 33, based on the request submitted by the PAS and REO. Therefore, its composition was changed from 7 to 9 members, the last two members included representing the REO.

2.2.2. Approval by the Central Electoral Commission of the normative framework subordinated to the Electoral Code

Amendment of the Regulation on peculiarities of designation and registration of candidates for the Parliament of the Republic of Moldova

On 20 August 2019, the CEC approved the Decision no. 2585 for amending the **Regulation on the peculiarities of designation and registration of candidates for the Parliament of the Republic of Moldova**¹². The changes resulted exclusively from the approval of the amendments to the Electoral Code of 15 August, 2019, by which the certificate of integrity was replaced by the declaration on its own responsibility, thus adjusting the provisions of the regulation and the model of the declaration on its own responsibility regarding the lack of legal prohibitions.

We note that the approval of these amendments was not preceded by public consultations and the registration of candidates for the office of Member of the Parliament began on 21 August 2019, the amendments to the regulation being approved just one day before.

2.3. Accreditation of national and international observers

During the monitored period, seven national observers (the Promo-LEX Association) and three international observers have been accredited (Chisinau Branch of the International Institute for Monitoring the Development of Democracy, Parliamentarism and Respect for the Electoral Rights of the Citizens of the AIP/ CIS).

2.4. Establishment of second level electoral districts, municipal and district electoral councils (DEC II)

On 22 August 2019, in line with the Calendar Program and the legal provisions¹³, the CEC constituted 36 second level electoral districts for the general local elections of 20 October 2019¹⁴, at least 55 days before the election day, respecting the deadline.

On 30 August 2019¹⁵, in line with the Calendar Program and the provisions of the Electoral Code, the CEC constituted DEC II, observing the term of at least 50 days before the election day, by approving 35 decisions in this respect. The Promo-LEX OM repeatedly points out that no electoral council has been established for the district no. 3 Bender.

¹² Approved by the Central Electoral Commission Decision no. 1731/2018.

¹³ According to art. 18, art. 26, para. (1), let. c) and art. 28 of the Electoral Code, point 7 of the Calendar Program for the organization and conduct of the general local elections of 20 October 2019 (<https://bit.ly/2MR2ZLc>) and under Law no. 764/2001 on the administrative-territorial organization of the Republic of Moldova (<https://bit.ly/2TD1eBI>).

¹⁴ CEC Decision no. 2586 of 22.08.2019 on the constitution of the second level constituencies for the general local elections of 20 October 2019. <https://bit.ly/2zwohWw>

¹⁵ CEC decisions no. 2599 - 2633 of 30.08.2019 on the constitution of municipal and district electoral councils. <https://bit.ly/2lswbN6> , <https://bit.ly/2lswbN6>

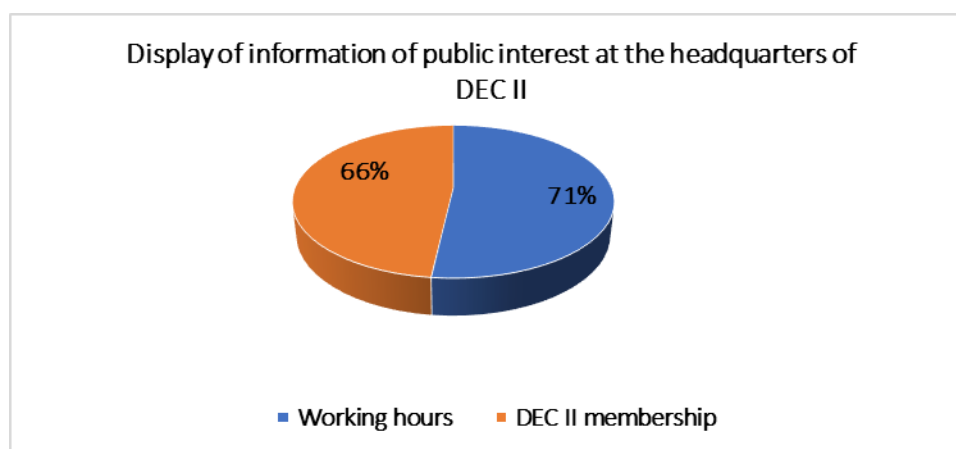
Publication of information of public interest. It should be mentioned that to ensure transparency of electoral operations at the level of DEC II, the CEC created on its official website, compartments for each of the DEC II under the heading "2019 General Local Elections", where information of public interest relevant to the activity of DEC II is presented, including: the address of the headquarters, contact details, decisions of the electoral body, registered candidates.

From the information collected by the Promo-LEX observers, 9 of the 35 DECs II also have other web pages offering information of public interest (for example: the web pages of the district / municipal councils).

According to point 9 of the Calendar Program, DECs II and CEC undertake to make public the composition, headquarters and contact details of DEC II by 3 September, inclusively.

Scanning the compartments of DECs II on the official web page of the CEC, we found that they contain all the necessary information of public interest, which is not true in the case of headquarters. Following the visits made by the Promo-LEX observers to the offices of DEC II, we discovered that the relevant information (the composition of the DEC II and the working hours) is not displayed in the visible public places (see Chart no. 1).

Chart no. 1



Thus, out of the 35 DECs II visited, only 66% published data on the composition of DEC II and only 71% displayed information on the working hours of DEC II in visible places / on information panels outside the headquarters.

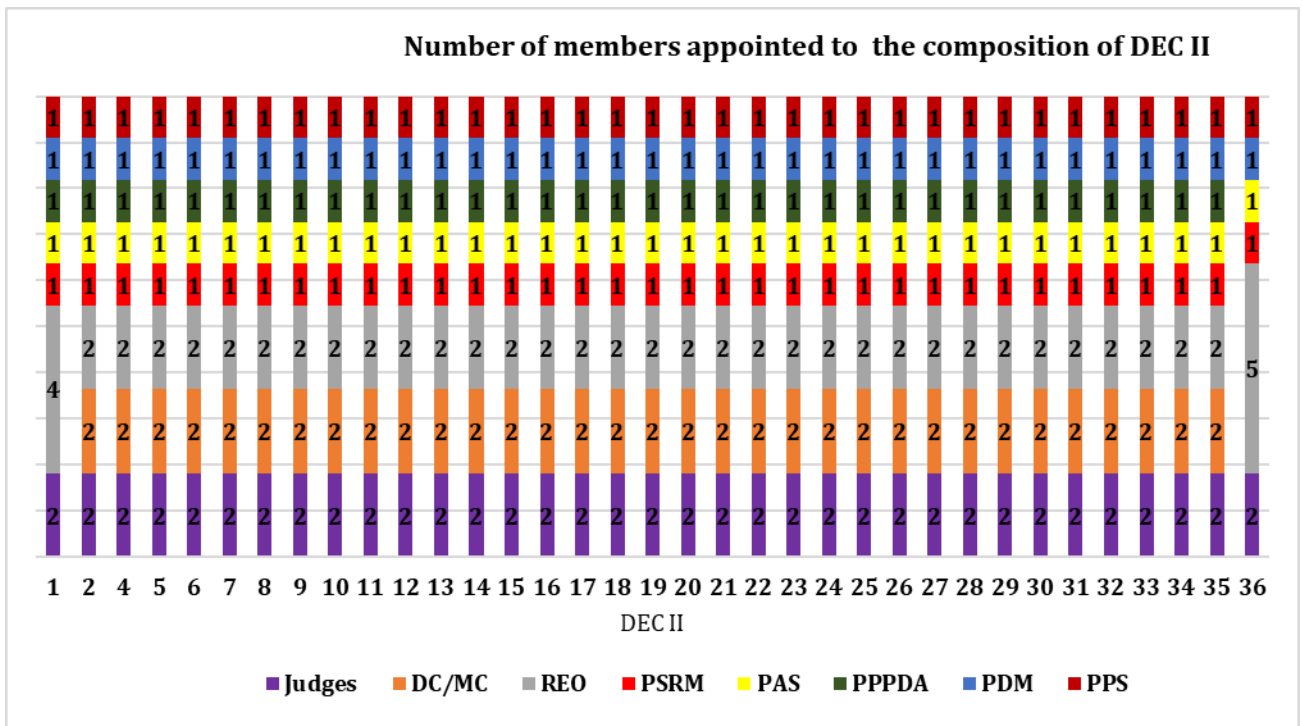
Composition of DEC II. According to the legal provisions¹⁶, DEC II shall be made up of an odd number of members, of at least 7 and at most 11 persons. For the general local elections of 20 October 2019, all DECs II shall be made up of 11 members. In the composition of each DEC II, two members with a legal or public administration background are appointed by courts, this being a condition expressly provided by the Regulation on the activity of district electoral council.

Following the examination of the information published on the official website of the CEC and according to the data collected by the Promo-LEX observers, we generally found the observance of the

¹⁶ Point 5 of the Regulation on the activity of district electoral council. <https://bit.ly/2IR5pOs>

legal provisions¹⁷ with regard to DEC II membership. Chart no. 2 reflects the information on the appointment of members by each entity.

Chart no. 2



Thus, we find that each party represented in the Parliament of the Republic of Moldova (the PSRM, PAS, PDM and PPS) appointed one member in the composition of each DEC II, except the PPPDA, which has no members in the DEC II of ATU of Gagauzia no. 36. At the same time, the municipal council did not appoint members to the Electoral Council no. 1, Chisinau, the position being completed from the REO. The same finding refers to DEC of ATUG no. 36, where the People's Assembly of Gagauzia did not nominate any candidate, which required the completion of the position by the REO.

Respecting gender balance in the management of DEC II. To observe the gender balance within the DEC II, the Promo-LEX mission has monitored the number of women and men fulfilling their duties, by positions. Chart no. 3 reflects general information about the number of women and men involved in the electoral process in DEC II, while chart no. 4 shows the distribution of management positions by gender. Chart no. 4 also includes the position of secretary to reflect the difference between the number of women holding decision-making powers and those involved in positions with secretarial tasks.

¹⁷ Article 28, para. (5) of the Electoral Code: "... the candidacies of 2 members of the second level electoral council shall be proposed by the court or, as the case may be, by the court of appeal, the candidacies of other 2 members - by the local second level councils and The People's Assembly of Gagauzia. The candidacies of other members are proposed by the parties and other socio-political organizations represented in the Parliament on the date the district electoral council is established, one from each party or other socio-political organization, and if it is not sufficient, the remaining number of members shall be completed by the Central Electoral Commission, from the Registry of Electoral Officials".

Chart no. 3

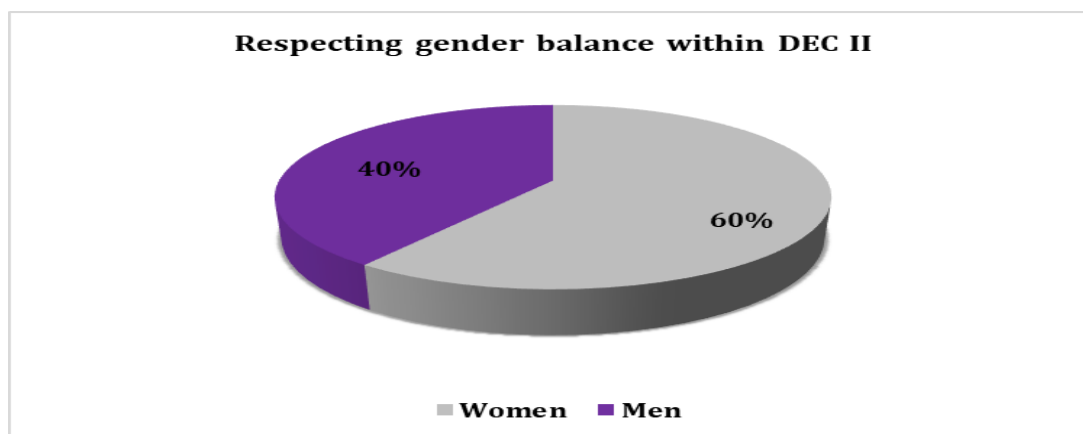
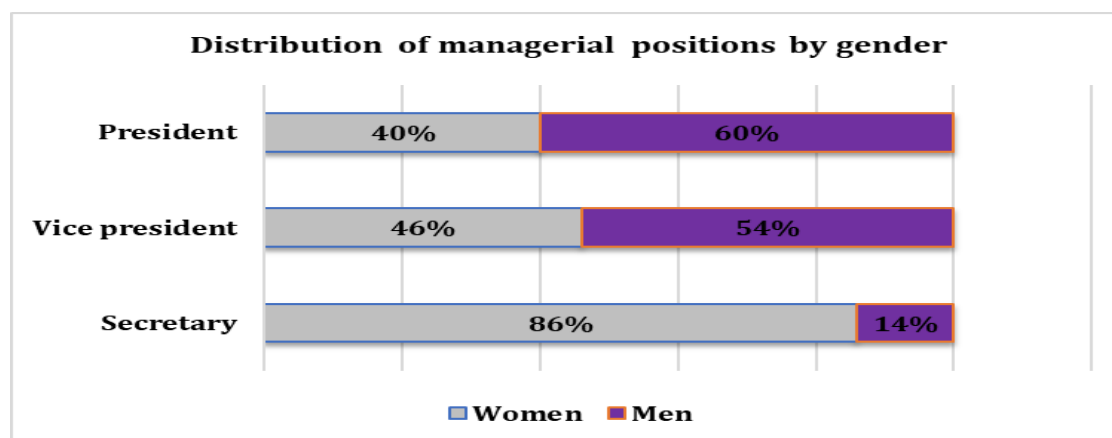


Chart no. 4



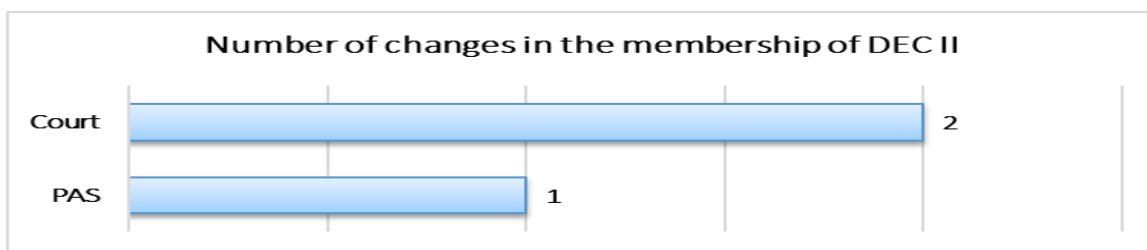
We find that more men than women are involved in managerial positions. Thus, a greater number of men is employed in positions of president and vice president, with 20% and 9% respectively. As for that of the secretary, the result is diametrically opposite, there are more women elected, accounting for 71%.

Promoting gender balance by the CEC within lower electoral bodies. We emphasize the fact that in previous elections, the CEC expressly outlined the gender balance component in the decisions on establishing constituency councils and appointment of president, vice president and secretary. However, in the decisions on establishing DEC II for the elections of 20 October 2019¹⁸, this recommendation is not provided. We consider that the omission of the CEC does not contribute to promoting gender balance.

Modification of the DEC II membership. During the monitored period, the CEC adopted three decisions modifying the composition of DEC II, based on the requests received from the entities with the right of designation. Thus, there are decisions on the modification of DEC II memberships: no. 8, in Cantemir, no. 7 in Cahul, and no. 19 in Glodeni (see chart no. 5).

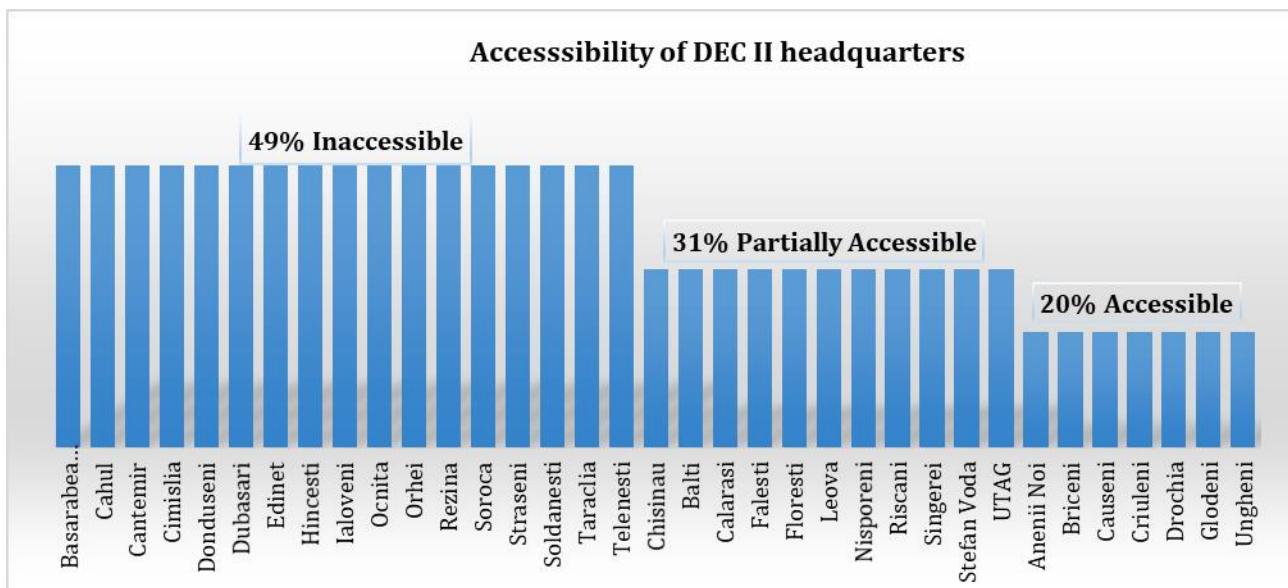
¹⁸ CEC Decisions no. 2599 - 2633 of 30.08.2019 on the establishment of municipal and district electoral councils. <https://bit.ly/2lswbN6> , <https://bit.ly/2lswbN6>

Chart no. 5



Accessibility of DECs II. When making visits to DECs II, Promo-LEX observers evaluated the accessibility of DEC II headquarters. The degree of accessibility of DECs II has been evaluated on the basis of three criteria: accessible (both the access ramp and support bar meet the dimensions provided in the regulation¹⁹), partially accessible (only the ramp or support bar is available) and inaccessible (lack of any of the elements). According to the reports of the Promo-LEX observers, out of thirty-five DECs II, only 7 (20%) are accessible, 11 (31%) are partially accessible and 17 (49%) are inaccessible (see chart no .6).

Chart no. 6



At the same time, according to the reports of the Promo-LEX observers, 17 (49%) of the councils are located on the 2 or higher floors of the buildings, which makes it even more difficult in terms of access for people interested in the electoral process.

Unfortunately, the same situation is observed in the case of 20 October 2019 elections, a large group of people (people with locomotor disabilities, the elderly, parents with strollers, other groups with special needs) are not provided with friendly infrastructure. Therefore, we recommend to the central and lower electoral bodies to create all the necessary conditions and ensure accessibility to the public premises for the conduct of the elections of 20 October 2019.

¹⁹ Point 17 of the CEC Regulation on the accessibility of the electoral process for persons with disabilities. <https://bit.ly/2IYJpkX>

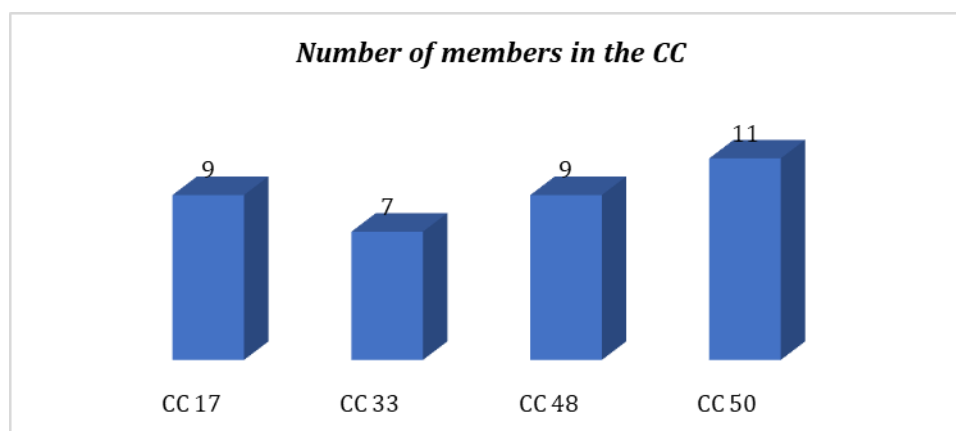
2.5. Establishing and modifying the composition of Constituency Councils in SMC for the new parliamentary elections

According to the provisions of art. 28 of the Electoral Code, applicable to the new parliamentary elections, the CC shall consist of an odd number of members, at least 7 and no more than 11 persons. The appointment of 2 members of the CC are proposed by the court or, as the case may be, by the court of appeal, the appointment of the other 2 members - by the level II local councils and the People's Assembly of ATUG.

The nominations of the other members are proposed by the parties and other socio-political organizations represented in the Parliament on the date of the establishment of the CC, one from each entity. If that is not sufficient, the remaining number of members is filled by the CEC from the Registry of Electoral Officials (REO).

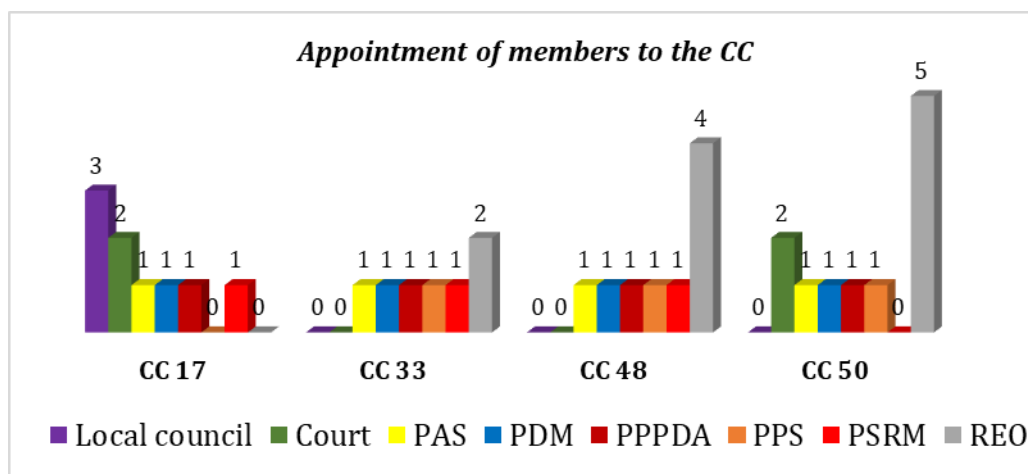
In accordance with the provisions set out above, on 16 August 2019, by the Decisions no. 2569, 2670, 2571 and 2572, the CEC ordered the establishment of the CCs for the single member constituencies no. 17 (Nisporeni), no. 33 (Chisinau), no. 48 (Transnistria) and no. 50 (west of the Republic of Moldova) (see chart no. 7).

Chart no. 7



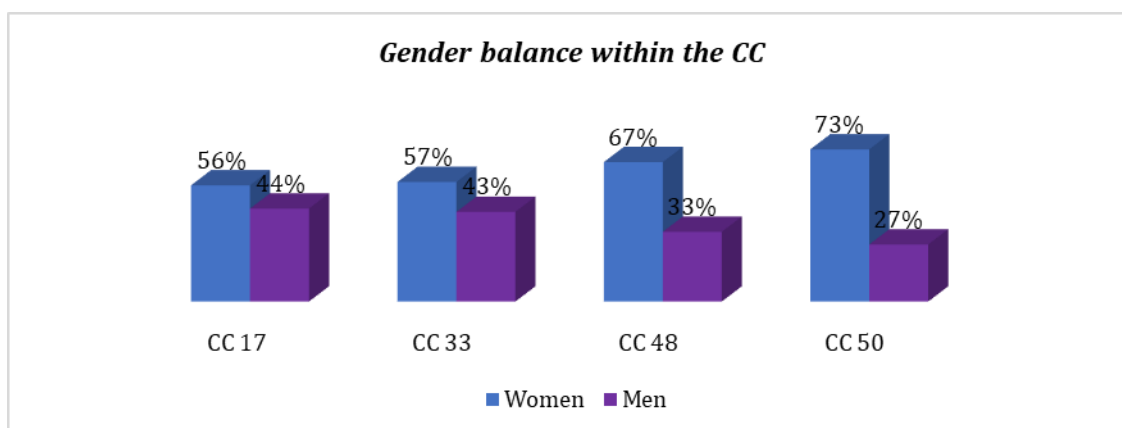
The Promo-LEX Association found that when setting up the CCs for the new parliamentary elections, the condition of appointing members to the respective electoral bodies was not fully respected by all the subjects with the right of appointment (see chart no. 8). Thus, in the case of CCs no. 33 and no. 48, members were not appointed by the local council and by the court / court of appeal, and in the case of CC no. 50, members were not appointed by the local council. At the same time, in the case of CC no. 17, the local council appointed more than two members.

Chart no. 8



The overall assessment of gender balance in appointing CC members indicates a high presence of women compared to the presence of men in the respective electoral bodies (see chart no. 9).

Chart no. 9



Modification of the composition of the CC for the new parliamentary elections. By the Decision no. 2589 of 28 August 2019, the CEC ordered the modification of the composition of CC no. 33 by adding two new members from the Registry of Electoral Officials and by replacing two other members (1 - PAS and 1 - REO). Therefore, of the four CCs created for the new parliamentary elections, three are made up of nine members and one – of 11 members (CC no. 50).

2.6. Circular letters

The Central Electoral Commission approved the Circular Letter no. CEC 8/964 of 23.08.2019 with regard to the application of art. 46, para. (3) of the Electoral Code in the general local elections of 20 October 2019²⁰. This provides for a minimum quota of 40% for both sexes, a minimum of four candidates in every 10 seats, together with the derogation rule established in art. VII of Law no. 113/2019 - at least three candidates in every 10 seats.

²⁰ <https://bit.ly/30QIi6u>

It should be mentioned that, according to art. 137, para. (3) of the Electoral Code, non-observance of the conditions established in art. 46, para. (3) of the Electoral Code leads to the refusal of registration of the lists of candidates by the electoral body.

Through this circular letter, the CEC notes that "two conditions will be cumulatively fulfilled:

- 1) to ensure a minimum quota of 40% for both sexes;
- 2) out of every 10 candidates included on the list, 3 must be representatives of one gender".

At the same time, as a recommendation, the CEC prepared an informative table containing the calculated quota of 40% of the possible number of candidates (including alternates) nominated for the position of councilor in the first and / or second level local councils.

Both the circular letter and the annexed table are welcome, because they facilitate and standardize the application of legal provisions by the lower electoral bodies authorized to register or refuse the registration of electoral candidates.

Although the circular letter refers to the application of art. 46, para. (3) of the Electoral Code, it also stipulates the beginning of the terms for the appointment of candidates for the positions of mayor of Chisinau and Balti municipalities and for the position of councilor in the second level local councils – 30 August 2019, the appointment to the position of mayor and councilors for the first level local councils – 9 September 2019.

2.7. Appeals

On 26 August 2019, the Save Bessarabia Union (USB Political Party) submitted to the CEC an application, requesting administrative liability of the Socialist Party of the Republic of Moldova (PSRM) and the PSRM deputy Ion Ceban "for misuse of administrative resources, aimed at vitiating the voting option of the inhabitants of Chisinau in the electoral campaign for the local elections of 20 October 2019." The claimants found misuse of administrative resources in the participation of PSRM representatives, on 25 August, in an electoral action - the inauguration of a fountain in the Botanica District of Chisinau, although the work was financed by the City Hall. Additionally, it is mentioned that deliberately, none of the current interim heads of the capital was invited.

By its response no. CEC 8/1017 of 2 September 2019, the CEC presented its official position, mentioning that misuse of administrative resources, within the meaning of art. 48¹, para. (5) of the Contravention Code, must be carried out within the electoral campaign, and in the case of local elections, it starts on 30 August 2019. Thus, the activities carried out up to this date cannot be included in the activity of illicit use of administrative resources.

Thus, we find that misuse of administrative resources outside electoral campaign is not sanctioned and we recommend the legislative authority to examine the possibility of establishing legal norms that discourage the practices of misusing administrative resources during the electoral period or on the eve of the electoral campaign.

We also mention that the applications, notifications, requests made by political parties or voters before the start of an electoral campaign or before the registration of an electoral competitor must be treated and analyzed similarly to the procedure for examining and resolving appeals. Otherwise, violation of the rules of proper conduct of electoral process outside electoral campaign is indirectly encouraged.

2.8. Prior registration for the new parliamentary elections

According to the **Regulation on prior registration**²¹, the citizens of the Republic of Moldova holding voting rights, who are abroad on the day of the elections, as well as citizens with their registered domicile in the settlements on the left bank of the Dniester River, who intend to vote in the PSs established on the territory of the country under the constitutional jurisdiction of the central authorities, are requested to register in advance, including through the official website www.alegator.md. According to the Calendar Program of the actions aimed at the organization and conduct of the new parliamentary elections of 20 October 2019²², prior registration of voters is possible until 4 September 2019, including no later than 45 days before the election day.

In fact, the Promo-LEX OM notes the lack of a comprehensive information campaign for voters based abroad and for those residing on the left bank of the Dniester River, compared to the parliamentary elections of 24 February 2019. The only exceptions being a press release of 29 July, by which the CEC notified voters about the possibility of pre-registration²³, as well as two other posts on the social networks of 10 August and 3 September. The Promo-LEX observers did not report any other actions to mobilize and inform the respective voters.

We note that until 3 August 2019, the results of the prior registration could not be visualized on the website of the CEC. This finding refers to both pre-registration of abroad voters and of voters domiciled in the Transnistrian region. The lack of transparency makes it difficult to civically monitor the way the polling stations are distributed.

III. VOTERS' LISTS AND STATE REGISTRY OF VOTERS

Following the late, compared to the previous polls, publication of data on voters registered in the SRV, we attest to a continuous official increase in the number of voters, i.e. during the last eight months, their total number increased by about 20 thousand. Paradoxically, but the CEC, by its Decision no. 2573, approved the number of councilor mandates in the first and second level local councils by reducing it in certain administrative- territorial units (ATU) compared to 2015, due to the decrease of the population in the respective regions.

Also, the Promo-LEX OM emphasizes the fact that against the backdrop of a continuous increase of the number of voters who do not have a domicile or residence – 224,250 (6.82%), as well as in the context of contradictory normative provisions of the CEC in this respect, the probability of restricting the constitutional right to elect in the local and parliamentary elections of 20 October 2019 of voters who do not have a domicile or residence is real.

On 22 August 2019, the CEC published data on the number of voters registered in the SRV. We attest to a continuous official increase in the number of voters (see table no. 1), during the last eight months their total increased by about 20 thousand.

In Report no. 1, the Promo-LEX OM expressed its well-founded suspicions regarding the accuracy of the data in the State Registry of Population and State Registry of Voters. In the same context, we mention that, on 16 August 2019, the CEC approved the Decision no. 2573 on the number of local councilor mandates for the general local elections of 20 October 2019²⁴, by which, compared to the elections of

²¹ Regulation on prior registration, approved by the CEC Decision no. 1568 of 24.04.2018. <https://bit.ly/2WYrEji>

²² Calendar Program (organization of general local elections of 20.10.2019). <https://bit.ly/2KBRuEH>

²³ <http://bit.ly/2kiJGif>

²⁴ CEC Decision no. 2573 of 16.08.2019 regarding the number of local councilor mandates for the general local elections of 20 October, 2019. <http://bit.ly/2lAlh2Q>

2015²⁵, the number of mandates in certain councils of levels I and II is *reduced due to the decrease of the population* in the respective ATU.

In addition, we also draw the reader's attention to the increase in the number of voters without a domicile / residence - by 14 thousand compared to the last reference period, thus reaching 224,250 (6.82%)²⁶. The Promo-LEX OM emphasizes that considering the changes made by the CEC to the *Regulation on the preparation, management, distribution and updating of the voters' lists* on 03.07.18, as well as on the basis of inconsistent practice of interpreting the norms of the Electoral Code through the circular letters issued by the electoral authority in 2015 (general local elections²⁷) and 2018 (new local elections²⁸), undomiciled and non-resident voters risk not participating in the elections of 20 October 2019.

Even if of this number, about 100 thousand people (including minors) are abroad with a permanent place of living, we consider that 130 thousand people, who are on the territory of the Republic of Moldova, cannot be restricted from their constitutional right to vote.

Table no. 1. Dynamics of the number of voters in 2017–2019 based on SRV data

Date	Total number of voters	Number of voters without a registered domicile / residence	Number of voters from ATUs in Transnistria and Bender
01.09.2017 ²⁹	3 255 361	155 683	225 971
10.12.2018 ³⁰	3 265 997	210 890	230 233
22.08.2019 ³¹	3 285 894	224 250	243 416

IV. DESIGNATION AND REGISTRATION OF CANDIDATES

General local elections. *As of 3 September 2019, there are still no registered electoral candidates, but there are four applications for the position of mayor filed with the DEC Chisinau and two with the DEC Balti. Also, the Promo-LEX OM identified at least 14 cases that can be qualified as early designation of candidates: nine cases – the USB and five cases – ACUM Bloc (PPPDA / PAS). In this context, the Promo-LEX OM reiterates its position on the need to extend the period for designation of candidates in the case of local elections, which is shorter compared to the parliamentary and presidential elections.*

New parliamentary elections. *The Promo-LEX OM noticed the increased activism of potential MP candidates in single member constituencies. It found that during the observed period, 41 initiative groups (IG) were registered in the 4 SMCs, accounting for an average of about 10 IGs per constituency, which exceeds the average of 7.86 registered in the parliamentary elections of 24 February 2019. None of the requests for registration of IGs submitted to the electoral bodies was refused. The majority, 68% of the candidates, are nominated by political parties and an electoral bloc. Only two subjects entitled to designate candidates - ACUM Electoral Bloc and the PLR - have candidates in all the four single member constituencies. On 28 August 2019, the CEC, by its Decision no. 2588, registered for the participation in the new parliamentary elections, the ACUM Electoral Bloc, constituted by PAS and PPPDA.*

²⁵ CEC Decision no. 3314 of 24.04.2015 regarding the number of local councilor mandates for the general local elections of 14 June 2015. <http://bit.ly/2kreywL>

²⁶ Statistical data of the State Registry of Population regarding the citizens of the Republic of Moldova who went abroad for permanent living (situation as of 1 July, 2019). <http://bit.ly/2lu7yiW>

²⁷ <http://bit.ly/2lseDke>

²⁸ <http://bit.ly/2lWreMR>

²⁹ <https://bit.ly/2UxYmaf>

³⁰ <https://bit.ly/2L8YGrG>

³¹ <http://bit.ly/2jZLSuO>

4.1. Designation and registration of candidates for the general local elections

4.1.1. Activities that can be qualified as early designation of candidates

In accordance with Art. 46 of the Electoral Code, designation of potential electoral candidates is made after the constituencies and constituency councils are established, and parties, other socio-political organizations, electoral blocs and citizens (independent candidates) have the right to designate them.

According to the CEC Calendar Program³², the deadline for setting up second level constituencies and district electoral councils was 25 August (constituencies) and 30 August 2019 respectively (DEC II), and for first level constituencies and councils it is 4 /9 September 2019. Therefore, we find that the nomination of candidates for the positions of mayor and councilor for the municipalities of Chisinau and Balti is to be made after 30 August, and for the position of mayor and councilors (level one) - after 9 September 2019.

Contrary to the above, during the monitored period, Promo-LEX identified at least 14 cases that can be qualified as early public nomination of candidates, as follows:

- the USB: nine cases, all being posts on the social page of Valeriu Munteanu (Calarași - Victor Ambroci; Chisinau - Valeriu Munteanu; Costesti, Ialoveni - Vasile Borta; Falesti - Eugen Mosac; Floresti - Vladimir Gutium; Heciul Nou, Sangerei - Andrei Dontu; Paulesti, Calarași - Ion Prunici; Pepeni, Sangerei - Viorel Locoman; Sangerei - Sergiu Sincovschi).
- ACUM Electoral Bloc: five cases, all being posts on the official social pages of the PPPDA and PAS (Bacioi, Chisinau - Ilie Leahu; Stauceni, Chisinau - Alexandru Vornicu; Codru, Chisinau - Stelian Manic; Truseni, Chisinau - Iurie Madan; Delacau, Anenii Noi - Elena Dudca).

The Promo-LEX OM reiterates its position regarding the need to extend the period for the designation of candidates in the case of local elections, which is shorter compared to parliamentary and presidential elections, in order to allow parties, electoral blocs and citizens to nominate candidates in a timely manner and in compliance with the legal norms. We remind you that, according to the definition provided in the Electoral Code, the designation of candidates is a procedure of adopting decisions by parties and electoral blocs on the candidacies for the elective positions after the announcement of the election date. In addition, the legislation does not provide for penalties for such violations.

4.1.2. Registration of electoral candidates for the general local elections

No registration of candidates was found during the monitored period. However, it should be mentioned that candidates' files for registration were submitted to the electoral bodies, as follows:

Table no. 2. Registration of candidates for the general local elections in Balti and Chisinau

DEC	Position of mayor		Position of councilor
	Applicant	Political affiliation	Applicant
DEC 1 Chisinau	Ceban Ion	PSRM	PSRM
	Donica Andrei	"Speranta - Nadejda" PM	"Speranta - Nadejda" PM
	Codreanu Ruslan	Independent candidate	Zalevschi Anatolii, IC
	Arseni Vladimir	Independent candidate	Arseni Vladimir, IC
	-	-	Brega Oleg, IC
	-	-	Bagas Mihail, IC
DEC 2 Balti	Nesterovschi	PSRM	PSRM

³² The Calendar Program for actions aimed at the organization and conduct of the general local elections of 20 October 2019, approved by CEC Decision no. 2551 of 31.07.2019. <https://bit.ly/2lSG1b6>

	Alexandr Formaniuc Ghenadie	PPS	Iordan Serghei, IC
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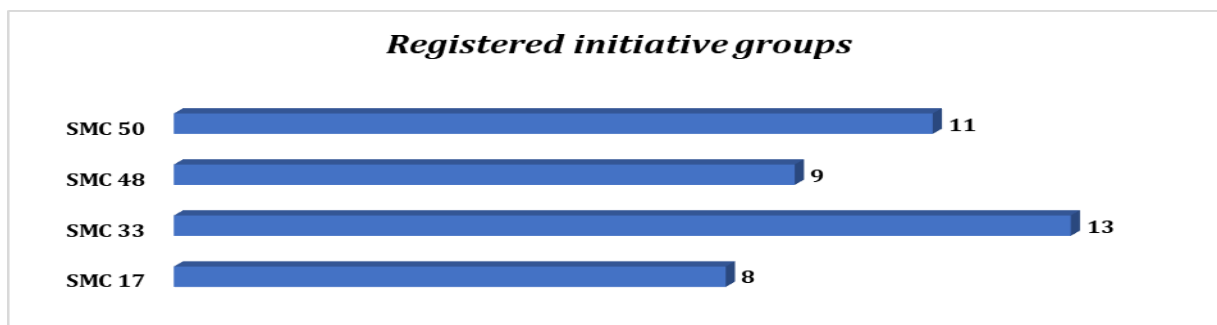
4.2. Designation and registration of candidates for the new parliamentary elections

4.2.1. Registration of initiative groups in single member constituencies for the new parliamentary elections

Art. 87 of the Electoral Code stipulates that both for the support of MP candidates in single member constituencies nominated by citizens, as well as for those designated by political parties, an initiative group shall be constituted in order to collect signatures in support of the designated candidate.

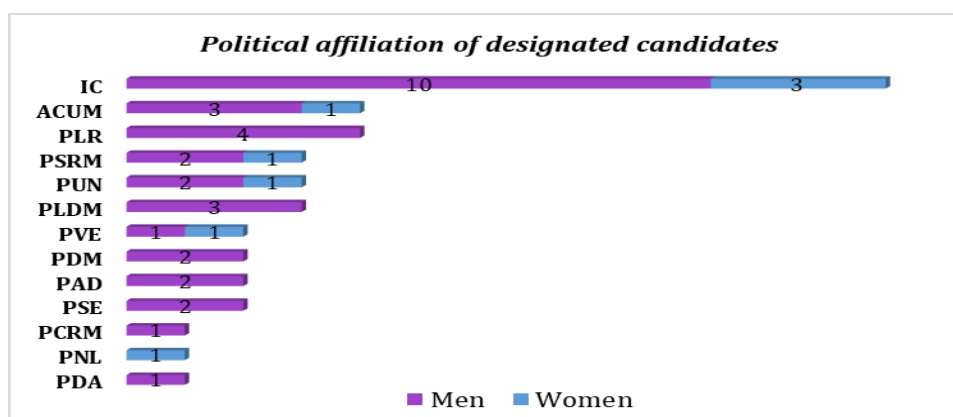
During the observed period, the Promo-LEX OM found that in the four SMCs, 41 IGs were registered to collect signatures in support of candidates (see chart no. 10). None of the requests for registration of IGs submitted to the electoral bodies was rejected.

Chart no. 10



According to the reports of the Promo-LEX observers, as well as to the data reflected on the CEC website (the decisions adopted by the councils of the four SMCs), we find that **68% of the candidates in the single member constituencies are designated by political parties and an electoral bloc, and 32% are independent candidates.** (see chart no. 11).

Chart no. 1 1



In the context of the new parliamentary elections, 12 political formations registered in the electoral race in the four SMCs. Of these, only two nominated candidates for all four constituencies - ACUM Electoral Bloc and the PLR³³ and three formations - for three SMCs (the PSRM, PUN and PLDM).

4.2.2. Registration of electoral candidates in single member constituencies for the new parliamentary elections

On 28 August 2019, through its Decision no. 2588, the CEC registered ACUM Electoral Bloc, consisting of two political parties - PAS and PPPDA, for joint participation in the new parliamentary elections in the four SMCs.

During the monitored period, Promo-LEX observers reported the registration of two competitors, as follows:

- SMC no. 17, Nisporeni: Ghenadie Verdes (president of the Nisporeni district), appointed by the PDM. The IG was registered on 22 August 2019 (on the same day the application was filed), the subscription lists and the registration application were submitted on 23 August (on the next day). In the respective time interval (approximately 24 hours), eight members of the IG in support of candidate Verdes managed to collect 1,007 signatures. Subsequently, on 29 August 2019, the electoral council of the SMC no. 17 decided to register this candidate.
- SMC no. 48, Transnistria: Vitalii Evtodiev (technical expert, Savim Com LLC), designated by the PSRM. The IG was registered on 22 August 2019 (on the same day the application was filed), the subscription lists and registration application were submitted on 27 August (on the next day). In the respective time interval (five days), 10 members of the IG in support of candidate Evtodiev managed to collect over 1,000 signatures. Subsequently, on 2 September 2019, the electoral council of the SMC no. 48 decided to register the candidate.

V. ELECTORAL COMPETITORS

As the electoral campaign is approaching, potential competitors become more active in the public space. During the observed period, the OM identified at least 40 cases that can be qualified as activities with an electoral tinge, involving: the PSRM (25), the PN (6), ACUM Electoral Bloc (5), the PDM (2), the PPS (1) and the PCRM (1). The most used types of activities are: distribution of informative materials - 12, organization of various festive events - 6, concerts - 4, etc.

Also, the OM identified at least 10 cases that can be qualified as misuse of administrative resources (8 - the PSRM, 1 - the PDM, 1 - a potential candidate that is currently unaffiliated). Among the types of activities used, we can mention: claiming merits for projects implemented at public expense and use of public events to promote potential candidates.

The Promo-LEX OM also found at least 4 situations that can be qualified as involvement of the President of the Republic of Moldova, Igor Dodon, in promoting the PSRM and its potential candidates in the general local elections.

Also, during the monitored period, there were reported at least 3 events that have a potential electoral impact, organized with the involvement of foundations/ organizations associated with political parties: 2 cases by "Renato Usatii" Foundation and 1 by "For Orhei" Public Association.

³³ On 27 August, at the Second Congress of the Liberal Reform Party (PLR), a new name was established and a new leadership was elected. However, the nomination of the candidates was made on behalf of the PLR.

5.1. Electoral activities

According to art. 1 of the Electoral Code, in the case of general local elections, electoral candidates may begin electoral campaign activities, on the date of their registration by the constituency council. The electoral campaign implies the candidate's right to carry out electoral campaigning activities³⁴. By the publication of this Report, no candidate was registered in the general local elections.

However, contrary to the above, during the observed period, the OM identified at least 40 cases that can be qualified as activities with an electoral tinge. Most of the activities were reported in the case of the PSRM (25), the PN (6) and ACUM Electoral Bloc (5).

Table no. 3. Activities with electoral tint

No.	Activities with an electoral tinge	PDM	PSRM	ACUM	PPS	PCRM	PN	Total
1	Electoral gifts*		1			1		2
2	Meetings with citizens	2					3	5
3	Distribution of informative materials		10	2				12
4	Press conferences		1					1
5	Sports competitions		1					1
6	Concerts		4					4
7	Children's / cultural events		4		1		1	6
8	Polls			3				3
9	Flash mobs / car marches		1				1	2
10	Sanitation events		3				1	4
Total		2	25	5	1	1	6	40

- The PSRM and PCRM (separately) congratulated the veterans of World War II in Balti, offering them bags with groceries (the PSRM - 7 people; the PCRM - 19 people).

The favorite types of activities were: distribution of informative materials - 12, organization of various events - 6 (for children, the elderly, etc.). As for the concerts, the banners displayed during the events, in at least three cases (Briceni, Stefan Voda and Corestauți) underlined that the event was organized under the patronage of the President of the Republic of Moldova, and additionally, the contribution of the PSRM was mentioned.

5.2. Activities that can be qualified as misuse of administrative resources for electoral purposes

The Promo-LEX OM reminds the reader that the legislation on the use of administrative resources during the election period is insufficient, which is why, in the observation reports, reference is made, in particular, to the international standards in the field, which stipulate that "misuse of administrative resources" for partisan purposes by the governing parties and their candidates, such as the use of government positions and equipment", should be prohibited, including to ensure fair competition between candidates.

In the observed period, we identified at least 10 cases that can be qualified as misuse of administrative resources (8 – the PSRM, 1 – the PDM, 1 - a potential candidate, with no current political affiliation):

³⁴ According to art. 1 of the Electoral Code, electoral *campaigning* includes actions of preparation and dissemination of information that contains an urge to vote in order to determine the voters to vote for some or other electoral candidate.

- **Claiming merits for projects implemented at public expense - at least three cases (the PSRM).** Ion Ceban (the PSRM) is targeted in two situations, who, on 25 August 2019, participated in the inauguration of the fountain in the Valea Trandafirilor Park, restored on public money. In his speech, the politician mentioned the initiative and the merit of the PSRM faction in the Chisinau Municipal Council (CMC) to carry out the restoration work³⁵. Also, in a post, Ion Ceban stated that "*in a single year, 10 new stadiums and 150 sports fields have been set up in the capital due to the program of the Socialist Party faction in the Chisinau Municipal Council*". Similar messages were posted on social networks by the PSRM councilor in CMC Silvia Grigorieva.

- **Distribution of printed materials with the party logo, claiming the merits for projects implemented at public expense - at least two cases (the PSRM).** Concurrently with the inauguration of the fountain in the Valea Trandafirilor Park, people were seen nearby distributing printed invitations to the opening event. The printed materials contained the PSRM logo and the message: *Dear residents of the municipality of Chisinau, after years of ruins and destruction, the musical fountain in the Valea Trandafirilor Park has been renovated due to the efforts of the PSRM faction in the Chisinau Municipal Council! We invite you to attend its solemn opening!* In the second case, a poster with the PSRM logo was stuck on a residential block in Valea Dicescu, mentioning the start of the repairs of the playground and the allocation of financial means for this purpose. The letter is signed by the PSRM fraction in the CMC.

- **Use of public authorities' headquarters / image for electoral purposes - a case (the PSRM).** On 3 September 2019, having submitted the candidate's file for the position of mayor of Chisinau, Ion Ceban together with councilors of the PSRM faction in the CMC, held a press conference, displaying the PSRM symbol, using for this purpose the hall of the Chisinau City Hall.

- **Use of public events to promote potential candidates - at least four cases (2 – the PSRM, 1 – the PDM, 1 - a potential candidate, currently unaffiliated).** Thus, on the occasion of the beginning of the new school year, Ion Ceban, a candidate designated by the PSRM for the position of mayor of Chisinau, posted on his social page: *Last year, I promised that I will do my best to satisfy the needs of the school management and, with the support of the socialist faction in the CMC, I insisted on improving the study conditions in this school.* Participating in another inauguration of the school year, Nichita Turcan, CMC councilor (the PSRM faction), mentioned on the social networks: *Due to the efforts of the PSRM faction in the Municipal Council, it was possible to provide funds for the complete coverage of the roof of the educational institution. It's just the beginning*³⁶.

On 26.08.2019, four events were celebrated in Rogojeni, Soldanesti: the Language Day, the Independence Day, the Village Day and the launch of a project (town hall). The event was attended by two representatives of the PDM (Svetlana Rotundu, Member of the Parliament, and Gheorghe Mustata, district councilor), as well as the local priest. During the event, the PDM representatives and the priest delivered speeches asking the participants of the event to vote on 20 October 2019 for Alexei Burlacu, the current mayor. In another case, on 28 August 2018, during the event (concert) organized on the occasion of the village day of Tirnova, Donduseni, the mayor of the village congratulated the participants and, at the same time, promoted himself as a candidate for mayoralty, asking those present to vote for him on 20 October 2019. It should be mentioned that until July 2019, he supported the PDM, and presently, according to his statements, he wants to negotiate with the PSRM or with ACUM Electoral Bloc.

³⁵ <https://bit.ly/2ksFBb1>

³⁶ Promo-LEX OM reminds that, by Order no. 03 / 1-09 / 4517 of 23.08.2019, signed by the Minister of Education, Culture and Research, activities dedicated to the inauguration of the school year in all the institutions of general education shall not provide for any political speeches.

5.3. Street / promotional / online advertising

The Promo-LEX OM observers identified at least 65 situations, in which electoral advertising was used: 65% - the PSRM, 28% - the PPN and 8% - ACUM Electoral Bloc. The most widely used types of advertising were the distribution of materials (hats, shirts, vests, bags, etc.) - 32%, billboards - 20% and printed materials (newspapers) - 18%.

Table no. 4. Types of electoral advertising

No.	Type of advertising	PSRM	ACUM	PN	Total
1	Street banners	4	1	2	7
2	Billboards			13	13
3	Jackets and bags	6			6
4	Caps, T-shirts	12	1	2	15
5	Newspapers, magazines, brochures	10	2		12
6	Tents	8	1		9
7	Leaflets, posters, calendars			1	1
8	Sponsored pages	2			2
Total		42	5	18	65

5.4. Cases that can be qualified as promotion with the use of public authorities' image

The Promo-LEX OM has also found at least four other situations that can be qualified as involvement of the President of the Republic of Moldova, Igor Dodon, in promoting the PSRM and its potential candidates in the general local elections³⁷.

Thus, on 21 August 2019, the meeting of the Republican Council of the PSRM was held between 12:00 and 13:30. Igor Dodon also participated in the event as a guest (the main topic addressed - the elections of 20 October 2019).

In the period of 27 - 28 August 2019, at least three concerts were organized (Briceni, Stefan Voda and Corestauți) under the patronage of the President of the Republic of Moldova, with the contribution of the PSRM.

On 28 August 2019, Igor Dodon participated in the celebration of the Village Day in Nihoreni, Rascani. During his speech, the president stood along with the current mayor - Constantin Macovei, mentioning that he is a good mayor. The president asked the public whether they would continue supporting the mayor. After the approval of the crowd, Igor Dodon wished the mayor success, thanked those present for support and promised them to win in the elections.

5.5. Cases that can be qualified as involvement of the foundations / organizations associated with political parties in electoral activities

In the observed period, we identified at least three events with a potential electoral impact involving foundations / organizations associated with political parties (two cases -the PN, one case - the PPS). Thus, on 27 August 2019, the City Hall of Balti organized an event dedicated to the Independence Day. "Renato Usatii" Foundation associated with the PN, was the financier of the concert. Similarly, on 28

³⁷ See: Report no. 1 of the Promo-LEX OM for the general local elections and of the new parliamentary elections of 20 October 2019, p. 24. <http://bit.ly/2kpYRpL>

August 2019, on the occasion of the City Day, the City Hall of Drochia, in partnership with "Renato Usatii" Foundation, organized the events dedicated to the respective day. Renato Usatii, the leader of the PN, attended both the event in Balti and the one in Drochia. In his speeches, he addressed the issue of his return to politics.

Another case was registered on 27 August 2019, when the City Hall of Orhei, in partnership with "For Orhei" Public Association, associated with the PPS, organized several events dedicated to the Independence Day. The events were attended by Marina Tauber, deputy chair of the PPS, as well as other members of the party.

Promo-LEX qualifies the practice of involving foundations / organizations associated with political parties as a mechanism of image transfer from foundations to parties / politicians, through their promotional activities. By using the mechanism of image transfer, the respective foundations/ associations are indirectly involved in the promotion of political parties. In this situation, the respective political parties do not bear financial expenses, which implies the existence of an indirect and therefore non-transparent financing of political parties.

VI. FINANCING OF ELECTORAL CAMPAIGN

During the monitored period, the Promo-LEX OM noted the modification of the Electoral Code in terms of financing of electoral campaigns³⁸. The adopted amendments refer to all the electoral polls mentioned in the Code and will be applied accordingly. However, it should be mentioned that the organization of the new parliamentary elections in the four single member constituencies to be held on the same day with the general local elections of 20 October 2019 will be burdened by the fact that previous provisions on the financing of electoral campaign for the new parliamentary elections of 20 October 2019 remain intact, that is, they are the same that were in force before the adoption of the new amendments of 15 August 2019. As a result, the new amendments strictly target the electoral campaign for the general local elections of 20 October 2019.

Although most of the amendments on the financing of electoral campaign meet the previous recommendations of the Promo-LEX OM, making changes during the electoral period, moreover, their uneven "targeted" application / non-application to the new parliamentary elections and the general local elections creates substantial ambiguities for participants. Adopting changes in the period immediately preceding electoral campaign is contrary to both international standards and the smooth running of electoral campaign.

6.1. Legal framework on the financing of electoral campaigns

6.1.1. Regulation of the financing of electoral campaign for the general local elections

Only the financial resources derived from salaried, entrepreneurial, scientific or creative activities, carried out by the citizens of the Republic of Moldova both inside **and outside** the Republic of Moldova can be used to finance electoral campaigns³⁹.

*The ban on financing of political parties, initiative groups and electoral campaigns by citizens of the Republic of Moldova from the revenues obtained abroad was lifted by the new amendments to the Electoral Code. The Promo-LEX OM welcomes this change and notes that thus all the citizens of the Republic of Moldova will enjoy their political rights, in this case, the right to contribute financially to the electoral campaign of the preferred electoral candidate. At the same time, the limits of donations made by the **citizens of the Republic of Moldova from revenues obtained abroad were set** - three average monthly wages (20,925 lei), which reduces the risk of illicit arrangements through which external interests could be involved in the financing of electoral campaigns. The established amount of the average monthly wages for 2019 is 6,975 lei⁴⁰.*

Another amendment refers to the exclusion of the phrase "direct and / or indirect" within the provisions on the financing of political parties, initiative groups, electoral campaigns from para. (2), art. 41. The phrase "as well as material support in other forms" was also excluded.

The Promo-LEX OM welcomes the exclusion of the phrase "direct and / or indirect", because in this way, the interpretations related to the financing of campaigns by third parties are eliminated. At the same time, the Mission disapproves of the exclusion of the phrase "as well as material support in other forms", because this eliminates the opportunity to declare and officially register material donations and services provided free of charge. These are widespread practices in support of campaign financing and could, in the current legislative framework, continue without the obligation to be reported, which would diminish the transparency of electoral campaign funding.

³⁸ The new modifications were adopted on 15 August 2019.

³⁹ Art. 41, para. 1, Electoral Code.

⁴⁰ The official amount of the average monthly wages in the Republic of Moldova for the year 2019. <https://bit.ly/2YuU9VL>

All the revenues and expenses of electoral candidates must be reflected in the bank accounts, specially opened after their registration, called accounts with the mention "Electoral fund"⁴¹. Candidates, who will not carry out campaign activities and thus incur no expenses, should inform the CEC about taking such a decision. Banks must inform the CEC (or DEC) on a daily basis about the transactions that take place through the accounts with the mention "Electoral fund"⁴².

Candidates are forbidden to accept financing from foreign legal entities, including those with mixed capital, other states or international organizations, including international political organizations; likewise, from the citizens of the Republic of Moldova, who have not reached the age of 18 and the citizens in whose respect a measure of judicial protection in the form of guardianship has been instituted; public authorities, organizations, enterprises, public institutions, other legal entities financed from the public budget or which are state capital-based, except where the provision of services or material support is expressly provided for by law.

In addition, it is forbidden to accept financing from legal entities which, three years before the start of electoral period⁴³ carried out activities financed or paid by public means (funds), as well as from legal entities with foreign or mixed capital; anonymous persons or on behalf of third parties; natural persons who are not citizens of the Republic of Moldova; non-commercial, trade unions, charitable or religious organizations⁴⁴.

*The Promo-LEX OM welcomes the **extension of the term** before the start of the electoral period for the prohibition of donations to the electoral campaign from legal persons, who have concluded contracts for public procurement, supply of work, goods or services, as well as by legal entities with foreign or mixed capital **from 1 year to 3 years**, because thus, the risk of political pressure on the respective donors is reduced.*

Additionally, electoral candidates are prohibited from offering money to voters, distributing material goods free of charge, including humanitarian aid or other charitable actions⁴⁵. This action is incriminated by the Criminal Code, art. 181¹, so that offering or giving of money, goods, services or other benefits in order to determine the voter to exercise or not to exercise his/her electoral rights in the parliamentary, presidential, local elections or in the referendum is punishable with a fine of 500 conventional units (25 000 lei) to 850 conventional units (42 500 lei) or a prison term from one year to five years, and the legal entity is punishable with a fine in the amount of 4,000 c. u. (200 000 lei) to 6,000 c. u. (300,000 lei) with the deprivation of the right to exercise a certain activity, or with the liquidation of the legal entity.

A natural person can donate to a candidate the amount of up to **41,850 lei** (six average monthly wages), while a legal entity can donate up to **83,700 lei** (12 average monthly wages). Candidates can benefit from interest-free loans from the state budget. Citizens of the Republic of Moldova **holding the status of high-ranking official, civil servants, including with a special status, or employed in public organizations** can donate up to 10% of their annual income, but this amount cannot exceed **six**

⁴¹ The bank, where accounts with the mention "Electoral fund" are opened shall inform the Central Electoral Commission about the money means transferred to the account of the electoral candidate daily or at the request of the commission.

⁴² Article 41, para. 2, let. a), b), c) of the Electoral Code of the Republic of Moldova.

⁴³ By amending the Electoral Code on 15 August 2019, the term, in which legal entities are prohibited from financing or offering material support in any form to political parties, initiative groups, electoral campaigns, if they have concluded contracts for public procurement, supply of work, goods or services before the beginning of the electoral period was extended from 1 year to 3 years.

⁴⁴ Art. 41, para. 3, let. a), b), c), d), e), f), g), h) of the Electoral Code.

⁴⁵ The respective provision does not apply in the case of symbolic gifts, representing electoral campaigning or policy, paid from declared means or from the "Electoral Fund" account, which bear the symbol of the electoral candidate and whose market value do not exceed two conventional units (100 lei).

average monthly wages for that year. The loan application is submitted to the Ministry of Finance⁴⁶. Each electoral candidate can benefit from a maximum revenue limit that s/he can accumulate, set by the Central Electoral Commission.

The Promo-LEX OM appreciates the amendments to the Electoral Code related to the reduction of donation ceilings in an electoral campaign. It also welcomes the differentiated setting of ceilings of donations from nationals from abroad, from citizens holding high-ranking positions, civil servants, including those with a special status, or from employees of public organizations, thus excluding the risk of abuse of coercive resources on donors by the government based on political criteria.

*At the same time, the Mission reiterates its position on the vulnerabilities involved in hiding donor's data, in this case, **hiding the donor's workplace**. In the opinion of Promo-LEX, the CEC must require the respective data in the reports on both the financing of electoral campaigns and financing of initiative groups. Although we find that the supremacy of the CEC's concealment of these data results from the Law on the protection of personal data, we consider that, by concealing these data, confidentiality is unjustifiably protected. The CEC's argument regarding the "Protection of personal data" is neither legally nor conceptually convincing, when we refer to the public interest related to the transparency of the financing of political parties. Therefore, these data deserve to be made public.*

The new amendments also changed the beginning of the period when political parties can accept donations only to the "Electoral Fund" account and, respectively, the term of transferring financial means from the current account, as well as the term of submission of the initial financial report to the CEC, **from the beginning of electoral period to the beginning of electoral campaign**. The initial financial report will describe the current situation of financial means held on the current account of the party.

The Promo-LEX OM welcomes the clarification of the confusion created by art. 43, para. (7) of the Electoral Code (the old version), which involved submission of initial report at the beginning of electoral period. In this way, the temporary blocking of party activities - from the beginning of electoral period to the beginning of electoral campaign - will be excluded. Finally, the ban on non-acceptance of donations will be imposed starting with the first day of electoral campaign.

Electoral competitors representing political parties and electoral blocs are required to submit to the Central Electoral Commission, **within three days of the opening of account with the mention "Electoral Fund"** and, subsequently, **once a week**, a report on the money accrued on the account and the expenses incurred during the electoral campaign⁴⁷. The reports shall be published on the official website of the CEC within 48 hours⁴⁸. Electoral competitors, who have an independent candidate, must submit to the appropriate constituency council, **within three days from the opening of the account with the mention "Electoral Fund"** and, subsequently, **every two weeks**, reports on the accumulated revenues and expenses incurred in the electoral campaign. Within 48 hours of receiving the reports,

⁴⁶ The loans received from the state are paid off, in whole or in part, by the state, depending on the total number of valid votes cast for the electoral candidate in the respective constituency. The amount of money, determined by dividing the amount of the loan by the number of voters who participated in the voting, then by multiplying the result obtained by the number of valid votes cast for the respective electoral competitor, is to be paid off from the state budget.

⁴⁷ The report will contain: a) the identification data of the natural or legal person who donated financial means; b) the list of all donations received, including the nature and value of each donation in money, goods, objects, work or services; c) the total value of donations and number of donors; d) the list of donations reimbursed due to exceeding the ceilings established in art. 41, para. (2), let. e) Electoral Code; e) the identification data of the natural or legal person whom financial means from the "Electoral Fund" account have been paid and the purpose of the respective expenses; f) amounts of debts, numbers of financial records and other conclusive information; g) accounting information of legal persons founded or otherwise controlled by the respective political party for the corresponding period.

⁴⁸ Article 43 of the Electoral Code of the Republic of Moldova. Reports on the financing of electoral campaigns.

<https://bit.ly/2jcsdy2>

electoral councils shall refer the reports for their subsequent publishing on the websites of the respective local authorities. The reports on the financing of electoral campaigns for the entire electoral period shall be submitted to the Central Electoral Commission by the registered electoral competitors at the latest, two days before the election day. The reports shall be published on the official website of the Central Electoral Commission within 48 hours of their receipt.

At the same time, changes have been made to the Law on Political Parties, which will have an impact on the results of parliamentary and local elections, because the amount of allocations paid from the state budget to political parties has been reduced **from 0,2% to 0.1%** of the state budget revenues, with the exception of special purpose revenues. Subsequently, the distribution of allocations has been modified due to the introduction of a new criterion for allocating public money - *according to the results obtained in the presidential elections*. Therefore, the new formula for allocating state subsidies following the general local and parliamentary elections is:

- a) **30%** - to the political parties commensurate with the performances obtained in the parliamentary elections;
- b) **30%** - to the political parties commensurate with the performances obtained in general local elections;
- c) **15%** - to the political parties commensurate with the performances obtained in the presidential elections;
- d) **7.5%** - to the political parties commensurate with the number of women actually elected in the parliamentary elections;
- e) **7.5%** - to the political parties in proportion to the number of women actually elected in the local elections;
- f) **5%** - to the political parties commensurate with the number of young people actually elected in the parliamentary elections;
- g) **5%** - to the political parties commensurate with the number of young people actually elected in the local elections.

The Promo-LEX OM welcomes some of the amendments made, especially since it has repeatedly recommended taking into account the results of the presidential elections in subsidizing the parties participating in the elections. However, the OM considers that reducing the share of subsidies paid from the state budget from 0.2% to 0.1% will cause an imbalance between public contributions (state budget allocations) and private contributions (donations, contributions) - sources of funding for political parties, as reiterated by OSCE / ODIHR⁴⁹ in its Guidelines on the financing of political parties and electoral campaigns. In 2018, at a share of about 0.2% of the state budget revenues (40 million lei), the ratio between public and private financing was 37% to 63%, which represented a partially balanced distribution of financial resources⁵⁰, while if this amount is diminished, the risk of dominance of private sources arises.

6.1.2. Regulating the financing of electoral campaign for the new parliamentary elections

As for the new parliamentary elections, the rules for the financing of electoral campaign remained the ones stipulated in the old wording of Electoral Code⁵¹. In this context, we find that art. 43, para. (7) is applied differently to both elections. Thus, in the case of the new parliamentary elections of 20 October 2019, political parties must submit to the CEC the initial report on the state of affairs in the party

⁴⁹ Excerpt from OSCE / ODIHR Guidelines on political party regulation. <http://cesko.ge/res/docs/8600.pdf>

⁵⁰ See the Promo-LEX Report on monitoring the financing of political parties for 2018. <https://bit.ly/2lx09iU>

⁵¹ See Report no. 1 of the Observation Mission for the general local elections and parliamentary elections of 20 October 2019. Monitoring period: 18 June - 14 August 2019, p. 25–28. <https://bit.ly/2kdDGaw>

current account at the beginning of electoral period, as opposed to the local elections, where the parties have the obligation to present this report at the beginning of electoral campaign.

We mention that, as of the date of entry into force of the provisions in question – **17 August 2019**, the electoral period for local elections was to begin in two days, that is, on **19 August 2019**, and the electoral period for the new parliamentary elections had begun 15 days before, that is, on **2 August 2019**. We have already found some confusions, there were at least three political parties (the PDM, the PSRM, the PPS) that submitted financial management reports at the beginning of the electoral period for the new parliamentary elections, that is before the approval of the amendments to the Electoral Code, and in the case of general local elections, a party (the PPS) submitted the report on the management of financial means four days after the entry into force of the amendments to the Electoral Code⁵².

The Promo-LEX OM criticizes the establishment of new rules for the financing of electoral campaign during the electoral process, especially since the CEC does not have enough time to adjust its normative profile documents. The Mission reiterates the emergence of a substantial risk of ambiguity arising from uneven and targeted application of amendments in the case of new parliamentary elections and general local elections. In addition to the emergence of these key ambiguities, the adoption of amendments in the period immediately preceding the electoral campaign contravenes international standards.

6.2. Normative acts adopted by the Central Electoral Commission

6.2.1. Regulation of the financing of electoral campaign for the general local elections

General ceiling of the means that can be transferred to the "Electoral Fund" account. According to the new legal provisions, in this case art. 41, para. (2), let. d) Electoral Code, the general ceiling of the means that can be transferred to the "Electoral Fund" account in the country constitutes 0.05% of the revenues provided by the law on the state budget for that year. According to the calculations, 0.05% of 42,125,500.0 thousand lei⁵³ constitutes 21,062,750 lei.

On 3 September 2019, the CEC set the general ceiling of the financial means that can be transferred to the "Electoral Fund" account of the electoral competitor for the general local elections of 20 October 2019, amounting to 21,062,750 lei⁵⁴. At the same time, the CEC set the maximum ceiling for each single member constituency⁵⁵ by multiplying the *coefficient established in the amount of 7.47 lei*⁵⁶ by the number of voters in the respective constituency (2,819,261 voters).

6.2.2. Regulating the financing of electoral campaign for the new parliamentary elections

General ceiling of the means that can be transferred to the "Electoral Fund" account. According to the old legal provisions⁵⁷, the general ceiling of the financial means that can be transferred to the "Electoral Fund" account of the electoral competitor is established by the Central Electoral

⁵² Report on the financial management of political party at the beginning of electoral campaign.

<https://bit.ly/2luLnt6>

⁵³ The revenues to the state budget in 2019, according to art. 1, para. (1) of the Law on the state budget for the year 2019 no. 303 of 30.11.2018 (Official Gazette no. 504-511 / 842 of 22.12.2018).

⁵⁴ CEC Decision no. 2 640 on the establishment of the general ceiling of the financial means that can be transferred to the "Electoral Fund" account of the electoral competitor in the general local elections of 20 October 2019. <https://bit.ly/2lSCnhq>

⁵⁵ *Ibidem*, Annex to the CEC Decision no. 2640.

⁵⁶ The coefficient is calculated by dividing the general ceiling of financial means in the country (21,062,750 lei) by the total number of voters in the country (2,819,621 voters).

⁵⁷ Article VI of Law no. 113/2019 for the modification of some legislative acts (Official Gazette of the Republic of Moldova, 2019, no. 260 (7183), art. 361) and the provisions of the Electoral Code in the version republished on 29 December 2017 (Official Gazette of the Republic of Moldova, 2017, no. 451-463, art. 768).

Commission, taking as a basis a coefficient multiplied by the number of voters in the constituency, in which the elections are held. In the same order of ideas, the general ceiling of financial means allocated for initiative groups established in support of a candidate in the single member constituency is calculated by multiplying a coefficient by the maximum number of signatures to be collected by the initiative group⁵⁸.

On 20 August 2019, the CEC established the general ceiling of the financial means that can be transferred to the "Electoral Fund" account of the electoral competitor in the single member constituencies no. 17, 33, 48 and 50, for the new parliamentary elections of 20 October 2019, amounting to 2,092,800 lei for each candidate within a single member constituency⁵⁹.

Additionally, by its Decision no. 2578⁶⁰, the CEC set the general ceiling of the financial means that can be transferred to the bank account with the mention "Intended for the initiative group / groups", constituted by the political parties, socio-political organizations, electoral blocs and independent candidates to support the candidates in the single member constituencies. no. 17, 33, 48 and 50, in the amount of 69,750 lei for each initiative group within a single member constituency⁶¹.

Interest-free credit granted to electoral competitors. On 20 August 2019, the CEC established the amount of interest-free credit granted to electoral competitors in the new parliamentary elections of 20 October 2019, amounting to 50,000 lei for each political party, socio-political organization and electoral bloc and 10,000 lei for each independent candidate. At the same time, the CEC established that the Ministry of Finance will elaborate and approve a Regulation on granting interest-free credits to electoral competitors in order to conduct electoral campaigns for the new parliamentary elections of 20 October 2019⁶².

⁵⁸ According to the provisions of art. 86, para. (1) of the Electoral Code, in the version republished on 29 December 2017, the candidate in the single member constituency submits the subscription lists, which contain the signatures of at least 500 and at most 1,000 voting supporters from the single member constituency where they intend to run. We remind the reader that a woman candidate can be registered, if they have the signatures of at least 250 and at most 500 supporters with voting rights in the constituency where they are running.

⁵⁹ The basis for calculating the coefficient was the average monthly wages forecast for 2019, approved by the Government Decision no. 21 of 18.01.2019, amounting to 6,975.0 lei, the coefficient size being 0.5% of the respective average wages, thus constituting 34.88 lei. The calculation basis for establishing the ceiling for single member constituencies is the coefficient established multiplied by 60,000 - the number of voters that that served for the establishment of single member constituencies, according to art. 80, para. (4), let. a) of the Electoral Code.

⁶⁰ CEC Decision no. 2578 on the establishment of the general ceiling of the financial means that can be transferred to the account with the mention "Intended for the initiative group / groups" in the new parliamentary elections of 20 October 2019. <https://bit.ly/2ZsRdte>.

⁶¹ The reporting basis for establishing the coefficient was the average monthly wages forecast for 2019 in the amount of 6,975.0 lei, approved by the Government Decision no. 21/2019, the coefficient size being 1% of the respective average wages, thus the coefficient constituting 69.75 lei.

⁶² CEC Decision no. 2580 on establishing the amount of interest-free credit granted to electoral competitors in the new parliamentary elections of 20 October 2019. <https://bit.ly/2Ub5ucQ>.

VII. VOTER EDUCATION CAMPAIGN

The Promo-LEX Association will carry out the Campaign "I vote for ..." aimed at information, electoral education and apolitical mobilization of the citizens of the Republic of Moldova holding voting rights. It will include: "door-to-door" information activities, carried out in 70 settlements with the involvement of 34 coordinators and over 200 volunteers; 10 public electoral debates in 10 rural and urban settlements; TV and Radio debates; creation and dissemination of 2 video spots; an online campaign for information and apolitical mobilization of voters, etc.

During the monitored period, the CEC and CICDE conducted trainings for electoral officials involved in the activities of DEC II and for the registrars within the LPA. A Call Center for general local elections and the new parliamentary elections was launched, which will provide assistance to interested citizens and members of lower electoral bodies to ensure a uniform application of electoral procedures. At the same time, representatives of certain interested parties with a potential for disseminating information such as librarians and journalists have been trained.

7.1. Promo-LEX campaign under the heading "I vote for..." intended for information, education and apolitical mobilization of the citizens of the Republic of Moldova holding the right to vote

In the context of the general local elections of 20 October 2019, the Promo-LEX Association carries out the Campaign under the heading "I vote for..." intended for information, education and apolitical mobilization of the citizens of the Republic of Moldova holding the right to vote. The overall objective of the campaign is to increase the level of Moldovan citizens' participation in the general local elections of 20 October 2019.

The campaign will run from September to November 2019 and includes the following activities:

- "Door to door" information activities, carried out in 70 settlements of 32 districts of the Republic of Moldova, as well as in the municipalities of Chisinau, Cahul, Comrat and Balti. The activities will be carried out by a network of 34 local campaign coordinators and over 200 Promo-LEX volunteers.
- To facilitate the debates between electoral competitors and voters, 10 public electoral debates will be organized in 10 rural and urban settlements. Also, in partnership with Teleradio-Moldova, Public National Audiovisual Institution, TV and radio debates with the participation of candidates from Chisinau, Balti, Cahul and Comrat will be held.
- In order to promote voter awareness and apolitical mobilization, two video spots will be created and promoted on TV, radio and social networks.
- An online apolitical information and mobilization campaign will be carried out. Mostly, it will target young voters.

Additionally, the Promo-LEX Association has offered six grants totaling 82,200.00 US dollars to non-governmental organizations and media organizations for projects to promote the participation of the citizens of the Republic of Moldova in the general local elections of 20 October 2019. The grants have been awarded to the following organizations: Public Association of Independent Press; National Center for Assistance and Information of Non-Governmental Organizations in Moldova (CONTACT); The Public Association for Participatory Democracy (ADEPT); MP Public Association; The Alliance of Community Access Centers for Information and Training in the Republic of Moldova (INFONET) and Alternative Media Public Association.

7.1. Activities carried out by the CEC and CICDE

In the period of 12 - 17 August 2019, CICDE organized voter information trainings involving about 80 librarians from nearly 40 settlements⁶³. Also, in the context of the general local elections, on 20 - 23 August 2019, CICDE trained city and town hall officials in charge of voters' lists⁶⁴.

On 14 August 2019, the CEC launched the campaign "*Equal access to the polling stations to everyone*"⁶⁵, aimed at increasing the public awareness of the importance of access to public buildings, especially to polling stations. The campaign communicates the results of the PS audit carried out by INFONET Alliance in several regions of the country, which include data on the existence / non-existence of access ramps, narrow doors, Soviet-type stairs, poorly lit halls, sanitary facilities not adapted to all people.

On 19 August 2019, the CEC issued the invitation to sign the Code of Conduct on the conduct and coverage of electoral campaign in the new general and parliamentary local elections of 20 October 2019 addressed to the potential electoral competitors and media outlets⁶⁶. According to the CEC⁶⁷, on 22 August 2019, besides three media institutions, the Code was signed by five political parties (the PVE, the PL, the PLDM, the PSRM and the PPCD) and a socio-political organization (MPSN).

On 23 August 2019, the CEC, CICDE and the Ministry of Education, Culture and Research (MECR) signed a memorandum⁶⁸ to carry out activities that will aim at improving the awareness of young people of electoral processes, their active involvement in all stages of the electoral cycle. It should be mentioned that the document in question is not publicly available either on the official website of the CEC, CICDE or the MECR.

On 23-25 August 2019, the CEC, CICDE and UNDP organized the "Weekend Training: Media & Elections"⁶⁹, attended by media representatives from the Republic of Moldova. National and international experts from such countries as Latvia and Romania were invited to this event, they discussed issues related to manipulation and falsification of information during the electoral period, electoral processes, financing of electoral campaigns, etc.

On 29 August 2019, the Call Center for general local elections and new parliamentary elections was launched⁷⁰. It will be operating until 5 November 2019, being available for voters, persons responsible for administration of voters' lists and members of lower electoral bodies.

On 29 August 2019, the training of the DEC II election officials for the general local elections began.

⁶³ CICDE press release. <https://bit.ly/2lzBvhq>

⁶⁴ CICDE press release. <https://bit.ly/2lsc3e0>

⁶⁵ CEC press release on the launch of the campaign "Equal access to the polling stations to everyone". <https://bit.ly/2jZPEnY>

⁶⁶ CEC's invitation to sign the Code of Conduct, annexed to the press release. <https://bit.ly/2jUXSgZ>

⁶⁷ CEC press release. <https://bit.ly/2koOq5Q>

⁶⁸ CEC press release. <https://bit.ly/2lVuZC5>

⁶⁹ The Weekend Training: Media & Elections event. <https://bit.ly/2kf2PBF>

⁷⁰ CICDE press release. <https://bit.ly/2knlZ8l>

RECOMMENDATIONS

To the Parliament of the Republic of Moldova:

1. Completion of the Electoral Code with provisions ensuring the establishment of a period of time (for example, from the beginning of the electoral period or from the date of the elections), in which it will be prohibited to make changes to the existing legal and normative framework in the electoral field, including the one subordinate to the law.
2. Amendment of art. 46, para. (1) of the Electoral Code in order to extend the period of designation of candidates in the case of local elections.
3. Completion of the Electoral Code with provisions that would discourage the misuse of administrative resources during the electoral period or in the period preceding the electoral campaign.
4. Completion of art. 43 para. (1) of the Electoral Code with express provisions that would oblige the CEC to publish data on the donors' domicile / headquarters and the occupation / place of work or type of activity.
5. Reintroduction of the phrase "as well as the material support in other forms" to art. 41, para. (2) of the Electoral Code.
6. Modification of the Law on Political Parties by returning to the previous coefficient for allocating state subsidies, in particular, increasing the share of subsidies from 0.1% to 0.2% of the state budget revenues for financing political parties in line with the performances obtained in national and local elections.

To the Central Electoral Commission:

7. Elaboration of a regulation for the operation and use of the "Subscription lists" application, containing the description of information on which the application is based and the development of an easy procedure to challenge the results provided by the application.
8. Amendment of point 36 of the Regulation on the preparation, administration, dissemination and updating of voters' lists in order to provide a mechanism for the realization of the constitutional right to vote in local elections to people who do not have a domicile or a residence.
9. Modification of the provision of point 16¹ of the Regulation on the placement of electoral advertising and political promotion materials on information panels in order to comply with the provisions of the Electoral Code, in the part related to the distinction between electoral advertising and electoral campaigning.
10. Amendment of Annex no. 16 to the Regulation on the activity of constituency council by excluding the requests for revocation of the CC member and for the submission of a new candidacy.
11. Publication and ensuring the transparency of donations in terms of the donated amount, donor identity (full name / surname, name and organizational form), domicile / headquarters and occupation / place of work or type of activity.

To the Ministry of Education, Culture and Research:

12. Analyzing compliance with the provisions of Order no. 03 / 1-09 / 4517 of 23.08.2019 on non-admission of political interference and discourses, including electoral ones, in the activities dedicated the inauguration of the school year in the institutions of general education.

ABBREVIATIONS

art. - article

ATU - administrative-territorial unit

ATUG – Administrative-territorial unit of Gagauzia

CC – Constituency Council

CEC - Central Electoral Commission

CICDE – Center of Continuous Electoral Training under the CEC

CMC - Chisinau Municipal Council

CPEDEE - Council for the Prevention and Elimination of Discrimination and Ensuring Equality

c. u. – conventional unit

DEC – District Electoral Council

IC - independent candidate

let. - letter

LPA - Local Public Administration

LTO - long-term observer

MECR- Ministry of Education, Culture and Research

MFAEI- Ministry of Foreign Affairs and European Integration

MPSN - "Speranta - Nadejda" Professional Movement

mun. - municipality

NBS - National Bureau of Statistics

NIA – National Integrity Authority

OM - Observation Mission

OSCE - Organization for Security and Cooperation in Europe

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

p. - point

para. - paragraph

PAS – Party of Action and Solidarity

PDM - Democratic Party of Moldova

PEB – Precinct Electoral Bureau

PPPDA - The Dignity and Truth Platform Party

PS - polling station

PSA - Public Services Agency

PSRM - Party of Socialists of the Republic of Moldova

REO- Registry of Electoral Officers

SMC - Single member constituency

SRP - State Registry of Population

SRV - State Registry of Voters

STO - short-term observer

UNDP - United Nations Development Program

USAID - United States Agency for International Development