



REPORT No 1

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

Observation period: 23 December - 11 May 2021

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EXECUTIVE SUMMARY

Political context. Parliamentary elections are very important for the quality and strategic direction of decision-making in the Republic of Moldova, particularly because of the parliamentary political regime that the country has.

An early election is to be organised in the context of the Parliament not being able to form a Government, even though most factions did not express a major interest towards the imminent early Parliamentary Elections. The Parliament was dissolved as the population's trust in central public authorities, particularly Government and Parliament, had decreased. The Presidency had a decisive role in triggering the early parliamentary election.

The Parliament Decision No 49 of 31 March 2021 Declaring a State of Emergency in the Context of the Pandemic failed the constitutionality test. There is reasonable doubt that the state of emergency was used by the parliamentary majority in order to obstruct the triggering of early election. Consequently, the unjustified attacks of the parliamentary majority that failed to establish a Government towards the Constitutional Court generated tension in the society, alerted civil society and development partners.

Legal framework. The early Parliamentary Elections of 11 July 2021 will be held on the basis of the Law No 113 of 15 August 2019 which reintroduced proportional elections. Thus the principle of electoral law stability, stating that any substantial changes should be made prior than one year before the election, was complied with.

At the same time, we would like to draw the attention to draft Law No 263 of 19 June 2020, which was not passed in the second reading in the Parliament – neither before nor after the Presidential Election of November 2020 – but which contains a series of useful and necessary provisions for the proper conduct of elections¹.

At least two other draft laws on amending the Electoral Code were tabled in 2020, intended to ensure the right to vote and safety measures for elections amidst the pandemic². None of these drafts was included on the Parliament's agenda.

Out of 22 recommendations meant to improve the legal-regulatory framework provided by Promo-LEX OM as a result of having observed the Parliamentary Elections of 24 February 2019, we notice that only seven have been partially implemented, while the other 15 were ignored. The ones that were not implemented include: lack of a clear definition of administrative resources; importance of regulating the organised transport of voters as a legal violation; the need to revise the deadline for filing final reports on the funding of election campaign, etc.

Promo-LEX OM would like to state that the date of 11 July 2021, which is 74 days past Parliament dissolution, meets the provision of the Electoral Code. The Decree on dissolution of the Parliament came into force on 28 April 2021 and was published in the Official Gazette on 30 April 2021.

When it comes to finding financial resources needed to organise the early election, Promo-LEX believes that the legislation in force provides for mechanisms for allocating financial resources to the authorities that are responsible to organise elections.

Electoral management bodies. The Central Electoral Commission (CEC) will coordinate the work of the lower electoral management bodies – District Electoral Councils (DECs) and Precinct Electoral

¹ Prohibition of hate speech and/or speech inciting hatred, gradual sanctions for violation of the electoral law; sanctions for involving religious cults and other non-commercial organisations in electioneering; regulation of organised transportation of voters to polling stations etc.

² The draft Law No 210 of 28.05.2020, and draft Law No 414 of 06.10.2020 suggested establishing two consecutive days of election and adjustment of the relevant rules for two-day elections.

Bureaus (PEBs) – in order to prepare and conduct the election. Candidates will be registered by the CEC. Even though the mandate of the current CEC members expires on 17 June 2021, the legal provisions allow extending the mandate during the electoral period. During the monitored period, the CEC convened in a mixed format for three meetings – one ordinary meeting and two extraordinary meetings.

The polling stations for voters from the transnistrian region and for those abroad should be set up transparently, in line with the law. According to Promo-LEX estimates made on the basis of data available on 11 May 2021, if compared with the previous election, the number of polling stations should be increased, especially in Germany (+6), Russian Federation (+4), and UK (+4). On the other hand, the number of polling stations will have to be reduced in the USA (-5), Romania (-4) and Italy (-3). In relation to this, we would like to remind you that pre-registration is the only criterion that can influence the distribution of polling stations during the electoral period.

We think that at this stage of election organisation, the CEC should promote more actively the procedure of pre-registration and suggest solutions for the priority vaccination of electoral officials and of people that are authorised to attend the election operations.

State Voter Register (SVR). In the context of the early Parliamentary Elections, on the basis of data published by CEC, Promo-LEX found for the first time a constant, though insignificant diminution in the number of voters in SVR. To be precise, on 4 May 2021 the number of voters was lower by 7,529 people compared with 2 September 2020.

We would like to underline, however, an increase in the number of voters without domicile/residence and of those from the transnistrian region (15.1% of the total number), thus resulting in a higher share of citizens who could vote on additional lists.

Public administration authorities. In the context of the early Parliamentary Elections, the local public authorities (LPA) will have to be actively involved in fulfilling their legal duties related to election organisation. Having observed the Presidential Elections of November 2020, Promo-LEX OM highlights the need to assign a sufficient number of members to the lower electoral bodies and to avoid disagreements regarding the location of electoral bodies, especially when it comes to PSs for the transnistrian region.

Potential electoral contenders. The right to appoint candidates for the Parliamentary Elections belongs to political parties and other social-political organisations registered prior to establishing the election date; electoral blocs and independent candidates. Independent candidates face unfair conditions, as they are obliged to collect signatures. Moreover, the legislature did not amend the legislation so that it would allow implementing alternative mechanisms of signature collection given the pandemic, such as online signature collection or an electoral data warehouse. During the observation period reflected in the first report, one electoral bloc had already been registered – EB ‘RENATO USATII’ – which intends to run as an electoral contender.

Observation of electoral activity funding. Observation of election campaign funding will cover the contenders’ election campaign period, but also the activities related to designation and registration, including the work of initiative groups aimed at supporting independent candidates.

We would like to mention some issues related to election campaign funding found by Promo-LEX OM of the Presidential Elections of November 2020, which may happen again during the current election: low transparency of expenses; failure to report expenses for electioneering activities; limiting the activity of the party/candidate, including participation in election; refusing to open the ‘Electoral Fund’ account; and flaws in donation reporting.

Hate speech. Since 2017 Promo-LEX Association has been monitoring the hate speech and incitement to discrimination in the public space and mass media of the Republic of Moldova, including the one used by electoral contenders during elections.

As a result of monitoring the 2016-2018 period, it was proven that hate speech becomes more intense in pre-electoral and electoral periods and decreases as electoral periods come to an end. Currently there is no appropriate legal framework or mechanism to prevent, combat and sanction this phenomenon and authorities have no response to the hate speech in electoral context.

The Parliament of the Republic of Moldova failed to take any actions between December 2020 and April 2021 in order to implement the Constitutional Court recommendations of 2016 and 2020 to review the law and set up control mechanisms and sanctions for involving religious cults in electoral campaigns, and to prevent and respond to electoral contenders' hate speeches, including online.

INTRODUCTION

Report No 1 was developed as part of the public launching of the Promo-LEX Observation Mission (OM) of the early Parliamentary Elections of 11 July 2021. The monitoring period of the events included in the report started on 23 December 2020 (the date of the Government's resignation), respectively, when the three-month term of a new Government formation started to run. This report contains the results of pre-election monitoring and the election period until the beginning of the candidate nomination procedures – 11 May 2021.

The main findings and trends in the current report refer to the political and legal context of the upcoming early parliamentary elections. It also refers to the experience of observing previous elections and to socio-political events with potential electoral impact in the pre-election period.

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

The Promo-LEX election observation methodology is based on international electoral standards and involves the observation of both long-term (election period) and short-term (election day) elections. The observation reports are developed by Promo-LEX OM central team based on their findings, including those reported by the long-term observers (LTOs) on the activity of all actors involved in the organization and conduct of the elections: electoral contenders, public authorities, electoral bodies, political parties, citizens who submit their own candidacy, as well as civil society. LTO findings are reported based on thematic templates and are stored on the web platform www.data.promolex.md, a secure system with limited access, managed by Promo-LEX. During field visits, Promo-LEX observers collect and analyze information resulting from interviews, meetings with interviewees and review of the official documents. The activity of electoral candidates/contenders is also monitored online.

During the electoral period, the monitoring of the electoral process will be carried out by 43 LTOs. Promo-LEX will also monitor hate speech and discrimination, using 7 monitors. On the election day, Observation Mission will delegate one short-term observer (STO) to about 600 polling stations (PSs), selected on the basis of a nationally representative sample, established by a sociological company. In addition, the electoral process in the other polling stations and their adjacent spaces will be monitored by 140 STOs, grouped and distributed nationwide in 70 mobile teams of observers.

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

The activity of the observers is coordinated by the central team of the Mission, composed of 22 members. All Promo-LEX observers and monitors are trained in the workshops organized by the Observation Mission, including on compliance with protection measures related to the COVID-19 pandemic. The observers also sign and undertake to comply with the Code of Conduct³ of the Promo-LEX Independent National Observatory, committing to act in good faith and in non-partisan way.

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

The Promo-LEX OM is not a political opponent of the contenders involved in the electoral process, it is not an investigative body and does not assume the express obligation to prove the observed findings. However, the observers' reports are accompanied, as far as possible, by photo and video

³ [The Code of Conduct](#) of the Promo-LEX Independent National Observatory.

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 as notifications and are to be examined according to the competence, in the light of the provisions of Article 22 (1) (q) and Article 68 (5) of the Electoral Code.

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

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

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

This report is drafted with the financial support of the United States Agency for International Development (USAID) through the Democracy, Transparency and Responsibility Program. The opinions expressed in the reports and press releases of the Promo-LEX OM belong to the authors and do not necessarily reflect the position of the donors.

I. POLITIC CONTEXT

The Parliamentary Elections are very important for the quality and direction of the decision-making process in the Republic of Moldova, especially due to the parliamentary character of the political regime.

Early elections are to be held in the context of the impossibility of forming the Government by the Parliament, even if the majority of the factions did not show an increased interest in the imminent early parliamentary elections. The dissolution of the Parliament occurred in the context of low people's trust in the central public authorities, especially in the Parliament and the Government. The role of the Presidency in triggering early parliamentary elections has been decisive.

Parliament Decision No 49 of 31.03.2021 regarding the triggering of the state of emergency in the pandemic context did not pass the constitutionality test. There are reasonable doubts that the state of emergency was used by the parliamentary majority in order to delay the holding of early elections. Consequently, the reasonless attacks on the Constitutional Court, by the parliamentary majority that failed to invest the Government, created tensions in society, alerted civil society and development partners.

1.1. Description of the institutional framework

The Republic of Moldova is a parliamentary republic, in which the executive power is exercised by the Government, headed by the Prime Minister, while the legislative power is represented by the Parliament, consisting of 101 members. The Parliament is elected by universal, equal, direct, secret and free vote, expressed for a 4-year term⁴. At the same time, the Head of State is the President of the Republic of Moldova, who has limited responsibilities, mainly in the field of foreign policy and national defence.

The last parliamentary elections were held on 24 February 2019, when was elected the Parliament of the 10th legislature⁵. Thus, in 2019, for the first time the parliamentary elections were organized based on the mixed electoral system. Promo-LEX Association criticized the implementation of this type of electoral system⁶. The Promo-LEX Observation Mission of the Parliamentary Elections of 24 February 2019 observed an increase in the number of cases regarding the use of administrative resources and the provision of electoral gifts⁷. The legislature was represented by four political parties, including an electoral bloc, which formed five parliamentary factions. At the time of dissolution, the structure of the Parliament included five factions, a parliamentary group and 11 unaffiliated and independent MPs.

The early Parliamentary Elections of 2021 are organized according to the proportional representation, based on closed lists of the party, a practice which returned in August 2019 by the agreement of the parliamentary majority formed after the elections of 24 February 2019. At the same time, the changes brought the return of mechanism of counting and assigning seats in Parliament according to the D'Hondt method, used until 2010. This method involves redistributing the 'remaining seats below the electoral threshold' proportionally to the election results. Respectively, the parliamentary parties with a higher number of votes have the chance to obtain more mandates based on the votes granted to the competitors who did not cross the electoral threshold. The MPs abolished the so-called 'Robin Hood formula', provided by the Electoral Code for the period 2010-2019, which equally distributed the votes below the electoral threshold among all

⁴ Constitution of the Republic of Moldova, Article 61(1) and Article 63(1). <https://bit.ly/2E6b3UK>

⁵ [The Final Report](#). Promo-LEX parliamentary election Observation Mission of 24 February 2019.

⁶ [Promo-LEX statement](#) on the change in the system for electing Members of Parliament.

⁷ [The Final Report](#). Promo-LEX parliamentary election Observation Mission of 24 February 2019, pages 54-55.

parties that cross the threshold⁸.

The current parliamentary term would have expired in 2023. However, in the conditions of the impossibility to form the Government during 3 months, the President of the Republic of Moldova signed on 28 April 2021, the Decree for the dissolution of the Parliament, establishing 11 July 2021 as the date of the early parliamentary elections. The signing of the decree on this date was possible due to the declaration of Parliament Decision on the state of emergency No 49 of 31 March 2021 as unconstitutional by the Constitutional Court. The Decree entered into force on 28 April, but was published in the Official Gazette on 30 April 2021. The Parliamentary Elections of 11 July, 2021 represent the 10th election of this type in the Republic of Moldova and the 5th with early character.

1.2. Findings and trends of a socio-political nature relevant for the pre-election period

The impact of the presidential election. The elections of the President of the Republic of Moldova on 1 (15) November 2020 had a significant, if not decisive, impact on the triggering of early parliamentary elections. The issue of organizing early elections was one of the themes that shaped the political context of the presidential election⁹. Both candidates who reached the second round of voting supported the idea of dissolving the Parliament¹⁰. After the elections, the President Maia Sandu addressed the issue of holding early parliamentary elections as a priority on the presidential agenda. At the first stage, this initiative was publicly supported, including by the former opponent Igor Dodon, who returned to the position of Head of the Party of Socialists of the Republic of Moldova (PSRM)¹¹, being re-elected on 30 December 2020 at the 16th Congress of the party.

The political crisis and the impossibility of forming a Government. On 23.12.2020, Ion Chicu announced his resignation from the position of Prime Minister and, implicitly, the resignation of the Government of the Republic of Moldova, 'in order to trigger early parliamentary elections'¹². Respectively, the pre-election period was characterized by continuous attempts to form a Government, which ultimately failed, even if the majority of parliamentary factions did not want to hold early parliamentary elections in a short time.

According to the Constitutional Court¹³, the Parliament rejected at least two requests to invest the Government. The first investment request of the Government dates 8 February 2021, when Natalia Gavrilita, candidate for the position of Prime Minister, requested the Parliament's vote of confidence. But none of MPs voted for the inauguration of the Cabinet of Ministers. On 11 February 2021, the Parliament rejected the Government's request for investment. The second request dates 23 March 2021, when Igor Grosu submitted an application to the Secretariat of the Parliament requesting the vote of confidence. The presentation of activity program and the entire list of the Government proposed by Igor Grosu failed due to the lack of a quorum in the Parliament. Therefore, on 25 February 2021, the Parliament rejected the Government's second request for investment. Both candidates for prime minister belonged to the parliamentary fraction of Action and Solidarity Party (PAS), which is a minority in the legislature.

At the same time, on 11 February 2021, an absolute parliamentary majority was formalized on the basis of PSRM, the Political Party 'Sor' (PPS) and some unaffiliated and independent MPs, who supported in the first stage the candidacy of Mariana Durleșteanu for the position of Prime Minister. But, given the subsequent refusal of the candidate (16 March 2021), her appointment by the President of the Republic of Moldova did not take place. On the same day, the Presidency, motivated by the absence of a candidate from the parliamentary majority, appointed Igor Grosu, interim

⁸ Bakken Mette, Sorescu Adrian. [Designing the electoral system](#) in the Republic of Moldova. Chisinau: Promo-LEX, 2017.

⁹ [Report No1](#). Promo-LEX election observation mission for the position of President of the Republic of Moldova of 1 November 2020, page 9.

¹⁰ [Maia Sandu](#): The lack of support from the Parliament will be an additional reason for early elections. [Igor Dodon](#): 'The early elections will take place next year, this parliament has to be dissolved'.

¹¹ [Igor Dodon](#) was re-elected as Head of the Socialist Party.

¹² [Prime Minister Ion Chicu](#) announced the resignation of the Government. Press release of the Government of the Republic of Moldova.

¹³ [Notification No 1](#) of 15.04.2021 of the Constitutional Court to establish the circumstances justifying the dissolution of the Parliament (referral No 71f/2021).

president of PAS, as Prime Minister. However, on 18 March 2021, the formalized parliamentary majority reconfirmed its existence and proposed Vladimir Golovatiuc's candidature for Prime Minister. But the President of the Republic of Moldova did not appoint him, given that she had already appointed Igor Grosu. The Constitutional Court decided that Igor Grosu's appointment as prime minister was constitutional¹⁴.

Consequently, in its Notification of 15 April 2021, the Constitutional Court 'finds as a circumstance justifying the dissolution of the Parliament of the Republic of Moldova of the 10th legislature the impossibility of forming a Government in accordance with the provisions of Article 85(1) and (2) of the Constitution'¹⁵.

We point out that the parliamentary majority, given the failure of investing the Government, resorted to a direct confrontation with the Constitutional Court. In this regard, the Declaration of the Parliament of the Republic of Moldova on disagreement with the dissolution was adopted¹⁶. On 23 April 2021, an attempt was made to withdraw the vote of confidence of Mrs. Domnica Manole, Presiding Judge of the Constitutional Court. Civil society organizations have described these actions as attempts to seize the state power¹⁷. Moreover, the parliamentary majority tried to approve a series of legislative acts with obvious electoral impact.

Lower trust in central public authorities. In order to analyse the evolution of the confidence in the Parliament of the tenth legislature, we used the data of the Public Opinion Barometer (POB). At the same time, in order to have a more complete political picture, we also analysed the data on the Presidency and the Government.

In Table 1 we observe a tendency of trust decrease of the population in the Government and Parliament in the period December 2019 - February 2021. Thus, in February 2021, only 13.9% of the population had a lot of trust and some trust in the Parliament of the Republic of Moldova, a decrease of about 11% compared to December 2019. The same trend applies to the Government. We note that the President of the Republic of Moldova has maintained her rating.

Table 1. Trust in public authorities from a comparative perspective (2019–2021)¹⁸

	Lots of trust		Some trust		Not too much trust		Do not trust at all	
	December 2019 ¹⁹	February 2021 ²⁰	December 2019	February 2021	December 2019	February 2021	December 2019	February 2021
President of the country	16%	12.4%	27%	30.2%	34%	20.01%	22%	31.4%
Government	6%	0.4%	22%	18,1%	39%	30.7%	28%	44.2%
Parliament	5%	0.2%	20%	13.7%	40%	32.8%	31%	49.9%

Party switching. The change by the MPs of the political party that propelled them in the legislature continues to be a distinctive feature of the political process in the Republic of Moldova²¹. During about two years of Parliament's activity (2019–2021) the composition of some factions, especially the PDM, has changed significantly. At the time of the dissolution of the Parliament of the tenth legislature, about 20 MPs out of 101 (20%) changed their political affiliation.

¹⁴ [Decision of the Constitutional Court No 31](#) of 19.03.2021 regarding the request for suspension of the Decree of the President of the Republic of Moldova No 47-IX of 16 March 2021 on the nomination of the candidate for the position of Prime Minister.

¹⁵ [Notification No 1](#) of 15.04.2021 of the Constitutional Court to establish the circumstances justifying the dissolution of the Parliament (referral No 71f/2021).

¹⁶ Press Release. The Parliament of the Republic of Moldova. MPs adopted [the Declaration of the Parliament](#) of the Republic of Moldova on the dissolution disagreement.

¹⁷ [PUBLIC CALL](#) on the attempt of abuse of state power by a group of MPs in the Parliament of the Republic of Moldova. National Platform of CSF from EP.

¹⁸ Differences up to 100% are Do Not Know / Do Not Answer responses.

¹⁹ [PublicOpinion Barometer](#). Institute for Public Policy. The Republic of Moldova. December 2019.

²⁰ [PublicOpinion Barometer](#). Institute for Public Policy. The Republic of Moldova. February 2021.

²¹ [Report 1](#). Promo-LEX parliamentary election Observation Mission of 24 February 2019, pages 10-11.

Moreover, the parliamentary majority that ensured the act of governing since November 2020 was constituted with the participation of the defecting MPs. Contextually, we remind that on 11 June 2020, the MPs of the Parliament of the Republic of Moldova unanimously adopted the Declaration on the condemnation of party switching and political corruption²². Promo-LEX OM does not have conclusive evidence that would explain the nature of these political ‘migration’, but the fact that due to the migration of MPs it was possible to form a new parliamentary majority raises suspicions about the likelihood of political corruption.

Table 2. The change in the composition of the Parliament of the tenth legislature.

	PSRM	PDM	BE ACUM		PPS	Independent	PRO Moldova Group ²³	Unaffiliated
Composition of factions after confirmation of the results of the 2019 parliamentary elections ²⁴	35	30	26		7	3	-	-
Composition of fractions at the end of the tenth legislature ²⁵	37 ²⁶	10	15 ²⁷	11 ²⁸	9	1	7	11

Pandemic context and the declaration of state of emergency. The pandemic context continues to be a reality with political and socio-economic impact for the Republic of Moldova. As of 27 November 2020, the National Extraordinary Public Health Commission (NEPHC) decided to establish a state of emergency in public health throughout the country²⁹. Additionally, on 31.03.2021, the Parliament of the Republic of Moldova, at the formal request of the Government, declared a state of emergency on the entire territory of the Republic of Moldova for the period 1 April - 30 May 2021³⁰. The approved prevention measures were not different from the previous ones, but the political impact of establishing the state of emergency was significant - during the state of emergency the Parliament cannot be dissolved. The main political dilemma discussed by political actors referred to the alternatives: *give primary importance to early elections or to solve the pandemic problems.*

The parliamentary opposition notified the Constitutional Court about the constitutionality of declaring a state of emergency. By Decision No 15 of 28 April 2021, the Court declared unconstitutional the Decision of the Parliament on the declaration of the state of emergency No 49 of March 31, 2021³¹. The decision allowed the President of the Republic of Moldova to dissolve the Parliament on the same day.

²² [Decision of the Parliament](#) of the Republic of Moldova No 84 of 11.06.2020 for the adoption of the Declaration of the Parliament of the Republic of Moldova on the condemnation of party switching and political corruption.

²³ Pro Moldova parliamentary group was formed on 20 February 2020 on the basis of 6 MPs who left the Democratic Party of Moldova. Subsequently, the number of group members increased to 14. At the time of the dissolution of the Parliament, the parliamentary group had 7 MPs. The other seven MPs left the parliamentary group and created the Parliamentary Platform ‘Pentru Moldova’.

²⁴ [Annex No. 2](#) to the Decision of the Central Electoral Commission No 2418 of 3 March 2019. LIST of candidates who have been ascribed mandates in the Parliament of the Republic of Moldova based on the party list, according to the results obtained in the national constituency in the Parliamentary Elections of 24 February 2019.

[Annex](#) to the Decision of the Central Electoral Commission No 2417 of 3 March 2019. LIST of candidates who have been ascribed mandates in the Parliament of the Republic of Moldova based on the party list, according to the results obtained in the national constituency in the Parliamentary Elections of 24 February 2019.

²⁵ [The Structure of the Parliament](#) of the Republic of Moldova. Parliamentary factions. Tenth Legislature.

²⁶ In the case of PSRM, the faction was completed with two MPs following the new parliamentary elections.

²⁷ PAS Fraction, ACUM Bloc.

²⁸ ACUM Fraction PLATFORMA DA.

²⁹ [NEPHC declares a state of emergency](#) in public health throughout the country from 30 November to 15 January 2021.

³⁰ [Decision of the Parliament](#) of the Republic of Moldova No 49 of 31.03.2021 on the declaration of the state of emergency.

³¹ [The Decision of the Constitutional Court](#) No 15 of 28 April 2021 on the constitutionality of the Government Decision regarding the proposal to declare the state of emergency No 43 of 30 March 2021 and of the Decision of the Parliament on the declaration of the state of emergency No 49 of 31 March 2021 (declaration of state of emergency).

II. LEGAL FRAMEWORK

The early Parliamentary Elections of 11 July 2021 will be held based on the proportional election, which was reintroduced by Law No 113 of 15.08.2019. Thus, the principle of electoral law stability, stating that any substantial changes should be made prior than one year before the election, was complied with.

At the same time, we would like to draw attention to the draft Law No 263 of 19.06.2020, which the Parliament did not approve in the second reading neither before the presidential election in November 2020, nor after that election, but which contains a series of useful and necessary provisions to ensure the proper conduct of the elections³².

Also, in 2020, at least two draft laws amending the Electoral Code were tabled in the legislative procedure, initiated to meet the goal of achieving the right to vote and safety measures for elections amidst the pandemic³³. None of these drafts has been included on Parliament's agenda.

Out of 22 recommendations meant to improve the legal / normative framework proposed by Promo-LEX OM following the observation of the Parliamentary Elections of 24 February 2019, we point out that only seven were totally or partially implemented, while the other 15 were ignored. Among the non-implemented ones we can mention: lack of clear definition of administrative resources; importance of regulating the organized transport of voters as a violation of the law; the need to revise the deadline for submitting the final reports on the funding of the election campaign, etc.

Promo-LEX OM would like to state that the election date, set for 11 July 2021, after 74 days from the dissolution of the Parliament, meets the provisions of the Electoral Code. The Decree on the dissolution of the Parliament came into force on 28 April 2021, being published in the Official Gazette on 30 April 2021.

2.1. The reintroduction of the proportional electoral system for the election of MPs via Law No 113 of 15.08.2019 on Amendment and Addenda to Some Legislative Acts

On 15 August 2019, the Parliament of the Republic of Moldova adopted Law No 113 on Amendments and Addenda to Some Legislative Acts³⁴, especially of the Electoral Code, of Law No 39/1994 on the status of the MP in the Parliament, of Law No 273/1994 on Identity Documents in the National Passport System, of Law No 294/2007 on Political Parties and the Code of Contravention of the Republic of Moldova No 218/2008. Law No 113 of 15.08.2019 returned the proportional system of MPs' election abolishing the mixed electoral system. Thus, the legal framework stipulates that the elections of the Parliament are carried out in a single national constituency, in which 101 MPs are elected.

At the same time, following the approval of this law, on 16.10.2019, a group of MPs (S. Litvinenco, Al. Slusari, V. Bolea) submitted to the Constitutional Court a notification requesting the interpretation of Article 72(3)(a) of the Constitution, by providing an answer to the question: 'In the context of adopting Law No 113/2019 by the Parliament of the Republic of Moldova that entered into force on 17 August 2019, and the existence of the Decision of the Constitutional Court No 11 / 2019³⁵, which

³² Prohibition of hate speech and/or speech inciting hatred, gradual sanctions for violation of the electoral law; sanctions for involving religious cults and other non-commercial organisations in electioneering; regulation of organised transportation of voters to polling stations etc.

³³ The draft [No 210](#) of 28.05.2020 and the draft No [414](#) of 06.10.2020 proposed the establishment of two consecutive days for voting and the corresponding adaptation of the rules on the organization of elections in two days.

³⁴ [Law No 113](#) on Amendments and Addenda to Some Legislative Acts.

³⁵ [The Decision](#) of the Constitutional Court No 11/2019 established that the Parliament may change the electoral system in less time than a full legislature, but the new system cannot be implemented in early parliamentary elections, only in ordinary parliamentary elections, provided that the change takes place at least one year before the election. At the same

electoral system the early parliamentary elections are to be held in the situation if they take place?'. Thus, the Constitutional Court, via Decision No 11 of 07.05.2020³⁶, established that the reasons of Article 72(3)(a) of the Constitution do not prohibit the conduct of early parliamentary elections according to the rules of another electoral system than the one applied in ordinary parliamentary elections, if it is respected the rule of publishing acts applicable to the electoral system at least one year before the elections in the Official Gazette of the Republic of Moldova.

Thus, the one-year term of the publication of Rules on proportional voting system in the Official Journal expired on 17 August 2020. In this context, conducting early Parliamentary Elections based on proportional system in the summer of 2021 is in line with the constitutional rules, as well as with international standards. The latter lay down that the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election³⁷.

After returning to proportional electoral system, the provisions of the Electoral Code on Parliamentary Elections were significantly amended. In general, this is *a series of technical amendments that will further ensure the implementation of this type of election*:

- the definition of single-member constituency, the provisions on their establishment and other provisions deriving from the election of MPs within this type of constituency (including the organisation of by-elections) were removed;
- after annulling the single-member constituencies, there was an increase in the number of candidates on the lists of the national constituency;
- the number of signatures to be collected in order to be registered as an independent candidate was increased. If in a single-member constituency a candidate had to collect 500-1000 signatures from supporters of the respective constituency, and a female candidate – 250-500 signatures, today an independent candidate in the national constituency has to collect 2000-2500 signatures (as set up before the approval of the mixed system), and a female candidate – 1000-2500 supporters' signatures;
- the deadline of 'not earlier than 30 days' for starting the election campaign was removed. Thus, according to the general rules, the election campaign shall begin after the registration of the electoral contender, while the electioneering is allowed only after the registration of the electoral contender. We note that, from this point of view, the independent candidates would be disadvantaged compared to political parties, as they may be registered only after collecting the signatures and have less time for their election campaign;
- the threshold of representation for a party or other socio-political organisation was reduced from 6% to 5% of the votes validly cast as a whole per country, and for an electoral bloc from 8% to 7% of the votes validly cast as a whole per country;
- the threshold of representation for an independent candidate was restored to 2%;
- there was a reversal to the distribution of seats according to the D'Hondt formula, which was applicable for parliamentary elections until 2010;
- the minimum share of participation in elections of at least 1/3 of the number of people registered in the electoral rolls was reintroduced, so that the elections were considered valid.

In another train of thoughts, along with the minimum share of representation of 40% for the list of candidates, there was also included the rule of their positioning – not less than four candidates of the same gender for every 10 positions. We note that the rule of positioning in the list, as set out in Article 46(3), shall be applied for the first time. It is worth mentioning that during Local Elections of October 2019 a temporary derogation was provided, with the lists of candidates respecting the positioning of not less than three (not four) candidates for every 10 positions.

time, frequent or late amendment of norms governing the electoral process can disadvantage the voters, electoral contenders and parties, given the risk of infringement of the right to vote and to be elected.

³⁶ [The Decision](#) No 11 of 07.05.2020 of the Constitutional Court on Interpreting the provisions of Article 72(3)(a) of the Constitution.

³⁷ [Code](#) of Good Practice in Electoral Matters, item 2.b.

2.2. Amendment of electoral law during a year before elections

The principle regarding the stability of electoral law states that “the fundamental elements of electoral law, in particular the electoral system proper, membership of electoral commissions and the drawing of constituency boundaries, should not be open to amendment less than one year before an election, or should be written in the constitution or at a level higher than ordinary law.”³⁸

In this regard, we mention that last year before the early Parliamentary Elections, the Electoral Code has been amended two times (amendments which are mainly technical and do not refer to the three aspects laid down by the Venice Commission), but one of the laws passed is relevant for the organisation Parliamentary Elections.

Thus, by Law No 162 of 20.07.2020 the list of authorities obliged to create conditions for citizens living abroad to freely exercise their electoral rights was supplemented. Therefore, alongside with diplomatic missions and consular posts, powers were also granted to the Government and CEC. The provision regarding the institutions from which the chairperson of PEB of abroad may be designated was also supplemented. According to the amendments, he/she may be additionally designated, on the proposal from CEC, from the Register of electoral officials with the opinion of MFAEI.

The Law No 294/2007 on Political Parties was amended by the same law, by reducing the number of members (from 4000 to 1000) necessary for a political party in order to be registered with the Public Services Agency. At the same time, the condition regarding the members’ residence at the moment of formation of the party was also removed in at least a half of second-level ATUs of the Republic of Moldova. This amendment occurred after the provisions subjected to amendment were declared unconstitutional on 25.02.2020³⁹, and from that moment six political parties were registered in the Republic of Moldova⁴⁰.

At the same time, we want to draw attention to the draft Law No 263 of 19.06.2020 for the amendment of certain legislative acts (Electoral Code, Contravention Code), developed with the involvement of CEC⁴¹ and which was undertaken and introduced in the legislative procedure by the PSRM MPs. The project covers a series of useful and absolutely necessary changes for ensuring a good organisation and conduct of elections, among which:

- regulation of the prohibition of using hate speech;
- more detailed provisions regarding the legal liability and graded sanctions that can be applied in case of violation of electoral law;
- regulation of sanctions for engagement of religious cults in electioneering and of non-commercial, trade unions or charitable organisations in the election campaign, as well as of the sanction for organising the transportation of voters to the polling station in order to make them vote for one of the candidates, etc.

Nonetheless, the Parliament did not approve the draft in the second reading neither before the Presidential election of November 2020, nor after the that election. We note that for this draft law the Ministry of Justice required a notification through the Early Response Mechanism, and the Venice Commission and OSCE/ODIHR issued an urgent opinion regarding the respective draft ⁴² back in August 2020.

³⁸ [Code](#) of Good Practice in Electoral Matters.

³⁹ [The Decision](#) No 5 of 25.02.2020 of the Constitutional Court on the objection of unconstitutionality of certain provisions of Article 8(1)(d) of the Law No 294 of 21 December 2007 on Political Parties (the number of member necessary for the registration of a political party).

⁴⁰ PP Pro Moldova (18.06.2020), PP Party We Build Europe Home ‘PACE’ (25.08.2020), PP For Nature and Animals (11.09.2020), PP Power of People (18.03.2021), PP The Party of Change (25.03.2021), PP Party for the Development and Consolidation of Moldova (16.04.2021).

⁴¹ Draft Law [No 263](#) of 19.06.2020 on the amendment of certain regulatory acts (Electoral Code No. 1381/1997 – Article 1, 8, 15, etc.; Contravention Code of the Republic of Moldova No. 218/2008 – Article 52, 400, 423⁵, etc.).

⁴² Urgent joint [opinion](#) of Venice Commission and OSCE/ODIHR on draft Law no. 263 amending the Electoral Code, the Contravention Code and the Code of Audiovisual Media Service.

At the same time, in 2020 at least two draft laws amending the Electoral Code were submitted, initiated to meet the goal of achieving the right to vote and safety measures for elections amidst the pandemic⁴³. None of these drafts was put on the agenda of the Parliament.

In addition, on 1 March 2021, the draft decision No 41 on testing the alternative voting methods by the Central Electoral Commission was registered. This draft proposed to authorise CEC with the right to identify and test alternative voting methods, multi-day voting during new local elections and all kinds of referendums. Nonetheless, the Legal Committee for appointments and immunities proposed to the Parliament to reject the draft decisions, the main objection relating to the form of the regulatory act.

2.3. Setting the election date

On 28 April 2021 the President of the Republic of Moldova issued Decree No 77-IX, according to which the Parliament in the 10th legislative term should be dissolved on 28 April 2021, and the date for the election of the new parliament was set on 11 July 2021. According to Article 83(3) of the Electoral Code, in case of the Parliament's dissolution, the President of the Republic of Moldova shall establish the date for the election of the new parliament by the same decree. The early elections will be held at least 60 days after and not later than 3 months following the dissolution of the Parliament. Thus, the date set up after 74 days following the dissolution of the Parliament is in line with the provisions of the Electoral Code.

We note that, according to Article 4 of the Decree on the dissolution of the Parliament, this one entered into force on 28 April 2021, but was published in the Official Gazette on 30 April 2021. Thus, we find that this Article does not comply with the provisions of the Law No. 100/2017 on Regulatory Acts⁴⁴, or, Article 56(1) provides that the date of entry into force of normative acts cannot precede the date of publication in the Official Gazette.

At the same time, the date of publication of the decree that set up the elections data is also the date of beginning of the election period, according to Article 1 of the Electoral Code. To this regard, during the election period it is intended to meet the requirements stated in the Electoral Code and not to exceed 90 days, in comparison with general elections, when the act setting up the election date is published more than 90 days before the election day.

Nonetheless, as in previous elections, the Central Electoral Commission, contrary to Article 1 of the Electoral Code, established the beginning of the election period on a date different from the one that makes public the election date: 5 May 2021⁴⁵.

2.4. The level of implementation of Promo-LEX recommendations stated in the Final Report of the Observation of Parliamentary Elections of 24 February 2019

Following the monitoring of Parliamentary Elections of 24 February 2019, Promo-LEX Association developed a set of recommendations for central public authorities, electoral bodies, electoral contenders, courts and other public institutions in order to improve election process. We note that out of 22 recommendations for improving the legal or regulatory framework that remained relevant, including after changing the electoral system, seven recommendations were totally or partially implemented. These refer to:

- transmission of duties regarding the opening of PS abroad from the Government to CEC, the executive body providing assistance only in identifying the locations;

⁴³ The draft [No 210](#) of 28.05.2020 and draft no [414](#) of 06.10.2020 proposed the establishment of two consecutive days for voting and the corresponding adaptation of the rules on the organization of elections in two days.

⁴⁴ [Law No 100](#) of 22.12.2017 on Regulatory Acts.

⁴⁵ [The schedule](#) for organising and conducting early Parliamentary Elections of 11 July 2021, approved by CEC Decision No. 4817 of 5 May 2021.

- exclusion of the application form for the accreditation of the national observer that is filled in by each candidate, from the list of documents to be submitted;
- exclusion of provisions stating that observers were obliged to avoid making any public comments related to the observations undertaken, including in the presence of media representatives or other stakeholders, until the polling stations close.
- making it possible for the citizens to vote with expired identity documents (passport of the citizen of the Republic of Moldova) with the legal limits.
- entitling the citizen of the Republic of Moldova with the right to vote abroad with the identity card;
- financing of political parties, electoral contenders and initiative groups by the citizens of the Republic of Moldova who are abroad on a temporary basis.
- reviewing the conditions for the annulment of signatures collected and of candidate nominating petitions on non-significant grounds.

Nonetheless, 15 recommendations of Promo-LEX Association, which remain relevant for this election, are not currently implemented, the most important including:

- amendment of Article 43(6) of Electoral Code in order to review the deadline for submitting final reports on financing the election campaign by maximum a few days after the election day;
- amendment of Articles 46–49 of Electoral Code to regulate the deadline for candidates' registration for the position of Member of Parliament, so that all electoral contenders have the possibility to begin their election campaign at the same time;
- amendment of Article 51(5) of Electoral Code and explicit regulation of the procedure of withdrawal of electoral contenders outside the time-limit provided by law, before the election day only for infringements of law;
- supplementing Article 52(7) in order to define administrative resources in line with international standards and establishment of appropriate sanctions for their use;
- examination of opportunities and needs of amendment of Article 60 of Electoral Code regarding certain additional measures for securing the vote by express provisions on using video cameras inside polling stations;
- definition and express regulation in the Electoral Code of the organised transportation of voters as an infringement of the electoral law and exact definition of sanctions;
- precise legal explanation of the status of the political party in the context of donations from legal entities, as the political party is a legal entity, and therefore, there is an infringement of the law concerning the donations from legal entities when these ones transfer financial amounts on the 'Electoral Fund' account;
- supplementing Chapter IV (Way of keeping the register) of the Regulation on the State Register of voters in view of setting up the continuous and permanent character of the registrars' activity and establishing the way/period of functioning of the Registry;
- amendment of items 24–27 of the CEC Regulation on the State Registry of Voters in view of limiting/standardising the number of voters that a registrar is responsible for;
- development of the Rules of procedures of the SIAS Elections application, of the module 'Checking the candidate nominating petitions', that shall solve identified problems related to completing and checking the candidate nominating petitions.

2.5. Problematic issues related to the organisation of early Parliamentary Elections

Taking into account that this election is not ordinary, but one that occurred as a result of the Parliament dissolution, the organisation and conduct of early Parliamentary Elections is a challenge both for CEC and for the Government. The challenges are especially related to the organisation and conduct of elections under pandemic conditions and to the lack of funds planned for the elections. In its call of 28 April 2021, Promo-LEX requires CEC to speed the election preparation procedures,

particularly in the context of their anticipated nature and the limited time needed for the organisation⁴⁶.

We point out that *regarding the challenge to organise elections amidst the pandemic*, the electoral authority and public authorities have already a relevant experience achieved during Presidential Elections of 2020. Both the international experience, and that of the Republic of Moldova show that the elections can be efficiently organised under conditions of implementing the COVID-19 preventing measures. According to the International Institute for Democracy and Electoral Assistance (IDEA International), from 21 February 2020 to 17 April 2021, at least 116 states and territories decided to organise national and local elections, despite the concerns related to COVID-19⁴⁷.

We remind that during the Presidential Elections, CEC developed the Instruction on the COVID-19 preventive measures during the election period, but it was approved by the National Extraordinary Public Health Commission (NEPHC) by Decision No 24 of 12 August 2020⁴⁸. Promo-LEX pronounced his opinion related to this instruction and the method of its approval on 18.08.2020⁴⁹, in which it found that:

- NEPHC disregarded the public consultation process initiated by CEC which was, moreover, conducted with infringements of legal provisions concerning the deadline for submitting the recommendations on draft decisions;
- NEPHC exceeded its powers by deciding, at that moment, to implement the special measures outside the state of public health emergency;
- certain provisions of the document were likely to create confusions, and, in some cases, to disrupt electoral procedures and affect the quality of the electoral process⁵⁰.

To this end, Promo-LEX recommended to resume the decision-making by repealing the NEPHC Decision No. 24 of 12.08.2020, continuation of public consultations by CEC with further approval of the Instruction especially by the electoral authority and prior notification of the document by NEPHC.

At the same time, in addition to what is mentioned above, we think that CEC can contribute in these elections to the regulation of the way of conducting the election campaign, particularly the meetings with voters, so that the risks of COVID-19 infection was minimal.

As regarding *the identification of funds* for the organisation of early elections, we point out that the Parliament has been dissolved and has no power to amend the State Budget Law for 2021. Nonetheless, we mention that the legislation in force contains mechanisms to make the needed changes in the allocation of financial resources for the authorities responsible for the organisation of the elections.

For example, according to Article 60(1)(a) of the Law No 181/2014 on Public Finances and Budgetary-Fiscal Responsibility, during the budget year, with the Government's approval, it is allowed to redistribute the appropriations approved by the annual state budget law, between central public authorities (except for independent ones), up to 10% of the volume of approved budget

⁴⁶ [Public call](#). Promo-LEX Association requests the Central Electoral Commission to speed the implementation of certain necessary actions for the good preparation and organisation of upcoming early Parliamentary Elections.

⁴⁷ Global [overview](#) of COVID-19: Impact on elections, IDEA International, 20 April 2021.

⁴⁸ [Decision](#) No 24 of 12 August 2020 of NEPHC.

⁴⁹ [Opinion](#) of Promo-LEX Association concerning the National Extraordinary Public Health Commission disregard of public consultations initiated by the Central Electoral Commission on the subject of organising elections under pandemic conditions.

⁵⁰ Determining the right to vote depending on the existence of the protective equipment, failure to provide full reasons of the list of protective equipment, failure to evaluate the polling stations offices in terms of compliance with the necessary criteria in order to prevent COVID-19 and regulate situations when the location of the polling station allows a limited number of observers, media representatives, representatives with advisory capacity, failure to ensure the right to vote for people who are in self-isolation at their place of residence, lack of conditions that must be met by the electoral contender when he requires from public authorities/institutions spaces to meet with the voters, etc.

appropriations. At the same time, the 10% limit is not applied in case of repartition of appropriations of emergency funds and other centralised appropriations approved by the budget.

At the same time, according to Article 36 of the same law, by the annual state budget law within the budget can be created:

- the reserve fund – for funding emergency expenditure that occur during the budget year and that was not possible to anticipate and, respectively, to include in the budget approved.
- intervention fund – for funding emergency expenditure related to eliminating consequences of natural disasters, in case of epidemics and other exceptional circumstances. During the budget year, the approved volume of the intervention fund may be supplemented with donations from individuals and legal entities, provided for the purposes indicated.

Thus, in the state budget for 2021⁵¹ appropriations were approved for:

- Government's reserve fund – amounting to MDL 161500.0 thousand and
- Government's intervention fund – amounting to MDL 116321.3 thousand.

We draw attention to the fact that, according to item 2 of the Regulation on the management of Government's emergency funds⁵², the purpose of the emergency funds is to provide the Government with the possibility to promptly respond to certain funding needs in unforeseeable and exceptional circumstances that occur during the budget year.

Taking into account the *above* mentioned, we think that at least the appropriations from the Government's reserve fund may be used for funding the expenditures for the early parliamentary elections, or, this one cumulates all the conditions set out by the Regulation on the management of Government's emergency funds:

- a) has an emergency nature;
- b) occurred during the year and could not be known to be foreseen in the approved budget;
- c) there are no reserves in the approved budget for the Central Electoral Commission.

CEC approved by the Decision No 4816 of 30.04.2021⁵³ the expenditure estimate for the organisation and conduct of the early Parliamentary Elections of 11 July 2021 amounting to MDL 125,046.7 thousand and submitted it to the Government for ensuring the allocation of necessary funds from the state budget. In comparison, we mention that for the organisation and conduct of the Parliamentary Elections of 24 February 2019 were estimated MDL 90,700 thousand. And for the Presidential election of 1 November 2020, which were conducted under pandemic conditions and with two rounds of voting – MDL 167,356.2 thousand.

By 11 May, the Government did not meet to decide on the allocation of funds needed for the early Parliamentary Elections. Nonetheless, on 12 May 2021, outside the monitoring period, the Government of the Republic of Moldova approved the Decision on the 'Allocation of funds'⁵⁴. By its means, the Ministry of Finance shall allocate to the Central Electoral Commission the first instalment of MDL 70 000,0 thousand for the organisation and conduct of early Parliamentary Elections of 11 July 2021 from the Government's reserve fund, which is only 56% of the CEC expenditure estimate. In this context, in order to avoid potential risks and uncertainties regarding the good organisation and conduct of elections, the Government shall engage to entirely finance the costs of the election.

⁵¹ Article (3)(b) of the State Budget [Law](#) No. 258/2020 for 2021.

⁵² Government Decision No 862 of 18.12.2015.

⁵³ [CEC Decision](#) No. 4816 of 30.04.2021 approving the expenditure estimate for the organisation and conduct of early Parliamentary Elections of 11 July 2021.

⁵⁴ [The Government Decision](#) on the 'Allocation of funds', approved during the session of the Government of the Republic of Moldova of 12.05.2021.

III. ELECTORAL BODIES

The Central Electoral Commission (CEC) will coordinate the activity of lower electoral bodies – District electoral councils (DECs) and Precinct Electoral Bureaus (PEBs) – in view of preparing and conducting the elections. Candidates will be registered by the CEC. Even though the mandate of the current CEC members expires on 17 June 2021, the legal provisions allow the extension of the mandate during the electoral period. During the monitored period, the CEC convened in a mixed format for three meetings - one ordinary meeting and two extraordinary.

The polling stations for voters in the Transnistrian region and for those abroad should be set up in a transparent manner and in accordance with law. Regarding the geographical distribution of polling stations set up abroad, according to Promo-LEX estimates made on the basis of the data available on 11 May 2021, compared to the previous election, the number of PSs should be increased, especially in Germany (+6), the Russian Federation (+4) and the United Kingdom (+4). On the other hand, the number of polling stations will have to be decreased in the USA (-5), Romania (-4) and Italy (-3). In this context, we would like to remind that pre-registration is the only criterion that can influence the distribution of polling stations during the electoral period.

We believe that at this stage of election organisation, the CEC should promote more actively the procedure of pre-registration and the declaration of the new place of residence. The authority should also suggest solutions for the priority vaccination of electoral officials and of people authorized to attend election operations.

3.1. The structure and activity of electoral bodies

As a permanent national authority, the CEC will coordinate the work of all lower electoral management bodies set up to prepare and conduct early parliamentary elections: district electoral councils (DECs)⁵⁵ and precinct electoral bureaus (PEBs)⁵⁶.

Thematic content of the decisions approved by the CEC. In the context of organising and conducting the early Parliamentary Elections of 11 July 2021, the CEC convened in three meetings, one ordinary and two extraordinary, held in a mixed format. Were adopted eight decisions relevant to the organization of the elections in accordance with the schedule.

3.2. The Mandate of the Central Electoral Commission

The mandate of the current members of the CEC started in 2016 following the adoption by the Parliament of the Republic of Moldova of Decision No 144 of 17 June 2016 on the confirmation of the nominal composition of the Central Electoral Commission and expires on 17 June 2021, during the electoral period.

We emphasize that, according to Article 17(6) of the Electoral Code, if the mandate of CEC expires during the electoral period, the mandate shall be extended until the end of this period and the new members enter upon a new term of office, but not later than 90 days. Thus, the activity of the current members of the CEC is to be legally extended until 15 September 2021 at the latest.

⁵⁵ According to Article 28 of the Electoral Code, the district electoral councils consist of an odd number of members, of at least 7 and at most 11 people. In the case of parliamentary elections, two candidates of DEC II are proposed by the court or, as the case may be, by the court of appeal, two other candidates - by the second level local councils and the People's Assembly of Gagauzia. Other candidates are proposed by the parties represented in the Parliament at the date when the electoral district councils are constituted.

⁵⁶ According to Article 30 of the Electoral Code, PEBs are constituted by DEC with an odd number of members, from at least 5 to at most 11 people. Three PEB candidates are proposed by local councils. The other candidates of PEB shall be proposed by Parliament parties and if it is not sufficient, the remaining number of members shall be completed by DEC, at the proposal of the CEC, from the Register of Electoral Officials.

3.3. Approval of CEC Regulations

During the meeting of 7 May 2021, CEC approved a new amendment of the Regulation on the peculiarities of election contender nomination and registration for the position of Member of the Parliament of the Republic of Moldova⁵⁷ and several changes to the Regulation on the collection, submission and verification of the candidate nominating petitions⁵⁸.

The changes to the Regulation on the collection, submission and verification of the candidate nominating petitions are technical and address especially the exclusion of the provisions/phrases related to single-member constituencies.

As for the Regulation on the peculiarities of election contender nomination and registration for the position of Member of the Parliament of the Republic of Moldova, we note that many provisions are contradictory in relation to the provisions of the Electoral Code or they have not been adjusted appropriately and respectively, could confuse potential electoral contenders. According to Promo-LEX OM, the problematic provisions are the following:

- 'Social-political organisations' are not mentioned throughout the text of the regulation, including their right to nominate candidates or to form/take part in the creation of electoral blocs, while both the Electoral Code and the Constitution of the Republic of Moldova also refer to social-political organisations.
- The Regulation (item 12–32) stipulates permissive behaviour in respect of the establishment or non-establishment of an initiative group in support of an independent candidate and respectively, whether to report the expenditures for signature collection or not. We believe that this situation is likely to create confusion for potential independent candidates, as well as the misapplication of the legal provisions.
- Item 38 of the Regulation stipulates the submission of an additional document to those provided for in Article 49(1) of the Electoral Code on the registration of candidates: letter e) – statement on the absence of interdictions provided in Article 2(6¹) of Law No 39/1994 on the status of the Member of Parliament. Note that, the statement that is essentially confirming the absence of interdictions provided in Article 2(6¹)⁵⁹ of Law No 39/1994 is similar to the statement provided in letter g) – the personal responsibility statement on having no legal/judicial constraints to stand as a candidate or to hold a public office, and information on the non-existence of acts of final findings regarding the disclosure of wealth and private interests, incompatibility statuses and seizure of unjustified wealth, acts that are not prescribed.
- Item 46, letter c) stipulates that a briefing note is drawn up for each file with candidate nominating petitions, that shall contain the elements: name of the second-level territorial-administrative unit, name of the first-level territorial-administrative units, the number of candidate nominating petitions (...). In this respect, we point out that the first element is not clear, as the collection of signatures is not limited to a certain second-level territorial-administrative unit during parliamentary elections. In the same way the sample of the briefing note from the Appendix 4 is presented, which is apparently not adjusted to parliamentary elections of a proportional system.
- Item 53 stipulates that CEC approves a decision to register the list of candidate/s if the documents submitted for registration meet the requirements established in Article 49 (1) and (3) and Article 85 of the Electoral Code. We point out that Article 49(3) of the Electoral Code does not stipulate any requirements for the documents submitted for registration, but

⁵⁷ [CEC Decision No 4827](#) of 07.05.2021 on the approval of the regulation on the peculiarities of election contender nomination and registration for the position of Member of the Parliament of the Republic of Moldova.

⁵⁸ [CEC Decision No 4828](#) of 07.05.2021 on the amendment of the Regulation on the collection, submission and verification of the candidate nominating petitions, approved by the Decision of the Central Electoral Commission No 1730/2018.

⁵⁹ Cessation of the MP mandate shall take place in case of: a) establishment of direct cessation under the act of final findings or a judicial act of a third party, decision-making or participation in decision-making with no real conflict of interests solution in compliance with legal provisions on the regulation of conflict of interests; b) not submitting or refusal to submit the statement of wealth and personal interests according to Article 27(8) of Law No 132 of 17 June 2016 as regards the National Integrity Authority; c) irrevocable court decision on the seizure of unjustified wealth.

it provides that the electoral body registers or refuses the registration of the candidates nominated for elections within 7 days after the date of receiving the documents.

- Item 55 provides the obligation to respect the minimum representation share in case of changes in the lists of candidates, but it omits the obligation to respect the order of the candidates in the list. In the same way the sample of the list of candidates for the position of Member of Parliament (Appendix 6) is presented, mentioning that the list has been drawn up in compliance with the minimum representation share, but without mentioning that it has been drawn up respecting the order of candidates.

In addition, the sample of the list provides that the list of candidates shall contain no less than 30 people and not more than 55 people, while Article 84 of the Electoral Code stipulates that a list of candidates needs to be submitted that shall contain no less than 51 people and not more than 103 people.

Based on the above findings, we believe that the Commission should urgently revise the Regulation on the peculiarities of election contender nomination and registration for the position of Member of the Parliament of the Republic of Moldova, in order to exclude the provisions that are likely to confuse electoral contenders.

3.4. Risks of the activity of lower-level electoral bodies in the context of early Parliamentary Elections of 11 July 2021 conducted amidst the pandemic

According to Promo-LEX observation reports on the Presidential Election of November 2020, the degree of compliance with COVID-19 protection and prevention measures by both ECC and PEB was poor in several cases. Thus, only 28 electoral councils (78%) and 807 electoral offices (43% of 1,888 visited) held *a completed temperature monitoring register of election officials*. Only 23 electoral councils (64%) and 481 electoral offices (26% of 1,888 visited) were taking *visitors' temperature*. The *information on health protection measures* was displayed in the headquarters of 35 electoral councils (97%) and at least 1 371 electoral offices (73% of 1,888 visited).

In the context of early Parliamentary Elections, we recommend CEC to purchase and equip the electoral bodies with COVID-19 protective supplies and equipment, in due time, and members of the electoral bodies – to comply with protection and prevention measures against COVID-19 infection.

3.5. Simulation of the establishment of polling stations abroad

According to the provisions of the Electoral Code⁶⁰, polling stations (PS) will be established in the diplomatic missions and consular posts of the Republic of Moldova for voters who are abroad on the election day. At the same time, PS will be set up in other communities under the agreement of competent authorities of the states of residence where Moldovan voters are present. The establishment of the respective PS is determined by CEC, with a prior consent of MFAEI, based on the following three criteria:

- *number of voters who participated in the previous election, conducted under the national constituency.*

About 263,177 voters participated in the presidential elections of 2020 (second round) in 139 PS established abroad (See Table 3). The activity of at least 8 PS abroad (the United Kingdom – 3, Germany – 2, Italy – 2, France – 1) has been stopped before the closing hour due to the running out of 5,000 ballot papers⁶¹. Therefore, we note that due to a large number of voters abroad, it is very difficult to ensure the right to vote to all citizens under the current voting conditions.

- *number of pre-registrations of Moldovan citizens abroad.*

⁶⁰ Article 31 of [Electoral Code](#): The peculiarities of the establishment and operation of the polling stations abroad and electoral offices of the polling stations abroad.

⁶¹ Germany – 2 PS (PS 1/349, Frankfurt – local time 18:00, PS 1/348, Berlin – local time 19:20), France – 1 PS (PS 1/344, Montreuil – local time 18:55), Italy – 2 PS (PS 1/367, Bologna – local time 20:30, PS 1/369, Parma – local time 20:45), United Kingdom – 3 PS (PS 1/394, London – local time 18:00, PS 1/393, London – local time 19:00, PS 1/397, Northampton – local time 19:35).

According to the provisions of the Regulation on preliminary registration⁶², pre-registration can be carried out on the website www.alegator.md throughout the year when the elections are conducted, no later than 45 days before the election day. Therefore, in the context of the early Parliamentary Elections of 11 July 2021, the deadline for preliminary registration would be 26 May 2021. Note that, Promo-LEX Association launched a Public Call on 28 April 2021 requesting CEC to accelerate certain preparatory activities for the early elections, including the opportunity to conduct an active raising-awareness campaign on the importance of the preliminary registration⁶³.

Despite the above, before the publication of the current report, CEC has taken no further actions to promote the preliminary registration more actively, except for two press releases on the official website of the electoral authority⁶⁴, as well as 4 messages published on social networks. At the same time, the Regulation on the preliminary registration has not been revised in order to update it and to eliminate the gaps identified during the process of conducting the presidential elections of 2020.

Thus, we note that the validity term for a preliminary statement (including those submitted on paper); mechanisms for informing voters about the validity of preliminary registrations for several elections; repeatedly informing voters before the election, about the validity of statements that were submitted preliminarily in the context of other elections (including statements submitted on paper), including the possibility of their cancellation have not been established.

By 11 May 2021, 72,022 of preliminary registrations have been submitted (2018 – 2021, including citizens from the left bank of Nistru River) – 11,987 of preliminary statements more than in September 2020. The number of pre-registrations increased significantly in Italy (+2 653), Germany (+2 352), the United Kingdom (+2 077), France (+1 041), Ireland (+771) and Spain (+578).

Therefore, we recall that the preliminary registration is a single criterion that can influence the polling stations distribution during elections, as the values of other indicators can no longer be changed.

- *information held by MFAEI on the number of Moldovan citizens abroad and their location.*

According to the data of 21 August 2020⁶⁵, around 824,964 voters would have been abroad based on the preliminary registrations and previous elections in 40 states identified by CEC.

Given the above, we find that the information held by MFAEI on the number of Moldovan citizens abroad and their location, as well as the number of preliminary registrations submitted by 26 May 2021, shall be updated in order to establish PS for the conduct of early Parliamentary Elections of 2021.

Promo-LEX estimated the location and the number of PS to be established abroad based on 150 overseas PS budgeted by CEC⁶⁶, in order to have a overview of the establishment of PS abroad and their location (see Table 3). These estimates were made based on current existing data according to three criteria: number of voters who participated in the presidential elections of 2020 (second round), number of preliminary registrations (as of 5 May 2021) and information held by MFAEI.

⁶² [Regulation](#) on the preliminary registration, approved by the Decision of CEC No 1568 of 24 April 2018, item 9, 12.

⁶³ [Public Call](#). Promo-LEX Association requests the Central Electoral Commission to speed the implementation of certain necessary actions for the good preparation and organisation of upcoming early Parliamentary Elections.

⁶⁴ CEC Press releases of [22 February 2021](#) and [30 April 2021](#) on the Pre-registration.

⁶⁵ [Exit Letter](#) No CEC 8/2635 of 21 August 2020.

⁶⁶ [CEC Decision](#) No 4816 of 30 April 2021 on the approval of the expenditure estimate for the organisation and conduct of early Parliamentary Elections of 11 July 2021.

Table 3. Estimation of PS to be established abroad⁶⁷

No	State	No of voters who participated in 2020 elections (second round)	Preliminary registrations (11.05.21)	MFAEI	Number of PSs		Difference
					Established during 2020 Presidential Elections	Promo-LEX estimates for 2021 Parliamentary Elections	
1	Austria	1 510	297	1 409	1	1	
2	Azerbaijan	53	9	119	1	1	
3	Belarus	216	15	2 974	1	1	
4	Belgium	6 506	1 226	7 000	2	3	1
5	Bulgaria	239	28	5 000	1	1	
6	Canada	5 051	1 750	50 000	4	5	1
7	Czech Republic	3 108	549	5 903	1	2	1
8	China	19	17	178	1	1	
9	Cyprus	577	127	10 000	1	1	
10	Denmark	911	670	1 194	1	1	
11	Switzerland	1 593	568	529	1	2	1
12	United Arab Emirates	176	118	1 410	1	1	
13	Estonia	226	47	400	1	1	
14	Russian Federation	14 068	6 360	356 731	17	21	4
15	France	26 939	6 070	17 000	8	8	
16	Germany	24 080	8 775	20 375	6	12	6
17	Greece	2 313	375	7 196	2	2	
18	Ireland	11 189	3 938	1 987	4	5	1
19	Israel	4 990	534	18 000	2	3	1
20	Italy	83 032	14 720	128 979	30	27	-3
21	Japan	30	14	188	1	1	
22	Latvia	84	32	363	1	1	
23	Lithuania	77	9	729	1	1	
24	UK	26 408	11 555	24 000	7	11	4
25	Norway	598	253	260	1	1	
26	Poland	317	148	37 338	1	3	2
27	Portugal	5 847	940	5 098	3	2	-1
28	Qatar	66	17	139	1	1	
29	Romania	19 530	5 749	19 400	13	9	-4
30	Spain	8 272	2 212	18 537	5	4	-1
31	USA	9 838	2 914	47 767	12	7	-5
32	Sweden	368	171	248	1	1	
33	Netherlands	2 779	847	986	1	2	1
34	Turkey	1 408	100	7 942	2	3	1
35	Ukraine	512	65	23 800	2	3	
36	Hungary	247	66	680	1	1	
TOTAL		263 177	71 285	824 964	139	150	

In conclusion, in comparison with previous elections, based on the existing data, we find that the number of PS stations would be increased by two or more in Germany (+6), the Russian Federation (+4), the United Kingdom (+4) and Poland (+2). On the other hand, the number of established PS will be decreased in the USA (-5), Romania (-4) and Italy (-3).

⁶⁷ The data available on 11 May 2021 according to the above criteria, were used for the estimation of the number and location of PS to be established abroad. Each criterion had an equal share in the calculation formula used by Promo-LEX and proposed for the [draft](#) regulation on the establishment of polling stations abroad. Note that the current formula was undertaken by CEC and used by the electoral authority for the establishment of PS abroad during the presidential elections of 1 November 2020.

3.6. Establishment of polling stations for voters from the transnistrian region

During the pre-election period, Promo-LEX Association developed and presented to the public a policy paper that provides solutions on the number and location of polling stations established for the voters from the transnistrian region⁶⁸. The goal of the policy paper is to offer solutions to avoid problems identified during previous elections, including those that had affected the presidential elections of 2020 for the voters from the transnistrian region.

According to the conclusions of the study, 28 polling stations is a reasonable number to ensure the participation in elections of the citizens from the left bank of the Nistru River. That would mean around 1,330 voters per polling station if to take into account the maximum number of 37,257 citizens from the region who voted in the national constituency during the parliamentary elections of 2019. This number of polling stations will ensure the right to vote even if to admit that the number of people who are eligible to vote will double.

Promo-LEX, also came up with precise suggestions regarding the location of polling stations per communities: Chisinau (1), Gura Bacului (2), Harbovat (1), Varnita (4), Farladeni (1), Copanca (2), Hagimus (2), Criuleni (1), Cocieri (2), Cosnita (1), Dorotcaia (2), Molovata Noua (1), Sanatauca (3), Rezina (4) and Rascaieti (1).

We reiterate that polling stations must be established in communities that border the communication routes of both river banks and Bender municipality, instead of the communities located at a certain distance from the access routes (Causeni, Calfa, Anenii Noi, Ustia).

⁶⁸ [Policy paper](#). Establishment of polling stations for the voters from the left bank of the Nistru River.

IV. STATE VOTER REGISTER AND VOTERS LISTS

In the context of early parliamentary elections, Promo-LEX notes for the first time a constant reduction, even if insignificant, in the number of voters from SVR, based on the data published by CEC. On 04.05.2021 the number of voters decreased by about 7,529 comparing 02.09.2020.

Nonetheless, we underline an increase in the number of voters without domicile/residence and of those from the transnistrian region (15.1% of the total number), which creates the conditions for increasing the share of people that could vote on additional rolls.

4.1. General legal provisions and basic conclusions of the previous observation reports

According to the Electoral Code, the State Voter Register (SVR) is a unified integrated information system of voters from the Republic of Moldova, developed on the basis of the State Register of Population (SRP), designed for the gathering, storage, updating, and analyzing the information about citizens of the Republic of Moldova, including those from abroad, who reached the age of 18 years and do not have any legal prohibitions to elect. The electoral rolls that include all citizens eligible to vote who have the domicile or the residence on the territory of a polling station are developed based on the SVR data. The electoral rolls are sent by CEC to LPAs authorities and diplomatic missions or consular offices at least 22 days before the election day.

According to Promo-LEX observation reports of the general local elections (2019) and presidential elections (2020), the problems of the content of electoral rolls remain continuously unsolved, such as the presence of deceased people and incorrect assigning of voters to another PS from the same or even from a different community.

Additionally, in the context of the current pandemic, Promo-LEX OM recommends CEC conduct a broad information campaign among voters on the possibility of the online verification of data and the accuracy of electoral rolls.

4.2. Evolution of the State Voter Register (SVR) data

In 2021, CEC published the data from RSA on the number of voters three times – on 2 March⁶⁹, 2 April⁷⁰ and 4 May 2021⁷¹. Promo-LEX welcomes the openness of CEC to update and publish the information from the State Registry of Voters.

Based on the information published by CEC in 2021, we note a constant but insignificant trend in decreasing the number of voters registered in SVR. On 04.05.2021 the number of voters decreased by about 7,529 citizens (0.23% of the total number of voters of 04.05.2021), comparing to 02.09.2020.

Table 4. Dynamics of the number of voters from 2014 to 2021, based on SVR data

Date	Total No of voters	Dynamics	No of voters without domicile/residence	Dynamics	No of voters from ATU, from the left bank of Nistru River	Dynamics
25.11.2014	3 226 446	-	171 052	-	211 329	-
22.08.2016	3 237 032	+10 586	161 630	-9 422	221 600	+10 271
01.09.2017	3 255 361	+18 329	155 683	-5 947	225 971	+4 371
10.12.2018	3 265 997	+10 636	210 890	+55 207	230 233	+4 262
22.08.2019	3 285 894	+19 897	224 250	+13 360	243 416	+13 183

⁶⁹ [Total number](#) of voters registered in SVR on 2 March 2021.

⁷⁰ [Total number](#) of voters registered in SVR on 1 April 2021.

⁷¹ [Total number](#) of voters registered in SVR on 4 May 2021.

01.07.2020	3 285 874	-20	228 852	+4 602	249 013	+5 597
01.08.2020	3 286 304	+430	229 570	+718	249 006	-7
02.09.2020	3 290 312	+4 008	230 384	+814	249 239	+233
08.10.2020	3 287 140	-3 172	232 631	+2 247	256 203	+6 964
02.03.2021	3 284 618	-2 522	234 803	+2 172	257 722	+1 519
02.04.2021	3 283 182	-1 436	235 856	+1 053	258 010	+288
04.05.2021	3 282 783	-399	236 744	+888	258 287	+277

Nonetheless, we note an increase in the number of voters without domicile/residence and of those of the transnistrian region (15.1% of the total number). During 7 months (October 2020 – April 2021) their number increased by 5032 voters.

We reiterate that the increased number of voters without domicile/residence and of those in the transnistrian region creates prerequisites for the increased share of citizens who could vote on additional rolls. We remind that, according to the Code of Good Practice in Electoral Matters of the Venice Commission, ‘the registration should not take place at the polling station on election day’⁷², and ‘..., the situations in which voters are added to the supplementary voters’ lists should be narrowed in order to avoid potential doubts regarding the integrity of voters’ lists and possibilities for multiple voting’⁷³.

In this context, we note that on 7 May 2021, the electoral authority launched the procedure of declaration of the new place of residence⁷⁴. Through this procedure, the voter is registered in the electoral roll of the polling station according to the declared place of stay and will be able to exercise his right to vote in the respective polling station. We point out that the declarations of residence shall be submitted to the local public administration authority in the community where the voter wants to vote, and the deadline for their submission ends on 10 June. To confirm, the voter will present the original identity card.

We think that the electoral bodies, along with those of the local public administration shall actively and continuously promote the mechanism of declaration of the new residence as a means of ensuring the accuracy of the electoral rolls, thus reducing the number of voters on additional rolls.

⁷² Code of Good Practice in Electoral Matters, p. 6.

⁷³ OSCE/ODIHR-Venice Commission [Joint Opinion](#) on the Law for Amending and Completing Certain Legislative Acts (Electoral System for the Election of the Parliament) of Moldova, item 77.

⁷⁴CEC press release of [7 May 2021](#) concerning the declaration of the new residence.

V. PUBLIC ADMINISTRATION

In the context of early Parliamentary Elections, local public authorities (LPAs) will be actively involved in performing the legal duties related to the organisation of elections. Following the observation of Presidential Elections of November 2020, the Promo-LEX OM drew the attention on the need to appoint a sufficient number of members in the lower-level electoral bodies and avoid the disagreements regarding the identification of locations for electoral bodies, particularly regarding PSs for the transnistrian region.

5.1. Planned activities for the organisation of elections with the participation of local public authorities

In the context of the organisation and conduct of early Parliamentary Elections, LPAs will participate in the following types of activities:

- appointing DEC members;
- appointing PEB members;
- submitting proposals regarding the borders of PSs;
- ensuring electoral bodies with the necessary offices/locations and materials for their good activity;
- ensuring the access in the PSs of people with special needs;
- ensuring the presence of special places for electoral posters and for meetings with voters;
- participating in SVR verification.

5.2. Concerns related to LPAs' involvement in the organisation of elections

According to the legal rules, local public authorities are obliged to provide the electoral councils and the precinct electoral bureaus with the equipment that is necessary for the organisation, conduct and centralization of election results⁷⁵.

Promo-LEX OM, in the context of the observation of Presidential Elections of 1 November 2020, drew the attention on at least two issues related to the involvement of LPAs in the organisation of elections: ensuring the lower-level electoral bodies with venue and human resources that are necessary for a good activity.

In this context, Promo-LEX OM believes that electoral bodies of all levels should strengthen the communication with local public authorities regarding their possibility and availability to ensure the polling stations with venue, equipment, materials and human resources. During the Presidential Elections of November 2020, certain deficiencies were found regarding the communication of LPAs with the electoral bodies during the organisation of PSs for voters on the left bank of Nistru River. Thus, for the first time, for the elections of the Republic of Moldova, the representatives of at least seven settlements refused to open polling stations for voters from the transnistrian region: Stefan Voda t., Rascaieti c. (Stefan Voda d.), Hagimus v. (Causeni d.), Harbovat, Gura Bacului and Varnita villages (Anenii Noi d.) and Rezina (Rezina d.).

Additionally, during the same election, according to Promo-LEX observers, in at least three cases (PS 1/278 Bac v., Bubuieci c., PS 11/9 Bogdanovca Noua v., Cimislia d. and PS 21/12 Cigarleni v., Ialoveni d.) CEC was notified by LPAs and electoral councils about the relocation of polling stations due to poor state of buildings. The buildings did not meet the requirements regarding the organisation and conduct of presidential elections and would jeopardize the public life and health. Thus, in order to organise and conduct the Presidential Elections, CEC decided to install a mobile tent in every settlement, endowed according to the requirements, with the observance of the rules for preventing and combating COVID-19 infection.

⁷⁵ Article 38(6), Article 57(4) of the [Electoral Code](#).

The second problem is related to the performance of duties by LPAs in appointing the members of the electoral body. According to the Electoral Code⁷⁶, three candidates for PEB members shall be nominated by the local councils. The other candidates for electoral office members shall be proposed by Parliament parties and if they are not enough, more are added by DEC, at the proposal of CEC, from RFE.

Note that during the Presidential Elections of 1 November 2020, the Promo-LEX OM identified 355 precinct electoral bureaus (18% of the total of 2004) with no members appointed by local councils. Of these, 305 PEBs (86%) were in Chisinau municipality. Also, Promo-LEX OM identified 214 precinct electoral bureaus (11%) in which the number of the members appointed by local councils was smaller than three members⁷⁷.

⁷⁶ Article 30(10) of the [Electoral Code](#).

⁷⁷ Final [Report](#). Promo-LEX Observation Mission of the Presidential Election in the Republic of Moldova of 1 (15) November 2020, p.57.

VI. POTENTIAL ELECTORAL CONTENDERS

Parties and other socio-political organisations registered before setting the election day, electoral blocs and independent candidates have the right to nominate candidates for Parliamentary Elections. Independent candidates face unfair conditions as they are forced to collect signatures. Moreover, the legislator did not amend the legislation to allow the implementation of certain alternative mechanisms of signature collection in the context of pandemic: online collection or electoral deposit. An electoral bloc that intends to get registered as a contender was registered during the observation period of the first report.

6.1. Having the status of electoral contender

According to Article 46(2) of Electoral Code, the following have the right to nominate candidates for elections if all the requirements are met: parties and other socio-political organisations registered before setting the election day; electoral blocs (EB), established on the basis of decisions adopted according to the statutes (regulations) of parties and other socio-political organisations that developed them, which in case of Parliamentary Elections, are registered by CEC; citizens of the Republic of Moldova who submit their own candidacy (independent candidates).

The party or the electoral bloc, on the basis of Article 84(2) of the Electoral Code, shall submit the list of candidates, which shall contain not less than 51 and not more than 103 individuals. According to the Article 86(2), in order to be registered by CEC, independent candidates shall submit candidate nominating petitions that contain minimum 2,000 and maximum 2,500 signatures of supporters with the right to vote. By derogation from the provisions, a female candidate can be registered if she presents the signatures of minimum 1,000 and maximum 2,500 supporters with the right to vote.

6.2. Registration of electoral bloc

According to the legal provisions, on 5 May 2021, CEC adopted the Decision No 4819⁷⁸, on the registration of the electoral bloc 'RENATO USATII' for the participation in early Parliamentary Elections of 11 July 2021, established by the political party 'Partidul Nostru' (PN) and political party 'PATRIA' (PPP) and its electoral symbol.

Note that the registration of the EB for the participation in early Parliamentary Elections does not assume the registration as electoral contender who should further submit within the prescribed period, the file for the registration of the candidate in the electoral race.

6.3. Signature collection in the context of the pandemic

During the pre-election period, Promo-LEX Association developed a policy document on the mechanisms for the optimisation of signature collection. Note that during the Parliamentary Elections, independent candidates are to collect signatures in the candidate nominating petitions. According to the Electoral Code, in order to participate in the Parliamentary Elections, independent candidates shall submit with CEC candidate nominating petitions that contain minimum 2,000 and maximum 2,500 signatures of supporters with the right to vote. At the same time, a female candidate shall collect 1,000-2,500 signatures of supporters.

Apart from the fact that they are discriminated as compared to political parties (that can be established with 1,000 members) and to electoral blocs that do not have to collect signatures, the signature collection in case of independent candidates is a double challenge during the pandemic.

⁷⁸ CEC [Decision](#) No 4819 on the request to register the electoral bloc 'RENATO USATII' and its electoral symbol.

Thus, Promo-LEX argued, through a policy document⁷⁹, the need and the opportunity to implement alternative signature collection mechanisms.

In this respect, the good international practices provide, on one hand, the possibility to implement mixed procedures for signature collection, both through direct contact with the voters and indirectly/online (via certain applications that could be developed by CEC). On the other hand, the legislator from the Republic of Moldova can take into account the possibility to implement the election deposit at the stage when candidates are nominated and registered, as an alternative tool that could ensure the sanitary safety during the pandemic. We believe that the potential candidates should have the possibility to choose from one of the mechanisms mentioned above.

Unfortunately, no amendments were developed in this regard and the risks related to the pandemic are valid for this election too.

⁷⁹ [Policy document](#). Signature collection in the context of the pandemic in support of candidates in elections or for initiating referenda: solutions and alternative mechanisms.

VII. ELECTION CAMPAIGN FUNDING

The observation of election campaign funding will cover the election campaign of contenders and the activities during their nomination and registration, including the activity of initiative groups in support of independent candidates.

Among the problems that exist from the perspective of election campaign funding identified by Promo-LEX OM of the Presidential Elections of November 2020 that can be repeated during this election we mention: low level of transparency of expenses incurred, lack of reporting of expenses for delegating electioneers, restriction of the activity of the party/candidate, including to participate in elections, by refusing to open the 'Electoral Fund' account and the imperfect reporting format of in-kind donations.

7.1. Methodological guiding points

The methodology of monitoring the funding of election campaign for early Parliamentary Elections aims to observe the activity of electoral contenders and of initiative groups in terms of financial resources collected and used both during the election period and during the election campaign. At the same time, the level of compliance of reporting, accounting and supervision of electoral stakeholders with the legal rules in force is assessed.

7.2. Legal framework regarding the funding of initiative groups and of election campaigns

Funding of election campaign and of initiative groups (IGs) is regulated by: Electoral Code⁸⁰, Law No 249 on Political Parties⁸¹, CEC Regulation on election campaign funding⁸² and Regulation on initiative groups funding⁸³. Central Electoral Commission is the only body that has the mandate to receive, check and supervise the financial reports on election campaign funding.

Funding sources and bank accounts. To fund IGs and election campaigns, there can be used financial and in-kind donations from individuals, including from citizens of the Republic of Moldova from abroad and from legal entities, subsidies from the state budget, party membership fees and other revenues obtained legally according to the Article 24(3) of LPP 294/2007.

According to the Electoral Code, an individual can donate to an initiative group/electoral contender up to MDL 52,296 (six average salaries in economy), while a legal entity can donate up to MDL 104,592 (12 average salaries per economy). Also, citizens of the Republic of Moldova who live abroad can also donate up to MDL 26,148 (three average salaries in economy). The amount of the average salary in the economy for 2021 is MDL 8,716⁸⁴.

The contenders can benefit from loans without interest rate from the state budget. The application for the loan shall be filed with the Ministry of Finance⁸⁵.

All the revenues and expenses of the electoral contenders shall be reflected on the bank account that was open for the election campaign. They are intended for revenues and expenses for signature collection – 'Intended for the initiative group' account and the bank account for the election

⁸⁰ [Electoral Code of the Republic of Moldova](#).

⁸¹ [LPP 249](#), Law on Political Parties.

⁸² [CEC Regulation](#) on the funding of electoral contenders' election campaigns, adopted by CEC Decision No 2704 of 17 September 2019.

⁸³ [CEC Regulation](#) on the funding of initiative groups for signature collection in support of candidates in elective position or for initiating referendum, approved by GD No 4176 of 3 September 2020.

⁸⁴ Government [Decision](#) No 923 of 22 December 2020 approving the amount of the average salary in economy, forecast for 2021.

⁸⁵ Loans received from the state shall be paid fully or partially by the state depending on the overall number of votes received by the electoral contestant in the respective district. The amount to be paid by the state shall be established by dividing the amount of the credit by the number of voters who participated in the elections, and then multiplying it by the number of valid votes cast for the contestant.

campaign entitled 'Electoral Fund'. The banks shall inform CEC every day about the transactions made with the accounts 'Intended for the initiative group' and 'Electoral Fund'⁸⁶.

Contenders who will not conduct campaign activities and will not open bank accounts shall inform CEC, in written form, about taking such a decision.

Funding restrictions. It is prohibited to receive funding from legal entities from abroad, including from those with venture capital, from other states or international organisations, including international political organisations; from citizens of the Republic of Moldova who are below the age of 18 and citizens or who are under any form of judicial protection in form of guardianship; from public authorities, organisations, enterprises, public institutions and other legal entities funded from the public budget or from state-owned entities, except the cases when the provision of services or the material support is expressly provided by law.

Besides this, it is prohibited to receive funding from legal entities that three years before the beginning of the election period conducted activities funded or paid from public means (funds) as well as from legal entities with foreign participation or venture capital; from anonymous persons or on behalf of third parties; from individuals who are not citizens of the Republic of Moldova; from non-commercial organisations, trade unions, charity or religious organisations⁸⁷.

Financial reporting. Initiative groups/electoral contenders have the obligation to submit to CEC, within three days from the opening of the account 'Intended for the initiative group' and 'Electoral Fund' account, and later, once a week, a report about the accumulated financial means and expenses made during the signature collection and election campaign. The reports shall be published on CEC's official website within 48 hours from submission⁸⁸.

⁸⁶ Article 41(2) of [Electoral Code](#).

⁸⁷ Article 41(3) (a), (b), (c), (d), (e), (f), (g), (h) of [Electoral Code](#).

⁸⁸ Article 43 of [Electoral Code](#).

VIII. HATE SPEECH AND INCITEMENT TO DISCRIMINATION

In 2017 Promo-LEX Association started to monitor hate speech and incitement to discrimination in the public space and media in the Republic of Moldova, including among electoral contenders during elections.

The data of the monitoring missions conducted between 2018 and 2020 revealed that the dynamics of the use of hate speech raises during pre-electoral and electoral periods and decreases when they end. Currently, there is no reliable legal framework and no mechanisms to prevent, combat and sanction this phenomenon and the authorities do not have a response to hate speech in electoral context.

Between December 2020 and April 2021, the Parliament of the Republic of Moldova had not taken action to comply with the Constitutional Court recommendations of 2016 and 2020 on the review of legislation and establishment of mechanisms for the control and sanctioning the involvement of religious cults in election campaigns and for preventing and combating hate speech among electoral contenders, including in the online environment.

8.1. Monitoring the hate speech during the election period

Hate speech is a form of intolerant and aggressive expression, which promotes, justifies and incites to hate against an individual or a group of individuals on the basis of a protected criterion: sex, language, colour, religion, disability, sexual orientation or another similar criterion. Whereas this type of speech determines the spread of intolerance in the public space and can lead to stigma, marginalisation, discrimination and acts of violence, hate speech represents derogatory forms of the right to freedom of expression.

In the Republic of Moldova, hate speech is a phenomenon that gains momentum and is increasingly used in the public space and in the media, which is confirmed by the monitoring reports of the Promo-LEX Association of 2018, 2019 and 2020. The results of the monitoring for 2018⁸⁹ revealed that on average, two new cases of hate speech occurred every day, while in 2019⁹⁰ this figure increased up to 4.2 new cases per day. During the Presidential Elections of 2020, according to the monitoring report⁹¹, 4.9 new cases were registered per day, which represents a 2.3 fold increase as compared to 2019, when in the context of Parliamentary Elections of 24 February 2019 and of general local elections of 20 October 2019, a number of 190 cases of hate speech were registered.

The monitoring revealed the existence of various gaps at national level and the most important are the lack of legal framework that would allow to sanction this type of speech, including during election campaigns and the lack of mechanisms for monitoring and combating this phenomenon.

Thus, currently, the authorities do not have a response to hate speech in electoral context and the general mechanisms such as courts or the Council for the Prevention and Elimination of Discrimination and Ensuring Equality (CPEDEE), can examine the rhetoric of hatred from civilian point of view, but cannot provide a solution that would solve the problem from electoral point of view. In this respect, the hate speech is completely uncontrolled, regardless the impact it has on the electoral process.

Thus, Promo-LEX Association formulated a series of recommendations to improve the legal and policy framework in the field and to prevent the cases of hate speech in electoral context.

⁸⁹ [2018 Report](#): 'Hate Speech and Incitement to Discrimination in the Public Space and Media in the Republic of Moldova' (monitoring period: 15.02.2018 – 15.08.2018).

⁹⁰ [2019 Report](#): 'Hate Speech and Incitement to Discrimination in the Public Space and Media in the Republic of Moldova' (monitoring period: 11.01.2019 – 11.04.2019) and [2019 Report](#): 'Hate Speech and Incitement to Discrimination in the Public Space and Media in the Republic of Moldova' (monitoring period: 01.08.2019 – 30.11.2019).

⁹¹ [2020 Report](#): 'Hate Speech and Incitement to Discrimination in the Public Space and Media in the Republic of Moldova during the Election Campaign for the Presidential Elections of 1/15 November 2020' (monitoring period: 01.09.2020 – 30.11.2020).

In March 2020, Promo-LEX published an Analytical Note⁹² regarding the hate speech during election campaigns and drew the attention of Central Electoral Commission (CEC) on the importance to supplement/amend the electoral law and include provisions that define the hate speech and incitement to discrimination during electoral processes.

8.2. Methodological guiding points of hate speech monitoring

Promo-LEX Association will monitor the hate speech and incitement to discrimination during the election campaign for early Parliamentary Elections of 11 July 2021. The monitoring will be conducted on the basis of monitoring methodology developed by Promo-LEX in consultation with the relevant stakeholders (CPEDEE, CEC, Broadcasting Council, non-government media organisations, etc.).

The monitoring methodology comprises the analysis of legislative developments in the field of non-discrimination and hate speech that were registered in the period between the 2020 Monitoring Report and the current monitoring process, the response of authorities to cases of hate speech and incitement to discrimination and the analysis of such speech in the public space and media during the election campaign for early Parliamentary Elections of 11 July 2021.

Aim of the monitoring: Analyse and assess the degree of hate speech and incitement to discrimination in the public space and media in the Republic of Moldova during the election campaign for the Parliamentary Elections of 11 July 2021 and the methods to respond and sanction this type of speech by the authorities.

The dynamics and intensity of hate speech will be analysed on the basis of information collected during the monitoring of the public space and media in the Republic of Moldova.

Monitoring period: 11.05.2021 – 25.07.2021. The monitoring will be conducted by seven monitors. The identified cases will be reported on the basis of monitoring questionnaires. The questionnaires contain a series of categories that are necessary in order to measure and analyse the general data, such as: publication date of reported cases, category of sources, the authors who delivered the hate speech, etc.

The questionnaire comprises sections relevant for the direct analysis of the way the discrimination and intolerance is expressed, such as: the criterion of discrimination, sex and age of the authors of hate speech, sex and age of targeted people, impacted groups, comments that incite to hate, etc. The questionnaire comprises sections for the quantitative analysis of certain data, such as: total number of shares and views of reported cases and the number of media pickups about these cases.

Object of the monitoring: Online media sources, TV, social media, online platforms for storing and disseminating information, public events, public statements of electoral contenders and of their supporters, members of political parties, politicians, opinion leaders, etc.

Strategy for the selection of media sources: Media sources will be selected on the basis of audience indicators and of studies for measuring the internet traffic, as well as on the basis of surveys conducted by sociological companies. Electoral contenders will be included on the lists of sources that are to be monitored in accordance with the list of registered political parties published by the Central Electoral Commission and with the public data about their degree of notoriety. Political and religious figures will be selected on the basis of studies and sociological surveys regarding the trust of the public, and depending on their presence in the media.

Theoretical and practical approach: To analyse and interpret the data, the extended approach of the concept of hate speech will be further used, which comprises the legal definitions from the national and international legislation and the related concepts such as incitement to discrimination, sexist speech, homophobic, racist, incitement to violence, threat, support of ideologies based on the

⁹² [Analytical Note](#) on the importance to supplement/amend the electoral law and include provisions that define the hate speech and incitement to discrimination during electoral processes, 2020.

superiority of a group, defamation and public insult based on the depreciation or denigration of a group and public promotion of intolerance.

The data of the monitoring will be analysed and presented to the public, authorities and electoral contenders in order to raise the awareness and prevent the use of hate speech. Following the interpretation of the data, conclusions and recommendations will be made for the actors concerned (media, political parties, electoral contenders and authorities) regarding the improvement of legal framework, the behaviour during the election campaigns, the coverage of hate speech in the media and the practices of sanctioning this type of speech.

8.3. Legal framework on hate speech

In the spring of 2020, during the public consultations of the draft initiated by CEC on the amendment of electoral law and the related legal framework (draft Law No 263⁹³), Promo-LEX came with a series of proposals regarding the regulation of hate speech in the Electoral Code (Article 1), Criminal Code (181³) and the Contravention Code (Article 52)⁹⁴.

On 9 July 2020, the draft Law No 263/2020 was voted by the Parliament in first reading, which was to be supplemented and completed. In this respect, the Committee on Legal Affairs, Appointments and Immunities organised public consultations on 14 July 2020⁹⁵. The lack of a general consensus regarding the draft Law No 263, the Parliament decided to ask the opinion of Venice Commission, which was published on 19 August 2020⁹⁶.

In December 2020, the Constitutional Court, by Decision No 30 of 10.12.2020⁹⁷, pronounced its decision on the notification No 189e/2020 on the confirmation of the results of elections and validation of the mandate of President of the Republic of Moldova, filed with CEC. In this context, the Court issued a Recommendation to the Parliament⁹⁸, asking to regulate *'certain mechanisms for the control and fast sanctioning in order to prevent and combat hate speeches among electoral contenders, including in the online environment and social media'*.

However, during December 2020 – April 2021, no progresses were registered in the process of finalization of the draft Law No 301 of 01.07.2016 for the amendment and addenda to some legal acts on the regulation of crimes motivated by prejudices, the version merged with the draft No 277 of 20.06.2016, reviewed by the Ministry of Justice in 2019.

So far, the Parliament did not finalize and did not adopt the draft Law No 301/2016 and did not revisit the draft Law No 263/2020. Thus, the national legislation in the field of hate speech does not comply with the international standards and the phenomenon of hate speech and incitement to discrimination during the election campaign continues to lack monitoring and be unsanctioned.

⁹³ [Draft Law No 263/2020 on their amendment of some regulatory acts.](#)

⁹⁴ [Proposals](#) of CFFE on the amendment and addenda of the Electoral Code No 1381-XIII/1997 and of related laws.

⁹⁵ [Parliament of the Republic of Moldova, 14.07.2020, Public consultations on draft Law No 263/2020.](#)

⁹⁶ [The Venice Commission, Opinion on draft Law No 263/2020.](#)

⁹⁷ Constitutional Court, [Decision No 30 of 10.12.2020](#), on the confirmation of the results of elections and validation of the mandate of President of the Republic of Moldova on the basis of notification No 189e/2020.

⁹⁸ Constitutional Court, [Recommendation No PCC-01/189e/597 of 10.12.2020.](#)

IX. ELECTORAL EDUCATION ȘI INFORMATION

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

In the context of early Parliamentary Elections of 11 July 2021, the Promo-LEX Association will conduct a campaign for electoral information and education and apolitical mobilization of citizens of the Republic of Moldova with the right to vote. This will comprise electoral debates; creation and dissemination of two video spots; online campaign for information and apolitical mobilization, etc.

The target group of the campaign are citizens of the Republic of Moldova with the right to vote, including those from the transnistrian region and from diaspora. The general objective of the campaign is to help improve the level of participation of the citizens of the Republic of Moldova in the early Parliamentary Elections of 11 July 2021. Also, the campaign will promote a more informed vote. The campaign will be conducted during June-July 2021 and comprises the following activities:

- **Electoral debates:** To facilitate a platform for debates among electoral contenders and voters, Promo-LEX will organise 10 electoral debates with the participation of electoral contenders. In this respect, Promo-LEX will work with various media partners.
- **Information activities:** Promo-LEX also intends to conduct an online campaign of information and apolitical mobilization. This will particularly target the votes from transnistrian region and will comprise thematic shows, video reports, reports, information and motivational posts about the election and the importance of the vote. The campaign will be conducted on social media and in the national and regional media.
- **Video spots:** To promote the informed vote and the apolitical mobilization of voters, two video spots will be created and promoted on TV, radio and in social media.
- **Grants for nongovernmental and media organisations:** Also, the Promo-LEX Association will provide 3-4 grants in the total amount of USD 45, 000.00 to nongovernmental and media organisations for projects aimed to promote the participation in the elections of the citizens of the Republic of Moldova during early Parliamentary Elections of 11 July 2021.

9.2. Training and information activities organised for voters by CEC and CICDE

Training activities. According to the schedule of the organisation and conduct of early Parliamentary Elections of 11 July 2021, CEC and CICDE plan to organise and conduct the following seminars:

- republican seminar on early Parliamentary Elections, with the participation of level-two DEC chairs and secretaries;
- training seminars for DEC and PEB members;
- seminars, when necessary, for the representatives of relevant bodies, treasurers, accountants, operators.

The training plan of CICDE for early Parliamentary Elections of 11 June 2021⁹⁹, approved on 11 May, targets the training of 11,447 beneficiaries: electoral officials and ancillary staff who work within electoral bodies, representatives of institutions with duties in organising the elections.

The training of electoral officials and of other categories of beneficiaries will be carried out in five stages: ongoing training of trainers, training of level-two DECs, training of PEB, training in the field of information technologies (registrars, SIAS operators), training of other stakeholders (IGP, judges).

Besides the trainings for electoral officials, CICDE developed and published its educational offer for other electoral stakeholders¹⁰⁰. The document comprises training activities for people who reached the age of 18 and are interested in the organisation of elections from A to Z; potential

⁹⁹ The training [plan](#) of CICDE for early Parliamentary Elections of 11 June 2021.

¹⁰⁰ Educational [offer](#) of CICDE for early Parliamentary Elections of 11 June 2021.

representatives of electoral contenders who have the right to consultative vote, observers and trusted persons; potential observers from electoral contenders or civil society organisations; media representatives, journalists and other interested persons as well as for the broad public.

Information activities. As regards the information of voters, CEC developed and launched two video materials with information about the preliminary registration of citizens domiciled in a settlement from the left bank of Nistru River and of the citizens of the Republic of Moldova with the right to vote and live abroad.

RECOMMENDATIONS

To the Central Electoral Commission:

1. Conduct public consultations and approve in the near future by CEC of the Guidelines on COVID-19 prevention measures during the election period, with the preliminary endorsement of the document by NEPHC.
2. Develop an action plan and make the relevant request to the Government and to the National Extraordinary Public Health Commission (NEPHC) regarding the priority vaccination of officials and/or of potential electoral officials and of individuals who are authorised to be present at the electoral operations.
3. Conduct public consultations of procedures for the establishment of polling stations for voters from abroad and for those from the transnistrian region of the Republic of Moldova.
4. Enhance the efforts to inform the citizens of the Republic of Moldova who will be abroad on the election day, as well as those from the transnistrian region, about the need and importance of preliminary registration.
5. Conduct activities to promote a balanced public speech during electoral processes and to discourage electoral contenders to use rhetoric based on intolerance.
6. Inform actively the citizens about the mechanism and the possibility/opportunity to declare the new place of stay with the local public administration body.
7. Ensure proactive and efficient communication with local public authorities from the settlements where polling stations will be established for voters from the transnistrian region.
8. Inform members and employees of electoral bodies on how to identify hate speech, sexism, racism, homophobia and the way they are expressed, about the protected criteria and prejudices in the society and their sanctioning.
9. Review the Regulation on the peculiarities of nomination and registration of candidates for the position of Member of Parliament of the Republic of Moldova with the aim to remove the provisions that create confusions for electoral contenders.

To local public authorities:

10. Prepare sufficient human resources to ensure the precinct electoral bureaus and district electoral councils with the number of candidates legally set by local authorities.
11. Identify locations for a good organisation of the activity of precinct electoral bureaus.

To the political parties and potential electoral contenders:

12. Condemn the hate speech and not use it in the public space, in the media and in the online environment. Apply disciplinary sanctions when party members use this type of speech and break the association with intolerant messages generated by their members when they are not authorised to speak on behalf of the party.

To the Broadcasting Council:

13. Give a firm response to all the cases of hate speech and apply efficiently the Code of audiovisual media services on hate speech, sexist speech and the measures aimed to ensure equality among audiovisual products, including during the election campaigns.

LIST OF ABBREVIATIONS

para. – paragraph

LPA – Local Public Authorities

art. – Article

PEB – Precinct Electoral Bureau

BE – Electoral Bloc

BNM – National Bank of Moldova

CEC – Central Election Commission

DEC – level-two District Constituency Council

IC – independent candidate

CICDE – Centre for Continuous Electoral Training

CNESP – Extraordinary National Commission for Public Health

l. – letter

OM – Observation Mission

mun. – Municipality

No – number

t. – town

OSCE – Organization for Security and Cooperation in Europe

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

LTO – Long Term Observer

STO – Short-Term Observer

PAS – Action and Solidarity Political Party

PP – Political Party

PPŞ – Şor Political Party

PSRM – Socialist Party of the Republic of Moldova

p. – Item

SVR - State Voter Register

v. – village

PS – polling station

ATU – Administrative Territorial Unit

USAID – United States Agency for International Development