



# **REPORT no. 1**

## **Observation Mission**

### **General Local Elections and New Parliamentary Elections of 20 October 2019**

Monitoring period: 18 June – 14 August 2019

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

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## EXECUTIVE SUMMARY

**Political context.** The pre-election period has been characterized by a delay in constituting the parliamentary majority, which led to uncertainties with regard to the date of the general local elections. Political context of local elections was outlined by the establishment of a new governing alliance (the PSRM, PAS, PPPDA) and the PDM (ruling party since 2009) moving to the opposition. Party switching by the local elected officials is another consequence of the relations established in the political and administrative system during the inter-election period.

**Legal framework.** Basically, the principle of stability of electoral law has been respected, since the fundamental elements of electoral law, including with reference to general local elections, have not been amended until 14 August 2019 – the year before the elections. At the same time, the Promo-LEX OM considers that the approval, in the final reading, and the possible entry into force of draft law no. 36 for the modification of some legislative acts (Electoral Code, Contravention Code etc.) at the beginning of electoral period for local elections can create uncertainties and difficulties in organizing and conducting the elections.

Compared to the candidates appointed by political parties and electoral blocs, the legislation continues to treat independent candidates unequally, as only they are required to collect signatures on subscription lists. In addition, according to the Mission, there are legal uncertainties regarding the mechanism for collecting signatures and drawing up financial reporting in the case of local elections.

Only 4 of the 16 recommendations for amending the legislation made by the Promo-LEX OM in the previous general local elections (2015) have been taken into account in whole or in part. Some of the important issues that remain unsettled in the context of local elections are: uncertainties regarding the election date and defining the electoral period, lack of a legal mechanism to prevent "artificial migration of voters", voting of citizens that do not have a permanent place of residence or domicile, electoral bodies' compliance with the provisions of Electoral Code in the context of issuing absentee voting certificates etc.

*New parliamentary elections.* With regard to the conduct of the new parliamentary elections, the Promo-LEX OM considers that the mandate of MPs Maia Sandu and Andrei Nastase legally ceased on 8 July 2019 due to the incompatibility of their positions, respectively, the date of the new parliamentary elections was to be set between 7 September 2019 - 7 October 2019.

**Electoral bodies.** The composition of the CEC changed during the monitored period: three members, including the president and the vice-president, resigned, being replaced by three other candidates, appointed and confirmed by the Parliament. Additionally, the secretary of the body resigned from the administrative position. A new leadership of the CEC was elected, managing to ensure the authority's functionality on the eve of the electoral period. It is for the first time ever that the CEC membership is made up of 100% men. Promo-LEX considers it judicious to review the mechanism for setting up the CEC, including by diversifying the authorities entitled to appoint members.

**State Registry of Voters.** Continuous increase in the number of voters in the State Registry of Voters (SRV), signaled by the Promo-LEX OM in previous elections, against the backdrop of a natural decrease of population in the Republic of Moldova since 1999, raises questions regarding the quality of management of the State Registry of Population (SRP), implicitly the SRV. Contrary to the previous practices when the CEC published data of the SRV at the beginning of electoral period, on 14 August 2019, data on the number of voters were not displayed on the website of the authority (the electoral period for the new parliamentary elections started on 2 August this year).

Based on the recent experience of observing the parliamentary elections in 2019, Promo-LEX emphasized such problems as erroneous assignment of voters to PSs; errors in the address and presence of deceased persons on the voters' lists. At the same time, the conclusions of the Promo-LEX OM on the general local elections of 2015 reiterate another problem specific to local elections: artificial migration of voters.

**Electoral competitors.** In the case of local elections, parties, electoral blocs and independent candidates can act as electoral competitors, but only independent candidates are required to collect signatures in support of their candidacy. In the case of political parties, based on previous experiences, the Promo-LEX OM emphasizes the necessity to respect the statutory provisions on party organizations holding the right to nominate candidates and the existence of a valid (unexpired) leadership mandate, in order to submit the documents necessary for the nomination and registration of candidates in full compliance with the provisions of the legal framework.

Additionally, during the monitored period, the Promo-LEX OM identified at least three cases that can be qualified as early nomination of candidates for the position of mayor and at least one situation of using the image of public authority in promoting an eventual electoral competitor.

**Observing the financing of electoral campaigns** remains a priority for the Promo-LEX OM. In this respect, the Mission will compare the expenses reported to the CEC and the lower electoral bodies by electoral competitors with the activities and expenses estimated following civic observation.

**Hate speech.** Hate speech is a phenomenon that is increasingly gaining scope and intensity in the Republic of Moldova, including in the electoral context. Currently, there is no relevant legal framework or mechanisms to combat this phenomenon, and the authorities have no response to hate speech in the electoral context.

Starting with the new local elections and the local referendum held in Chisinau in November 2017, the Promo-LEX OM has also been monitoring the phenomenon of hate speech used by the electoral competitors in the elections. Based on the monitored sources of information, the Association identifies cases of hate speech, the subjects that resort to hate speech in their electoral messages and those affected by this type of discrimination.

## INTRODUCTION

Report no. 1 has been developed within the framework of the Promo-LEX Observation Mission (OM) of the general local elections of 20 October 2019 and includes the result of monitoring the pre-election period with an emphasis on the period of 18 June 2019 (announcement of the election date by the Parliament of the Republic of Moldova) to 14 August 2019. The Report also includes the findings of the Observation Mission on the preparation for the new parliamentary elections in four single member constituencies to be held on 20 October 2019 simultaneously with the general local elections. The content of this document may be subject to editorial review.

This report contains the main findings and trends specific to the pre-election/ election period of 20 October 2019 elections. The conclusions and recommendations of the OM in the current report refer to the political and legal context of the forthcoming elections, linking the monitoring experience of the past elections with the socio-political events that might have a potential electoral impact during the pre-election period.

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

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

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

All the observers involved in the monitoring process are trained in the seminars organized by the Promo-LEX Mission and sign the Code of Conduct<sup>1</sup> of the Promo-LEX Independent National Observatory, committing to act in good faith and in a non-partisan way. The activity of all observers is coordinated by the central team of the Association.

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

The Promo-LEX OM for the general local elections and the new parliamentary elections of 20 October 2019 is a project carried out by the Promo-LEX Association within the Civic Coalition for Free and Fair Elections. The Promo-LEX OM is not a political opponent of the competitors involved in the electoral process, it is not an investigative body and does not assume the express obligation to prove the observed findings. However, observers' reports are accompanied, as far as possible, by photographic and video evidence, which can only be made available to law enforcement bodies, on the basis of

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

appropriate requests, and in no case, shall it be provided to electoral competitors. At the same time, the violations, including the alleged ones, which are found in this report, must be treated by the electoral authorities in the light of the provisions of art. 22, para. (1), letter q) and art. 68, para. (5) Electoral Code, including as notifications filed by observers and be examined by the competent authorities.

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

Promo-LEX is a public association that aims at developing democracy in Moldova, including in the Transnistrian region, by promoting and protecting human rights, monitoring democratic processes and strengthening the civil society. The Association organizes Election Observation Missions in the Republic of Moldova since 2009, the current mission being the 18th. Additionally, the employees and members of the Association have extensive international experience and participated in election observations in the International Missions of Armenia, Germany, Georgia, Estonia, Norway, Romania, Sweden, Ukraine etc.

The international standards referred to in this report are those developed by the UN, OSCE, the European Commission for Democracy through Law, the European Union and the Council of Europe. At the end of this report, we formulated preliminary recommendations for public authorities, electoral bodies, electoral candidates / participants in the referendums and other stakeholders to ensure the optimization of the electoral process.

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## **I. POLITICAL CONTEXT**

*The pre-election period has been characterized by a delay in constituting the parliamentary majority, which led to uncertainties with regard to the date of the general local elections. Political context of the local elections was outlined by the establishment of a new governing alliance (the PSRM, PAS, PPPDA) and the PDM (ruling party since 2009) moving to the opposition. Party switching among the local elected officials is another consequence of the relations established in the political and administrative system during the inter-election period.*

### **1.1. Description of the institutional framework**

Administratively, the territory of the Republic of Moldova is divided into villages, cities, districts and the Autonomous Territorial Unit of Gagauzia. In terms of public administration, in villages (communes) and cities (municipalities), the local autonomy is realized through local councils as deliberative authorities, and mayors as executive authorities. In districts, the local autonomy is realized through district councils as deliberative authorities, and district presidents, as executive authorities.

In the general local elections, mayors of the cities (municipalities), villages (communes) and councilors of district, city (municipal) and village (communal) councils are elected for a term of four years in a universal, equal, direct, secret and freely expressed suffrage.

On 14 June 2015, the last general local elections were held, when the local public administration was elected for a four-year term. Therefore, their term of office expired in June 2019 and the next general local elections had to be organized.

By the Parliament Decision no. 53 of 18 June 2019, the day of general local elections was set for 20 October 2019. As it was the case of the previous local elections, electoral authorities do not plan to organize elections of the local public authorities in the Transnistrian region, which is currently not controlled by the constitutional authorities of the Republic of Moldova.

Election of district mayors and district councils in the municipality of Chisinau has been repeatedly postponed for the next elections (2023), invoking implementation difficulties<sup>2</sup>.

### **1.2. Impact of the parliamentary elections of 24 February 2019**

The general local elections of 20 October 2019 will be held within eight months after the parliamentary elections of 24 February 2019. The Constitutional Court confirmed the results of the parliamentary elections of 24 February 2019 and validated the mandates of elected MPs on 9 March this year, but the new Government was elected only on 8 June 2019.

*Thus, the pre-election period has been characterized by a delay in constituting the parliamentary majority, which led to uncertainties with regard to the date of the general local elections. Additionally, the political context of the local elections was influenced by the establishment of a new parliamentary majority (the PSRM, PAS, PPPDA) and by the fact that the PDM (ruling party since 2009) and the PPS moved to the opposition. Party switching among the local elected officials is another consequence of the relations established in the political and administrative system during the inter-election period.*

The date of the local elections was set by the Parliament of the Republic of Moldova only on 18 June 2019, about 10 days after the creation of the parliamentary majority. It is the first time since the first local elections of April 1995, that the interval between the expiry of the four-year term of the local

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<sup>2</sup> <http://bit.ly/2Z6ShGZ>



officials and the date of the next elections exceeds four months. To exclude such situations, on 21 June 2019, the Government initiated a draft decision on the approval of the draft law to hold local elections on a fixed day - the third Sunday of October. We believe that this will provide foreseeable terms and will prevent political involvement on the part of the central authorities regarding the date of the elections. By the time the present Report was published, these changes have not been approved by the Parliament.

Considering the establishment of a new government, which has not been made based on the proximity of declared geopolitical messages, the local elections of 2019 seem to take place against an idealistic background characterized by the antagonisms of the new and the old governments on issues such as oligarchization / capture of state institutions rather than on geopolitical interests, as in previous elections<sup>3</sup>.

The change of the parliamentary majority also triggered the modification of electoral legislation within a timeframe close to the electoral period, some of the proposals for amendments affecting fundamental aspects (annulment of the mixed electoral system in parliamentary elections), though it does not directly relate to the legal framework on the organization and conduct of the local elections.

Against the background of political changes, 3 out of 9 CEC members resigned, including the president and the vice-president of the body. Additionally, the secretary of the CEC resigned from the administrative office.

### 1.3. Party-switching and cases of intimidation invoked by local elected officials

According to the official data reflected on the CEC website, after the organization of local elections in 2015 - 2018 (including new local elections), representatives of 12 political parties and independent candidates were elected to 898 local public authorities (see Table no. 1). Most elected mayors were appointed by the PDM (302), followed by the PLDM (277) and the PCRM (77).

As it was the case with the MPs of the 20th legislature (2014 - 2018)<sup>4</sup>, in the period between the local elections of 2015 and those scheduled for 20 October 2019, local governments have been characterized by party-switching. Thus, in the case of the PDM, 302 mayors appointed by this political formation had been elected in the local elections, then in January - February 2019, it was found that at least 550 mayors were affiliated with this political party<sup>5</sup>.

*Table no. 1. Evolution of mayors' political affiliation*

<i>Political affiliation</i>	<i>Local elections of 2015 - 2018 (CEC official data)</i>	<i>The situation as of February 2019 (Promo-LEX OM data)</i>	<i>Trend</i>
PDM	302	550	+248
PLDM	277	96	-181
PCRM	77	47	-30
IC	68	68	-
PSRM	51	46	-5
PL	48	37	-11

<sup>3</sup> OSCE / ODIHR restricted law enforcement mission. Final report. Local elections, June 14 and 28, 2015. Republic of Moldova, p. 4. <http://bit.ly/2LXjpBw>

<sup>4</sup> Observation Mission for the Parliamentary Elections of 24 February 2019. Final Report, p. 13. <https://bit.ly/31dbx3a>

<sup>5</sup> The information has been collected by Promo-LEX observers in the context of the parliamentary elections of 24 February 2019, in the discussions with the local elected officials, employees of local authorities or local residents.

PPPN	42	28	-14
PPEM	27	21	-6
PNL	2	1	-1
MSPR	1	0	-1
PCNM	1	0	-1
PPS	1	2	+1
PPRM	1	0	-1
PAS	0	1	+1
PUN	0	1	+1

In the same context, it should be mentioned that the number of local elected officials that sympathize with the PDM, be it sympathy expressed voluntarily or in an organized / forced manner, was much higher in July 2018, when about 713 mayors (out of the total of 898) signed an open letter addressed to European diplomats, in which, along with the PDM, the mayors expressed their outrage at the Resolution adopted by the European Parliament on 5 July 2018, suspending the macro-financial assistance for an indefinite period of time<sup>6</sup>.

Local elected officials of level II also confirmed that organized / forced display of sympathy with the PDM was much appreciated at the beginning of 2018. Thus, 21% of the total number of respondents confirmed that *physical or mental intimidation and threats were the most common abusive methods of influencing local elected officials*. The situation was recorded when about 45% of the respondents refused to answer any questions. It is important to note that all the local elected officials who indicated specific cases of intimidation had done so, provided that they remained anonymous<sup>7</sup>.

After the change of political power, it seems that a reverse process has started, the local elected officials are abandoning the PDM<sup>8</sup>.

#### 1.4. Organization of new parliamentary elections

As the Government was formed under the conditions of the legal provisions on mixed electoral system<sup>9</sup>, on 26 July 2019, the Parliament of the Republic of Moldova adopted the decisions no. 92, 95 and 96, which took note of the resignations of three MPs elected in the single member constituencies no. 33, 48 and 50. Subsequently, by the Decision no. 102 of 30 July 2019, the Parliament took note of the letter of resignation filed by the MP elected in SMC no. 17. Consequently, the offices of four officials elected in single member constituencies were declared vacant:

- Andrei Nastase, ACUM Electoral Bloc, elected in the single member constituency no. 33 (Chisinau);
- Viorel Melnic, independent MP, elected in the single member constituency no. 48 (southern Transnistrian region);
- Maia Sandu, ACUM Electoral Bloc, elected in the single member constituency no. 50 (abroad, territory to the west of the Republic of Moldova);
- Vladimir Plahotniuc, the PDM, elected in the single member constituency no. 17 (Nisporeni).

Thus, by the decisions no. 2543 of 29 July 2019 and 2549 of 31 July 2019, the CEC set the date of 20 October 2019 for the organization and conduct of new parliamentary elections, in conjunction with the general local elections, in the four mentioned single member constituencies.

<sup>6</sup>The resolution was criticized by the PDM, with the support of 27 district presidents. <https://bit.ly/2Yvxjlv>

<sup>7</sup>Promo-LEX Report no. 2 Monitoring the transparency of LPA II. <https://is.gd/qqR8zE>

<sup>8</sup>11 mayors from Donduseni are abandoning the PDM. <http://bit.ly/2Yv8RMh>

<sup>9</sup>According to art. 105, para. (1) of the Electoral Code, if the office of an MP has become vacant, the CEC shall set the date of the new elections within at least 60 days from the vacancy, but no later than more than 3 months from that date.

## II. LEGAL FRAMEWORK

**General local elections.** Basically, the principle of stability of electoral law has been respected, since the fundamental elements of electoral law, including with reference to general local elections, have not been amended until 14 August 2019 - the year before the elections. At the same time, the Promo-LEX OM considers that the approval, in the final reading, and the possible entry into force of draft law no. 36 for the modification of some legislative acts (Electoral Code, Contravention Code etc.) at the beginning of electoral period can create uncertainties and difficulties in organizing and conducting the local elections.

Compared to the candidates appointed by political parties and electoral blocs, the legislation continues to treat independent candidates unequally, as only they are required to collect signatures on subscription lists. In addition, according to the Mission, there are legal uncertainties regarding the mechanism for collecting signatures and drawing up financial reporting in the case of local elections.

Only 4 of the 16 recommendations for amending the legislation made by the Promo-LEX OM in the previous general local elections (2015) have been taken into account in whole or in part. Some of the important issues that remain unsettled in the context of local elections are: uncertainties regarding the election date and defining the electoral period, lack of a legal mechanism to prevent "artificial migration of voters", voting of citizens that do not have a permanent place of residence or domicile, electoral bodies' compliance with the provisions of Electoral Code in the context of issuing absentee voting certificates etc.

**New parliamentary elections.** With regard to the conduct of the new parliamentary elections, the Promo-LEX OM considers that the mandate of MPs Maia Sandu and Andrei Nastase ceased legally on 8 July 2019 due to the incompatibility of their positions, respectively, the date of the new parliamentary elections was to be set between 7 September 2019 - 7 October 2019.

### 2.1. Modification of electoral and related legislation within one year of the elections

The principle of stability of electoral law states that the fundamental elements of electoral law, in particular the electoral system itself, the membership of electoral commissions and delimitation of the boundaries of electoral constituencies, should not be amended at least one year before the elections or should be dealt with at constitutional or at a level higher than that of ordinary law<sup>10</sup>. In this regard, we note that in the year before the general local elections, the Electoral Code has been amended four times at the initiative of the Parliament of the Republic of Moldova, though the changes are mostly technical, which do not refer to the three aspects mentioned by the Venice Commission:

- 1) By Law no. 271 of 23.11.2018 the term "bonus" was replaced by the term "compensation" in the article which provides for the remuneration of permanent employees of the CEC apparatus.
- 2) By Law no. 302 of 30.11.2018 changes have been made to the calculation of compensation of the officials serving in the district electoral council and of the relieved officials<sup>11</sup>.
- 3) By Law no. 238 of 08.11.2018 (published in the Official Gazette on 30.11.2018), the provision of art. 13, para. (1), let. b) is reintroduced with the following content: "b) deprived of the right to vote through the final decision of the court". This law came into force on 30.12.2018. Respectively, starting with 31 December 2018, when establishing the measure of judicial protection, the court decides on the right to vote by evaluating the cumulative criteria<sup>12</sup>. Also, through this law, the Ministry of Internal Affairs, the

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<sup>10</sup> Code of Good Practice in Electoral Matters. <https://bit.ly/2QFOFaQ>

<sup>11</sup> For the activity during the electoral period, including on the election day, members of unrelieved and non-convened electoral bodies, as well as the officials of the electoral bureaus, are granted a compensation of 20% of the average salary for the previous year.

<sup>12</sup> Art. 308<sup>11</sup>, para. (2), (3) of the Code of Civil Procedure.

Ministry of Justice and the National Integrity Authority are obliged to inform electoral bodies about the existence of prohibition to hold official positions and about the existence of criminal records.

4) By Law no. 268 of 23.11.2018 (published in the Official Gazette and entered into force on 14.12.2018), the ban on electoral campaigning on the day of the election and on the day before the election was removed, keeping the restriction only for the precinct of the polling station and the entrance to the polling station. In this respect, both the Electoral Code and the Contravention Code were amended, which provided for sanctions for conducting electoral campaigning on election day and on the day before the election.

At the same time, it should be mentioned that on 29.03.2019, the draft law no. 36 for amending some legislative acts (Electoral Code, Law on Political Parties, Contravention Code)<sup>13</sup> was registered and subsequently voted in two readings, but not in the final reading<sup>14</sup>. In addition to the proposed changes for the annulment of the mixed electoral system and the return to the proportional system - provisions pertaining to the parliamentary elections, this draft law also proposes to modify the provisions that refer to all suffrages, namely the exclusion of certificates of integrity, ban on electoral campaigning on the election day, decrease of the amount of donations, change of the provisions on the financing of electoral campaigns.

In this regard, *taking into account the fact that there is limited time until the start of electoral period for local elections and the electoral period for the new parliamentary elections has already started, we recommend to the Parliament of the Republic of Moldova to include in the final provisions of the draft law a norm setting the deadline for the entry into force of the amendments to the Electoral Code after the general local elections are held.* Otherwise, the electoral process will be deprived of the necessary predictability, the acts subordinated to the law (CEC Regulations) will be approved within the electoral period, and both the electoral officials and the voters could be disoriented with regard to the prohibitive or prescriptive norms applicable to the given ballot. If the draft law is expected to be voted on in the final reading during the electoral period, we suggest to the Parliament to do this without delay.

Also, Law no. 436/2006 on the local public administration was amended by Law no. 53 of 18.06.2019 (published in the Official Gazette on 28.06.2019 and entered into force on 28.07.2019), thus, the date when the provisions on the organization and functioning of public administration authorities of the Chisinau municipal districts enter into force being postponed for the third time. Respectively, the election of the district councils and district mayors of Chisinau municipality is postponed in line with art. 56 of the above law.

We highlight the fact that although the CEC initiated the elaboration and modification of some regulations that will regulate the electoral process in the local elections on 10 April<sup>15</sup>, by the time the present report was drafted<sup>16</sup>, they had not been approved by the CEC.

## **2.2. Problematic aspects of the implementation of the legal framework**

### **2.2.1. Collecting signatures for independent candidates by initiative groups or authorized persons**

Art. 47 of the Electoral Code provides for the signature collection procedure, including in local elections, in particular, para. (2) mentions that candidates, including the independent ones, and

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<sup>13</sup> <https://bit.ly/20Aislu>

<sup>14</sup> Plenary Session of 11.06.2019, Plenary Session of 31.07.2019.

<sup>15</sup> <https://bit.ly/2TIXOnQ>

<sup>16</sup> 14 August 2019.

members of initiative groups that designate and / or support these candidates for elections, persons empowered by them, as well as members of the initiative groups pursuing a referendum have the right to collect signatures in their support.

Unlike special rules for organizing and conducting other types of ballots, special rules governing local elections (Title V of the Electoral Code) do not refer to persons entitled to collect signatures in favor of independent candidates (neither to members of the initiative group, or to authorized persons). Moreover, according to art. 1, an initiative group is a group of citizens with the right to vote and registered under the conditions of this code by the Central Electoral Commission for collecting of signatures in support of a candidate for elective office or for the initiation of the referendum.

In this regard, it is difficult to understand the categorization made by the CEC in point 13, let. a) of the Regulation on the preparation, presentation and verification of subscription lists<sup>17</sup>, according to which the right to collect signatures rests with independent candidates and the persons authorized by them in the case of local elections and, respectively, members of the initiative group supporting an MP candidate in the single member constituency or a candidate to the office of the president of the Republic Moldova, as well as members of the initiative group that support the initiation of a referendum. We specify that both the authorized persons and members of initiative group receive credentials and bear the same responsibility for the correctness of subscription lists and the collected signatures. The difference lies in the need to register the initiative group and to submit reports on its financing.

Starting from the fact that for some settlements, in the local elections, it is required to collect more signatures and, respectively, more financial means are needed than for the parliamentary elections in single member constituencies, we consider the categorization carried out by the Regulation on the preparation, presentation and verification of subscription lists is inequitable and unjustified.

### **2.2.2. Setting the date of local elections and calculating the electoral period**

On 18 June 2019, the Parliament of the Republic of Moldova adopted the Decision no. 53, by which it set the date of 20 October 2019 for the conduct of local elections, a decision that was published in the Official Gazette on 28 June 2019 and entered into force on 1 August 2019. Taking into account the provisions of art. 130, para. (1) Electoral Code, which states that mayors are elected for a four-year term and the fact that previous local elections were held on 14 June 2015, we consider that the term of office of mayors expired on 14 June 2019.

We remind the reader that neither the Electoral Code nor the related legislation contains express provisions regarding the establishment of the date of the general local elections. According to an opinion of the Promo-LEX Association, expressed in 2015, based on the fact that art. 83 of the Electoral Code states that parliamentary elections shall be held no later than three months after the expiration of the term, applying the same principles for the local elections, we could conclude that the general local elections were to be organized between 14 June 2019 – 14 September 2019<sup>18</sup>.

According to art. 133, para. (1) Electoral Code, the date of the general local elections shall be established at least 60 days before the election day, the date of the general local elections in 2019 being set 124 days before the election day. To ensure predictability of electoral process, the decision to establish elections more than 60 days in advance is welcome, but not in the case where the term of office of the local elected officials is extended by more than three months.

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<sup>17</sup> Approved by the CEC Decision no. 1730 of 3 July 2019. <https://bit.ly/2KtK7Az>

<sup>18</sup> Express analysis. Possible scenarios for establishing the date of the general local elections of 2015, Promo-LEX. See: <https://bit.ly/2TgCOyB>

At the same time, starting from the notion of electoral period established in art. (1) Electoral Code, we conclude that the electoral period began on 28 June 2019 (the day of announcing the date of elections to the public) and, contrary to the maximum ceiling set by the same rule, it will exceed the established 90-day deadline<sup>19</sup>.

Considering the approval of the Law on normative acts no. 100 of 22.12.2017, which provides, in art. 56, that a normative act comes into force one month after the date of publication in the Official Gazette or the date indicated in the text of the normative act, which cannot be earlier than the date of its publication, as well as the tendency of the Parliament of the Republic of Moldova to set the election date within 90 days, we reiterate the *recommendation to modify the notion of "electoral period" as a period of time between the day of public announcement of the date of the elections and the day when the election results are confirmed by the competent bodies. In this regard, we opt for the extension of the 90-day term, including mentioning the authority responsible for fixing this term depending on the specific types of elections (parliamentary, presidential, general, new, referendum, etc.).*

*Stemming from the principle of predictability and stability, Promo-LEX reiterates its position on the opportunity of a longer electoral period, which in the Mission's opinion would create more favorable conditions for equal opportunities for potential competitors and offer enough time to prepare and organize the elections.*

### **2.2.3. Problematic aspects of the implementation of the legal framework highlighted in other polls, which have not been settled**

We reiterate the problematic issues highlighted in other polls, relevant to the general local elections of 20 October 2019:

- unequal treatment of independent candidates in comparison with the candidates designated by political parties or electoral blocs as only they are required to collect signatures on subscription lists. Promo-LEX OM repeatedly emphasized that, in its opinion, the conditions for the registration of independent candidates in the local elections must be similar to the conditions for the registration of the candidates nominated by the political parties or electoral blocs, following the example of the presidential elections<sup>20</sup>;
- exaggerated number of signatures to be collected by independent candidates running for the office of mayor of Balti (5,516) and Chisinau (10 000). Firstly, the *Code of Good Practice in Electoral Matters*<sup>21</sup> expressly states that the law should not require the collection of signatures of more than 1% of the voters of the respective constituency. Secondly, the figures are exaggerated in relation to the number of signatures required for the office of MP in a single member constituency, for example, 500-1000;
- inequitable attitude to independent female candidates for the position of mayor, in comparison to independent female candidates for the position of MP (lack of advantages that would encourage women to run for mayor's office)<sup>22</sup>;
- limitation of voters' right to use the absentee voting certificate in local elections<sup>23</sup>;
- lack of a legal framework / electronic verification rules for subscription lists in local elections or for the use of the "Verification of subscription lists from "SIAS Elections" system in the process of

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<sup>19</sup> According to the Calendar Program for carrying out actions for the organization and conduct of general local elections of 20 October 2019, approved by the CEC Decision no. 2251 of 31 July 2019, the election period shall begin on 19 August 2019.

<sup>20</sup> Report no. 1 of the Observation Mission for the New Local Elections of 20 May 2018, p. 10. <https://bit.ly/2HNwLen>

<sup>21</sup> *Code of Good Practice in Electoral Matters*. Guidelines and explanatory report, p. 6. <http://bit.ly/2YJK9Nm>

<sup>22</sup> Report no. 1 of the Observation Mission for the New Local Elections of 20 May 2018, p. 11. <https://bit.ly/2HNwLen>

<sup>23</sup> Final Report of the Observation Mission for the New Local Elections of 20 May (3 June) 2018, p. 11. <https://bit.ly/2wrd47I>

verifying the validity of signatures, without regulating the legal force of the data generated by the system<sup>24</sup>.

### **2.3. Implementation of the recommendations made by Promo-LEX in the Final Report on the monitoring of local elections of 14 (28) June 14 2015<sup>25</sup>**

Following the monitoring of the general local elections of 14 (28) June 2015, to improve the electoral process the Promo-LEX Association elaborated a series of recommendations for public authorities, electoral bodies, electoral competitors and legal bodies.

Of the total of 16 recommendations on the improvement of the legal framework relevant to the general local elections, only four were fully or partially implemented. They include the procedure and the exact terms for confirming the persons responsible for electoral competitors' finances (the treasurer); in the Electoral Code, ensuring the advance of a fair number of women and men for eligible positions, establishing a single financial ceiling for all electoral competitors at constituency level and refraining from changing the electoral normative framework at least one year before the date of elections. Consequently, the other 12 recommendations, made by the Promo-LEX Association, remain unimplemented and are still actual for the current elections:

- 1) Supplementing the Electoral Code with a new provision setting a unique date for general local elections.
- 2) Supplementing the Law on the Administrative and Territorial Organization of the Republic of Moldova with norms foreseeing the reorganization or liquidation of the 1st level LPAs, which have less than 1500 inhabitants.
- 3) Supplementing the Law on the Protection of Personal Data with rules that will ensure transparency and accessibility of voters' lists.
- 4) Supplementing the Electoral Code with rules that will ensure the exercise of the right to vote of citizens who have neither a domicile nor a place of residence.
- 5) Amending para. 2 in art. 134 of the Electoral Code in view of specifying the persons who cannot exercise their right to vote and establishing the deadlines within which modifications can be made to exclude artificial "migration" of voters.
- 6) Excluding the phrase "the minimum area granted to an electoral competitor on the information panel is 1 m<sup>2</sup>" from art. 1 of the Electoral Code with reference to the norm "Minimum of special places on electoral display".
- 7) Improving the normative framework in view of establishing the exact terms and procedures that provide for the continuation of electoral campaign in the second round of elections.
- 8) Modifying the Electoral Code and the Law on Political Parties, in such a way as to establish the way of registering and verifying the status of political party member in order to prevent political activity of members of electoral bodies and, as the case may be, to sanction them.
- 9) Modifying the legal norms that provide for recounting of votes, so that the expenses are borne by the CEC in case incorrectness of the initial results is identified, or by the party that requested the recounting, in case of confirmation of the initial results.
- 10) Amending point 33 of the Regulation on the Preparation, Management, Dissemination and Updating of the Voters' Lists based on the absentee voting certificates to ensure the exercise of the right to vote of all voters within the same constituency, not just of electoral officials.

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<sup>24</sup> Final Report of the Observation Mission for the Parliamentary Elections of 24 February 2019, p. 13-14. <https://bit.ly/31dbx3a>

<sup>25</sup> Final report. Monitoring of the General Local Elections of 14 (28) June 2015, p. 57-58. <http://bit.ly/200eyC7>

- 11) Modifying the recruitment method of the PEB and DEC members by introducing the obligation to hold a professional qualification certificate in the electoral field (issued by CICDE).
- 12) Revising the amount of donation ceiling made by natural and legal persons to political parties by lowering them according to the average standard of living.

#### 2.4. Setting the date of new parliamentary elections

On 29 July 2019, the CEC adopted the Decision no. 2543, by which it set the date of 20 October 2019 for the conduct of new parliamentary elections in the single member constituencies no. 33, 48 and 50, and by Decision no. 2549 of 31.07.2019 for the single member constituency no. 17. Both CEC Decisions were published in the Official Gazette on 02.08.2019.

According to art. 105, para. (1) Electoral Code, if after the repeated voting, the elections are declared null and void **or the office of MP becomes vacant**, the CEC shall set the date for the new elections, which will take place at least 60 days from the date when the elections are declared null and void, but no later than three months from that date. At the same time, according to art. 2, para. (7) Law no. 39 of 07.04.1994 On the Status of Member of the Parliament, **in case of resignation**, termination of office, **incompatibility** with the office or death, the MP's mandate shall be announced vacant.

According to points 80-83 of the Decision of the Constitutional Court no. 21 of 24 June 2015, in the case of a request for *resignation from the office of MP* due to incompatibility with the office, the mandate of MP ceases when the resignation request is submitted, and the Parliament will act promptly, in order to comply with the legal provisions. **The resignation** of MP generates a set of procedures, consisting of several consecutive stages, which involve a series of actions taken by both the MP in the incompatibility and by the Parliament, the CEC, the Constitutional Court:

- 1) The MP shall submit the resignation request to the President of the Parliament;
- 2) the Parliament shall take note of the request for resignation and declare the mandate vacant;

#### **In the case of MPs elected on national lists / constituency:**

- 3) the CEC shall examine the candidacy of the alternate candidate and submit it to the Constitutional Court for validation within five days;
- 4) the Constitutional Court shall validate the mandate within five days;

#### **In the case of MPs elected in single member constituencies:**

- 3) establishing the date of new (partial) elections in the respective single constituencies.

The Constitutional Court mentioned in p. 88 that **all the procedures related to MPs' incompatibilities are to be completed within the 30 days** provided by law when the incompatibility occurs, **otherwise, after the term of 30 days, the mandate of the MP rightfully ceases**, without any need for other formal requirements.

Taking into account the fact that the members of the parliament Andrei Nastase and Maia Sandu were incompatible<sup>26</sup> with the position of Deputy Prime Minister, Minister of Internal Affairs and respectively that of the Prime Minister of the Government of the Republic of Moldova as of 8 June 2019<sup>27</sup>, they applied for resignation on 8 July, i.e. on the 30th day. Taking into account the fact that the procedures related to the incompatibilities of the MPs could not be completed within the prescribed period of 30 days, the mandates of the respective MPs ended on 8 July 2019, without any further formal requirements.

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<sup>26</sup> Article 3 of Law no. 39 of 07.04.1994 On the Status of the Member of Parliament.

<sup>27</sup> Decree no. 1172 of 08.06.2019 On the Appointment of the Government.



Moreover, we consider that the Parliament of the Republic of Moldova has delayed the submission of the draft decision in this respect, since from the date of the submission of the requests for resignation until the date of issuing the decisions regarding the declaration of the mandates vacant, the Parliament met at least four times in plenary sessions<sup>28</sup>.

Thus, starting from the fact that the mandates of MPs Andrei Nastase and Maia Sandu ceased to be lawful on 8 July 2019 and in line with art. 105 of the Electoral Code and para. (12) art. 2 of the Law on the Status of the Member of Parliament, the Central Electoral Commission had, ex officio, to set the date of the new parliamentary elections between 7 September 2019 – 7 October 2019.

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<sup>28</sup> 09.07.2019; 12.07.2019; 16.07.2019; 19.07.2019.

### III. ELECTORAL BODIES

*The composition of the CEC changed during the monitored period: three members, including the president and the vice-president, resigned, being replaced by three other candidates, appointed and confirmed by the Parliament. Additionally, the secretary of the body resigned from administrative position. A new leadership of the CEC was elected, managing to ensure the authority's functionality on the eve of the election period. It is for the first time ever that the CEC membership is made up of 100% men. Promo-LEX considers it was judicious to review the mechanism for setting up the CEC, including by diversifying the authorities entitled to appoint members.*

#### 3.1. Structure of electoral bodies

As a permanent national authority, the CEC coordinates the activity of all lower-ranking electoral bodies set up to prepare and conduct local elections: Level II District Electoral Councils (DEC), Level I electoral councils (EC) and Precinct Electoral Bureaus (PEB).

#### 3.2. Composition of the CEC

The five-year mandate of the current CEC started in 2016. In the period between 28 June - 4 July 2019, three members of the Commission - Iurie Ciocan, Alina Russu and Rodica Ciubotaru - resigned from their offices given the political changes in the society. We emphasize that Alina Russu served as president, and Rodica Ciubotaru as vice-president of the authority.

The resignations were motivated by the draft law no. 43 for the modification of art. 20 of the Electoral Code, registered in the Parliament on 16.04.2019. The draft law proposes to change the procedure for dismissal of the CEC members appointed by the Parliament, by passing the competence of finding the non-observance of the conditions stipulated in art. 19, para. (2) from the Chisinau Court of Appeal to the authority that appointed or confirmed the CEC membership. This draft decision was adopted on 18 June 2019 by the Parliament, but the President of the Republic of Moldova referred it back to the Parliament for a repeated review "to subject it to public debates in line with the principles of Law no. 100/2017 and Law no. 797/1996". It should be mentioned that no public debates on this draft law have been launched by the date of this report and it has not been repeatedly adopted by the Parliament of the Republic of Moldova.

Also, on 19 July, Veaceslav Agrigoroae's resignation from the position of secretary was announced in the meeting of the CEC. On 16 July 2019, the Parliament confirmed the CEC membership of other three persons for the unexpired term of their predecessors' mandates, and on 19 July, a new management of the Commission was elected and appointed. In this way, the electoral authority became functional on the eve of the electoral period.

*For the first time since 1994<sup>29</sup>, the CEC consists of 100% of men, respectively - 0% women. For comparison, the structure of the leadership positions of lower electoral bodies in the parliamentary elections of 24 February 2019 included: 85% women in the PEB leadership and 57% women in the DEC leadership<sup>30</sup>.*

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<sup>29</sup> <http://bit.ly/2JVbVfB> , <http://bit.ly/2LXdc8m>

<sup>30</sup> Final Report. Promo-LEX Observation Mission for the Parliamentary Elections of 24 February 2019, p. 21, 26. <http://bit.ly/2JEmk0k>

On 11 July 2019, Promo-LEX launched an Appeal requesting the Parliament to initiate public consultations on the regulation of a new algorithm for appointing CEC members in view of diversifying the subjects who have this right and submitted a draft of legislative changes, including for public discussion<sup>31</sup>.

### 3.3. CEC decisions relevant to the organization and conduct of elections

*Thematic content of approved decisions.* In view of the organization and conduct of general local elections, as well as of the new parliamentary elections, the CEC adopted eight decisions regarding: setting the date of the elections, approving the calendar programs, additional responsibilities of public authorities in the context of elections, distribution of responsibilities among CEC members during the electoral period, the list of those 46 socio-political organizations that can participate in the new parliamentary elections, approval of the costs estimated for the new parliamentary elections and accreditation of observers.

*Transparency of the decision-making process.* During 2019, Promo-LEX found that the CEC partially complied with the provisions of the legislation in force regarding the transparency of decision-making process by ensuring the publication of announcements about the initiation of draft regulatory acts, announcements about the organization of public consultations and to a lesser extent, the results of the consultations. During 2019, the authority has drafted / amended five regulatory acts, submitting them for public consultation: Regulation on the financing of political parties' activities, Regulation on the peculiarities of nomination and registration of candidates for local elections, Regulation on the preparation, presentation and verification of subscription lists, Regulation on the activity of District Electoral Council and, respectively, Regulation on the status of observers and the procedure for their accreditation (the deadline for receipt of proposals / recommendations being 19.08.2019).

At the same time, it should be mentioned that the CEC initiated the procedure for amending two other regulatory acts, though the version for public consultations is not yet published: Regulation on the procedures for drawing of lots (deadline for receipt of proposals / recommendations being 18.06.2019) and the Instruction on general procedure for the recounting of ballots (deadline for receipt of proposals / recommendations being 18.06.2019). Therefore, we found that within two months, the authority failed to publish the draft regulatory acts that have to be subject to public consultations. In the opinion of Promo-LEX, the situation is worrying, since only two months remained until the election day.

In the same context, it should be mentioned that, unlike the parliamentary elections of 24 February 2019, both in the process of organizing general local elections and in organizing the new parliamentary elections, it was found that *the Calendar Program for carrying out actions to organize and conduct the general local elections of 20 October 2019*, as well as *the Calendar Program for carrying out the actions to organize and conduct the new parliamentary elections of 20 October 2019*, have not been subjected to public consultations. In addition, according to art. 70, para. (1) Electoral Code, by the Decision no. 2558 of 09 August 2019, the CEC approved the Regulation on covering the electoral campaign for the new parliamentary elections of 20 October 2019 in the single member constituencies no. 17, 33, 48 and 50 in the mass media in the Republic of Moldova, without subjecting the draft to public consultations.

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<sup>31</sup> Public appeal on the need to speed up the procedures for the appointment and confirmation by the Parliament of the new members of the Central Electoral Commission (CEC), as well as the election by the CEC members of the management of the authority. <http://bit.ly/2XUBOWL>

### 3.4. Accreditation of national and international observers

We remind the reader that on the eve of the parliamentary elections of 24 February 2019, the CEC, by its Decision no. 1694, bureaucratized and made more difficult the accreditation process for the national observers (in particular, for missions with a large number of observers). Promo-LEX has repeatedly expressed its disagreement with this Decision, requesting the electoral authority to review the provisions of the Regulation on the status of observers and the procedure for their accreditation<sup>32</sup>.

As a result, in June 2019, the CEC initiated the procedure for amending the Regulation on the status of observers and the procedure for their accreditation. The deadline for receiving proposals was 16 June 2019. On 13 August 2019, the electoral authority published the draft of the mentioned regulation for public consultations, the deadline for submitting proposals being 19 August 2019.

At the request of Promo-LEX, the CEC, by its Decision no. 2557 of 6 August 2019, accredited the first 61 national observers to monitor the general local and new parliamentary elections.

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<sup>32</sup> Public appeal regarding the limited transparency in the adoption and the abusive content of the CEC Decision no. 1694 of 12 June 2018 for amending and supplementing the Regulation on the status of observers and the procedure for their accreditation. <https://bit.ly/2YRqxCa>  
Petition regarding the limitation of observers' freedom of expression on the election day, as well as bureaucratization and unjustified delay of the procedure for accrediting observers. <https://bit.ly/2KAg213>

## IV. VOTERS' LISTS AND STATE REGISTRY OF VOTERS

*Continuous increase of the number of voters in the State Registry of Voters (SRV) against the backdrop of a natural decrease of the population of the Republic of Moldova since 1999, raises questions regarding the quality of management of the State Registry of Population (SRP), implicitly SRV. Contrary to the previous practices when the CEC published data of the SRV at the beginning of electoral period, on 14 August 2019, data on the number of voters were not displayed on the website of the authority (the electoral period for the new parliamentary elections started on 2 August this year).*

*Based on the recent experience of observing the parliamentary elections of 2019, Promo-LEX emphasized in particular such problems as erroneous assignment of voters to PSs; errors in the address and presence of deceased persons on the voters' lists. At the same time, the conclusions of the Promo-LEX OM on the general local elections of 2015 reiterate another problem specific to local elections: artificial migration of voters.*

### 4.1. Need to monitor the voters' lists

According to the legislation, voters' lists are drawn up on the basis of the State Registry of Voters (SRV), which, in turn, is constituted according to the data of the State Registry of Population (SRP). These lists contain all the citizens holding voting rights, residing or domiciled within a given precinct.

In view of elections, regardless of their nature (local, parliamentary or presidential), the quality of voters' lists has been one of the most discussed issues in the public space. The management and the quality of voters' lists are extremely important factors, which could directly influence the citizens' confidence in the electoral process and even its results.

Analysis of the deficiencies identified by the observers in the voters' lists drawn up in the parliamentary elections of 24 February 2019 shows that the absolute majority of problems are related to erroneous assignment of voters to PSs (30.31%); address errors (20.37%) and the presence of deceased persons on the lists (16.44%)<sup>33</sup>.

In addition, the conclusions of the Promo-LEX OM on the general local elections of 2015 reiterate another problem specific to local elections: artificial migration of voters. According to the Mission, the phenomenon of artificial migration would involve increasing the number of voters in a specific constituency, given the elections, explained by the organized registration of voters' residence in the settlements within the respective constituency<sup>34</sup>.

This issue was also identified by the Promo-LEX OM in the parliamentary elections of 24 February 2019, in single member constituencies. For example, a Promo-LEX observer identified that, between 22- 25 January, 2019, the village halls of Corjova and Balabanesti, Criuleni District received notifications from their villagers with regard to the change of permanent / temporary domicile. Thus, 33 voters registered their permanent domicile at only 3 addresses in the city of Chisinau, Ciocana district, 2, 11 and 22 people at a single address respectively<sup>35</sup>. The issue was also addressed by other public associations<sup>36</sup>.

Promo-LEX OM emphasizes these situations for the CEC for a possible involvement, even post-factum, with a view of preventing them in the general local and new parliamentary elections of 20 October 2019.

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<sup>33</sup> Final Report. Promo-LEX Observation Mission for the parliamentary elections of 24 February 2019, p. 33-36. <http://bit.ly/2lEmk0k>

<sup>34</sup> Final Report. Monitoring of general local elections of 14 (28) June 2015, p. 16-18. <http://bit.ly/200eyC7>

<sup>35</sup> Report no. 5. Observation Mission of the Parliamentary Elections of 24 February 2019, p. 10. <http://bit.ly/33zZGOi>

<sup>36</sup> <http://bit.ly/2N2MFr2>

## 4.2. Evolution of data from the State Registry of Voters (SRV)

Contrary to the previous practices, when the CEC published data from the SRV at the beginning of each electoral period, this time, as of 14 August 2019, the number of voters has not been displayed on the website of the authority (considering that the electoral period for the new parliamentary elections started on 2 August).

Tables no. 2 and no. 3 display the number of voters / citizens of the Republic of Moldova during 2014-2019. According to the data in *Table no. 2*, we are witnessing a continuous increase in the number of voters in the Republic of Moldova. In addition, after 2017, we see a sharp increase in the number of voters without a place of domicile / residence. In this regard, we remind you that there are legal uncertainties with regard to their possibility of realizing the right to vote in local elections.

*Table no. 2. Dynamics of the number of voters in 2014 - 2019 based on SRV data*

Date	Total number of voters	Number of voters without registered domicile / residence	Number of voters from ATU in Transnistria and mun. of Bender
25.11.2014 <sup>37</sup>	3 226 446	171 052	211 329
22.08.2016 <sup>38</sup>	3 237 032	161 630	221 600
01.09.2017 <sup>39</sup>	3 255 361	155 683	225 971
10.12.2018 <sup>40</sup>	3 265 997	210 890	230 233
02.008.2019	-	-	-

*Table no. 3* displays data on the number of population / citizens of the Republic of Moldova for 2019 offered by various public institutions with responsibilities in the field. The existing differences can be explained by different approaches and particularly targeted subjects. However, the number of over 4 million of citizens of the Republic of Moldova (including minors) totalized on the basis of the SRP, in the opinion of the Promo-LEX OM, raises reasonable suspicions regarding the accuracy of the SRP data. Implicitly, doubts also arise with regard to the quality of SRV content, generated on the basis of SRP, against the backdrop of a continuous natural decrease of the population of the Republic of Moldova since 1999<sup>41</sup>.

*Table no. 3. Statistical information on the population / citizens / voters of the Republic of Moldova*

Population Republic of Moldova NBS data 01.01.2019	Number of citizens Republic of Moldova PSA data 01.07.2019	Number of voters Republic of Moldova CEC data
2 681 735 <sup>42</sup> (without the Transnistrian region)	4 090 761 <sup>43</sup>	-

<sup>37</sup> <https://bit.ly/2EcGImU>

<sup>38</sup> <https://bit.ly/2B1ElQo>

<sup>39</sup> <https://bit.ly/2UxYmaf>

<sup>40</sup> <https://bit.ly/2L8YGrG>

<sup>41</sup> Statistical database of Moldova. Natural movement by years, indicators and environments / Natural increase. Total by country for the period of 1991-2018. <http://bit.ly/32JwILM>

<sup>42</sup> The number of population with habitual residence in the Republic of Moldova by sex and age group as of the beginning of 2019. Press release issued by the National Bureau of Statistics of the Republic of Moldova. <http://bit.ly/2M073s4>

<sup>43</sup> The number of citizens is the sum obtained on the basis of: *Statistical data from the State Registry of Population, in the citizenship profile, on the natural persons living in the Republic of Moldova* ( <http://bit.ly/2Y8mVPE> ) and *the Statistical data from The State Registry of the Population on the citizens of the Republic of Moldova who went abroad and have a permanent place of living there* ( <http://bit.ly/2JBCIEa> ).

## **V. PUBLIC ADMINISTRATION**

### **5.1. Activities for organizing the elections with the involvement of the LPA**

In view of organizing and conducting general local elections and new parliamentary elections, the LPA will be involved in the following types of activities:

- designating members of district electoral councils, electoral councils of level I and II and members of single member constituency councils;
- appointing PEB members;
- submitting proposals regarding the PS precinct;
- ensuring lower electoral bodies with offices / premises and materials necessary for their proper activity;
- ensuring the access of people with special needs to the PS;
- ensuring special places for electoral display and premises for meetings with voters;
- participation in the verification of the SRV.

It should be mentioned that, after consulting the website [www.actelocale.gov.md](http://www.actelocale.gov.md), it was found that the local public authorities started to make decisions with regard to the appointment of members of electoral bodies as of April 2019.

### **5.2. Establishing places for electoral display and meeting with voters**

According to the provisions of the Electoral Code<sup>44</sup>, LPAs are obliged, within three days from the start of electoral period, to establish and guarantee a minimum of special electoral display and a minimum of premises for conducting meetings with voters, and decisions (provisions) in this regard, shall be displayed without delay at the headquarters of these authorities and be brought to the attention of interested parties through the media and other available means of communication.

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<sup>44</sup> Article 52, para. (9) of the Electoral Code. <https://bit.ly/2Jcsdy2>

## VI. ELECTORAL COMPETITORS

*In the case of local elections, parties, electoral blocs and independent candidates can act as electoral competitors, but only independent candidates are required to collect signatures in support of their candidacy. In the case of political parties, based on previous experiences, the Promo-LEX OM emphasizes the necessity to respect the statutory provisions on party organizations holding the right to nominate candidates and the existence of a valid (unexpired) leadership mandate, in order to submit the documents necessary for the nomination and registration of candidates in full compliance with the provisions of the legal framework.*

*Additionally, during the monitored period, the Promo-LEX OM identified at least three cases that can be qualified as early nomination of candidates for the position of mayor and at least one situation of using the image of public authority in promoting an eventual electoral competitor.*

### 6.1. The status of electoral competitor

According to art. 1 of the Electoral Code, in the case of local elections, the quality of an electoral competitor can be held by parties, other socio-political organizations, electoral blocs and persons who are running for the position of mayor or councilor in the local council and are registered by the respective district electoral councils. According to the PSA data, the list of parties and other socio-political organizations that are entitled to participate in elections includes 46 organizations<sup>45</sup>.

The responsibility of publishing the list of parties and other socio-political organizations that have the right to participate in elections belongs to the CEC<sup>46</sup>. According to the CEC Calendar Program<sup>47</sup>, the deadline for publication of the respective list for general local elections was established after 1 August 2019. By the date of this report, the respective list was not published, only the list for the new parliamentary elections being made public<sup>48</sup>.

Considering the experience of observing previous local elections, the Promo-LEX OM draws attention of the parties to the need to comply with statutory provisions on party bodies that have the responsibility to nominate candidates. For example, in the new local elections of 20 May 2018, the Mission identified problematic situations with regard to the conformity of the quality of subject holding the right to nominate a candidate, based on the minutes submitted after the meetings of party organizations, with the statutory provisions in the field<sup>49</sup>.

Additionally, considering the fact that political parties, whose governing bodies hold expired mandates, might be taking part in the local elections, these aspects should be clarified and it should be ensured that they submit the documents necessary for the nomination and registration of candidates in full compliance with the legal provisions. We remind the reader that in the meeting of 11 December 2018, the CEC found that in the case of 25 political parties out of 46, the mandates of party leaders had been expired. In this context, the Commission asked the political parties to adjust the information on the

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<sup>45</sup> List of political parties in the Republic of Moldova. <http://asp.gov.md/ro/node/3664>

<sup>46</sup> Article 26, let. d) of the Electoral Code. <https://bit.ly/2Jcsdy2>

<sup>47</sup> Decision on the approval of the Calendar Program for carrying out actions for organizing and conducting the general local elections of 20 October 2019, p. 3 of the Program. <https://bit.ly/2MR2ZLc>

<sup>48</sup> 46 parties and socio-political organizations have the right to participate in the new parliamentary elections of 20 October, 2019. <http://bit.ly/2yYTuSg>

<sup>49</sup> Report no. 2. Promo-LEX Observation Mission for the New Local Elections of 20 May 2018, p. 11. <http://bit.ly/32DILeL>



mandates of their leaders in the Register of Political Parties held by the PSA.<sup>50</sup> According to the observations of the Promo-LEX OM, on the eve of local elections, the situation has not changed much.

## **6.2. Cases that can be qualified as pre-term nomination of candidates**

According to art. 46 of the Electoral Code, in the case of local elections, nomination of candidates is made after the delimitation of electoral constituencies and the establishment of electoral councils. According to the Calendar Program, the deadline for submitting candidates' files for registration was set for the period of 30 August - 19 September in the case of level II electoral councils, and respectively, 9-19 September 2019, in the case of level I electoral councils, after the establishment of the respective bodies.

It should be mentioned that during the monitored period, there have been identified at least three cases (the PPPDA) that can be qualified as designation of potential candidates for the position of mayor before the established term: in the municipality of Ungheni - Gheorghe Petic, whose "candidacy for the office of mayor" was nominated by the respective territorial organization of the PPPDA on 4 August 2019, the information being publicly disseminated through a "live" on social networks; in the commune of Stauceni, Chisinau - Viorel Adauge, was "unanimously supported as a candidate for local elections" by the respective territorial organization of the PPPDA on 3 July 2019, with the publication of information on social networks, and in the commune of Sireti, Straseni - Vasile Cartera was "unanimously voted by the local organization " on 4 August, 2019, the information being disseminated on social networks by one of the PPPDA supporters. In the case of Viorel Adauge, on 09.08.2019, Promo-LEX observers also identified leaflets describing his plans for the commune of Stauceni, Chisinau.

The above findings are based on the announcements disseminated about the decisions of local organizations, which, according to the party statutes, are entitled to nominate candidates for local elections. At the same time, the Promo-LEX OM emphasizes the fact that the electoral legislation of the Republic of Moldova does not provide for preliminary mechanisms for the selection of candidates ("primaries") that could be carried out under legal conditions that would start with announcement of the election date and last till the appointment of the candidates.

## **6.3. Cases that can be qualified as campaigning with the use of public authorities' image**

Promo-LEX OM has found a situation that can be interpreted as involving the President of the Republic of Moldova, Igor Dodon, in promoting the PSRM and its potential candidates for the general local elections.

*The Code of Good Practice in Electoral Matters specifies:* "Equal opportunities must be ensured for all parties and candidates and should stimulate the state to adopt an impartial attitude towards them"<sup>51</sup>. Also, art. 52, para. (8) of the Electoral Code states that "images representing state institutions or public authorities, both within the country and abroad, may not be used for electoral advertising purposes [...]". The very possibility of the President of the Republic of Moldova getting involved in supporting an electoral candidate designated by a political party is debatable, as long as art. 123, para. (2) of the Electoral Code obliges him to renounce the membership of any political party at the stage of his mandate validation.

Although we are not yet in an electoral campaign, however, considering the need to ensure equal opportunities for all potential competitors throughout the electoral process, we mention that on 24 July 2019, the President of the Republic of Moldova offered an interview to a media outlet. In this

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<sup>50</sup> <http://bit.ly/2z0nEEo>

<sup>51</sup> Code of Good Practice in Electoral Matters. Guidelines and Explanatory Report, p. 18. <http://bit.ly/2YJK9Nm>

interview, Igor Dodon talked about his participation in all the meetings of the regional councils of the PSRM (in the Center, South, North and Chisinau) and had personal discussions with the potential candidates. It was also mentioned that the party identified candidates for the position of mayors in all cities and most settlements. In his speech, the President associates himself with the PSRM, mentioning "... we will have candidates everywhere. I believe that we will obtain good results and we will be the first in the local elections. I'm sure, we will. The PSRM is the strongest party, and I think we have the chance to win the majority of mayor's offices (in cities and settlements)<sup>52</sup>".

It should be noted that in the context of the parliamentary elections of 24 February 2019, the electoral authority by its Decision no. 2264 of 08 February 2019<sup>53</sup>, point 2, warned the President of the Republic of Moldova about the inadmissibility of his involvement in electoral campaign (with regard to the promotion of the PSRM candidates in various events organized by his party).

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<sup>52</sup> Игорь Додон: Нам всем потребуется политическая мудрость, чтобы удержать коалицию во имя РМ, (translated as: Igor Dodon: We'll have to display political wisdom to maintain the coalition for the sake of the RM) from minute 41. <https://bit.ly/33tEXMp>

<sup>53</sup> Decision no. 2264 of 08.02.2019 on the notification no. CEC-10AP / 50 of 4 February 2019 filed by the Liberal Party and the notification no. CEC-7/1006 of 5 February 2019 filed by the Political Party of Șor, p. 2. <https://bit.ly/31FcukV>

## VII. FINANCING OF ELECTORAL CAMPAIGN

*Observing the financing of electoral campaigns remains a priority of the Promo-LEX OM. In this respect, the Mission will compare the expenses reported to the CEC with the activities and expenses estimated following the civic observation.*

### 7.1. Methodological benchmarks

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

### 7.2. Legal framework on the financing of electoral campaigns

The financing of electoral campaigns is regulated by: The Constitution of the Republic of Moldova<sup>54</sup>, the Electoral Code - *art. 41. Conditions and financial support for electoral campaigns*<sup>55</sup>, Law no. 249 on Political Parties<sup>56</sup>, CEC Regulation on the financing of electoral campaigns<sup>57</sup>, adopted by CEC Decision no. 3352 of 4 May 2015 and the Regulation on the financing of initiative groups<sup>58</sup>, approved by the Decision of the Central Electoral Commission no. 114 of 18 August 2016.

Only financial resources derived from work, entrepreneurship, scientific or creative activity, carried out on the territory of the Republic of Moldova can be used for the financing of electoral campaigns<sup>59</sup>.

All the revenues and expenses incurred by electoral competitors must be reflected in the bank accounts with the mention "Electoral fund", specially opened after their registration<sup>60</sup>. Competitors, who will not carry out campaign activities and thus incur no costs, should inform the CEC about taking such a decision. Banks must inform the CEC (or DEC), on a daily basis, about the transactions that take place through the accounts with the mention "Electoral fund"<sup>61</sup>.

Electoral campaigns cannot be financed by foreign legal entities, including those with mixed capital, founded by other states or international organizations, including international political organizations; or by the citizens of the Republic of Moldova, who have not reached the age of 18, or by citizens in whose respect a judicial protection measure in the form of guardianship has been instituted; by natural persons, citizens of the Republic of Moldova from incomes obtained from abroad; by public authorities, organizations, enterprises, public institutions, other legal entities financed from the public budget, or which have state capital, except for cases where the provision of services or material support is expressly provided by law.

In addition, electoral campaigns cannot be financed by legal persons who, one year before the beginning of the electoral period, carried out activities financed or paid for from public means (funds),

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<sup>54</sup> Constitution of the Republic of Moldova. <https://bit.ly/2ZHjfc3>

<sup>55</sup> Electoral Code of the Republic of Moldova. <https://bit.ly/2Jcsdy2>

<sup>56</sup> Law on Political Parties, LPP 249. <https://bit.ly/2NliQi1>

<sup>57</sup> CEC Regulation on the financing of electoral campaigns. <https://bit.ly/2ZJWU74>

<sup>58</sup> CEC Regulation on the financing of initiative groups. <https://bit.ly/2M86Hka>

<sup>59</sup> Article 41, para. 1 of the Electoral Code.

<sup>60</sup> The bank, where accounts with the mention "Electoral fund" are opened, informs on a daily basis or at the request of the Central Electoral Commission about the financial means transferred to the account of electoral competitors.

<sup>61</sup> Article 41, para. 2, let. a), b), c) of the Electoral Code of the Republic of Moldova.

as well as by legal persons with foreign or mixed capital; by anonymous persons or on behalf of third parties; by natural persons who are not citizens of the Republic of Moldova; by non-commercial, trade union, charitable or religious organizations<sup>62</sup>.

Also, electoral competitors are prohibited from offering money to voters, from distributing material goods for free, including those derived from humanitarian aid or other charitable actions<sup>63</sup>. This action is incriminated by the Criminal Code art. 181<sup>1</sup>, so that offering or giving of money, goods, services or other benefits in order to determine the voter to exercise or not to exercise their electoral rights in the parliamentary, presidential, local elections or referendum is punishable with a fine in the amount from 500 (25 000 lei) to 850 (42 500 lei) conventional units or by imprisonment from 1 to 5 years, while the legal person is punishable with a fine of 4000 (200 000 lei) to 6000 (300,000 lei) conventional units, with the deprivation of the right to exercise a certain activity, or with the liquidation of the legal person.

A natural person can donate to a competitor the amount of up to **348 750 lei** (50 average monthly wages), while a legal person can donate up to **697 500 lei** (100 average monthly wages). The established amount of the average monthly wages for 2019 is 6,975 MDL<sup>64</sup>. Competitors can benefit from interest-free loans granted from the state budget. The request for a loan is submitted to the Ministry of Finance<sup>65</sup>. Each electoral competitor benefits from a maximum revenue limit that it can accumulate, set by the Central Electoral Commission.

Electoral competitors representing political parties and electoral blocs have the obligation to submit to the Central Electoral Commission, **within 3 days from the opening of the account with the mention "Electoral Fund"** and, subsequently, **once per week**, a report on the accumulated financial means and the expenses incurred in the electoral campaign<sup>66</sup>. The reports are published on the official website of the CEC within 48 hours<sup>67</sup>. Electoral competitors, who are independent candidates, must submit to the appropriate constituency council, **within 3 days from the opening of the account with the mention "Electoral fund"** and, subsequently, **every two weeks**, reports on the accumulated revenues and expenses incurred in the electoral campaign. Within 48 hours of the receipt, the district electoral councils will send the respective reports for their publication on the webpages of the corresponding local public administrations. The reports on the financing of electoral campaigns for the whole electoral period will be presented to the Central Electoral Commission by the electoral competitors registered at the latest two days before the election day. The reports shall be published on the official page of the Central Electoral Commission within 48 hours of receipt.

The CEC and level I and II DEC are empowered to supervise the financing of electoral campaigns. They receive the financial reports of electoral competitors, check their accuracy, compliance with the legal

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<sup>62</sup> Article 41, para. 3, let. a), b), c), d), e), f), g), h) of the Electoral Code.

<sup>63</sup> These provisions do not apply in the case of symbolic gifts, representing electoral or political advertising, declared and paid from the "Electoral Fund" account, bearing the symbol of the electoral competitor and whose market value does not exceed 2 conventional units (100 lei).

<sup>64</sup> The official amount of the average monthly wages in the Republic of Moldova for the year 2019. <https://bit.ly/2YuU9VL>

<sup>65</sup> The loans received from the state budget are paid off, in whole or in part, by the state, depending on the total number of valid votes cast for the electoral competitor in the respective constituency. The amount of money to be paid off from the state budget is determined by dividing the amount of the loan by the number of voters, who participated in the elections, then the result obtained is multiplied by the number of votes validly cast for the respective electoral competitor.

<sup>66</sup> The report shall contain: a) identification data of the natural or legal person, who donated financial means; b) the list of all donations received, including the nature and value of each donation made in money, goods, objects, work or services; c) the total value of donations and the number of donors; d) the list of donations reimbursed as a result of exceeding the ceilings established in art. 41, para. (2), let. e) of the Electoral Code; e) identification data of the natural or legal person to whom financial means have been paid from the "Electoral Fund" account and the purpose of the respective expenses; f) amounts of debts, numbers of financial records and other conclusive information; g) accounting information of the legal persons founded or otherwise controlled by the respective political party for the corresponding period.

<sup>67</sup> Article 43 of the Electoral Code of the Republic of Moldova. Reports on the financing of electoral campaigns. <https://bit.ly/2Jcsdy2>

requirements and can apply sanctions<sup>68</sup>, such as warnings and fines, confiscation of funds, initiation of contravention procedures in the cases provided by the legislation, suspension of public financing and cancellation of the registration of an electoral competitor,<sup>69</sup> or they may require other "competent bodies" to impose sanctions on competitors.

Within five days of the start of the electoral period, broadcasters are obliged to make public the conditions under which they offer advertising space (including the price / minute) and other services related to electoral competitors, informing the Central Electoral Commission and the Audiovisual Coordinating Council. The Central Electoral Commission publishes this formation on its official page.

Forty-four broadcasters presented to the CEC, within the appropriate timeframe, the availability and price offers for electoral advertising in the case of general local elections<sup>70</sup> and new parliamentary elections.

### 7.3. Budget of the Central Electoral Commission

*Budget of the Central Electoral Commission for general local elections.* According to the CEC Decision no. 1874 of 14 November 2018 on the approval of the budget of the Central Electoral Commission for 2019, the expenditure estimates for organizing and conducting general local elections are set at 139 999 700 lei<sup>71</sup>.

*Budget of the Central Electoral Commission for the new parliamentary elections.* According to the Decision no. 2555 on the approval of the cost estimates for the organization and conduct of the new parliamentary elections of 20 October 2019 in the single member constituencies no. 33 – Chisinau mun., no. 48 – town of Slobozia, Tiraspol and Bender mun., no. 50 - west of the Republic of Moldova and no. 17 – town of Nisporeni, the cost estimates of the CEC amount to 11 931 730 lei, according to the annex no. 1<sup>72</sup>.

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<sup>68</sup> Art. 75 of the Electoral Code. Legal liability. <https://bit.ly/2Jcsdy2>

<sup>69</sup> Article 75, para. 5) of the Electoral Code stipulates that the cancellation of the registration is applied at the request of the Central Electoral Commission, and **in the case of local elections - and at the request of district electoral council, after a final court decision which finds** : a) the use of undeclared financial and material funds, or expenses exceeding the ceiling that are made from the electoral fund of the competitor; b) the use by the electoral competitor of the financial means derived from abroad; c) unsuspension from the office by the candidate who has this obligation. In this case, the registration of independent candidate is canceled or the respective candidate is excluded from the list of electoral competitors; d) violation by the electoral competitor of the provisions of art. 52, para. (3), i.e. involvement, in any form, in the actions of electoral agitation of persons who are not citizens of the Republic of Moldova. (6) In the cases provided in para. (5), the Central Electoral Commission or the district electoral council addresses a request to cancel the registration of electoral competitor, by adopting a decision in this respect, to the Chisinau Court of Appeal in the case of parliamentary and presidential elections, or to the district court of the respective electoral council in the case of general local elections or new local elections. The court will examine the request and issue a ruling on it within 5 days, but no later than the day before the election.

<sup>70</sup> Broadcasters' statements on editorial policy (including conditions for the provision of advertising space). <https://bit.ly/2YLDRvS>

<sup>71</sup> CEC Decision no. 1874 on the cost estimates for the general local elections of 20 October 2019. <https://bit.ly/2yOpNTI>

<sup>72</sup> CEC Decision no. 2555 on the expenditure estimates for the new parliamentary elections of 20 October 2019. <https://bit.ly/2YX4sGx>

## **VIII. HATE SPEECH AND DISCRIMINATION**

*Hate speech is a phenomenon that is increasingly gaining scope and intensity in the Republic of Moldova, including in the electoral context. Currently, there is no relevant legal framework or mechanisms to combat this phenomenon, and the authorities have no response to hate speech in the electoral context.*

*Starting with the new local elections and the local referendum held in Chisinau in November 2017, the Promo-LEX OM also monitors the phenomenon of hate speech used by candidates in elections. Based on the monitored sources of information, the Association identifies cases of hate speech, the subjects that resort to hate speech in their electoral messages and those affected by this type of discrimination.*

### **8.1. Arguments in favor of monitoring hate speech during the electoral period**

Hate speech is a form of spreading intolerance, discrimination and incitement to violence in public space that is prohibited by law and punishable by administrative or criminal law. Hate speech can be a form of manipulation of the public and voters in an electoral context, as well as a way of distracting attention from real issues.

Hate speech is a phenomenon that is increasingly gaining scope and intensity in the Republic of Moldova. This fact is confirmed by the latest reports released by the Promo-LEX Association in 2018 and 2019: "Hate speech and incitement to discrimination in the public space and in the media in the Republic of Moldova". The results of the 2018 monitoring showed that, on average, there are two new cases of hate speech every day, while in 2019, this figure has increased to 3,5 new cases per day. The 2019 report attests that 67% of hate speech cases take place in a political context, thus, politicians are frequently the main promoters of intolerance in the public space, including in electoral processes. This figure is increasing compared to 2018, when the cases identified in the political context represented 42%.

The 2019 report highlighted the fact that about 28% of hate speeches have been identified in electoral contexts, which implies that cases of hate speech that occurred during the electoral campaign come from electoral competitors or target them, refer to a political party, its supporters or electoral programs.

Hate speech monitoring highlighted a number of issues. Currently, the authorities do not have a response to hate speech in the electoral context. There is no relevant legal framework and no mechanisms to combat this phenomenon. 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 in civil matters, but they cannot provide a solution that would remedy the problem from an electoral point of view. In this sense, hate speech is completely uncontrolled, regardless of its impact on the electoral process.

Therefore, a number of recommendations have been formulated to improve the legislative and policy framework in the field, as well as practical suggestions on how to react to hate speech in an electoral context. In particular, it was recommended to the CEC to initiate the establishment of a mechanism for monitoring, documenting and sanctioning hate speech in electoral campaigns; to react promptly and firmly to all reported cases of hate speech and to set appropriate sanctions for each violation; to develop a system of disaggregated data collection in order to provide a coherent and integrated picture of the cases, the form of the speech and the reasons underlying it, as well as the solution applied, and this information has to be made available to the public periodically.

It was also proposed to the CEC to develop internal mechanisms to streamline the process of monitoring, documenting and sanctioning hate speech (instructions, guidelines); carrying out activities to promote tolerant public discourse in electoral processes and to discourage electoral competitors in using intolerance-based rhetoric.

Last but not least, Promo-LEX recommended that the CEC carry out regular training activities for members of electoral bodies and employees with regard to the identification of hate speech, sexism, racism, homophobia and their forms of expression, criteria protected and prejudices existing in the society.

## **8.2. Methodological aspects of monitoring hate speech and discrimination**

Starting from these premises, the Promo-LEX Association aims at monitoring hate speech in the electoral campaign for the general local elections of 20 October 2019. The monitoring will be carried out on the basis of a special methodology, developed by Promo-LEX and coordinated with the representatives of the Council for the Prevention and Elimination of Discrimination, the Central Electoral Commission, the Audiovisual Coordinating Council and media organizations.

The monitoring will be carried out by five experts, contracted by Promo-LEX for this activity, using a database and special reporting forms.

The sources of information subjected to monitoring will include written and online media, TV shows, politicians, religious and opinion leaders, cyber platforms for storing and distributing information and public events. The sources of monitoring will be selected based on audience indicators, traffic and Internet audience measurements, surveys conducted by sociological companies on public trust, as well as considering media presence of politicians, religious and opinion leaders.

Data obtained in the monitoring will be analyzed and presented to the public, the authorities and electoral competitors in order to raise public awareness and prevent the use of hate speech. Following the interpretation of these data, conclusions and recommendations will be formulated for the actors concerned (mass-media, political parties, electoral competitors and authorities) on improving the legislative framework, conduct in electoral campaigns, reflecting hate speech in the media and sanctioning practices of this discourse.

## **RECOMMENDATIONS**

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

1. Amendment of art. 8 and 133 of the Electoral Code in order to establish a fixed date for conducting general local elections.
2. Amendment of art. 16–21 of the Electoral Code in order to review the mechanism for appointing CEC members.
3. Completion of art. 16 of the Electoral Code in order to ensure the representation of both genders in the composition of the CEC.
4. Completion of art. 134 of the Electoral Code with provisions that would establish a certain period of time (for example, 3 months) before the elections, when the assigning of voters to certain addresses / polling stations would be " frozen". In this way, the "artificial migration" of voters could be excluded, with an impact on local elections.
5. Creating equal conditions for competitors registered in local elections by imposing the mechanism of collecting signatures in their support for all categories of competitors.
6. Establishing legal mechanisms to prevent and combat hate speech during the electoral period.

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

7. Regular publication of data from the State Registry of Voters.
8. Development of internal mechanisms within the CEC to streamline the process of monitoring, documenting and sanctioning hate speech (instructions, guidelines).
9. Organizing and conducting, in a timely manner and in accordance with the legal procedures, of public consultations with regard to the draft normative acts relevant for the ongoing electoral processes. Publication of the results of public consultations (synthesis).



## Abbreviations

art. - article

ATU - administrative-territorial unit

ATUG – Administrative-territorial unit of Gagauzia

CC – Constituency Council

CEC - Central Electoral Commission

CICDE – Center of Continuous Electoral Training under the CEC

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

DEC – District Electoral Council

IC - independent candidate

let. - letter

LPA - Local Public Administration

LTO - long-term observer

mun. - municipality

NBS - National Bureau of Statistics

OM - Observation Mission

OSCE - Organization for Security and Cooperation in Europe

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

p. - point

para. - paragraph

PAS – Party of Action and Solidarity

PDM - Democratic Party of Moldova

PEB – Precinct Electoral Bureau

PPPDA - The Dignity and Truth Platform Party

PS - polling station

PSA - Public Services Agency

PSRM - Party of Socialists of the Republic of Moldova

REO- Registry of Electoral Officers

SMC - Single member constituency

SRP – State Registry of Population

SRV - State Registry of Voters

STO - short-term observer

USAID - United States Agency for International Development