



FINAL REPORT

Observation Mission for the New Parliamentary Elections of 15 March 2020

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EXECUTIVE SUMMARY

Political Context. New Parliamentary Elections in certain single-member constituencies (SMCs) are held in the Republic of Moldova as a result of the implementation of the mixed-member electoral system in the last Parliamentary Elections of 24 February 2019. The elections in the SMC no. 38 from Hincesti were held following the resignation of the MP Alexandru Botnari, elected as mayor of Hincesti mun. in the general local elections of 20 October (3 November) 2019.

The electoral campaign took place in the context of negotiations on institutionalizing a new parliamentary majority, preparing the political stakeholders for this year's Presidential Elections as well as raising Code Red alert at national level on the epidemiological situation.

Legal Framework. The New Parliamentary Elections of 15 March 2020 are being held in compliance with the legal provisions that were equally applied in the Parliamentary Elections of 24 February 2019. Relevant exceptions refer to legal relations on excluding the requirement to submit the integrity certificates and providing for a ban on campaigning both on elections day and on the day preceding the elections day.

According to Promo-LEX, the date for the new parliamentary elections has been set by the CEC with delay, because the legal deadline covers the period from 5 February 2020 to 5 March 2020.

The Promo-LEX OM, especially in the context of the near presidential election campaign, draws attention to the need for explicit regulation of cases that can be classified as indirect financing of the election campaign of certain candidates by parties that are not registered as competitors, but carry out electoral campaigning.

Electoral Bodies. The CEC approved decisions that ensured the organization and conduct of elections during the reference period. The activity of the electoral bodies regarding the organization of elections was reflected on the CEC website. CECEU no. 38 and 44 PEBs respectively have been established in compliance with the legal provisions. Regarding the election of the leadership, according to observers, in five cases the members of the PEBs did not follow the open voting procedure. The work programme was generally respected, with 95% of bureaus opened during the visits of the observers.

The gender composition of the PEB was an imbalanced one: 85 % of them were women, the proportion being maintained at the management level of the PEB. The requirements for displaying information of public interest at the PEBs headquarters were partially complied with: 61% displayed the list of electoral competitors, whilst 77% - the work schedule and the data on the composition of the PEBs.

Availability of lower level electoral bodies to people with locomotor disabilities and/or special needs is far from being great: the headquarter of CECEU no. 38 is inaccessible, while PEBs premises are not available at a proportion of 75%.

Accreditation of Observers. The majority of the electoral competitors showed increased interest in the accreditation procedure. At least four competitors – the PDM, the PSRM, the PPS and PAS – accredited 44 observers to the CECEU, according to the number of PSs established therein. The CEC accredited 82 national and 12 international observers. The Promo-LEX Association, accredited 30 national observers.

Compared to the number of observers accredited by CECEU, we attest an insignificant interest manifested by candidates for the registration of trustees of electoral competitors by CECEU (3) and the appointment of representatives entitled to consultative vote at CECEU level (1).

Designation and Registration of Competitors. For the New Parliamentary Elections of 15 March 2020, eight initiative groups were registered, seven of which submitted documents for registration, with a potential candidate announcing his/her withdrawal from the electoral contest. All seven candidates have been registered. Compared to the Parliamentary Elections of 24 February 2020, in case of SMC no. 38 Hincesti, we attest a higher participation rate, being registered with three more

candidates. Later, a candidate announced his/her withdrawal, while the registration of another one has been cancelled.

Electoral Complaints. According to Promo-LEX observers, during the monitored period one complaint was submitted to the CECEU and one request and one complaint to the CEC. As regards the complaints, the latter were remitted in the framework of their respective competences, while on the subject matter of the request, the CEC requested the court to cancel the registration of a candidate.

The Promo-LEX OM states a more active role of CEC in handling complaints and requests, compared to the practice of previous elections. At the same time, we draw attention to the fact that the effective processing of complaints and requests must be in strict compliance with substantive and procedural rules. Also, the CEC's attitude and approach should apply equally to all electoral competitors.

Voters' Lists. The number of voters in the basic voters' lists for the new parliamentary elections of 15 March 2020 in the SMC no. 38, decreased by 169 citizens with the right to vote (from 61 728 to 61 559), compared to the parliamentary elections of 24 February 2019.

The Promo-LEX OM identified the delayed transmission of voters' lists in at least 16 PSs (37%). Also, according to observers, at least eight Level I LPAs received about 25 notices during the observation period. Even if there is no evidence of intentional assignment of voters to certain polling stations, we reiterate the need for explicit regulation of the process of "artificial migration".

Electoral Competitors. The electoral competitors carried out at least 176 promotional activities, the most frequent being the distribution ones and those related to the placement of electoral displays – 45%, followed by meetings with voters – 30%. Per competitors, most campaign activities were organized by the PPS – 34%, the PSRM - 29% and the PAS – 20%.

Among the campaign activities that can be qualified as a deviation from the legal norm, the most common one was the placement of electoral advertising in unauthorized places. In the light of the need for an explicit legal regulation of electoral practices, especially in the context of this year's Presidential Elections, the Promo-LEX OM draws attention to the involvement of political parties that are not registered as competitors in the electoral campaigning failing to reflect both the activities carried out in the "Electoral Fund" account and involvement of foundations/public associations in the indirect promotion of candidates.

Financing of electoral campaign. The Promo-LEX OM finds that all political parties nominating candidates for the SMC no. 38 Hincesti have submitted reports on the financing of the election campaign. A shortcoming also previously mentioned by the Mission is that the format for viewing reports on the CEC website is not "user friendly" and is not "open data".

According to the reports submitted by the electoral competitors, the main share of the declared expenses falls on: advertising and campaign materials – 78%, meetings and events – 15%, salaries for the electoral staff – 3%; use of transport – 3%; others (rental of temporary or permanent premises) – 1%.

The Promo-LEX OM finds that five out of seven electoral competitors failed to report all the expenses incurred by them in the election campaign: the PSRM, the UNIREA Bloc, the IC Grigore Cobzac, the PPS, the PDM. The total amount estimated as unreported is at least MDL 125 993.

Election Day. The elections were held in conditions of imminent epidemic threats that put voters at risk. Both the electoral and local authorities made efforts to minimize the epidemiological risks. Critical opinions on the inaction of electoral bodies to suspend the elections did not have any legal support whatsoever. On the appropriateness of holding the Election Day, according to Promo-LEX OM, the Parliament is the only public authority that failed to adopt the decision to postpone the elections thereof. The postponement could exclusively be implemented based on the state of emergency declared immediately upon the elections.

The Mission delegated a single mobile team that operated under low observation regime, monitoring the electoral procedures in 11 PSs. Three cases of organized transportation of voters have been identified therein. The Promo-LEX OM did not perform the parallel vote counting. The correctness of filling in the vote counting protocols was checked and compliance with the verification formulas was found.

INTRODUCTION

The Observation Mission (OM) for the New Parliamentary Elections of 15 March 2020 is a project carried out by the Promo-LEX Association within the Civic Coalition for Free and Fair Elections (CCALC). The Promo-LEX Association is a public association that aims at developing democracy in the Republic of Moldova, including the Transnistrian region, by promoting and defending human rights, monitoring democratic processes and strengthening civil society.

Monitoring of the electoral process was carried out during the electoral campaign by one long-term observer (LTO), and via one mobile team monitoring the aspects of conducting the elections in 11 polling stations on the Election Day.

All the observers involved in the monitoring process are trained in the seminars organized by the Promo-LEX Mission and sign the Code of Conduct of the Promo-LEX Independent National Observatory, committing to act in good faith and in a non-partisan way.

The reports were drawn up based on the observation reports of the OM and the findings of both LTOs and observers of the mobile team introduced into the thematic templates, as well as on official public information reported by Promo-LEX OM observers.

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) of the Electoral Code, including as notifications filed by observers and be examined by the competent authorities.

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.

The Promo-LEX Association organizes Election Observation Missions since 2009. The Observation Mission for the New Parliamentary Elections of 15 March 2020 is the 19th mission carried out by the Promo-LEX. Additionally, the employees and members of the Association have extensive international experience and participated in election observations in the International Missions of Armenia, Estonia, Georgia, Germany, Macedonia, the United Kingdom, Norway, Romania, Sweden, Ukraine, etc.

Since 2005, Promo-LEX is a member of the Coalition for Free and Fair Elections. In 2009, the Association became a member of the European Network of Election Monitoring Organizations (ENEMO), becoming a member of the Global Network of Domestic Election Monitors (GNDEM) in 2010, and in 2013 – the founding member of the European Platform for Democratic Elections EPDE).

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 Promo-LEX OM for the New Parliamentary Elections of 15 March 2020 carried out its activity with the financial support of the US Agency for International Development (USAID) under the "Democracy, Transparency and Responsibility" Program.

The opinions expressed in public reports and press releases of the Promo-LEX OM belong to the authors and do not necessarily reflect the position of the donors or partners. The content of this document may be subject to editorial revisions.

I. POLITICAL CONTEXT

New Parliamentary Elections are held in the Republic of Moldova as a consequence of the Parliamentary Elections of 24 February 2019 based on the mixed-member electoral system. On 15 August 2019, under the conditions of formation of a new parliamentary majority, the legislator approved on final reading the Law no. 113¹, cancelling the mixed-member electoral system and returning to the party-list proportional representation systems. According to the same law, in case where the mandate of an MEP's elected in a SMC is declared vacant at least 180 days until the expiration of the tenth legislative mandate of the Parliament, (new) partial parliamentary elections shall be held, in accordance with the legislation in force until the adoption date of the Law no. 113/2019.

The elections in the SMC no. 38 Hincesti were held following the resignation of the MP Alexandru Botnari, elected as mayor of Hincesti mun. in the general local elections of 20 October (3 November) 2019. The SMC no. 38 is the fifth constituency in which in the course of a year new parliamentary elections were held.

The adoption of the no-confidence motion on 12 November 2019², in which the Parliament has cast its vote of no confidence to the Government of the Republic of Moldova, respectively created conditions for reconfiguration of the parliamentary majority, and seem to have led to the delay in setting the date for the new parliamentary elections in the SMC no. 38 from Hincesti.

The electoral campaign for the new parliamentary elections of 15 March 2020 took place against the background of the process of negotiation and institutionalization of a new parliamentary majority between the PSRM and the PDM, respectively going into opposition of the ACUM electoral bloc component members - the PAS and the PPPDA.

The campaign behavior and speech of certain candidates was determined also by the pre-election period context of the Moldovan Presidential Elections, expected to be held this Autumn.

The political context in the last days of the campaign as well as on the Election Day was also determined by the announcement of 11 March 2020, four days before the day of the new parliamentary elections in the SMC no. 38, made by the World Health Organization (WHO) in which it declared the COVID-19 a global pandemic. In the country, the National Extraordinary Public Health Commission (NEPHC) by its Decision no. 7 of 13 March 2020 raised alert level to code red at national level on the epidemiological status. An infection case was also reported in the localities of the SMC no. 38.

¹ Law no. 113 of 15.08.2019 amending some legislative acts, in force on 17.08.2019. <https://bit.ly/38zB0HI>

² Parliament's Decision on granting the vote of no confidence to the Government of the Republic of Moldova. <https://bit.ly/2NSDbOJ>

II. LEGAL FRAMEWORK

a. Presentation of the legal framework

The New Parliamentary Elections of 15 March 2020 were being held in compliance with the legal provisions that were equally applied in the Parliamentary Elections of 24 February 2019 (in accordance with the legislation in force until the adoption date of the Law no. 113/2019³). Relevant exceptions refer to legal relations on excluding the requirement to submit the integrity certificates and providing for a ban on campaigning both on elections day and on the day preceding the elections day⁴.

Of the total of nine recommendations addressed by the Promo-LEX OM for the new parliamentary elections of 20 October 2019 to the Parliament to improve the relevant legal framework for the new parliamentary elections, no recommendation has been implemented in the context of the elections of 15 March 2020.

b. Setting the date of the new parliamentary elections of 15 March 2020

According to the Promo-LEX OM, in the new parliamentary elections of 15 March 2020, the CEC admitted a delay by about 10 days when setting the date⁵. It is worthwhile recalling that the date for holding the new parliamentary elections of 20 October 2019 has also been set, around 13 days late⁶.

Starting from the fact that the mandate of the MP Alexandru Botnari expired under law on 5 December 2019, pursuant to art. 105 of the Electoral Code and para. (12) of art. 2 of the Law on Status of Member of Parliament and explanations of the Constitutional Court, referred to in the Judgment no. 21 of 24 June 2015, ex officio, the CEC was supposed to establish the date for holding the new parliamentary elections between 5 February 2020 and 5 March 2020.

c. Uncertainties regarding the reporting of electoral campaign expenses by a political party that is not registered as an electoral competitor

As a result of the observation of the electoral campaign, the Promo-LEX OM draws attention to the need for legal and explicit regulation of cases that can be qualified as indirect financing of the campaign of certain candidates by parties that are not registered as competitors, but carry out electoral campaigning. This requirement is becoming imperative, including and in particular, in the context of the presidential elections to be held in 2020.

The question marks are intended to reflect the resources spent by third persons, parties which are not registered as competitors but are campaigning in favour of certain candidates, in particular declared as independent ones. Even if these expenses will eventually be included in the half-yearly/annual financial reports of the political parties, we mention that they were not reflected during the campaign as means from the competitor's "Electoral Fund" account, for example as a material donation.

³ Law no. 113 of 15-08-2019 amending some legislative acts. See the Official Gazette No. 260 of 17.08.2019.

⁴ Please see detailed analysis of the amendments in the Report no. 2 of the Observation Mission for general local elections and new parliamentary elections of 20.10.2019, pages 9-12. <https://bit.ly/2SgQZDU>

⁵ Report no. 1 of the Observation Mission for the New Parliamentary Elections of 15 March 2020, pages 10-11. <https://bit.ly/3bj0zhh>

⁶ Report no. 1 of the Observation Mission for the general local elections and new parliamentary elections of 20 October 2019, pages 15-16. <http://bit.ly/2kpYRpl>

III. ELECTORAL BODIES

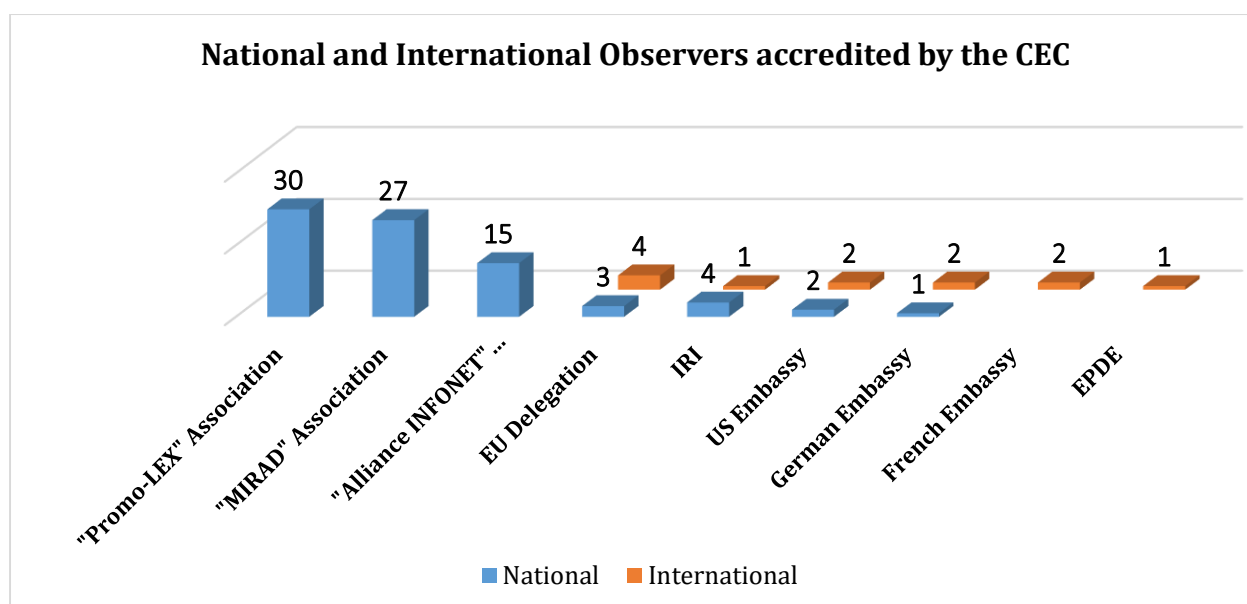
a. Activity of the Central Electoral Commission (CEC)

CEC's Decisions. In the context of holding the new parliamentary elections of 15 March 2020, the CEC coordinated the work of two levels of electoral bodies. The Commission constituted the electoral council of the uninominal electoral constituency no. 38 (CECEU), which in turn constituted 44 precinct electoral bureaus (PEBs) both within the legal deadlines and in compliance with the procedures set forth in respect thereof. The activity of the electoral bodies regarding the organization of elections was reflected on the CEC website.

The CEC adopted around 46 decisions to carry out actions to organize and conduct the parliamentary elections of 15 March 2020⁷.

Accreditation of Observers. The majority of the electoral competitors showed increased interest in the accreditation procedure. At least four competitors – the PDM, the PSRM, the PPS and PAS – accredited 44 observers to the CECEU, according to the number of PSs established therein. The CEC accredited 82 national and 12 international observers. The Promo-LEX Association, accredited 30 national observers.

Chart no. 1



b. Operation of the Electoral Council of the Uninominal Electoral Constituency no. 38 from Hincesti (CECEU)

CECEU worked in the numerical composition of 9 members (6 men and 3 women). The Promo-LEX OM has found compliance with the legal provisions in designating members in the CECEU composition by entities entitled to do so as well as in electing the membership thereof. The Electoral Council conducted its work in conditions of transparency and openness to observers.

Compared to the number of observers accredited by CECEU (at least 176), we must draw attention to the insignificant interest manifested by candidates for the registration of trustees of electoral

⁷For details, please see: Report no. 1 of the Observation Mission for the New Parliamentary Elections of 15 March 2020, pages 13-14. <https://bit.ly/3bj0zhh>

competitors by CECEU (3) and the appointment of representatives entitled to consultative vote at CECEU level (1).

It should also be emphasized that the headquarter of the CECEU no. 38 is totally inaccessible to persons with locomotor disabilities, seniors having problems moving around, parents with babies in strollers or other category of persons with special needs.

c. Operation of Electoral Bureaus of the Polling Stations (PEBs)

The 44 PEBS worked in the 9-member composition. The members were appointed in compliance with the legal provisions. According to observers, four parliamentary parties with the right to nominate members of the PEB made use of this right for each polling station (the PSRM, the PDM, the PAS, the PPS), whilst one (the PPPDA) – for 36 out of 44 PSs.

According to the reports of the Promo-LEX observers, we find the predominance of women (85%) in the PEB composition: 337 women and 59 men out of the total of 396 members. The gender ratio is also maintained in the managerial positions existing in the PEB: 80% of women were elected as president of the PEB, as deputy president – 64%, whilst again only women have been selected to serve as secretary.

The procedure for electing the PEB members to fill in the managerial positions has been followed in all the PEBs within the deadline set. As for the election of the PEB leadership in an open vote, the Promo-LEX observers have reported five cases in which PEB members failed to comply with the procedure thereof⁸.

During the visits made by the Promo-LEX observers, 95% of PEBs were opened within the work programme. In terms of displaying information of public interest in the PEB headquarters, their representatives complied partially with the requirements set in respect thereof: 61% have displayed the list of electoral competitors, while 77% have displayed both the work programme, and data on the PEB composition.

Availability of lower level electoral bodies to people with locomotor disabilities and/or special needs is far from being great: the PEBs premises being unavailable at a proportion of 75%.

⁸ PEBs no. 38/17 Cotul Morii; no. 38/19 Talaiesti; no. 38/22 Fundul Galbenei; no. 38/30 Mereseni and no. 38/31 Sarata Mereseni.

IV. DESIGNATION AND REGISTRATION OF COMPETITORS

a. Designation of candidates and registration of initiative groups

According to the legal provisions each candidate designated in the SMC shall form an initiative group (IG) to collect signatures in his/her support for the new parliamentary elections (see the table no. 1 below).

Table no. 1

No.	Date of registration of the IG	Political Party/IC	Name, surname of the candidate
1.	19.01.2020	PPS	Balinschi Vitalie
2.	19.01.2020	PSRM	Gatcan Stefan
3.	19.01.2020	PDM	Mereuta Ion
4.	22.01.2020	PUN (withdrawn)	Turcanu Vladimir (withdrawn)
5.	23.01.2020	PAS	Stamate Olesea
6.	23.01.2020	UNIREA Bloc	Chirtoaca Dorin
7.	27.01.2020	PLDM	Postolachi Anatolie
8.	27.01.2020	IC	Cobzac Grigore

For the New Parliamentary Elections of 15 March 2020, eight initiative groups were registered, seven of which submitted documents for registration, with a potential candidate announcing his/her withdrawal from the electoral contest. All IGs have collected the required number of signatures⁹, and following verification thereof by the CECEU no registration has been rejected for failure to validate sufficient signatures. In the context of the presidential elections to be held this year, where all candidates will be required to collect the signatures, but in a more increased number – from 15 000 to 25 000, the Promo-LEX OM also reiterates its view on the need for the exclusion of the text of the Electoral Code, art. 47 para. (3) the obligation to include only signatures of supporters residing in a single settlement on a list¹⁰.

b. Registration of Candidates

Seven candidates were registered for the New Parliamentary Elections in the SMC no. 38. Compared to the parliamentary elections of 24 February 2020, we attest a higher participation rate, being registered with three more candidates¹¹.

Table no. 2

No.	Date of registration of candidates with the CECEU	Political Party/IC	Name, surname of the candidate
1.	22.01.2020	PDM	Mereuta Ion
2.	23.01.2020	PSRM	Gatcan Stefan
3.	27.01.2020	PAS	Stamate Olesea
4.	07.02.2020/cancelled	PPS	Balinschi Vitalie
5.	07.02.2020	UNIREA Bloc	Chirtoaca Dorin
6.	07.02.2020	IC	Cobzac Grigore
7.	11.02.2020/withdrawn	PLDM	Postolachi Anatolie

⁹ Art. 86 para. (1) provides for the collection of at least 500 and no more than 1000 voting supporters in the single-member constituency where the candidate intends to run for elections. By way of derogation, a female candidate shall collect at least 250 and not more than 500 voting supporters in her constituency.

¹⁰ Report no. 4. The Promo-LEX Observation Mission for the general local and new parliamentary elections of 20 October 2019, pages 41-42. <http://bit.ly/2pYXT4>

¹¹ Final Report of the Observation Mission for parliamentary elections of 24 February 2020, p. 31. <https://bit.ly/2Q4r8i8>

Five of the aforementioned were included in the ballot papers. Thus, during the campaign, the PLDM candidate withdrew within the legal deadline (28.02.2020), whilst the registration of the PPS candidate has been cancelled on the basis of the court decision (13.03.2020).

V. ELECTORAL COMPLAINTS

a. Complaints submitted with CECEU no. 38 from Hincesti

According to Promo-LEX observers, only one complaint has been submitted with the CECEU on the matter of placing the campaign adverts in unauthorized places (the PPS vs. the PSRM). The latter was submitted in the framework of their respective competences to Hincesti Police Inspectorate, to be examined in accordance with art. 50 of the Contravention Code¹².

In this regard, we reiterate the conclusion of the Promo-LEX OM on the fact that the provisions of the CEC Regulation on the location of electoral advertising and political promotion materials should be adjusted in order to expressly mention the police's competence to declare the administrative infringement on the unauthorized display.

b. Complaints submitted with the CEC

During the monitored period, one request and one complaint have been submitted with the CEC¹³. The Promo-LEX OM stated a more active role of CEC in handling complaints and requests, compared to the practice of previous elections. At the same time, we draw attention to the fact that the effective processing of complaints and requests must be in strict compliance with substantive and procedural rules. Also, the CEC's attitude and approach should apply equally to all electoral competitors.

In the first case, the request has been submitted on 3 February 2020 by a political party (the PL) running for elections as component member of the UNIREA Electoral Bloc and covered the alleged actions of the PPS, not being yet registered as electoral candidate, in the context of offering free transportation services to voters and giving bags bearing the PPS symbol on them containing also one cap, one t-shirt, one notebook, one pen, newspapers and chocolates in the SMC no. 38, on 01.02.2020.

By Decision no. 3791 of 4 March 2020, the Commission has expressed its views only in the part related to alleged violations of the legal provisions in organizing the transportation of voters to various events. The Commission found failure to declare expenses incurred in the PPS' financial reports and as a consequence requested the Court of Appeal to cancel the registration of the PPS electoral candidate. By the Decision of the Chisinau Court of Appeal of 10.03.2020, the CEC's request to cancel the registration of the electoral candidate has been rejected. The CEC appealed the decision of the Court of Appeal in the Supreme Court of Justice. Thereafter, on 13 March 2020, the CECEU no. 38 Hincesti adopted the Resolution no. 45/2020 on cancellation of the registration of the candidate Vitalie Balinschi, designated by the PPS, under the Decision issued by the Supreme Court of Justice (file no. 3ra-526/20 of 13 March 2020).

The Promo-LEX OM noted the following inaccuracies and irregularities in consideration of the request by the CEC:

- the extension of the subject matter of the complaint, in the absence of the request from the author of the complaint;
- lack of the CEC's conclusions on the role of the author of the complaint in the appeal as well as the role of the person against whom the complaint was made;
- establishing the use of undeclared financial and material funds by the electoral competitor and requesting for the cancellation of the registration of the electoral candidate designated by the PPS in the SMC no. 38, in the absence of localization of the PPS actions in time and space.;
- lack of the CEC's conclusions on the conduct of electoral campaigning before the start of the electoral campaign;
- finding facts relating to the referral submitted, prior to the CEC's decision;

¹² For details, please see: Report no. 1 of the Observation Mission for the New Parliamentary Elections of 15 March 2020, p. 21. <https://bit.ly/3bj0zhn>

¹³ For details, please see: Report no. 1 of the Observation Mission for the New Parliamentary Elections of 15 March 2020, pages 21-24. <https://bit.ly/3bj0zhn>

- the establishment of the connection between the PPS and the Public Association “Pentru Orhei” based on data on the President of the Association, the legal headquarters and an earlier CEC Decision of 20 October 2016.

In the second case, on 27 February 2020, the PPS filed an appeal against the alleged illegal actions of the PSRM to use administrative resources in the electoral campaign and to corrupt voters. By Decision no. 3792 of 4 March 2020, the CEC dismissed the claims in the part related to the use of administrative resources.

Regarding the alleged corruption of voters, on 28 February 2020, the Commission submitted the complaint to the Hancesti Police Inspectorate and to the General Police Inspectorate, contrary to the material competence. Subsequently, on 4 March, by Judgment no. 3792, taking into account the material competence for establishing the offence of voter corruption, laid down in art. 270¹ of the Code of Criminal Procedure, the CEC decided to forward to the Anticorruption Prosecutor’s Office the complaint filed by the PPS.

We mention that the appeal was settled within six days, exceeding the legal period provided for in art. 73, para. (2) of the Electoral Code by one day, and as regards the submission to the Competent Authority of the appeal regarding the actions of corruption of voters, the deadline was exceeded by four days.

On 7 March 2020, the PPS addressed the Chisinau Court of Appeal with an administrative complaint against the CEC requesting the annulment of the section 1 in the operative part of the CEC’s Decision no. 3792 of 4 March 2020 and oblige CEC to issue a decision on the finding of violations indicated in the complaint submitted by the PPS. The complaint filed by the PPS was dismissed as unfounded under the decision of 11 March 2020 issued by the Collegium for Civil, Commercial and Administrative Cases of Chisinau Court of Appeal, along with the cassation appeal submitted by the PPS also dismissed as unfounded under the ruling of 13 March 2020 issued by the Collegium for Civil, Commercial and Administrative Cases of the Supreme Court of Justice.

VI. VOTERS' LISTS

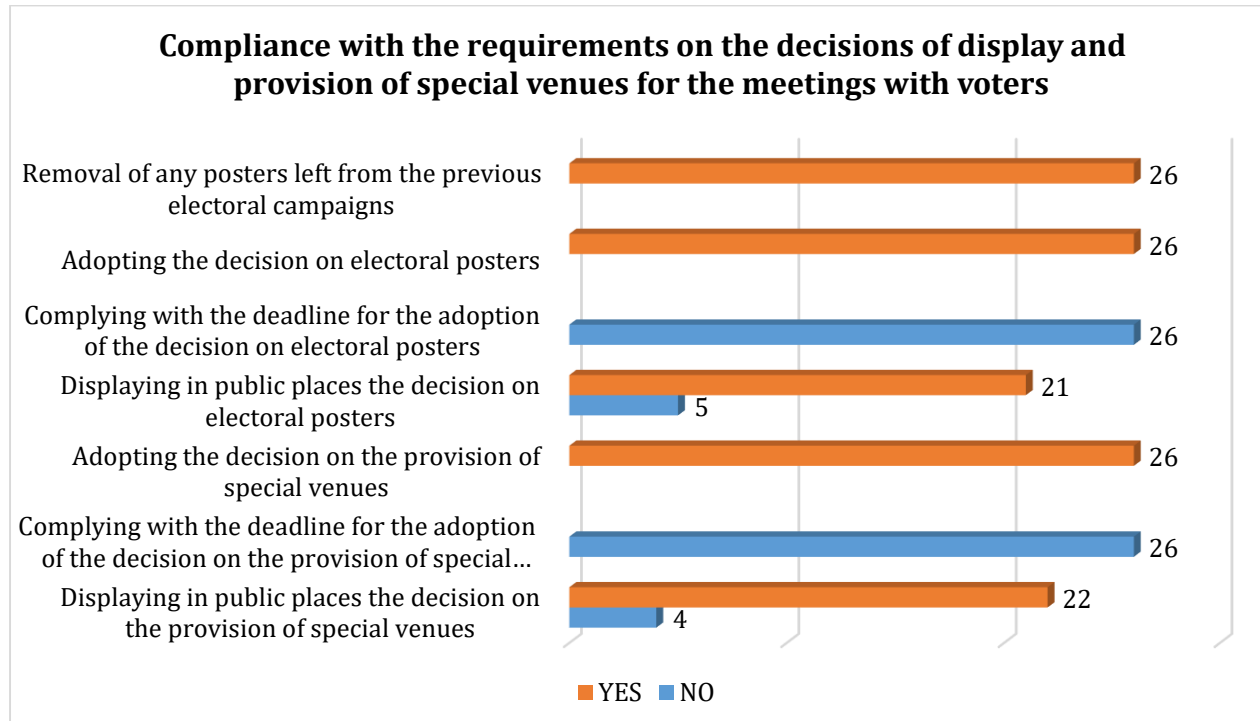
Number of Voters. Following the analysis of the difference between the number of voters included in the basic voters' lists for parliamentary elections of 24 February 2019 and the number included in the lists for the new parliamentary elections of 15 March 2020, the Promo-LEX OM found a decrease in the number of voters in the SMC no. 38 with about 169 citizens with the right to vote in the approximate period of one calendar year: from 61 728¹⁴ to 61 559¹⁵.

Problematic issues in managing the voters' lists. Observers have reported a one/two-day(s) delay in the submission of the voters' lists by at least 16 PSs (37%). Also, the Promo-LEX observers identified at least eight level I LPAs in the composition of the SMC no. 38 receiving about 25 notices during the monitored period (about five more than in the electoral period of the general local elections for the same settlements). We point out that this information was obtained in the observation process until 9 March 2020 and not by formal request for access to information. Even if the Mission does not have evidence of "artificial migration" of voters, the Promo-LEX OM reiterates its recommendations on the need for the possibility of voting at other polling stations to be stopped before the elections.

VII. PUBLIC ADMINISTRATION

Promo-LEX observers visited 26 LPAs and monitored the degree of realisation of public authorities' obligations on informing citizens about elections. In this context, we emphasize that all LPAs approved the decision on electoral posters, as well as ensured the removal of the posters left from the previous campaign. On the other hand, of 26 no LPA approved the decisions (decrees) within three days of the start of the electoral period¹⁶. The obligations regarding the display of decisions were partially complied with, according to the data given in the Chart below.

Chart no. 2



¹⁴ According to the minutes on the tabulation of the results of the vote at the election of the MP for the SMC no. 38. <http://bit.ly/2TOWudd>

¹⁵ According to the minutes on the tabulation of the results of the vote at the election of the MP for the SMC no. 38 of 15 March 2020, obtained by the Promo-LEX observers.

¹⁶ According to the Calendar Program, date of commencement of the electoral period is 29 December 2019.

VIII. ELECTORAL COMPETITORS

a. Activities to promote candidates in the electoral campaign

During the electoral campaign, the observers of the Promo-LEX OM reported at least 176 promotional activities carried out by electoral competitors (see the chart below). The favourite types of activities were placement of electoral displays – 79 (45%), followed by meetings with voters – 52 (30%). Per competitors, most campaign activities were organized by the PPS - 59 (34%), the PSRM - 50 (29%) and the PAS - 35 (20%).

Table no. 3

No.	Activities to promote candidates	PPS	PSRM	PAS	PDM	UNIREA Bloc	PLDM	IC Grigore Cobzac	Total
1	Electoral Meetings	21	9	9	0	12	0	1	52
2	Electoral Displays	27	27	16	6	0	0	3	79
3	Campaign Launch Activities	0	1	1	1	1	0	0	4
4	Election Advertising in Local Written Press	4	4	0	0	2	0	0	10
5	Door to Door Activities	1	5	4	0	3	1	2	16
6	Press Conferences	4	0	2	0	0	0	0	6
7	Sponsored Posts on Social Media	2	4	3	0	0	0	0	9
	Total	59	50	35	7	18	1	6	176

b. Campaign activities that can be qualified as infringement of legal provisions¹⁷

Among the campaign activities that can be qualified as deviation from the legal norm we quantitatively list the most frequent one, which was *the placement of electoral advertising in unauthorized places* – 44 cases (the PSRM – 19 (43%); the PPS – 16 (36%); the PAS – 8 (19%); IC Grigore Cobzac – 1 (2%)).

In the light of the need for an explicit legal regulation of electoral practices, especially in the context of this year's Presidential Elections, the Promo-LEX OM draws attention to *the involvement of political parties that are not registered as competitors in the electoral campaigning failing to reflect both the activities carried out in the "Electoral Fund" account and involvement of foundations/public associations in the indirect promotion of candidates.*

In addition, we reiterate the need to review the legislation on *the use of national symbols of the Republic of Moldova or of another state and materials in which historical personalities of the Republic of Moldova appear.*

¹⁷ For details, please see: Report no. 1 of the Observation Mission for the New Parliamentary Elections of 15 March 2020, pages 27-30. <https://bit.ly/3bj0zhh>

Table no. 4

No.	Activities	PPS	PSRM	PAS	PDM	UNIREA Bloc	PLDM	IC Grigore Cobzac	Total
1	Activities to promote competitors before the legal deadline set	1	0	0	0	0	0	1	2
2	Involvement of political parties that are not registered as electoral competitors in promoting candidates without reflecting their activities on the "Electoral Fund" account	0	0	0	0	0	0	2	2
3	Cases that can be qualified as use of the image of public authorities by competitors	0	1	0	0	0	0	0	1
4	Events that can be qualified as using electoral advertising in breach of legal provisions	0	1	0	0	0	0	0	1
5	Cases of placement of electoral advertising in unauthorized places	16	19	8	0	0	0	1	44
6	Events that can be qualified as electoral agitation in breach of the provisions of art. 52, para. (8) of the Electoral Code ¹⁸	0	1	1	0	1	1	0	4
7	Electoral competitors who could benefit from the activity of foundations/public associations	1	1	0	0	0	0	0	2
8	Use of black PR in the electoral campaign	0	1	0	0	0	0	0	1
Total		18	24	9	0	1	1	4	57

¹⁸ Art. 52, para. (8) of the Electoral Code: "Images representing state institutions or public authorities, both in the country and abroad, or international organizations, cannot be used for electoral advertising. It is forbidden to **combine colors and/or sounds invoking national symbols of the Republic of Moldova or of another state, to use materials showing historical personalities of the Republic of Moldova or from abroad, symbolism of foreign states or international organizations or image of foreign officials**".

IX. FINANCING OF ELECTORAL CAMPAIGN

a. Methodological Benchmarks and Legal Aspects¹⁹

The methodology of monitoring the financing of electoral campaign consists in observing the activity of electoral competitors, estimating the financial resources collected and used both during the electoral period and in the electoral campaign. At the same time, the OM evaluates the degree, to which the activity of reporting, recording and supervising of electoral actors corresponds with the legal norms in force.

The financing of the electoral campaign in the new parliamentary elections is regulated by the Electoral Code of the Republic of Moldova²⁰ (until amendments were made to the Law no. 113/2019), Regulation on the financing of electoral campaigns, approved by the CEC's Decision no. 3352 of 4 May 2015.

The CEC has set the general ceiling of the financial means that can be transferred to the "Electoral Fund" account of the electoral competitor running for the elections in the SMC no. 38 from Hincesti in the amount of MDL 2 386 200,0. Also, the Commission has established the amount of interest-free credit granted to electoral competitors amounting to MDL 50,000 for each political party or electoral bloc and MDL 10,000 for each independent candidate. According to the observers, no candidate has requested such a credit.

In order to conduct new parliamentary elections in the SMC no. 38 from Hincesti municipality there have been allocated resources amounting to MDL 4 226, 7 thousand provided for in the budget for 2020 presidential elections, given that no financial means have been transferred to the 2020 CEC budget for organizing and conducting new parliamentary elections.

According to the data published on the CEC's official website, all political parties have opened accounts with the mention "Electoral Fund" and designated persons responsible for the financial means (treasurers). Also, the Promo-LEX OM notes that five political parties (the PSRM, the PPS, the PDM, the PAS, the USB) have submitted reports on their own financial means held on the party's account at the beginning of the electoral period until 14 February 2020. Therefore, in accordance with the legal provisions, only these political parties had the right to transfer funds from their current accounts to the accounts intended for the "Electoral Fund" account.

b. Financial reporting of the electoral competitors to the Central Electoral Commission.

The Promo-LEX OM found that according to the CEC's official website, all political parties nominating candidates for the SMC no. 38 Hincesti, including the independent candidate Grigore Cobzac, have submitted weekly and final reports on the financing of the election campaign. However, one electoral competitor - the IC Grigore Cobzac, failed to comply with the deadline for submission of the weekly reports²¹. The CEC published the reports on its official website within 48 hours from their receipt, thus complying with the Law on Personal Data Protection. The Promo-LEX OM monitored the activity of the CEC in this respect and found compliance with the timely publication of the financial reports.

A previously mentioned flaw by the Mission is the format of the report model published on the CEC's official webpage. The published reports are not in open data formats, as the CEC strategic plan provides, but in scanned pdf formats, which complicates not only visual but also digital access to the data presented in the scanned reports.

The Promo-LEX OM requests the CEC to amend the Regulation on the financing of electoral campaign by introducing the obligation to fill out the reports in Excel format and subsequently publish them on the

¹⁹ For details, please see: Report no. 1 of the Observation Mission for the New Parliamentary Elections of 15 March 2020, pages 31-32. <https://bit.ly/3bj0zhn>

²⁰ See detailed description of the legal framework – Report no. 1. Observation Mission for the general local elections and new parliamentary elections of 20 October 2019, pages 25-28. <https://bit.ly/2kdDGaw>

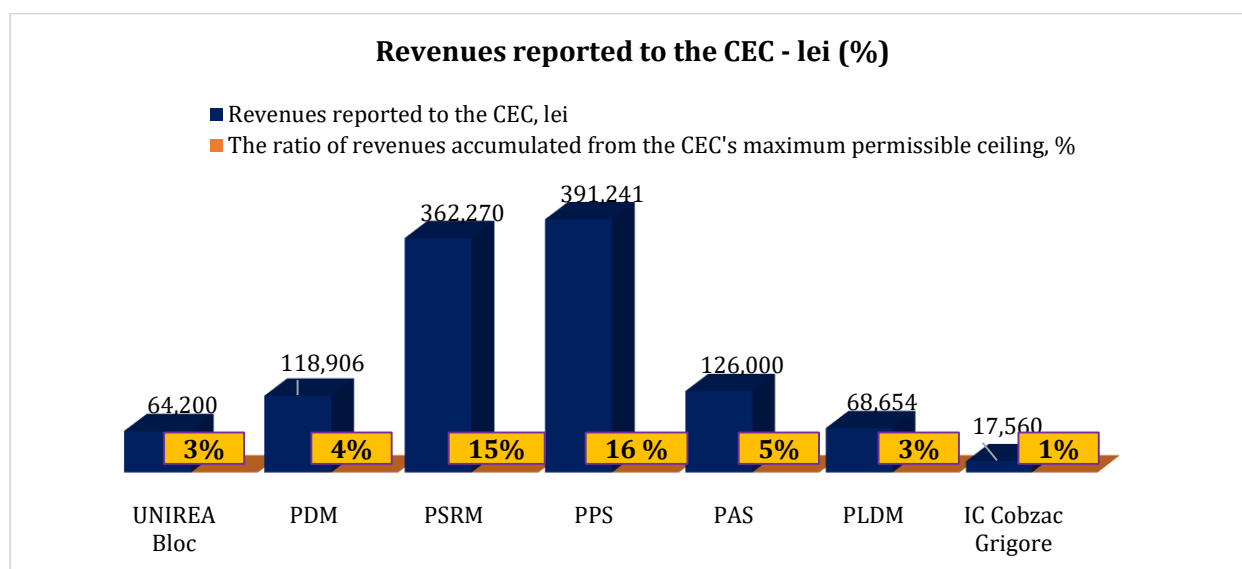
²¹ See the chart no. 12 in the Report no. 1 of the Observation Mission for the New Parliamentary Elections of 15 March 2020, <https://bit.ly/2QKnASE>

official website of the CEC, so that the data could be used for analysis purposes by the associate experts, media and academic environment.

i. Revenues and expenses of electoral competitors reflected in the reports on financing of electoral campaigns

According to the reports presented to the CEC, the amount of revenues declared by the seven registered competitors (parties, electoral blocs, independent candidate), for the period of the electoral campaign is MDL 1 084 631; the amount of expenses reported is MDL 1 084 611, final balance being MDL 20. No independent candidate has exceeded the general ceiling²² of the means that can be transferred to the “Electoral Fund” account. The PPS had been the closest to it, reaching 15% of the aforementioned ceiling. (see chart no. 3 below).

Chart no. 3



Data obtained based on the reports submitted with the CEC

ii. Sources of financing of electoral competitors consist of:

- financial donations made by 71 individuals amounting to MDL 380 530 for three electoral competitors (the PPS, the PSRM, IC Grigore Cobzac);
- own resources in the current account of five political parties (subsidies from the state budget) amounting to MDL 518 591 (the PL, the PDM, the PLDM²³, the PSRM, the PAS) and (donations) totaling MDL 50 000 (the PAS);
- material donations totaling MDL 31 712 for three political parties²⁴ (the PPS, the PAS, the PSRM). (see chart no. 4).

The Promo-LEX OM considers as uncertain the situation with donations from the party’s account to the “Electoral Fund” account from the perspective of qualifying the donor political party as a legal entity. However, the legal norm is not explicit in this respect. As a reminder, according to art. 41, para.

²² 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 lei constitutes 21,062,750 lei.

²³ It should be noted that although the PLDM transferred on 21 February 2020 from the current account to the “Electoral Fund” account, the amount of MDL 200,000 from the subsidies; on March 13, it registered the return of MDL 131 346 to the current account of the party, thus the shares in Chart no. 12 differing from those in Chart no. 14 of Promo-LEX report no. 1.

²⁴ Material donations are not included in the balance sheet of the financial report, in the section entitled turnover of financial resources.

(2), letter e) of the Electoral Code, the ceilings of donations from legal entities in the “Electoral Fund” account for an electoral campaign shall constitute 100 average monthly salaries for the economy established for that year. Simultaneously, art. 1, para. (1) of the Law on political parties, states that political parties are voluntary associations with the status of a legal entity. Therefore, the party could not transfer its own financial means exceeding the amount of 100 average monthly salaries to the “Electoral Fund” account.

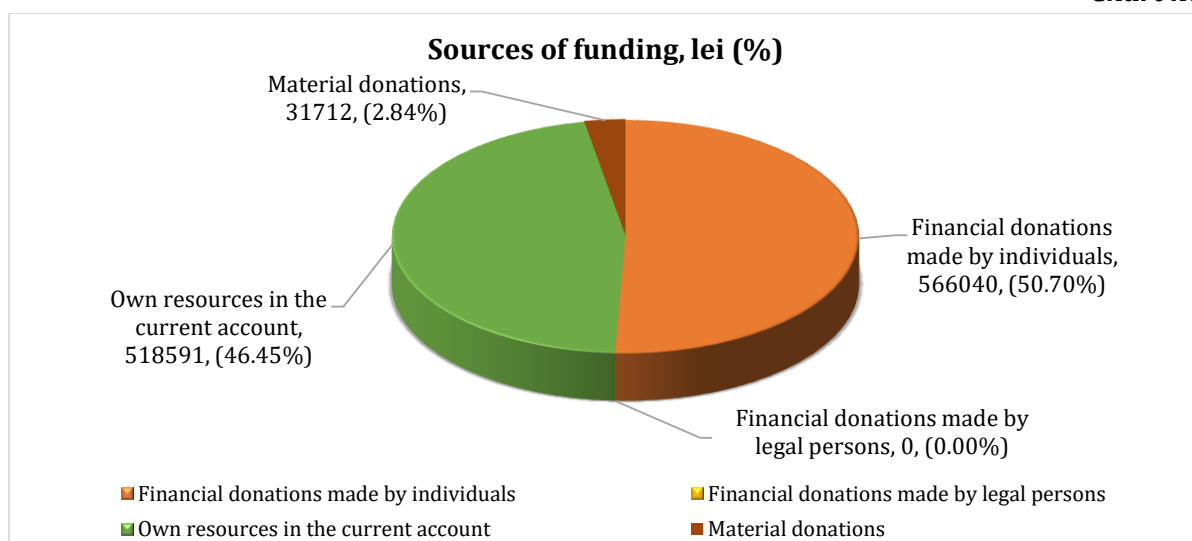
The position of the CEC is, however, different from the legal logic set out above, considering that the political party would have a special status, a fact not expressly provided by law, which is why we insist that the legislature should rule univocally on the given topic.

In addition, we note that the previous Promo-LEX monitoring practice, both in terms of financing of election campaign and political parties, highlights several vulnerabilities related to financial reporting of political parties, such as: collection of cash donations without the use of any control equipment and cash-register machine by political parties. We also need to remember in this context the results of the numerous journalistic investigations, which have brought out to the fore the shortcomings of the mechanisms for the collection of the financial resources of the parties.

As a reminder, both in 2017 and 2018, the Association has raised the issue with the State Fiscal Service (SFS) on the accounting of donations collected by the parties through the use of the cash-register machine (CRM) by political parties, thus requesting the SFS to provide them with clarifying information on both the CRM availability/non-availability, list of political parties using the CRM, number of such machines held by each political party registered with the Public Services Agency (PSA), and management of donations collected therein. The replies confined to the fact that the information cannot be disclosed to interested parties. Moreover, in 2020, we called upon the CEC to raise the issue with both the SFS and the political parties on the use of cash-register machines, the number of such machines held by each political party and manner of use when collecting the revenues (donations, contributions, income received from economic activity) of political parties. Publication of the information received from the SFS on the official website of the CEC, which is of public interest.

The Promo-LEX OM believes that it is essential to obtain such information on the collection and management of financial resources (donations, contributions, income received from economic activity) by political parties, but also for the efficient control and supervision of the party financing activity by the CEC. Thus Promo-LEX repeatedly request the CEC to raise the issue with the SFS in order to obtain the information previously requested, including the ones requested by the Association. Also, Promo-LEX shall bring the matter before the CEC on new amendments regarding the use of such machines and *recommends the CEC to adjust the Regulation on the financing of political parties to the Regulation on the use of cash-register machines, in force since 15.04.2019, or on the contrary the SFS shall review the aforementioned provisions.*

Chart no. 4

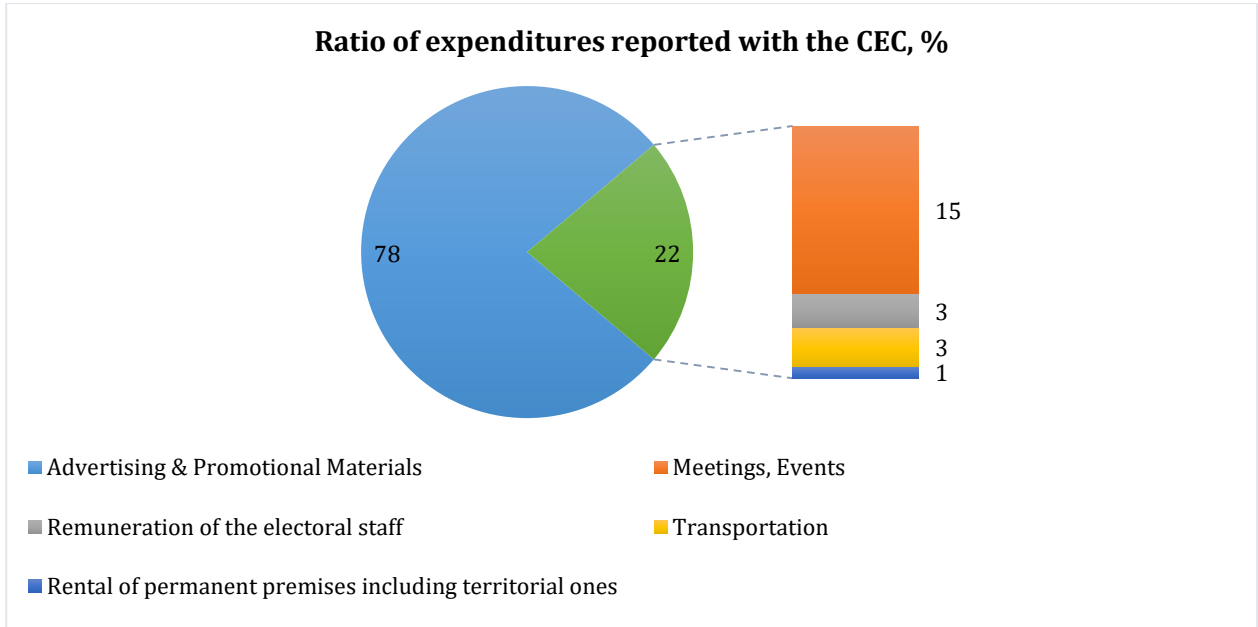


Data obtained based on the reports submitted with the CEC

iii. Reported Expenses

As for the expenses reported according to the reports, the major share of expenses declared therein is: for advertising – 51%, for promotional materials – 27%, for meetings and events – 15%, for the use of transportation – 3%; for the rental of permanent premises – 1%; for the remuneration of the electoral staff – 3%; (see chart no. 5 below).

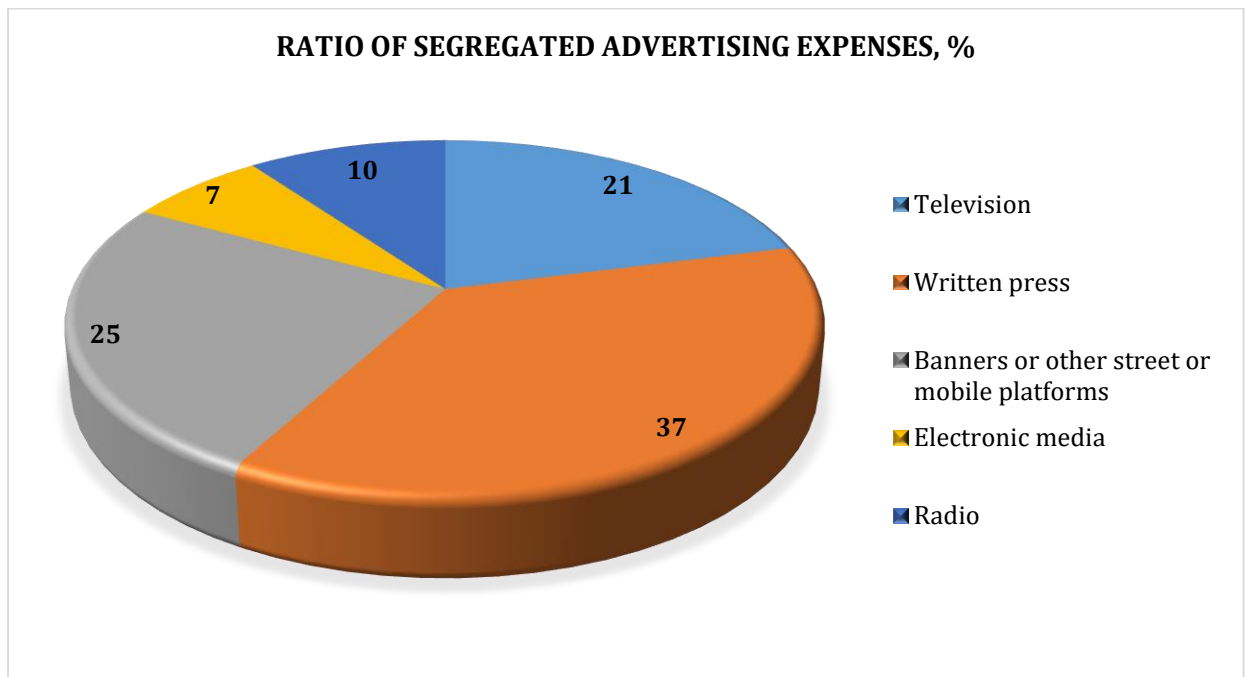
Chart no. 5



Data obtained based on the reports submitted with the CEC

Analyzing the data in a segregated manner, we find that the largest share of advertising expenses in CEU Hancesti is for the written press (37%), for TV (21%), street panels (25%), radio (10%), the share assigned to electronic media being 7%. (see chart no. 6 below).

Chart no. 6



Data obtained based on the reports submitted with the CEC

c. Expenditures of electoral competitors found by Promo-LEX observers and not reflected in the financial reports

a) Expenses for electoral meetings and events

During the electoral campaign, all seven competitors (the PSRM, the PAS, the PPS, the UNIREA Bloc, the PDM, the PLDM, IC Grigore Cobzac) organized at least 52 electoral meetings, 16 door to door activities, 4 campaign launch activities, 6 press conferences, etc. According to the findings of the Promo-LEX OM, 2 electoral competitors failed to declare expenses amounting to at least MDL 9 039; these were: **the UNIREA Bloc – MDL 250; the PDM – MDL 8 789** (See Annexes. Chart no. 1).

b) Advertising Expenses

Expenditure for street and mobile advertising. According to the findings of the Promo-LEX OM, at least six out of seven competitors (the PSRM, the PDM, the PPS, the PAS, the UNIREA Bloc, IC Cobzac Grigore) incurred expenses for street and mobile panels, where only four of them (the PSRM, the PDM, the PPS, the PAS) have reported with the CEC an amount of MDL 145 340. As a result of connecting the reported data and those estimated by Promo-LEX, three competitors failed to report at least MDL 30 611: **the PSRM – MDL 31 661, the UNIREA Bloc – MDL 1 980, IC Cobzac – MDL 6 480** (See Annexes. Chart no. 2).

Expenditures for online advertising. The Promo-LEX OM found cases of online advertising also in the electronic media – press conferences, sponsored videos and messages on Facebook – in the case of three candidates (the PSRM, the PPS, the PAS), the latter declaring with the CEC the amount of MDL 41 724. One electoral candidate (the PSRM) indicated expenditures, which are lower than the estimates of the Promo-LEX. Expenses estimated as unreported by **the PSRM amount to at least MDL 9 983** (See Annexes. Chart no. 3).

Expenditures for promotional and print in media advertising. According to the findings of the Promo-LEX OM, all seven electoral competitors incurred expenses for promotional and print in media advertising and reported with the CEC the amount of MDL 302 404. In case of two candidates, according to Promo-LEX estimates, we found complete non-reporting of the expenses amounting to at least MDL 45 240: **the PSRM – MDL 36 700; IC Cobzac – MDL 8 540** (See Annexes. Chart no. 4).

Expenditures for written press. According to the findings of the Promo-LEX OM, five electoral competitors declared with the CEC expenditures incurred for written press in the amount of MDL 212 841. The Promo-LEX estimates show that one candidate reported lower-than-expected expenditures, thus **the PSRM failed to report at least – MDL 12 671** (See Annexes. Chart no. 5).

c) Expenditures for the transportation of people and goods

Promo-LEX observers have reported the use of cars in the CEU Hincesti for electoral purposes by seven candidates. Four of seven electoral candidates (the PSRM, the PPS, the PAS, the PLDM) declared with the CEC expenditures amounting to MDL 36 620, while three candidates (the PDM, the UNIREA Bloc, IC Cobzac) submitted with the CEC reports with “0” expenditures in this category. The Promo-LEX estimates show that four candidates failed to report at least MDL 5 829: **the UNIREA Bloc – MDL 3 892, the PDM – MDL 1 620, the PPS – MDL 1 469, IC Cobzac Grigore – MDL 1 958** (See Annexes. Chart no. 6).

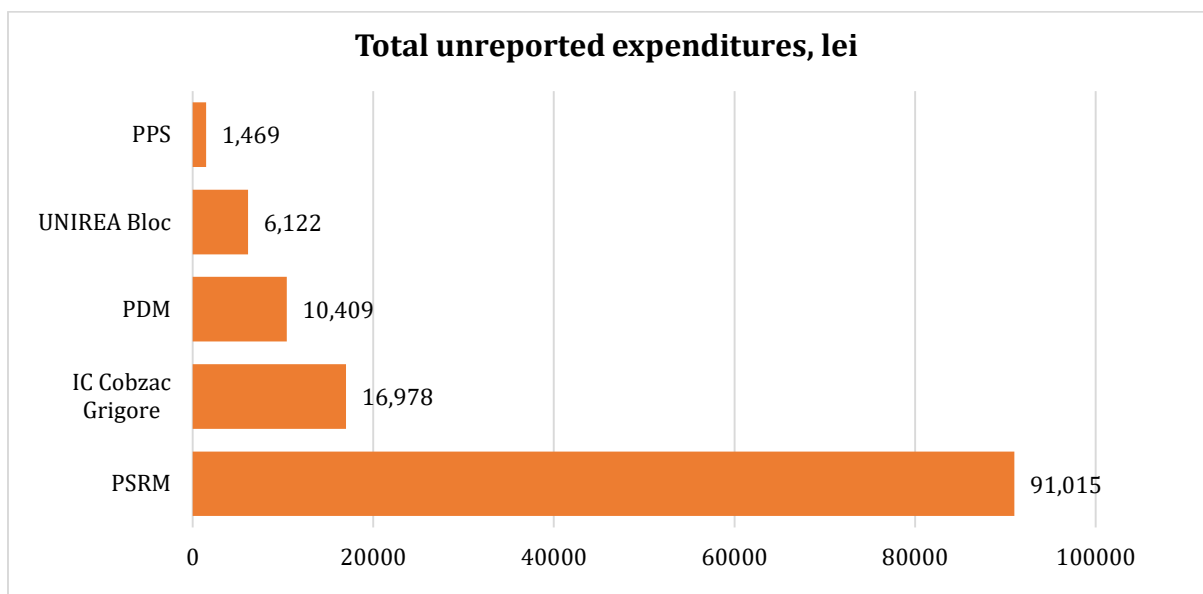
d) Expenditures incurred for delegating or posting of persons (including the rewards/daily allowances for observers and volunteers)

According to Promo-LEX observers, for the election day, four electoral candidates (the PSRM, the PDM, the PAS, the PPS) delegated 176 observers. No electoral candidate has reported any expenses in relation to their remuneration with the CEC.

The Promo-LEX OM finds that **five of seven electoral candidates failed to report the expenses incurred during the election campaign; these were:** the PSRM, the UNIREA Bloc, IC Cobzac Grigore,

the PPS, the PDM. The total estimated and unreported amount is at least of MDL 125 993. (see chart no. 7)

Chart no. 7



X. ELECTION DAY

a. Epidemiological Context of New Parliamentary Elections ²⁵

At the meeting of the National Extraordinary Public Health Commission (NEPHC) on 8 March 2020 was announced the first case of COVID-19 infection in the Republic of Moldova. At the same meeting regarding the epidemiological situation, the threat level to Code Orange is established at national level. In the context of finding and spreading of the cases of COVID-19 infection, the NEPHC by Decision no. 7 of 13 March 2020 raises alert level to code red at national level on the epidemiological status. According to the legislation, “Code Red Alert” means an imminent risk of triggering a public health emergency.

On 11 March 2020, the CEC published and submitted a Circular Letter designed to comply with the provisions of the NEPHC Decision of 10 March 2020, which involves preventing more than 50 people from being in one place and disinfecting the polling station area. Also, following the establishment of the Code Red at national level, on the evening of 14 March 2020, the CEC, by means of an announcement posted on a social network notified that it submitted an appeal to the NEPHC requesting the Commission’s opinion on the possibility of continuing the activities on the organization and conduct of the elections of 15 March this year. At the end of the announcement it was specified that “we will inform you further about the decisions taken”. In addition, until the beginning of the vote, there were no posts on the given topic.

On 15 March, the CEC received the reply of the President of the Supreme Security Council stating that the Decision no. 7 of 13 March 2020 issued by the NEPHC provides for the exhaustive restrictions on the actions to be taken by public authorities, in order to prevent the worsening of the epidemiological situation in the country. However, these measures do not concern the organisation of elections, but require public authorities (including electoral authorities) to take all necessary preventive measures.

On 13-14 March 2020 in the public space appeared information about the fact that a person infected with the COVID-19 virus is from the village of Balceana, one of the localities near the SMC no. 38 from Hincesti.

We emphasize that in the public space on the days immediately before the elections day there were numerous requests of citizens about the opportunity to postpone the parliamentary elections, given that the citizens’ health is in danger. Promo-LEX observers also reported only one case when the candidate of the UNIREA Bloc requested “immediate cancellation of the elections in Hincesti” through a request submitted to the CEC on 14.03.2020.

Contextually, on 14 March 2020 the “Intellect Group” company and “SPERO” public association informed that they will not conduct the Exit-Poll for the new parliamentary elections of 15 March 2020.

According to the Promo-LEX OM, the imminent risks of the epidemic can meet the conditions of circumstances that put voters at risk, respectively, could be those exceptional cases that could lead to the suspension of voting for a certain period. Furthermore, both the electoral authorities and the authorities of the local public administrations, including the Extraordinary Public Health Commission of Hincesti district, have made efforts to minimize the epidemiological risks, both for the members of the electoral bodies and for the voters. According to observers, the members of the electoral bureaus were equipped with protective masks and gloves, also at the entrance to the PS and on the tables of the members of the electoral bureaus there were bottles of antiseptic solution.

At the same time, the analysis of the national legal framework, as well as of the international standards, allows to conclude that the Parliament is the only public authority that could decide to postpone the elections, exclusively by establishing the state of emergency. Thus, the critical opinions

²⁵ For further details see: the Press release of the Promo-LEX Observation Mission for the New Parliamentary Elections of 15 March 2020 in the single-member constituency no. 38 from Hincesti <https://bit.ly/2wnozRT>

to the address of the electoral bodies regarding the inaction to hold the elections had no legal support whatsoever.

b. Findings of the Promo-LEX observers on the elections day

Regarding the monitoring methodology on the election day. Initially, the Promo-LEX OM for the new parliamentary elections of 15 March 2020 planned to monitor the electoral process on the Election Day via at least four mobile teams. Later, as a result of the aggravation of the epidemiological situation, at the press conference organized for the presentation of the Report no. 1 of the Promo-LEX Observation Mission for the elections in the SMC no. 38 on 12 March 2020, the Mission announced the creation of two mobile teams of observers for the elections day. Finally, based on the epidemiological situation, the Mission delegated one team that operated in low observation regime.

On the incidents found on election day. The mobile team observed the processes of opening of polling stations and conducting the voting procedures in 11 polling stations out of 44 opened. According to observers, voting procedures were generally followed. Among the reported incidents are the reporting in at least three polling stations in two localities (Loganesti – PS no. 28, 29; Hincesti – PS no. 5) of organized transportation of voters.

On the participation rate. Compared with the previous parliamentary elections held in the SMC no. 38, as well as compared to similar ones in the SMC no. 17 and 33 of 20 October 2019, the participation rate on 15 March 2020 was low.

Table no. 5

Parliamentary Elections, 24.02.2019, SMC no. 38 Hincesti	New Parliamentary Elections, 20.10.2019, SMC no. 17 Nisporeni	New Parliamentary Elections, 20.10.2019, SMC no. 33 Chisinau	New Parliamentary Elections, 15.03.2020, SMC no. 38 Hincesti
42.4%	43.5%	39.3%	23.3%

The cause of the low presence may most likely be the uncertain situation in the public space and the actions taken by the authorities. Thus, on the one hand the authorities called on all the population of the country to stay at home, in the context of the COVID 19 epidemic, on the other hand, a vote was held, in which voters were called to the polls.

On the results of vote counting. The Promo-LEX did not perform the parallel vote counting. However, LTOs requested and received from the CECEU no. 38 all scanned copies of the minutes on vote counting in all 44 PSs, as well as the copy of the minutes on totalizing of voting results in the SMC no. 38. The correctness of the completion of the respective minutes was verified and it was found that the verification formulas were observed. Only in the case of the minutes on totalizing of voting results, compared to the one published on the CEC website, there was a difference of one vote in the *number of voters included in the basic voters' lists*.

On the basis of the minutes on totalizing of voting results in the new parliamentary elections of 15 March 2020, developed by the CECEU no.38, Hincesti, we note that Stefan Gatcan, designated by the PSRM has received the largest number of valid votes – 5539. Accordingly, CECEU confirmed his election as MP.

On the presentation of the preliminary results by the CEC. Despite the fact that almost two hours after the polling stations were closed, a section with *preliminary results* appeared on the CEC website, the latter was unfunctional for about one hour. We consider that in the context of the small presence of the voters, in particular, the reflection of the preliminary results seems to have been delayed.

XI. POST-ELECTORAL PERIOD

Art. 99 para. (2) of the Electoral Code (in accordance with the legislation in force until the date of adoption of the Law no. 113/2019) establishes that the CEC shall assign the mandates to the candidates elected in the single-member constituencies. Also, pursuant to art. 100 of the Electoral Code, the CEC, shall, within 24 hours of the election results tabulation, submit to the Constitutional Court the protocol on the total number of valid votes cast, report on the results of the elections as well as the lists containing the MPs elected therein. Within 5 days following the receipt of documents from the Central Electoral Commission, the Constitutional Court shall confirm or invalidate, through an opinion, the legality of elections. At the same time, the Constitutional Court shall validate the mandates of the elected members of Parliament.

By the Decision no. 3840 of 20 March 2020, the CEC assigned the mandate of member of Parliament of the Republic of Moldova to Mr. Stefan Gatcan nominated by the PSRM in the SMC no. 38 from Hancesti. Whilst by the Decision no. 3841, the Commission approved the Report on the results of the new parliamentary elections of 15 March 2020.

On 24 March 2020 the Constitutional Court confirmed the results of the new parliamentary elections of 15 March 2020 in the single-member constituency no. 38 from Hincesti and validated the mandate of the elected MP – Mr. Stefan Gatcan.

RECOMMENDATIONS

To the Parliament of the Republic of Moldova:

1. Explicit regulation of uncertainties regarding the reporting of electoral campaign expenses by a political party that is not registered as an electoral competitor.
2. Completion of art. 134 of the Electoral Code with provisions that would establish a certain period of time (for example, 3 months) before the elections, when the assigning of voters to certain addresses / polling stations would be “frozen”. In this way, the “artificial migration” of voters could be excluded, with an impact on the elections.
3. Regulation of the procedure or minimum criteria for establishing the involvement in political or electoral activity of non-commercial organizations, foundations, charitable organizations, as well as sanctions imposed on them.
4. The precise clarification in the legislation of the status of the political party in the context of donations obtained from legal entities, since the political party has the status of legal entity and therefore the legislation on donations from legal entities is violated when they transfer funds into the “Electoral Fund” account.
5. Excluding from art. 47, para. (3) of the Electoral Code the sentence “The subscription list shall contain only signatures of supporters residing in a single settlement”.
6. Explicit regulation of the mechanism of suspension or postponement of elections, including, without the need to declare a state of emergency in this regard, under exceptional circumstances, such as, for example, the epidemiological context.

To the Central Electoral Commission:

7. Avoiding cases of exposure on alleged violations raised in the referral/complaint before resolution and issuance of the decision on the referral/complaint.
8. Amendment of the CEC Regulation on the location of electoral advertising and political promotion materials in order to expressly mention the police competence to declare the contravention on unauthorized display.
9. Regular publication, but especially in the context of the organization and conduct of elections, of data from the State Register of Voters.
10. Publication of reports on revenues and expenses from the electoral campaign of competitors in “open data” format, friendly to data processing.
11. Adjusting the Regulation on the financing of political parties to the Regulation on the use of cash-register machines in force since 15.04.2019.

LIST OF ABBREVIATIONS

para. – paragraph
LPA – local public administration
art. – article
PSA – Public Services Agency
PEB – precinct electoral bureau
com. – commune
CEC – Central Electoral Commission
CECEU – electoral council of the uninominal electoral constituency
IC – independent candidate
CICDE – Center of Continuous Electoral Training under the CEC
SMC – single-member constituency
DUE – the Delegation of the European Union to Moldova
CRM - cash-register machine
EPDE –European Exchange Association, European Platform for Democratic Elections
IRI – Public Association “Representation from Moldova of the US International Republican Institute”
let. – letter
OM – observation mission
mun. – municipality
no. – number
city – city
OSCE – Organization for Security and Cooperation in Europe
OSCE / ODIHR - OSCE Office for Democratic Institutions and Human Rights
LTO – long-term observer
STO – short-term observer
PAS – Political Party of Action and Solidarity
p. – point
PDM – Democratic Party of Moldova
PLDM – Liberal Democratic Party of Moldova
PPPDA – Dignity and Truth Platform, Political Party
PPS – Political Party of Sor
PSRM – Party of Socialists of the Republic of Moldova Political Party
PUN – The Party of National Unity
d. - district
REO – Registry of Electoral Officials
SRV – State Registry of Voters
v. – village
SFS – State Fiscal Service
PS – polling station
ATU – administrative-territorial unit
USAID – United States Agency for International Development

ANNEXES

Chart no. 1.

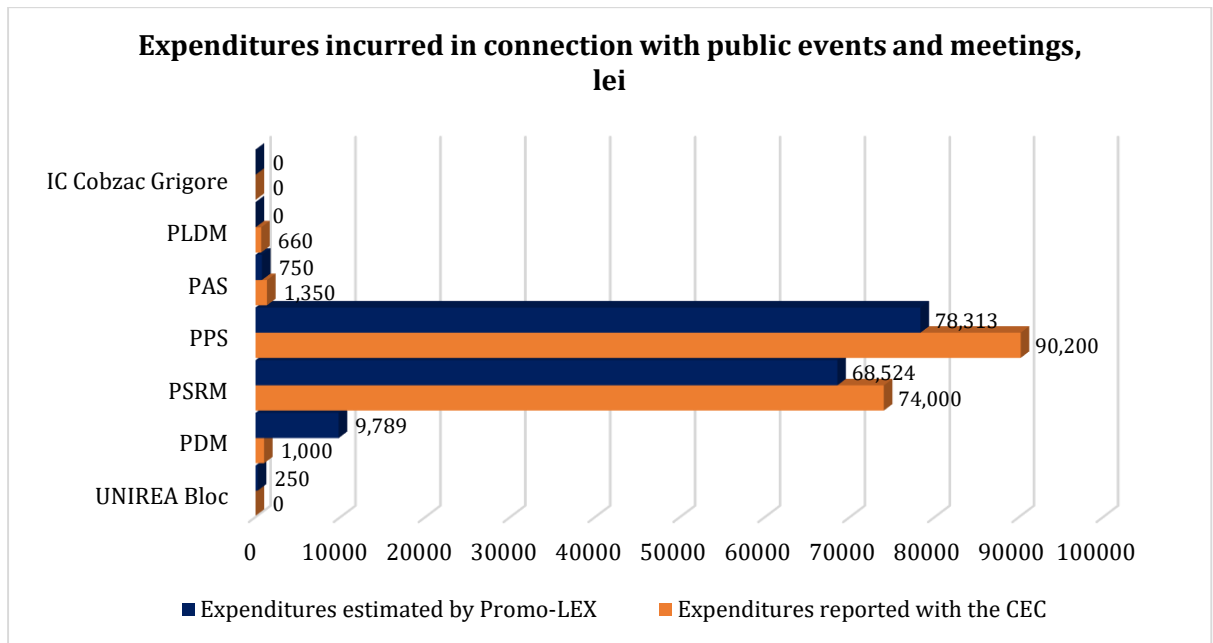


Chart no. 2.

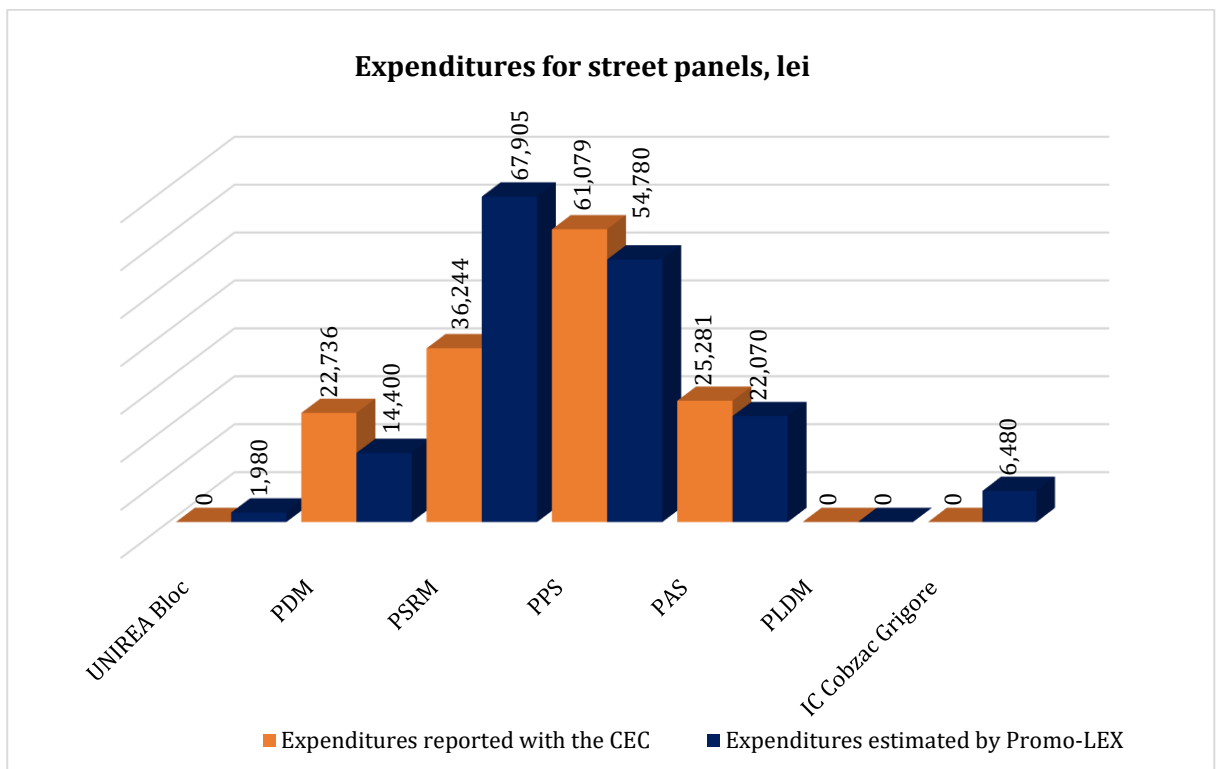


Chart no. 3.

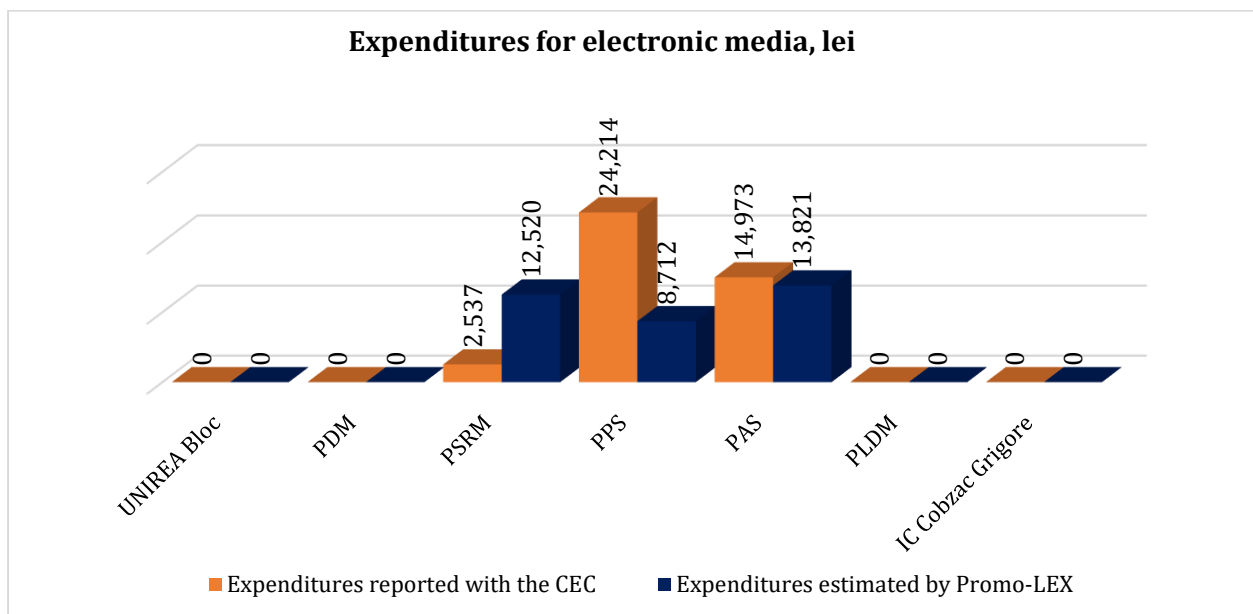


Chart no. 4.

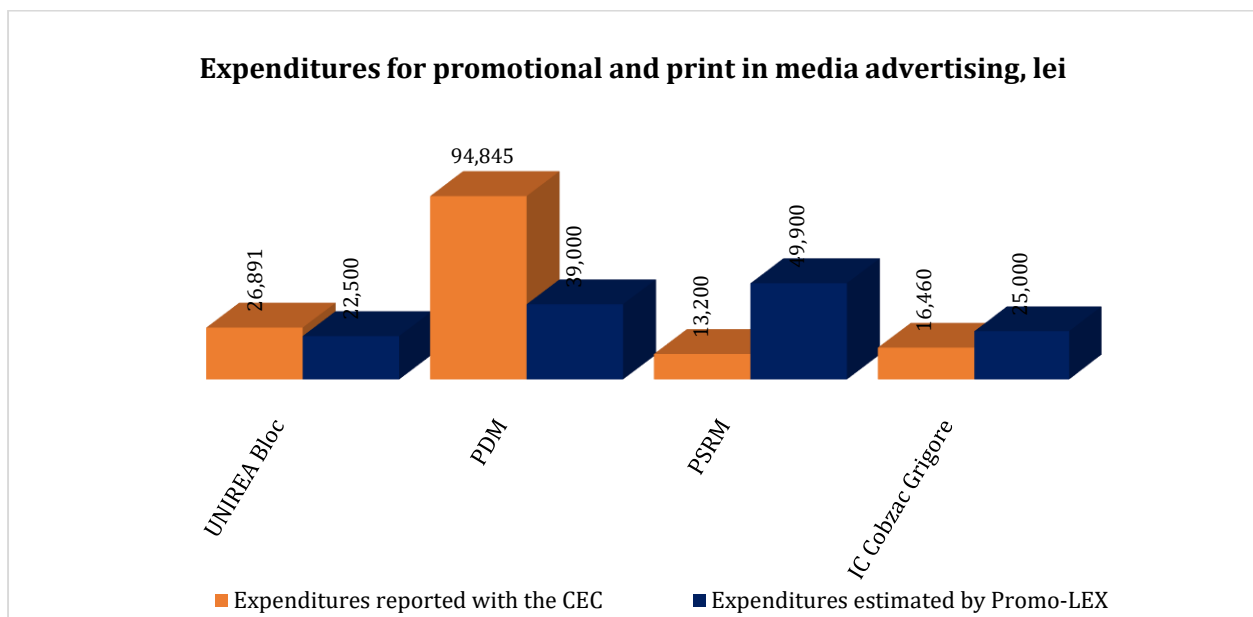


Chart no. 5.

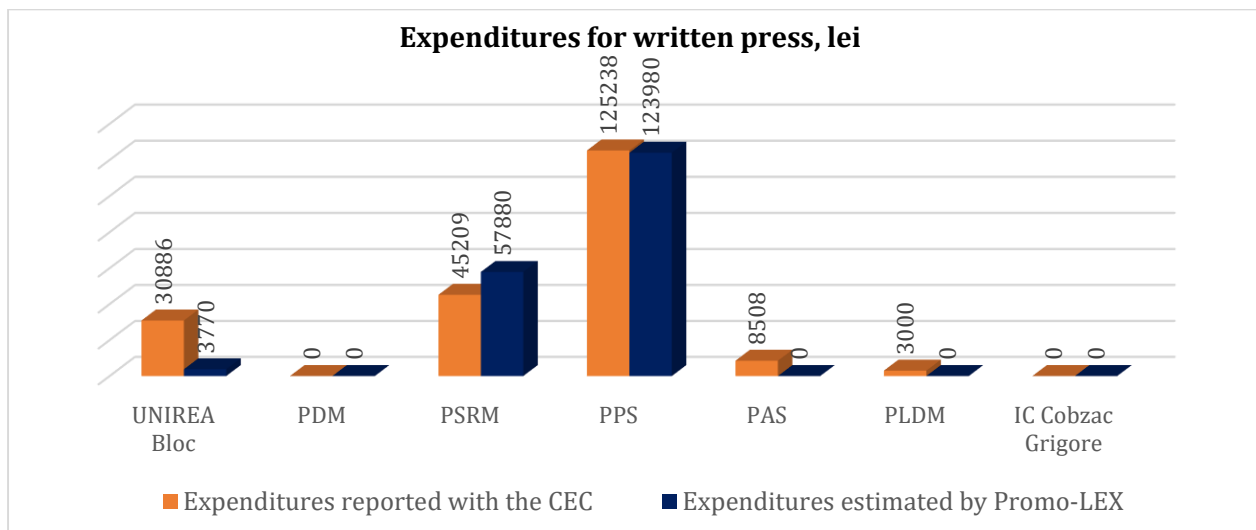


Chart no. 6.

